



HB1368 – SPECIAL EDUCATION – INDIVIDUALIZED EDUCATION PROGRAM – NOTIFICATION OF MISSED SERVICES (SHIFRA’S ACT)

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WAYS AND MEANS

OPPOSE

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Anne Arundel County Public Schools (AACPS) opposes **HB1368 – Special Education – Individualized Education Program – Notification of Missed Services (Shifra’s Act)**. This bill requires that the parents of a child with a disability who has an individualized education program (IEP) be notified in writing when a special education service, related service, or supplementary aid or support specified in the IEP was not initiated by the date set forth in the IEP or was not provided to the child during specified intervals, depending on the frequency of indented services and not including a child’s absence from school. Notification must be sent within three school days after the lack of initiation or provision of the relevant service or services.

AACPS opposes legislative actions that result in increased workloads for special education and related service providers, without improving student outcomes. The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free, appropriate public education (FAPE) 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 or an IEP specific to the individual needs of the child. The IDEA regulations do not specifically address the issue of missed special education and related services. However, the Maryland State Department of Education has issued technical assistance to assist local education agencies in navigating missed special education and related services. According to this technical assistance, “...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; [local school systems and public agencies] should not establish a specific number of sessions that constitute a denial of FAPE.” MSDE’s technical assistance is clear though that in offering compensatory services, IEP teams should not offer a number of hours or sessions of special education and related services that are less than what the student has missed.

HB1368 contradicts federal IDEA and State technical assistance by requiring local school systems to notify parents when: (1) a service, aid, or support that is required daily is missed, incomplete, or interrupted five times within 10 consecutive school days; (2) a service, aid, or support required for a specific number of times within a specified time period is missed, incompletely provided, or interrupted over a time period at least two times longer than the specified time period; or (3) a pattern of missed, incomplete, or interrupted sessions substantially limits the delivery of the service, aid, or support. Students with disabilities are entitled to a free, appropriate public education in accordance with federal law. Imposing notification requirements on local school systems above and beyond those established in federal law burdens special education teachers and related services providers and may create mistrust between impacted families and local school systems.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on HB1368.