

Chapter 386

(House Bill 596)

AN ACT concerning

Child with a Disability – Individualized Education Program Meeting – Document Access

FOR the purpose of providing that the parents of a child with a disability may notify appropriate school personnel that they do not want to receive certain documents; altering the period of time before a certain meeting that appropriate authorizing school personnel ~~must~~ to provide a copy of certain documents relating to the development of an individualized education program for a child with a disability to the parents of the child in a certain manner; defining certain terms; and generally relating to a meeting of the individualized education program team.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~8-405(e)~~ 8-405
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

8-405.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ACCESSIBLE COPY” MEANS INCLUDES A COPY OF A DOCUMENT PROVIDED TO AN INDIVIDUAL IN A FORMAT, INCLUDING A SPECIALIZED FORMAT AS DEFINED IN § 8-408 OF THIS SUBTITLE, NECESSARY FOR THE UNDERSTANDING OF THE DOCUMENT BY THE INDIVIDUAL ACCEPTING THE DOCUMENT.

(3) “EXTENUATING CIRCUMSTANCE” MEANS:

- (I) A DEATH IN THE FAMILY;
- (II) A PERSONAL EMERGENCY;

(III) A NATURAL DISASTER; OR**(IV) ANY OTHER SIMILAR SITUATION DEFINED BY THE DEPARTMENT.**

(B) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(1) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(2) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

(i) Address disciplinary issues;

(ii) Determine the placement of the child with a disability not currently receiving educational services; or

(iii) Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

[(b)] (C) The individualized education program team shall determine, on at least an annual basis, whether the child requires extended year services in order to ensure that the child is not deprived of a free appropriate public education by virtue of the normal break in the regular school year.

(D) (1) (i) Except as provided in paragraph (2) of this subsection, and subject to ~~subparagraph (ii)~~ **SUBPARAGRAPHS (II) AND (III) of this paragraph, at least 5 ~~[business]~~ **CALENDAR** days before a scheduled meeting of the individualized education program team or other multidisciplinary education team for any purpose for a child with a disability, appropriate school personnel shall provide the parents of the child with an accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either team plans to discuss at the meeting.**

(ii) Subject to subparagraph (i) of this paragraph, an assessment, report, data chart, or other document prepared by a school psychologist or other medical professional that either team plans to discuss at the meeting may be provided to the parents of the child orally and in writing prior to the meeting.

(III) THE PARENTS OF A CHILD MAY NOTIFY APPROPRIATE SCHOOL PERSONNEL THAT THEY DO NOT WANT TO RECEIVE THE DOCUMENTS REQUIRED TO BE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) (i) Subject to subparagraph (ii) of this paragraph, appropriate school personnel are not required to comply with paragraph (1) of this subsection in the event of an extenuating circumstance.

(ii) In the event of an extenuating circumstance, appropriate school personnel who fail to comply with paragraph (1) of this subsection shall document the extenuating circumstance and communicate that information to the parents of the child.

[(d)] (E) (1) Not later than 5 business days after a scheduled meeting of the individualized education program team or other multidisciplinary team for a child with a disability, appropriate school personnel shall provide the parents of the child with a copy of the completed individualized education program.

(2) If the individualized education program has not been completed by the 5th business day after the meeting, the parents shall be provided with the draft copy of the individualized education program.

(3) The completed or draft individualized education program shall be provided to the parents in an accessible format.

(F) ~~SCHOOL~~ TO FULFILL THE PURPOSES OF THIS SECTION, SCHOOL PERSONNEL MAY PROVIDE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION THROUGH ANY:

(1) ELECTRONIC DELIVERY;

(2) HOME DELIVERY WITH THE STUDENT; OR

(3) ANY OTHER REASONABLE AND LEGAL METHOD OF DELIVERY TO FULFILL THE PURPOSES OF THIS SECTION.

[(e)] (G) Failure to comply with this section does not constitute a substantive violation of the requirement to provide a student with a free appropriate public education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

Approved by the Governor, May 2, 2012.