

## Chapter 562

**(Senate Bill 504)**

AN ACT concerning

**Office of the Attorney General – Special Education Ombudsman**

FOR the purpose of establishing the Special Education Ombudsman in the Office of the Attorney General; providing for the purpose, appointment, and expenses of the Ombudsman; requiring the Attorney General, in cooperation with the Secretary of Budget and Management, to set minimum salary, qualifications, and experience standards for the Ombudsman and certain staff; providing for the duties of the Ombudsman; requiring the Ombudsman to treat communications as confidential and to reveal the details of certain communications only under certain circumstances; requiring the Ombudsman to arrange for a certain toll-free telephone number to provide certain assistance; requiring the Ombudsman, each year beginning on a certain date, to submit a certain report to certain committees of the General Assembly; requiring certain school personnel to provide the parents of a child with a disability with certain information about the Ombudsman and the toll-free telephone number; requiring that certain information be provided in the parent's native language under certain circumstances; providing that a failure to provide certain information does not constitute grounds for a certain due process complaint; defining a certain term; and generally relating to the Special Education Ombudsman.

BY repealing and reenacting, without amendments,

Article – Education

Section 8-405(b)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 8-405(b)(2) and (3)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Government

Section 6-501 through 6-506 to be under the new subtitle “Subtitle 5. Special Education Ombudsman”

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

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

Article – Education8-405.

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

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

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

1. Address disciplinary issues;

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

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

(2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, an oral and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice; [and]

B. Written information that the parents may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members; AND

C. WRITTEN INFORMATION ON THE SPECIAL EDUCATION OMBUDSMAN AND TOLL-FREE TELEPHONE NUMBER ESTABLISHED UNDER TITLE 6, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

2. If a parent's native language is not English, the information in subparagraph 1B AND C of this subparagraph shall be provided to the parent in the parent's native language.

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

(iii) If a child who has an individualized education program developed in another school system moves into a different local school system, that local school system shall provide the information required under subparagraph (i)1B AND C of this paragraph at the time of the first written communication with the parents regarding the child's individualized education program or special education services.

(iv) A local school system shall publish information that a parent may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members in a prominent place on the section of its website relating to special education services.

(3) Failure to provide the information required under paragraph (2)(i)1B AND C of this subsection does not constitute grounds for a due process complaint under § 8-413 of this subtitle.

## Article – State Government

### SUBTITLE 5. SPECIAL EDUCATION OMBUDSMAN.

#### 6-501.

IN THIS SUBTITLE, “OMBUDSMAN” MEANS THE SPECIAL EDUCATION OMBUDSMAN.

#### 6-502.

(A) THERE IS A SPECIAL EDUCATION OMBUDSMAN IN THE OFFICE OF THE ATTORNEY GENERAL.

(B) THE PURPOSE OF THE OMBUDSMAN IS TO SERVE AS A RESOURCE TO PROVIDE INFORMATION AND SUPPORT TO PARENTS, STUDENTS, AND EDUCATORS REGARDING SPECIAL EDUCATION RIGHTS AND SERVICES.

#### 6-503.

(A) THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN.

(B) SALARIES OF THE OMBUDSMAN AND STAFF UNDER THE OMBUDSMAN AND EXPENSES RELATED TO THE OPERATION OF THE TOLL-FREE TELEPHONE NUMBER ESTABLISHED UNDER § 6-505 OF THIS SUBTITLE, RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATIONS SHALL BE AS PROVIDED IN THE STATE BUDGET.

**(C) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARY, QUALIFICATIONS, AND EXPERIENCE STANDARDS FOR THE OMBUDSMAN AND ANY STAFF UNDER THE OMBUDSMAN.**

**6-504.**

**(A) THE OMBUDSMAN SHALL:**

**(1) SERVE AS A SOURCE OF KNOWLEDGE AND INFORMATION ON THE STATE AND FEDERAL LAWS, RULES, AND REGULATIONS GOVERNING THE EDUCATION OF STUDENTS WITH DISABILITIES FOR PARENTS, STUDENTS, EDUCATORS, AND INTERESTED MEMBERS OF THE PUBLIC;**

**(2) PROVIDE IMPARTIAL INFORMATION TO THE PARENTS OF STUDENTS WITH DISABILITIES ON HOW TO NAVIGATE THE PROCESS OF OBTAINING SPECIAL EDUCATION EVALUATIONS AND SERVICES;**

**(3) PROVIDE IMPARTIAL INFORMATION TO PARENTS, PUBLIC SCHOOLS, AND EDUCATORS ON THE PROCEDURES FOR RESOLVING DISAGREEMENTS AND DISPUTES REGARDING THE PROVISION OF SPECIAL EDUCATION OR DISCIPLINARY ACTION TAKEN AGAINST STUDENTS WITH DISABILITIES;**

**(4) EXPLAIN TO PARENTS OF CHILDREN WITH DISABILITIES THE RIGHTS OF PARENTS AND STUDENTS AND HOW THE PARENTS MAY AVAIL THEMSELVES OF THOSE RIGHTS;**

**(5) WORK NEUTRALLY AND OBJECTIVELY WITH ALL PERSONS TO ENSURE THAT THE SPECIAL EDUCATION SYSTEM FUNCTIONS AS INTENDED;**

**(6) IDENTIFY ANY PATTERNS OF COMPLAINTS MADE BY PARENTS OF STUDENTS WITH DISABILITIES AND INFORM THE STATE DEPARTMENT OF EDUCATION ABOUT ANY SUCH PATTERN; AND**

**(7) SERVE AS A GENERAL RESOURCE FOR DISABILITY-RELATED INFORMATION AND MAKE REFERRALS TO AVAILABLE STATE AND FEDERAL SERVICES AND PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.**

**(B) IN PERFORMING THE DUTIES ASSIGNED UNDER THIS SECTION, THE OMBUDSMAN SHALL TREAT ALL COMMUNICATIONS AS CONFIDENTIAL AND MAY REVEAL THE DETAILS OF ANY COMMUNICATION ONLY IF:**

**(1) NECESSARY TO ACHIEVE THE OMBUDSMAN'S DUTIES; AND**

**(2) DONE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAW.**

**6-505.**

**THE OMBUDSMAN SHALL ARRANGE FOR A TOLL-FREE TELEPHONE NUMBER, AVAILABLE IN ENGLISH AS WELL AS OTHER APPROPRIATE LANGUAGES, TO ASSIST AN INDIVIDUAL SEEKING INFORMATION OR ADVICE ABOUT SPECIAL EDUCATION.**

**6-506.**

**ON OR BEFORE JULY 1, 2022, AND EACH JULY 1 THEREAFTER, THE OMBUDSMAN SHALL, CONSISTENT WITH FEDERAL AND STATE PRIVACY LAWS AND IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, SUBMIT A REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT INCLUDES:**

**(1) THE NUMBER AND TYPE OF CALLS RECEIVED ON THE TOLL-FREE TELEPHONE NUMBER DURING THE PREVIOUS YEAR;**

**(2) ANY PATTERNS OF COMPLAINTS FILED BY PARENTS IDENTIFIED UNDER § 6-504(A)(7) OF THIS SUBTITLE;**

**(3) A SUMMARY OF THE SERVICES PROVIDED BY THE OMBUDSMAN DURING THE PREVIOUS YEAR; AND**

**(4) ANY RECOMMENDATIONS THE OMBUDSMAN DETERMINES ARE APPROPRIATE AND NECESSARY CONCERNING THE STATE'S IMPLEMENTATION OF SPECIAL EDUCATION SERVICES AND PROCEDURES.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.**

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**