

HOUSE BILL 413

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4lr1214

By: **Delegates Luedtke, Kaiser, and A. Washington**

Introduced and read first time: January 24, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Education – Individualized Education Program Parental Notice**
3 **Requirements and Service Models List**

4 FOR the purpose of requiring the parents of a child attending their initial
5 individualized education program evaluation meeting to be provided a certain
6 verbal and written explanation of their rights and responsibilities and a
7 program procedural safeguards notice and providing the right for the parents to
8 request this information at any meeting thereafter; requiring each county board
9 of education to develop and publish on its Web site a certain list of special
10 education service delivery models that includes a statement regarding how a
11 child is placed; requiring a county board to provide a written copy of a certain
12 list on request that includes certain information; and generally relating to
13 information and requirements regarding special education programs.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 8–405
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2013 Supplement)

19 BY adding to
20 Article – Education
21 Section 8–418
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2013 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8–405.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Accessible copy” includes a copy of a document provided to an
4 individual in a format as defined in § 8–408 of this subtitle.

5 (3) “Extenuating circumstance” means:

6 (i) A death in the family;

7 (ii) A personal emergency;

8 (iii) A natural disaster; or

9 (iv) Any other similar situation defined by the Department.

10 (b) (1) When a team of qualified professionals and the parents meet for
11 the purpose of discussing the identification, evaluation, educational program, or the
12 provision of a free appropriate public education of a child with a disability:

13 [(1)] (I) The parents of the child shall be afforded the opportunity to
14 participate and shall be provided reasonable notice in advance of the meeting; and

15 [(2)] (II) Reasonable notice shall be at least 10 calendar days in
16 advance of the meeting, unless an expedited meeting is being conducted to:

17 [(i)] 1. Address disciplinary issues;

18 [(ii)] 2. Determine the placement of the child with a disability
19 not currently receiving educational services; or

20 [(iii)] 3. Meet other urgent needs of a child with a disability to
21 ensure the provision of a free appropriate public education.

22 (2) (I) AT THE INITIAL EVALUATION MEETING, THE PARENTS
23 OF THE CHILD SHALL BE PROVIDED A VERBAL AND WRITTEN EXPLANATION OF
24 THE PARENTS’ RIGHTS AND RESPONSIBILITIES IN THE INDIVIDUALIZED
25 EDUCATION PROGRAM PROCESS AND A PROGRAM PROCEDURAL SAFEGUARDS
26 NOTICE.

27 (II) THE PARENTS MAY REQUEST THE INFORMATION
28 PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT ANY
29 SUBSEQUENT MEETING.

1 (c) The individualized education program team shall determine, on at least
2 an annual basis, whether the child requires extended year services in order to ensure
3 that the child is not deprived of a free appropriate public education by virtue of the
4 normal break in the regular school year.

5 (d) (1) (i) Except as provided in paragraph (2) of this subsection, and
6 subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before
7 a scheduled meeting of the individualized education program team or other
8 multidisciplinary education team for any purpose for a child with a disability,
9 appropriate school personnel shall provide the parents of the child with an accessible
10 copy of each assessment, report, data chart, draft individualized education program, or
11 other document that either team plans to discuss at the meeting.

12 (ii) Subject to subparagraph (i) of this paragraph, an
13 assessment, report, data chart, or other document prepared by a school psychologist or
14 other medical professional that either team plans to discuss at the meeting may be
15 provided to the parents of the child orally and in writing prior to the meeting.

16 (iii) The parents of a child may notify appropriate school
17 personnel that they do not want to receive the documents required to be provided
18 under subparagraph (i) of this paragraph.

19 (2) (i) Subject to subparagraph (ii) of this paragraph, appropriate
20 school personnel are not required to comply with paragraph (1) of this subsection in
21 the event of an extenuating circumstance.

22 (ii) In the event of an extenuating circumstance, appropriate
23 school personnel who fail to comply with paragraph (1) of this subsection shall
24 document the extenuating circumstance and communicate that information to the
25 parents of the child.

26 (e) (1) Not later than 5 business days after a scheduled meeting of the
27 individualized education program team or other multidisciplinary team for a child
28 with a disability, appropriate school personnel shall provide the parents of the child
29 with a copy of the completed individualized education program.

30 (2) If the individualized education program has not been completed by
31 the 5th business day after the meeting, the parents shall be provided with the draft
32 copy of the individualized education program.

33 (3) The completed or draft individualized education program shall be
34 provided to the parents in an accessible format.

35 (f) To fulfill the purposes of this section, school personnel may provide the
36 documents required under this subsection through:

37 (1) Electronic delivery;

1 (2) Home delivery with the student; or

2 (3) Any other reasonable and legal method of delivery.

3 (g) Failure to comply with this section does not constitute a substantive
4 violation of the requirement to provide a student with a free appropriate public
5 education.

6 **8-418.**

7 **(A) (1) EACH COUNTY BOARD SHALL DEVELOP AND PUBLISH ON ITS**
8 **WEB SITE A LIST OF ALL SPECIAL EDUCATION SERVICE DELIVERY MODELS IN**
9 **THE LOCAL SCHOOL SYSTEM.**

10 **(2) THE COUNTY BOARD SHALL CLEARLY STATE THAT ALL**
11 **DECISIONS REGARDING THE PLACEMENT OF A CHILD WITH A DISABILITY IN A**
12 **SPECIAL EDUCATION SERVICE DELIVERY MODEL UNDER PARAGRAPH (1) OF**
13 **THIS SUBSECTION WILL BE MADE BY AN INDIVIDUALIZED EDUCATION PROGRAM**
14 **TEAM IN CONSULTATION WITH THE PARENTS OR GUARDIANS OF THE CHILD AND**
15 **CONSISTENT WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS OF**
16 **THE FEDERAL INDIVIDUALS WITH DISABILITIES ACT.**

17 **(B) ON REQUEST, THE COUNTY BOARD SHALL PROVIDE A WRITTEN**
18 **COPY OF THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS**
19 **SECTION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2014.