

HOUSE BILL 85

F1

6lr1864

By: **Delegates Luedtke, Carr, Ebersole, Hixson, Tarlau, and Zucker**

Introduced and read first time: January 18, 2016

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

2 **Education – Children With Disabilities – Support Services – Parental**
3 **Notification**

4 FOR the purpose of requiring certain school personnel to provide the parents of a child with
5 a disability certain written information that the parents may use to contact early
6 intervention and special education family support services staff members and a brief
7 description of the services provided by the staff members; ~~requiring certain school~~
8 ~~personnel to provide a translator at a certain meeting for parents who require certain~~
9 ~~information to be translated into the parents' native language; requiring certain~~
10 information to be provided to a parent in the parent's native language under certain
11 circumstances; requiring a local school system to provide certain information at a
12 certain time to the parents of a child who has an individualized education program
13 developed in another school system; requiring a local school system to publish on its
14 Web site certain information a parent may use to contact certain staff members and
15 a description of the services provided by the staff members; specifying that a failure
16 to provide certain information does not constitute grounds for a certain due process
17 complaint; and generally relating to children with disabilities.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 8–405
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2015 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 (b) (1) When a team of qualified professionals and the parents meet for the
14 purpose of discussing the identification, evaluation, educational program, or the provision
15 of a free appropriate public education of a child with a disability:

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

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

20 1. Address disciplinary issues;

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

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

25 (2) (i) **1.** At the initial evaluation meeting, the parents of the child
26 shall be provided[, in]:

27 ~~1.~~ **A.** IN plain language, a verbal and written explanation of the
28 parents’ rights and responsibilities in the individualized education program process and a
29 program procedural safeguards notice; **AND**

1 ~~2~~ **B. WRITTEN INFORMATION THAT THE PARENTS MAY USE**
 2 **TO CONTACT EARLY INTERVENTION AND SPECIAL EDUCATION FAMILY SUPPORT**
 3 **SERVICES STAFF MEMBERS WITHIN THE LOCAL SCHOOL SYSTEM AND A BRIEF**
 4 **DESCRIPTION OF THE SERVICES PROVIDED BY THE STAFF MEMBERS.**

5 **2. IF A PARENT'S NATIVE LANGUAGE IS NOT ENGLISH,**
 6 **THE INFORMATION IN SUBSUBPARAGRAPH 1B OF THIS SUBPARAGRAPH SHALL BE**
 7 **PROVIDED TO THE PARENT IN THE PARENT'S NATIVE LANGUAGE.**

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

10 ~~(III) IF THE PARENTS REQUIRE THE INFORMATION PROVIDED~~
 11 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE TRANSLATED INTO THE~~
 12 ~~PARENTS' NATIVE LANGUAGE, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM~~
 13 ~~SHALL PROVIDE A TRANSLATOR FOR THE PARENTS AT THE INITIAL EVALUATION~~
 14 ~~MEETING.~~

15 ~~(IV) (III)~~ **(III)** IF A CHILD WHO HAS AN INDIVIDUALIZED EDUCATION
 16 PROGRAM DEVELOPED IN ANOTHER SCHOOL SYSTEM MOVES INTO A DIFFERENT
 17 LOCAL SCHOOL SYSTEM, THAT LOCAL SCHOOL SYSTEM SHALL PROVIDE THE
 18 INFORMATION REQUIRED UNDER ~~SUBPARAGRAPH (I)2 OF THIS PARAGRAPH~~
 19 **SUBPARAGRAPH (I)1B OF THIS PARAGRAPH** AT THE TIME OF THE FIRST WRITTEN
 20 COMMUNICATION WITH THE PARENTS REGARDING THE CHILD'S INDIVIDUALIZED
 21 EDUCATION PROGRAM OR SPECIAL EDUCATION SERVICES.

22 ~~(V) (IV)~~ **(IV)** A LOCAL SCHOOL SYSTEM SHALL PUBLISH
 23 INFORMATION THAT A PARENT MAY USE TO CONTACT EARLY INTERVENTION AND
 24 SPECIAL EDUCATION FAMILY SUPPORT SERVICES STAFF MEMBERS WITHIN THE
 25 LOCAL SCHOOL SYSTEM AND A BRIEF DESCRIPTION OF THE SERVICES PROVIDED BY
 26 THE STAFF MEMBERS IN A PROMINENT PLACE ON THE SECTION OF ITS WEB SITE
 27 RELATING TO SPECIAL EDUCATION SERVICES.

28 **(3)** ~~FAILURE TO PROVIDE THE INFORMATION REQUIRED UNDER~~
 29 ~~SUBPARAGRAPH (I)2 OF THIS PARAGRAPH~~ **PARAGRAPH (2)(I)1B OF THIS**
 30 **SUBSECTION** DOES NOT CONSTITUTE GROUNDS FOR A DUE PROCESS COMPLAINT
 31 UNDER § 8-413 OF THIS SUBTITLE.

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

36 (d) (1) (i) Except as provided in paragraph (2) of this subsection, and
 37 subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before a

1 scheduled meeting of the individualized education program team or other multidisciplinary
2 education team for any purpose for a child with a disability, appropriate school personnel
3 shall provide the parents of the child with an accessible copy of each assessment, report,
4 data chart, draft individualized education program, or other document that either team
5 plans to discuss at the meeting.

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

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

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

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

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

23 (2) If the individualized education program has not been completed by the
24 5th business day after the meeting, the parents shall be provided with the draft copy of the
25 individualized education program.

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

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

30 (1) Electronic delivery;

31 (2) Home delivery with the student; or

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

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

1 (h) The Department shall adopt:

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.