

HOUSE BILL 44

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5lr0810
CF SB 314

By: **Delegate Luedtke**

Introduced and read first time: January 16, 2015

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 ~~Special Education – Translations of Individualized Education Programs or~~
3 ~~Individualized Family Service Plans – Native Language~~
4 Special Education – IEP Translation Pilot Program – Establishment

5 FOR the purpose of establishing the IEP Translation Pilot Program in Montgomery County;
6 authorizing the parents of a child with a disability to request the translation into
7 their native language of a completed individualized education program or a
8 completed individualized family service plan; requiring certain school personnel to
9 provide the parents with a certain translation of a completed individualized
10 education program or a completed individualized family service plan within a certain
11 time frame; defining certain terms; requiring a certain local school system to provide
12 a certain parent with a certain verbal and written notice of the parent’s right to
13 request certain documents to be translated into the parent’s native language at
14 certain times throughout a certain process; providing for the application of this Act;
15 providing for the termination of this Act; and generally relating to individualized
16 education programs and ~~individualized family service plans~~ the IEP Translation
17 Pilot Program.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 8–405
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 8–405.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Accessible copy” includes a copy of a document provided to an
7 individual in a format as defined in § 8–408 of this subtitle.

8 (3) “Extenuating circumstance” means:

9 (i) A death in the family;

10 (ii) A personal emergency;

11 (iii) A natural disaster; or

12 (iv) Any other similar situation defined by the Department.

13 **(4) “INDIVIDUALIZED EDUCATION PROGRAM” AND “INDIVIDUALIZED**
14 **FAMILY SERVICE PLAN” HAVE THE SAME MEANING AS PROVIDED IN THE FEDERAL**
15 **INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

16 (b) (1) When a team of qualified professionals and the parents meet for the
17 purpose of discussing the identification, evaluation, educational program, or the provision
18 of a free appropriate public education of a child with a disability:

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

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

23 1. Address disciplinary issues;

24 2. Determine the placement of the child with a disability not
25 currently receiving educational services; or

26 3. Meet other urgent needs of a child with a disability to
27 ensure the provision of a free appropriate public education.

28 (2) (i) At the initial evaluation meeting, the parents of the child shall
29 be provided, in plain language, a verbal and written explanation of the parents’ rights and

1 responsibilities in the individualized education program process and a program procedural
2 safeguards notice.

3 (ii) The parents may request the information provided under
4 subparagraph (i) of this paragraph at any subsequent meeting.

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

9 (d) (1) (i) Except as provided in paragraph (2) of this subsection, and
10 subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before a
11 scheduled meeting of the individualized education program team or other multidisciplinary
12 education team for any purpose for a child with a disability, appropriate school personnel
13 shall provide the parents of the child with an accessible copy of each assessment, report,
14 data chart, draft individualized education program, or other document that either team
15 plans to discuss at the meeting.

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

20 (iii) The parents of a child may notify appropriate school personnel
21 that they do not want to receive the documents required to be provided under subparagraph
22 (i) of this paragraph.

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

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

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

33 (2) If the individualized education program has not been completed by the
34 5th business day after the meeting, the parents shall be provided with the draft copy of the
35 individualized education program.

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

1 (4) (I) THIS PARAGRAPH APPLIES ONLY IN MONTGOMERY
 2 COUNTY.

3 (II) 1. THERE IS AN IEP TRANSLATION PILOT PROGRAM.

4 2. THE PILOT PROGRAM SHALL BEGIN IN THE
 5 2016–2017 SCHOOL YEAR AND LAST FOR 2 YEARS.

6 (III) THE PARENTS OF A CHILD WITH A COMPLETED
 7 INDIVIDUALIZED EDUCATION PROGRAM OR A COMPLETED INDIVIDUALIZED FAMILY
 8 SERVICE PLAN MAY REQUEST THE DOCUMENT TO BE TRANSLATED INTO THE
 9 PARENTS' NATIVE LANGUAGE.

10 ~~(II)~~ (IV) IF A PARENT MAKES A REQUEST UNDER SUBPARAGRAPH
 11 (I) OF THIS PARAGRAPH, APPROPRIATE SCHOOL PERSONNEL SHALL PROVIDE THE
 12 PARENTS WITH THE TRANSLATED DOCUMENT WITHIN 30 DAYS AFTER THE DATE OF
 13 THE REQUEST.

14 (V) A LOCAL SCHOOL SYSTEM SHALL PROVIDE TO THE
 15 PARENTS, IN PLAIN LANGUAGE, A VERBAL AND WRITTEN EXPLANATION OF A
 16 PARENTS' RIGHT TO HAVE A COMPLETED INDIVIDUALIZED EDUCATION PROGRAM
 17 OR A COMPLETED INDIVIDUALIZED FAMILY SERVICE PLAN TRANSLATED INTO THE
 18 PARENTS' NATIVE LANGUAGE AT THE FOLLOWING TIMES:

19 1. THE TRANSITION MEETING FOR A CHILD MOVING
 20 FROM THE MARYLAND INFANTS AND TODDLERS PROGRAM TO A LOCAL SCHOOL
 21 SYSTEM;

22 2. A CHILD'S INITIAL INDIVIDUALIZED EDUCATION
 23 PROGRAM MEETING; AND

24 3. AT LEAST ONE TIME EACH YEAR AT A CHILD'S
 25 INDIVIDUALIZED EDUCATION PROGRAM MEETING.

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

28 (1) Electronic delivery;

29 (2) Home delivery with the student; or

30 (3) Any other reasonable and legal method of delivery.

1 (g) Failure to comply with this section does not constitute a substantive violation
2 of the requirement to provide a student with a free appropriate public education.

3 (h) The Department shall adopt:

4 (1) Regulations that define what information should be provided in the
5 verbal and written explanations of the parents' rights and responsibilities in the
6 individualized education program process; and

7 (2) Any other regulations necessary to carry out subsection (b)(2) of this
8 section.

9 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
10 2017, the Montgomery County Board of Education shall report to the Governor, and in
11 accordance with § 2-1246 of the State Government Article, the Senate Education, Health,
12 and Environmental Affairs Committee and the House Committee on Ways and Means on
13 the following statistics on the IEP Translation Pilot Program:

14 (a) the number of IEP translation requests the local school system received by
15 school and grade level;

16 (b) each language a completed IEP was requested to be translated into;

17 (c) the aggregate cost to the local school system to translate completed IEPs into
18 each requested language and the breakdown of the cost to translate a completed IEP into
19 each language requested; and

20 (d) any other logistical challenges, issues, or successes the county board
21 identifies.

22 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2015. It shall remain effective for a period of 3 years and, at the end of June 30,
24 2018, with no further action required by the General Assembly, this Act shall be abrogated
25 and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.