

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 383  
Ways and Means

(Delegate Guyton, *et al.*)

---

State Department of Education - Student Performance Reports - Students With  
Disabilities

---

This bill requires that each report on student performance that is published by the Maryland State Department of Education (MSDE) include data disaggregated by the following student statuses: (1) § 504 of the federal Rehabilitation Act of 1973; and (2) the federal Individuals with Disabilities Education Act (IDEA). **The bill takes effect July 1, 2020.**

---

Fiscal Summary

**State Effect:** Assuming student performance reports are interpreted as discussed below, MSDE operations and finances are not affected. To the extent the interpretation is broader, expenditures may increase to collect and publish the data disaggregated by students who are covered by Section 504 or IDEA. Any such costs cannot be reliability estimated but may be meaningful. Revenues are not affected.

**Local Effect:** Assuming student performance reports are interpreted as discussed below, local school system operations and finances are not affected. To the extent the interpretation is broader, expenditures may increase to collect the data disaggregated by students who are covered by Section 504 or IDEA. Any such costs cannot be reliability estimated but may be meaningful. Revenues are not affected.

**Small Business Effect:** None.

---

## Analysis

### **Current Law/Background:**

#### *Individualized Education Programs*

The federal 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 individualized family service plan (IFSP) or individualized education program (IEP) specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

#### *504 Plans*

Under [Section 504 of the federal Rehabilitation Act of 1973](#), an organization that receives federal money, including public and many private schools, may not discriminate against a person on the basis of a disability. Section 504 requires schools to make a "reasonable accommodation" for students with disabilities to allow them to participate in school and school-related activities. Section 504 plans can be created to help students with disabilities receive accommodations that are not covered by their IEP. Students with disabilities who do not need an IEP may still receive accommodations through a Section 504 plan.

For example, a student who has diabetes may have a Section 504 plan that includes a schedule for getting medication. A student who uses a wheelchair may have a Section 504 plan that provides for special transportation during field trips.

#### *Student Population*

According to the [MDReportCard.org](#) website, approximately 12% of students have an IEP plan and approximately 4% of students have a 504 plan.

**State/Local Fiscal Effect:** MSDE interprets the bill to mean that reports on "student performance areas" as defined in regulations must be disaggregated by student status under Section 504 and IDEA. According to regulations, "student performance areas" include

math and reading assessments, average daily attendance, and yearly high school graduation rate. MSDE reports that it already collects and reports student status in those areas under Section 504 and IDEA, and that it reports that information in multiple formats, including the [MDReportCard.org](http://MDReportCard.org) website. Therefore, MSDE and local school system operations and finances are not affected.

However, if the bill is interpreted to include other student performance reports that may be published, MSDE and local school system expenditures may increase to collect and publish the disaggregated data by students who are covered by Section 504 or IDEA. Since any such data have not previously been reported by MSDE, any such costs cannot be reliability estimated; however, costs may be meaningful.

---

### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; U.S. Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2020  
mr/rhh

---

Analysis by: Caroline L. Boice

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