

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 1060  
Ways and Means

(Delegate Luedtke)

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**Special Education - Individualized Education Program Facilitated Meetings**

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This bill requires each local school system to offer the services of an independent facilitator to the parents and school personnel meeting to discuss the identification, evaluation, or educational program or the free appropriate public education (FAPE) of a child with a disability. Parents or school personnel may request the participation of an independent facilitator in any team meeting. If a mediation or due process hearing to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of FAPE is scheduled, the parents and school personnel must be offered an opportunity to resolve in advance the disagreement in a meeting with an independent facilitator. The bill specifies the training and experience that an independent facilitator must have and that an independent facilitator is not a member of the individualized education program (IEP) team and does not have a relationship with the school or parents beyond assisting in an IEP team meeting.

The bill takes effect July 1, 2015.

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**Fiscal Summary**

**State Effect:** Maryland State Department of Education (MSDE) finances are not affected.

**Local Effect:** Some local school systems may have to contract with facilitation service providers, to the extent that qualified volunteer facilitators are not available to the local school system. The extent of the costs to local school systems will depend upon the number of requests for facilitation in each county that cannot be met through the services of a volunteer facilitator. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Small businesses that provide facilitation services may realize increased revenues.

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## Analysis

### **Current Law:**

#### *Individualized Education Program*

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 an IEP specific to the individual needs of the student. An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child's progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child's IEP and for revisions to the IEP.

IDEA requires MSDE to provide supervisory oversight of local school systems to ensure the provision of related services outlined in each student's IEP. In turn, local school systems, as indicated in Maryland regulations, must have policies and procedures in place to ensure the provision of related services as individually determined by a student's IEP team.

#### *Dispute Resolution*

Chapter 233 of 2006 established a Maryland process for resolution sessions that can be used to settle disputes about the identification, evaluation, and educational placements of children with disabilities, consistent with IDEA provisions for dispute resolution. Before conducting a due process hearing, the parent must have an opportunity to resolve a due process complaint at a resolution session.

A parent of a child with a disability or a public agency may request mediation to resolve any disagreement regarding the child's special education services or program, including mediation to resolve a due process complaint filed by a parent against a public agency. A parent of a child with disabilities may file a due process complaint with the Maryland Office of Administrative Hearings (OAH) and the public agency. Similarly, the public agency may file a due process complaint with OAH and the parent. OAH appoints an administrative law judge to conduct a due process hearing. The decision of the administrative law judge must be made on substantive grounds based on whether a child has received a free appropriate public education.

**Background:** MSDE partners with Community Mediation Maryland and 12 local school systems (Anne Arundel, Baltimore, Carroll, Cecil, Dorchester, Harford, Howard, Frederick, Montgomery, Prince George's, and Queen Anne's counties and Baltimore City) that have opted to participate in a program providing volunteer facilitators at no cost to the party requesting the facilitator for IEP team meetings. Members of the IEP team must agree to this voluntary process. The volunteer facilitators receive training in mediation and in IEP meeting facilitation. MSDE supports the program through a \$48,000 discretionary grant that covers the administrative costs of providing training and supervision of the volunteer facilitators and providing outreach to local school systems.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510