

HOUSE BILL 551

F1

(6lr1075)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Kaiser, Brooks, Buckel, Carr, Chang, Ebersole, Frick, Frush, Haynes, Hettleman, Hixson, Jalisi, Jones, Kelly, Kramer, Krimm, Lafferty, Lam, Lierman, Luedtke, McComas, McMillan, Morales, Morhaim, O'Donnell, Pena-Melnyk, Pendergrass, Sample-Hughes, Sophocleus, Tarlau, Turner, Valderrama, Valentino-Smith, K. Young, P. Young, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education – Children With Disabilities – Individualized Education Program**
3 **Mediation**

4 FOR the purpose of requiring certain individualized education program teams to provide
5 certain parents of a child with a disability with a certain oral and written explanation
6 of the parent's right to request mediation, certain contact information under certain
7 circumstances, and certain information regarding certain pro bono representation
8 and certain other legal and related services; authorizing certain parents to request
9 certain information at certain times; authorizing certain parents to request the
10 translation of certain information under certain circumstances; requiring certain

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.

Italics indicate opposite chamber/conference committee amendments.



1 *individualized education program teams to provide certain parents with a certain*
 2 *translation of certain information within a certain time frame;* requiring the State
 3 Department of Education to make a certain staff member available to assist certain
 4 parents in understanding certain mediation processes; *requiring the Department and*
 5 *county boards of education to submit certain reports on or before certain dates;* and
 6 generally relating to children with disabilities.

7 BY adding to

8 Article – Education

9 Section 8–405(b)(3) *and (4)* and 8–413(b)(7)

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2015 Supplement)

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

14 **Article – Education**

15 8–405.

16 (b) (3) (I) IF, DURING AN INDIVIDUALIZED EDUCATION PROGRAM
 17 TEAM MEETING, A PARENT DISAGREES WITH THE CHILD’S INDIVIDUALIZED
 18 EDUCATION PROGRAM OR THE SPECIAL EDUCATION SERVICES PROVIDED TO THE
 19 CHILD, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL PROVIDE THE
 20 PARENT WITH, IN PLAIN LANGUAGE:

21 1. AN ORAL AND A WRITTEN EXPLANATION OF THE
 22 PARENT’S RIGHT TO REQUEST MEDIATION IN ACCORDANCE WITH § 8–413 OF THIS
 23 SUBTITLE;

24 2. CONTACT INFORMATION, INCLUDING A TELEPHONE
 25 NUMBER THAT A PARENT MAY USE TO RECEIVE MORE INFORMATION ABOUT THE
 26 MEDIATION PROCESS; AND

27 3. INFORMATION REGARDING PRO BONO
 28 REPRESENTATION AND OTHER FREE OR LOW-COST LEGAL AND RELATED SERVICES
 29 AVAILABLE IN THE AREA.

30 (II) A PARENT MAY REQUEST THE INFORMATION PROVIDED
 31 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT ANY INDIVIDUALIZED
 32 EDUCATION PROGRAM TEAM MEETING.

33 (4) (I) IF THE NATIVE LANGUAGE SPOKEN BY A PARENT WHO
 34 REQUESTS INFORMATION UNDER PARAGRAPH (3) OF THIS SUBSECTION IS SPOKEN
 35 BY MORE THAN 1% OF THE STUDENT POPULATION IN THE LOCAL SCHOOL SYSTEM,

1 THE PARENT MAY REQUEST THAT THE INFORMATION BE TRANSLATED INTO THE
2 PARENT'S NATIVE LANGUAGE.

3 (II) IF A PARENT MAKES A REQUEST UNDER SUBPARAGRAPH (I)
4 OF THIS PARAGRAPH, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL
5 PROVIDE THE PARENT WITH THE TRANSLATED DOCUMENT WITHIN 30 DAYS AFTER
6 THE DATE OF THE REQUEST.

7 8-413.

8 (b) (7) THE DEPARTMENT SHALL MAKE A STAFF MEMBER AVAILABLE TO
9 ASSIST A PARENT IN UNDERSTANDING THE MEDIATION PROCESS.

10 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
11 2016, the State Department of Education shall report to the Governor and, in accordance
12 with § 2-1246 of the State Government Article, the Senate Education, Health, and
13 Environmental Affairs Committee and the House Committee on Ways and Means regarding:

14 (1) whether there are economies of scale that can be utilized to lessen the
15 financial impact of this Act; and

16 (2) how the needs of students whose parents speak a native language that is
17 spoken by less than 1% of the student population in the local school system can be addressed.

18 SECTION 3. AND BE IT FURTHER ENACTED, That:

19 (1) on or before August 1, 2018, each county board of education shall report
20 to the State Department of Education regarding the number of requests received under §
21 8-405(b)(4)(i) of the Education Article, as enacted by Section 1 of this Act, the cost of
22 satisfying these requests, whether it would be feasible to have the number of requests
23 increase, and if so, by how many requests; and

24 (2) on or before September 1, 2018, the State Department of Education shall
25 compile the information received under item (1) of this section and submit the information
26 to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate
27 Education, Health, and Environmental Affairs Committee and the House Committee on
28 Ways and Means.

29 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2016.