

HOUSE BILL 86

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HB 44/15 – W&M

6lr0348

By: **Delegates Luedtke, Carr, Cullison, Ebersole, Fraser-Hidalgo, Frick, Gutierrez, Moon, Morales, Patterson, Pena-Melnyk, Platt, Sanchez, and Zucker**

Introduced and read first time: January 18, 2016
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Education – Translations of Individualized Education Programs or**
3 **Individualized Family Service Plans – Native Language**

4 FOR the purpose of authorizing the parents of a child with a disability to request the
5 translation into their native language of a completed individualized education
6 program or a completed individualized family service plan under certain
7 circumstances; requiring certain school personnel to provide the parents with a
8 certain translation of a completed individualized education program or a completed
9 individualized family service plan within a certain time frame; defining certain
10 terms; and generally relating to individualized education programs and
11 individualized family service plans.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 8–405
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2015 Supplement)

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

19 **Article – Education**

20 8–405.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Extenuating circumstance” means:

2 (i) A death in the family;

3 (ii) A personal emergency;

4 (iii) A natural disaster; or

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

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

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

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

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

16 1. Address disciplinary issues;

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

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

21 (2) (i) At the initial evaluation meeting, the parents of the child shall
22 be provided, in plain language, a verbal and written explanation of the parents’ rights and
23 responsibilities in the individualized education program process and a program procedural
24 safeguards notice.

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

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

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

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

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

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

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

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

25 (2) If the individualized education program has not been completed by the
26 5th business day after the meeting, the parents shall be provided with the draft copy of the
27 individualized education program.

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

30 **(4) (I) IF THE NATIVE LANGUAGE SPOKEN BY THE PARENTS OF A**
31 **CHILD WITH A COMPLETED INDIVIDUALIZED EDUCATION PROGRAM OR A**
32 **COMPLETED INDIVIDUALIZED FAMILY SERVICE PLAN IS SPOKEN BY MORE THAN 1**
33 **PERCENT OF THE STUDENT POPULATION IN THE LOCAL SCHOOL SYSTEM, THE**
34 **PARENTS MAY REQUEST THE DOCUMENT TO BE TRANSLATED INTO THE PARENTS'**
35 **NATIVE LANGUAGE.**

36 **(II) IF A PARENT MAKES A REQUEST UNDER SUBPARAGRAPH (I)**
37 **OF THIS PARAGRAPH, APPROPRIATE SCHOOL PERSONNEL SHALL PROVIDE THE**

1 PARENTS WITH THE TRANSLATED DOCUMENT WITHIN 30 DAYS AFTER THE DATE OF
2 THE REQUEST.

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

5 (1) Electronic delivery;

6 (2) Home delivery with the student; or

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

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

10 (h) The Department shall adopt:

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2016.