
TO: House Ways and Means Committee

BILL: HB 1368 - Special Education - Individualized Education Program - Notification of Missed Services (Shifra's Act)

DATE: March 11, 2026

POSITION: Letter of Information

The Maryland State Department of Education (MSDE) respectfully submits this letter of information pertaining to House Bill (HB) 1368 - Special Education - Individualized Education Program - Notification of Missed Services (Shifra's Act). This legislation requires that parents of a student with an Individualized Education Program (IEP) be notified when certain conditions related to missed special education services are met, as specified in the bill. The notification must be sent within three (3) school days and must include the nature of the missed services and plans for recovery or make-up.

LEAs have obligations under the Individuals with Disabilities Education Act (IDEA) to implement IEPs as written and to ensure that students receive a free and appropriate public education (FAPE). When services are not provided, LEAs must consider whether compensatory services are necessary based on the individual needs of the student. MSDE currently requires LEAs and public agencies (PAs) to conduct an individualized review of missed IEP services to determine the impact on the student's progress and whether such missed services constitute a denial of a free appropriate public education (FAPE) requiring make-up or compensatory services, consistent with IDEA and the Code of Maryland Regulations (COMAR). MSDE will issue guidance to LEAs reiterating these obligations and reminding them that compliance monitoring will focus on compensatory services for students with disabilities.

Currently, MSDE monitors compliance with the requirements through the Accountability to Improve Performance (AIP) Monitoring system, which operates within a differentiated framework. Under this framework, each LEA or PA is assigned to one of four Tiers of General Supervision—*Universal*, *Targeted*, *Focused*, or *Intensive*—based on performance, correction of noncompliance, fiscal and program data, and overall indicators of compliance and results. The assigned tier determines the frequency of MSDE's monitoring: Educational agencies in the Intensive Tier are monitored annually, those in the Focused Tier are monitored every two years, those in the Targeted Tier are monitored every three years, and those in the Universal Tier are monitored every four years.

As part of scheduled AIP monitoring, MSDE conducts desk audits and reviews four months of service records for randomly selected students, including therapy logs, attendance records, and documentation of reasons for missed services, to verify compliance with IDEA and COMAR requirements governing the delivery and documentation of services. When MSDE identifies noncompliance, formal findings are issued through the AIP Monitoring Report, initiating a one-year correction timeline. LEAs must correct all identified noncompliance

through MSDE's required two-prong verification process, which includes demonstrating correction of all individual student-specific findings and verification of program-level correction through a subsequent sample review. Where systemic noncompliance is identified (defined as an audit item demonstrating 75 percent compliance or below) MSDE requires the LEA to develop and implement an Improvement Plan. If full correction is not achieved within the required one-year period, MSDE mandates the submission and implementation of a Corrective Action Plan to ensure full compliance with IDEA and COMAR, and to effectuate improvement in the delivery and documentation of services.

In order to implement this new requirement, LEAs would need to establish procedures for tracking missed services, determining when a notification is required, and documenting communication with families. This would require coordination between special education teachers, related service providers, school administrators, and central office staff. Operational considerations include staff training, workload implications, and ensuring consistency in how missed services are defined and reported.

Additionally, any notification requirements will require alignment with existing federal special education requirements, dispute resolution processes, and student privacy protections. It is possible that an unintended consequence of the proposed requirement would be an increase in special education dispute resolution activities.

The Department respectfully asks that the committee consider this information as it deliberates **HB 1368**. For further information, please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at 443-571-5461 or Laurel.Cratsley@maryland.gov.