

**BILL:** House Bill 1368  
**TITLE:** Special Education - Individualized Education Program – Notification of Missed Services (Shifra’s Act)  
**HEARING DATE:** March 11, 2026  
**POSITION:** Letter of Information  
**COMMITTEE:** Ways and Means  
**CONTACT:** Jessica Goff, Governmental Affairs Associate (jgoff@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all 24 local boards of education in Maryland, respectfully **submits this letter of information for House Bill 1368 Special Education - Individualized Education Program – Notification of Missed Services (Shifra’s Act).**

HB 1368 would require that the parents of a child with an IEP be provided written notice within three school days when a service or support specified in an IEP was missed, incomplete, interrupted, or delayed. The notice would be required to include an explanation, steps that will be taken to ensure the requirements in the IEP are met, and information for parents to request an IEP meeting to discuss compensatory services, alternative methods or services to meet the needs of the child, and dispute resolution options. MABE strongly supports high-quality education for students with IEPs, but we are concerned that HB 1368 significantly departs from the “substantial or material implementation” standards set forth in both Federal and Maryland State Department of Education (MSDE) guidance. MABE is also concerned that HB 1368 would create a financial burden, while also diverting resources to administrative compliance rather than to providing services to students.

### **IDEA Standard**

The Individuals with Disabilities Education Act (IDEA) does not draw a line regarding a specific number of missed services or sessions resulting in a denial of free appropriate public education (FAPE). Per an MSDE [Technical Assistance Bulletin \(TAB\)](#), “decisions regarding whether missed IEP services are considered a denial of FAPE and should be made up **must be on a case-by-case basis. And, because decisions should be made on a case-by-case basis, LSS/PAs should not establish a specific number of sessions that constitute a denial of FAPE.**” (emphasis added). Rather than holding that any failure to implement an element of an IEP within a very short window of time amounts to denial of FAPE under the IDEA, we should look to the overall educational benefit received by the child and to whether the IEP was substantially or materially implemented.

For example, if a provider is not available for a scheduled service session (e.g., short term sick leave, short term annual leave, attending an IEP meeting, professional

development), the providers will schedule a make-up service session, as soon as possible. However, HB 1368 would require a detailed parental notification that includes availability of the school system for a meeting with the parents and dispute resolution options. There is no flexibility in HB 1368 for very common scenarios that well-meaning school systems face every day. Federal [guidance](#) (supported by the U.S. Department of Education's Office of Special Education Programs) from the Bureau of Indian Education (BIE), which oversees bureau-funded schools, provides that in the above scenario, "the providers will schedule a make-up service session for the missed service session(s) during the quarter in which the missed service session(s) occurred. If the missed service session(s) occurred during the last week of the quarter, it must be made up within the first week of the following quarter. This policy ensures that all relevant information will be provided in the quarterly progress report. In most cases, this is the option that should be utilized." Yet, again, this scenario, approved by the Federal government that oversees the IDEA, would still violate the provisions of HB 1368.

MABE recommends that the General Assembly consider a more flexible approach, aligning with both MSDE and Federal guidance. School systems could follow the approach in the BIE guidance, ensuring that within each quarter, students receive the services identified in their IEPs, and still comply with the IDEA.

## **Administrative and Fiscal Burden**

HB 1368 would result in diverting attention and money away from students with disabilities, in order to track students and specific services daily, conduct meetings, fill out and send parental notifications, and engage in IEP dispute resolutions. While MABE understands the intent of the bill and we believe that parental involvement in a child's progress is important, HB 1368 would result in a significant increase in administrative and fiscal burden (as delineated in the Fiscal Note), without meaningfully improving the educational services and benefits for students. As a result, we strongly urge the committee to consider the MSDE and Federal guidance noted above. A more flexible, quarterly approach would still provide timely information exchanges with parents, while allowing school systems to adjust to the practical realities of meeting the needs of students with disabilities in a real world environment.

## **Conclusion**

MABE appreciates the Committee's consideration and stands ready to work to amend HB 1368 to ensure that it aligns with MSDE and Federal guidance and standards.