

Chapter 400

(House Bill 413)

AN ACT concerning

Special Education – Individualized Education Program Parental Notice Requirements and Service Models List

FOR the purpose of requiring the parents of a child attending their initial individualized education program evaluation meeting to be provided a certain verbal and written explanation of their rights and responsibilities and a program procedural safeguards notice and providing the right for the parents to request this information at any meeting thereafter; requiring a certain verbal and written explanation to be given in plain language; requiring the State Department of Education to adopt certain regulations; requiring each county board of education to develop and publish on its Web site a certain list of special education service delivery models that includes a statement regarding how a child is placed; requiring a county board to provide a written copy of a certain list on request that includes certain information; and generally relating to information and requirements regarding special education programs.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–405
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Education
Section 8–418
Annotated Code of Maryland
(2008 Replacement Volume and 2013 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” includes a copy of a document provided to an individual in a format as defined in § 8–408 of this subtitle.

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

[(i)] 1. Address disciplinary issues;

[(ii)] 2. Determine the placement of the child with a disability not currently receiving educational services; or

[(iii)] 3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (I) AT THE INITIAL EVALUATION MEETING, THE PARENTS OF THE CHILD SHALL BE PROVIDED, IN PLAIN LANGUAGE, A VERBAL AND WRITTEN EXPLANATION OF THE PARENTS’ RIGHTS AND RESPONSIBILITIES IN THE INDIVIDUALIZED EDUCATION PROGRAM PROCESS AND A PROGRAM PROCEDURAL SAFEGUARDS NOTICE.

(II) THE PARENTS MAY REQUEST THE INFORMATION PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT ANY SUBSEQUENT MEETING.

(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 subparagraphs (ii) and (iii) of this paragraph, at least 5 business 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.

(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) To fulfill the purposes of this section, school personnel may provide the documents required under this subsection through:

- (1) Electronic delivery;
- (2) Home delivery with the student; or
- (3) Any other reasonable and legal method of delivery.

(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.

(H) THE DEPARTMENT SHALL ADOPT:

(1) REGULATIONS THAT DEFINE WHAT INFORMATION SHOULD BE PROVIDED IN THE VERBAL AND WRITTEN EXPLANATIONS OF THE PARENTS' RIGHTS AND RESPONSIBILITIES IN THE INDIVIDUALIZED EDUCATION PROGRAM PROCESS; AND

(2) ANY OTHER REGULATIONS NECESSARY TO CARRY OUT SUBSECTION (B)(2) OF THIS SECTION.

8-418.

(A) (1) EACH COUNTY BOARD SHALL DEVELOP AND PUBLISH ON ITS WEB SITE A LIST OF ALL SPECIAL EDUCATION SERVICE DELIVERY MODELS IN THE LOCAL SCHOOL SYSTEM.

(2) THE COUNTY BOARD SHALL CLEARLY STATE THAT ALL DECISIONS REGARDING THE PLACEMENT OF A CHILD WITH A DISABILITY IN A SPECIAL EDUCATION SERVICE DELIVERY MODEL UNDER PARAGRAPH (1) OF THIS SUBSECTION WILL BE MADE BY AN INDIVIDUALIZED EDUCATION PROGRAM TEAM IN CONSULTATION WITH THE PARENTS OR GUARDIANS OF THE CHILD AND CONSISTENT WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(B) ON REQUEST, THE COUNTY BOARD SHALL PROVIDE A WRITTEN COPY OF THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.