

Chapter 271

(House Bill 551)

AN ACT concerning

**Education – Children With Disabilities – Individualized Education Program
Mediation**

FOR the purpose of requiring certain individualized education program teams to provide certain parents of a child with a disability with a certain oral and written explanation of the parent's right to request mediation, certain contact information under certain circumstances, and certain information regarding certain pro bono representation *and certain other legal and related services*; authorizing certain parents to request certain information at certain times; *authorizing certain parents to request the translation of certain information under certain circumstances; requiring certain individualized education program teams to provide certain parents with a certain translation of certain information within a certain time frame*; requiring the State Department of Education to make a certain staff member available to assist certain parents in understanding certain mediation processes; *requiring the Department and county boards of education to submit certain reports on or before certain dates*; and generally relating to children with disabilities.

BY adding to

Article – Education

Section 8–405(b)(3) *and (4)* and 8–413(b)(7)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

Article – Education

8–405.

(b) (3) (I) IF, DURING AN INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, A PARENT DISAGREES WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM OR THE SPECIAL EDUCATION SERVICES PROVIDED TO THE CHILD, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL PROVIDE THE PARENT WITH, IN PLAIN LANGUAGE:

1. AN ORAL AND A WRITTEN EXPLANATION OF THE PARENT'S RIGHT TO REQUEST MEDIATION IN ACCORDANCE WITH § 8–413 OF THIS SUBTITLE;

2. CONTACT INFORMATION, INCLUDING A TELEPHONE NUMBER THAT A PARENT MAY USE TO RECEIVE MORE INFORMATION ABOUT THE MEDIATION PROCESS; AND

3. INFORMATION REGARDING PRO BONO REPRESENTATION AND OTHER FREE OR LOW-COST LEGAL AND RELATED SERVICES AVAILABLE IN THE AREA.

(II) A PARENT MAY REQUEST THE INFORMATION PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT ANY INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING.

(4) (I) IF THE NATIVE LANGUAGE SPOKEN BY A PARENT WHO REQUESTS INFORMATION UNDER PARAGRAPH (3) OF THIS SUBSECTION IS SPOKEN BY MORE THAN 1% OF THE STUDENT POPULATION IN THE LOCAL SCHOOL SYSTEM, THE PARENT MAY REQUEST THAT THE INFORMATION BE TRANSLATED INTO THE PARENT'S NATIVE LANGUAGE.

(II) IF A PARENT MAKES A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL PROVIDE THE PARENT WITH THE TRANSLATED DOCUMENT WITHIN 30 DAYS AFTER THE DATE OF THE REQUEST.

8-413.

(b) (7) THE DEPARTMENT SHALL MAKE A STAFF MEMBER AVAILABLE TO ASSIST A PARENT IN UNDERSTANDING THE MEDIATION PROCESS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2016, the State Department of Education shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding:

(1) whether there are economies of scale that can be utilized to lessen the financial impact of this Act; and

(2) how the needs of students whose parents speak a native language that is spoken by less than 1% of the student population in the local school system can be addressed.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) on or before August 1, 2018, each county board of education shall report to the State Department of Education regarding the number of requests received under § 8-405(b)(4)(i) of the Education Article, as enacted by Section 1 of this Act, the cost of

satisfying these requests, whether it would be feasible to have the number of requests increase, and if so, by how many requests; and

(2) on or before September 1, 2018, the State Department of Education shall compile the information received under item (1) of this section and submit the information to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 26, 2016.