

HOUSE BILL 336

F1, O3

4r1229
CF 4r2661

By: **Delegates Forbes, Allen, Amprey, Ebersole, Feldmark, Guyton, Guzzone, Hill, Holmes, Ivey, D. Jones, Phillips, Pruski, Smith, Terrasa, and Toles**

Introduced and read first time: January 17, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Achieving a Better Life Experience (ABLE) Program – Materials for**
3 **Individualized Education Program Meetings**

4 FOR the purpose of requiring a local school system to provide to parents at certain
5 individualized education program meetings for children with disabilities certain
6 written informational materials regarding the Maryland Achieving a Better Life
7 Experience (ABLE) Program in a certain manner; requiring the State Treasurer to
8 develop certain informational materials about the Maryland ABLE Program;
9 requiring the State Treasurer to provide certain informational materials to the State
10 Board of Education and county boards of education for a certain purpose; and
11 generally relating to individualized education programs for children with disabilities
12 and the Maryland ABLE Program.

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 8–405(a)(1) and (4), (b)(1), (c), and (j)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 8–405(b)(2) and (3) and 18–19C–03(a)
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2023 Supplement)

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

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-405.

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

3 (4) “Individualized education program” and “individualized family service
4 plan” have the same meaning as provided in the federal Individuals with Disabilities
5 Education Act.

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

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

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

13 1. Address disciplinary issues;

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

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

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

20 A. In plain language, an oral and written explanation of the
21 parents’ rights and responsibilities in the individualized education program process and a
22 program procedural safeguards notice;

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

27 C. Written information on the Special Education
28 Ombudsman and toll-free telephone number established under Title 6, Subtitle 5 of the
29 State Government Article; AND

30 **D. WRITTEN INFORMATIONAL MATERIALS REGARDING**
31 **THE MARYLAND ABLE PROGRAM PROVIDED UNDER § 18-19C-03(A)(2) OF THIS**
32 **ARTICLE.**

1 2. **AT LEAST ONE TIME EACH YEAR AT AN**
2 **INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, THE PARENTS OF THE**
3 **CHILD SHALL BE PROVIDED WITH THE WRITTEN INFORMATIONAL MATERIALS**
4 **DESCRIBED UNDER SUBSUBPARAGRAPH 1D OF THIS SUBPARAGRAPH.**

5 3. If a parent's native language is not English, the
6 information in subsubparagraph [1B and C] **1B, C, AND D** 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 a child who has an individualized education program
11 developed in another school system moves into a different local school system, that local
12 school system shall provide the information required under subparagraph [(i)1B and C]
13 **(i)1B, C, AND D** of this paragraph at the time of the first written communication with the
14 parents regarding the child's individualized education program or special education
15 services.

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

21 (3) Failure to provide the information required under paragraph [(2)(i)1B
22 and C] **(2)(i)1B, C, AND D AND 2** of this subsection does not constitute grounds for a due
23 process complaint under § 8-413 of this subtitle.

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

28 (j) The Department shall adopt:

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

32 (2) Any other regulations necessary to carry out subsection (b)(2) and (4) of
33 this section.

34 18-19C-03.

1 (a) (1) (I) The State Treasurer may issue requests for proposals to evaluate
2 and determine the means for the administration, management, promotion, or marketing of
3 the Maryland ABLE Program.

4 [(2)] (II) The State Treasurer shall consider proposals that meet the
5 following criteria:

6 [(i)] 1. Ability to develop and administer an investment program
7 of a nature similar to the objectives of the Maryland ABLE Program;

8 [(ii)] 2. Ability to administer financial programs with individual
9 account records and reporting; and

10 [(iii)] 3. Ability to market the Maryland ABLE Program to eligible
11 individuals.

12 (2) (I) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
13 SUBPARAGRAPH, THE STATE TREASURER SHALL DEVELOP WRITTEN
14 INFORMATIONAL MATERIALS ABOUT THE MARYLAND ABLE PROGRAM.

15 2. THE WRITTEN MATERIALS DEVELOPED UNDER THIS
16 SUBPARAGRAPH SHALL BE IN A FORM THAT ENABLES THE MATERIALS TO BE
17 DISTRIBUTED ELECTRONICALLY OR BY HAND.

18 (II) THE STATE TREASURER SHALL PROVIDE THE MATERIALS
19 DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE STATE BOARD
20 AND COUNTY BOARDS FOR DISTRIBUTION TO PARENTS DURING INDIVIDUALIZED
21 EDUCATION PROGRAM MEETINGS IN ACCORDANCE WITH § 8-405(B)(2) OF THIS
22 ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2024.