

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 314 (Senator Ramirez, *et al.*)
Education, Health, and Environmental Affairs

**Special Education - Translations of Individualized Education Programs or
Individualized Family Service Plans - Native Language**

This bill authorizes the parents of a child with a completed individualized education program (IEP) or individualized family service plan (IFSP) to request that the IEP or IFSP be translated into the parents' native language. School personnel must provide the parents with the translated document within 30 days after the date of the request.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: General fund expenditures for the Maryland State Department of Education (MSDE) are not materially affected. Revenues are not affected.

Local Effect: Local expenditures increase by as much as \$890,000 annually, most of which will be incurred by Montgomery and Prince George's counties. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Small businesses that provide translation services may realize a minimal amount of additional revenue.

Analysis

Current Law:

Individualized Education Program

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an IEP specific to the individual needs of the student. An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child's progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child's IEP and for revisions to the IEP.

Individualized Family Service Plan

Maryland Infants and Toddlers Program (MITP) provides a statewide community-based interagency system of comprehensive early intervention services to eligible infants and toddlers, birth through the beginning of the school year following a child's fourth birthday, and their families. MITP provides these services through the development of an IFSP.

Accommodating the Language of the Parent

IDEA requires that necessary actions be taken to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. IDEA also requires that parents are provided with notice of the decisions made at IEP and IFSP meetings in "understandable language." Specifically, the notice must be written in a language understandable to the general public and provided in the native language of the parent or other mode of communication (including nonwritten communication) used by the parent, unless it is clearly infeasible to do so.

Background: MSDE provides a template in 17 languages for IEPs and IFSPs so that parents who read in these languages will understand the basis for the completed IEP or IFSP for their child. The completed IEP and IFSP is a legal document written in English.

All parents are participants in the development of IEPs and IFSPs, parents have access (as needed) to interpreters at each meeting in which an IEP or IFSP is discussed, and the notice document that describes in advance any change in the plan for a student must be provided in the native language of the parent. For these reasons, it is assumed that parents, regardless of their native language, are typically well-informed about the content of the IEP and IFSP for their child.

State Expenditures: MSDE estimates that translation costs would average \$988 for the average IEP at an estimated cost of \$38 per page and an average IEP length of 26 pages.

MSDE is the agency responsible for students in the Juvenile Services Education Program (JSEP) and estimates that about 12 JSEP students per year will require an IEP and have parents who are not native English speakers. MSDE expects that in most years there will likely be no requests for a translated IEP.

Local Expenditures: MSDE estimates that approximately 9,000 parents of children receiving early intervention services or special education services are not native English language speakers, and that approximately 75% of these families (or about 6,750) reside in Montgomery County or Prince George's County.

It is not known what percentage of parents will request a translated IEP or IFSP. Assuming translation costs similar to those estimated by MSDE and assuming that 10% of parents (or 900) request a translated IEP or IFSP, local expenditures increase by approximately \$889,200 annually statewide, with combined annual expenditures for Montgomery and Prince George's counties totaling approximately \$666,900. However, given that parents are required to be well-informed throughout the IEP and IFSP development process, it is anticipated that local expenditures may increase by substantially lesser amounts. Charles County estimates that its additional expenditures would total less than \$20,000 annually.

Additional Information

Prior Introductions: None.

Cross File: HB 44 (Delegate Luedtke) - Ways and Means.

Information Source(s): Charles and Montgomery counties; Maryland State Department of Education; Department of Legislative Services

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