

## Chapter 671

### (House Bill 1161)

AN ACT concerning

#### Commission on Special Education Access and Equity

FOR the purpose of establishing the Commission on Special Education Access and Equity; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Commission on Special Education Access and Equity.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

- (a) There is a Commission on Special Education Access and Equity.
- (b) The Commission consists of the following ~~15~~ members:
  - (1) two members of the Senate of Maryland, appointed by the President of the Senate;
  - (2) two members of the House of Delegates, appointed by the Speaker of the House;
  - (3) the State Superintendent of Schools, or the State Superintendent's designee;
  - (4) one school psychologist, appointed by the Maryland School Psychologists' Association;
  - (5) one special education teacher, appointed by the Maryland State Educators' Association; and
  - (6) the following ~~8~~ members, appointed by the Governor:
    - (i) one general educator who teaches inclusion classes;

- (ii) one representative of the Maryland Association of Boards of Education;
- (iii) one administrative law judge with experience in special education appeals;
- (iv) one representative of the Maryland Disabilities Law Center;
- (v) one parent of a student with severe and profound disabilities who has an Individualized Education ~~Plan~~ Program;
- (vi) one parent of a student with a mild to moderate learning disability who has an Individualized Education ~~Plan~~ Program;
- ~~(vii) one parent of a student with an Individualized Education Plan under Section 504 of the Rehabilitation Act of 1973; and~~
- ~~(viii)~~ (vii) one representative of the Maryland Parent Teacher Association;
- (viii) one representative of the Maryland Department of Disabilities;
- (ix) one representative of the Public School Superintendents' Association of Maryland;
- (x) one parent of a student with an emotional disability who has an Individualized Education Program;
- (xi) one parent of a student with autism spectrum disorder who has an Individualized Education Program;
- (xii) one representative of a nonpublic special education school;
- (xiii) one representative from the Maryland Speech–Language Hearing Association; and
- (xiv) two representatives from the Education Advocacy ~~Council~~ Coalition; and
- (xv) two representatives who are public school employees who work with and are familiar with the Individualized Education Plan process.

- (c) The Governor shall designate the chair of the Commission.

(d) The State Department of Education shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study:

(1) the extent to which parents and guardians of students with disabilities are made aware of their rights under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), ~~Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701)~~, and State law and regulations relating to children with disabilities and potential ways to improve the awareness of these rights;

(2) disparities and potential methods for eliminating any disparities based on race, national origin, and limited English proficiency in the following areas:

(i) knowledge of and access to special education services;

(ii) rights under the Individuals with Disabilities Education Act ~~and Section 504 of the Rehabilitation Act of 1973~~;

(iii) access to and participation in Individualized Education ~~Plan~~ Program mediation and appeals; and

(iv) access to and participation in free and reduced price meals;

(3) effects of workload, caseload, and paperwork requirements related to the special education process on the ability of educators to provide a free and appropriate public education as guaranteed under federal law, and potential methods for mitigating these factors;

(4) concerns about equity between the parties in special education due process hearings, and potential methods for improving the process, ~~including the viability of establishing a system of voluntary binding arbitration in these cases as an alternative method of resolving disputes; and~~

(5) the State and local costs of all proposals considered or recommended by the Commission; and

~~(5)~~ (6) any other issues related to access and equity in the provision of special education services under federal and State law identified by the Commission.

(g) On or before ~~December 15, 2013~~ June 30, 2014, the Commission shall report its findings and recommendations on these issues relating to access and equity in the provision of special education services under federal and State law to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013. It shall remain effective for a period of 1 year and 1 month and, at the end of ~~May 31~~ June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2013.**