

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 901
Ways and Means

(Delegate Roberts, *et al.*)

Education - Public School Students - Recognition of External Diagnosis of
Autism

This bill requires each public and private school to recognize a student’s external diagnosis of autism from a medical, mental health, or educational professional until an initial evaluation is completed by the school. A school must initiate a school-based evaluation of a student within 30 days after receiving (1) an external diagnosis of autism and (2) written consent from the student’s parent. During the evaluation period, a school must provide to the student the supports recommended in the external diagnosis. However, a school may provide alternative supports when a specific recommendation conflicts with federal or State law or presents a safety risk. A school must continue to provide supports to a student until (1) the school-based evaluation is completed and (2) a determination is made regarding whether a student should continue to receive supports. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: None. The bill only affects only local public school systems and private schools.

Local Effect: Local school system expenditures increase significantly to provide services recommended by external professionals, particularly in the period before it is determined whether the student who is externally diagnosed with autism is eligible for special education services. Local revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: 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 the Individualized Family Service Plan (IFSP) or the Individualized Education Program (IEP) specific to the individual needs of the child.

An IFSP is for children with disabilities from birth up to age 3, and up to age 5, under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

Under federal law, each public agency, including local school systems, must conduct a full and individual initial evaluation, before the initial provision of special education and related services. Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. The initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation (unlike the 30 day requirement under the bill for a student with an external diagnosis of autism); or if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

State regulations require that a student be assessed in all areas related to a suspected disability and that a variety of assessment tools and strategies be used to gather sufficient relevant information to determine (1) if the student has a disability; (2) the student's educational needs; (3) the content of a student's IEP; (4) each special education and related service needed by the student.

The Maryland State Department of Education advises that (1) a diagnosis of autism does not always indicate an educational impact, and services should only be provided to students when there is an educational impact based on their disability; (2) school systems cannot use IDEA funds for services to support a student who is not identified with a disability; (3) absent the IEP process, neither the school nor external provider have the appropriate information to make decisions about services and supports.

Local Fiscal Effect: Local school system costs increase due to the requirement to provide services and supports to students with autism prior to identifying those students as a student with a disability. While Frederick County Public Schools and Wicomico County Public

Schools anticipate no additional costs under the bill, other local school systems anticipate significant fiscal impacts.

Anne Arundel County Public Schools advised that it may need to hire one or more additional Multi-Tiered System of Supports coaches and may also need to add Learning Labs to as many as 39 elementary schools that currently do not have a lab, each staffed by a Learning Lab technician. Baltimore City Public Schools (BCPS) indicates that clinical diagnosis often does not correspond with educational disability. BCPS was not able to provide an estimate of additional costs, but indicates that additional resources are needed.

Montgomery County Public Schools advises that it must fund supports (such as paraeducator assistance, specialized instruction, or speech/occupational therapy) for students who may not yet be officially eligible for special education under IDEA criteria; if the school-based evaluation later determines the student does not meet eligibility criteria, the district will have already incurred the costs of those interim supports.

Prince George's County Public Schools anticipates more than \$30 million in increased annual costs, which assumes (1) a 90-day evaluation period; (2) the equivalent of 10% (418) of its students identified with autism requiring applied behavioral therapy, music therapy, or intensive language therapy; and (3) an additional 139 students are assumed to be recommended for nonpublic placements. St. Mary's County Public Schools indicates that there is a wide range of potential supports that could be recommended under an external evaluation of autism and anticipates approximately \$400,000 in additional contractual costs to provide supports recommended in response to external diagnoses of autism.

Although actual costs for local school systems may vary from the estimates given above, the Department of Legislative Services concurs that local school systems incur significant additional costs to serve students who are not yet eligible for federally funded supports.

Additional Comments: Private schools also incur additional costs to provide services recommended by external professionals.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Frederick County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Wicomico County Public Schools; Maryland Department of Health; Maryland State Department of Education; Department of Legislative Services

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