

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 702
Ways and Means

(Delegate Kaufman, *et al.*)

County Boards of Education - Special Education Service Delivery Models -
Publication Requirement

This bill requires each local board of education to develop and publish on its website a list of all special education service delivery models provided to parentally placed private school students within the jurisdiction of the local school system. “Parentally placed private school student” means a child with a disability enrolled by the parent or guardian of the child in a private elementary or secondary school or facility, including a religious school or facility, in accordance with relevant federal statute. It does not include a child with a disability placed in or referred to nonpublic placement by a public agency to ensure appropriate educational services are provided to the child. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: None. The bill pertains only to local school systems.

Local Effect: Local school systems can handle the bill’s requirements using existing resources. Prince George’s County Public Schools and Wicomico County Public Schools currently publish the required information on their websites.

Small Business Effect: None.

Analysis

Current Law: Each local board of education must develop and publish on its website a list of all special education service delivery models in the local school system.

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an individualized family service plan or individualized education program specific to the individual needs of the child.

A child with a disability who needs special education and related services that cannot be provided in a public county, regional, or State program must be placed in an appropriate nonpublic educational program that offers these services. A child with a disability who needs special education and related services is eligible for an appropriate nonpublic educational placement if a State or local agency provides documentation that the child cannot attend a public school in the local school system (1) because of the child's home circumstances or (2) because of medical necessity.

IDEA – to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents (*i.e.*, not by the State or a local school system) in private elementary schools and secondary schools – requires that local school systems provide federally funded special education and related services to these children. Such services to parentally placed private school children with disabilities may be provided to the children on the premises of private (including religious) schools, to the extent consistent with law. According to federal regulations, each local school system must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private (including religious) elementary and secondary schools located in the school district. This process must be designed to ensure the equitable participation of parentally placed private school children and an accurate count of those children. Further, a local school system or State education agency must consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children, regarding (among other things) the types of services provided, including direct services and alternate service delivery mechanisms.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 602 (Senator Brooks, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Baltimore County Public Schools; Montgomery County Public Schools;

Prince George's County Public Schools; St. Mary's County Public Schools;
Wicomico County Public Schools; Maryland State Department of Education; Department
of Legislative Services

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