

HOUSE BILL 1271

F1

1lr1384

By: **Delegate Turner**

Introduced and read first time: February 8, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Education – Student Evaluation – Identification of Traumatic Brain**
3 **Injury**

4 FOR the purpose of requiring the initial evaluation of a certain child to determine whether
5 the child is in need of special education services to include certain questions
6 regarding the history of traumatic brain injury; requiring certain questions to be
7 developed by the State Department of Education in consultation with the State
8 Traumatic Brain Injury Advisory Board; and generally relating to student traumatic
9 brain injury and special education services.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 8–404
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2020 Supplement)

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

17 **Article – Education**

18 8–404.

19 (a) The State Board shall adopt, as regulations, standards for the identification,
20 evaluation, educational placement, and the provision of a free appropriate public education
21 of each child in this State who has begun the school year under the age of 21 and is found
22 to need special education and related services, whether or not the child is receiving
23 nonduplicative services from another governmental agency.

24 (b) Before these standards are adopted, the State Board shall consult with public
25 and private agencies and persons who are concerned with and knowledgeable about the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 educational needs of children with disabilities who require special education and related
2 services.

3 (c) The standards for the education of a child with a disability who is enrolled in
4 a school that is operated by an agency other than a local school system may not be lower
5 than the standards for the education of a child with a disability who is enrolled in a school
6 that is operated by a local school system. The standards for the approval of schools located
7 in jurisdictions outside Maryland shall be the same as standards applicable to the approval
8 of schools within Maryland. However, no school located in a jurisdiction outside Maryland
9 shall be approved if the charges for pupils approved by the Department are higher than
10 charges for pupils from any other state for the same services, unless waived by the State
11 Superintendent.

12 (d) The standards shall include:

13 (1) The required qualifications for teachers, administrators, and other
14 professionals serving a child with a disability;

15 (2) Procedures for the identification, evaluation, educational placement,
16 and provision of a free appropriate public education for a child with a disability who
17 requires the provision of special education and related services;

18 (3) Guidelines for curricula, instructional materials, equipment, and the
19 organization, administration, and supervision of the program, including accounting,
20 auditing, and reporting procedures;

21 (4) Provisions for local, regional, and State day and residential centers for
22 children with disabilities who cannot be served appropriately in the public schools;

23 (5) Coordination of these special education services with services given by
24 any other government agency; and

25 (6) Guidelines for approval of placement in nonpublic schools or facilities if
26 appropriate public services are not available.

27 **(E) (1) DURING THE INITIAL EVALUATION OF A CHILD TO DETERMINE**
28 **WHETHER THE CHILD IS IN NEED OF SPECIAL EDUCATION SERVICES, THE**
29 **EVALUATION SHALL INCLUDE QUESTIONS REGARDING THE STUDENT'S HISTORY OF**
30 **BRAIN INJURY OR NEUROLOGIC INSULT.**

31 **(2) THE QUESTIONS REQUIRED UNDER PARAGRAPH (1) OF THIS**
32 **SUBSECTION SHALL BE DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH**
33 **THE STATE TRAUMATIC BRAIN INJURY ADVISORY BOARD.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
35 1, 2021.

