

HOUSE BILL 724

F1, J1

EMERGENCY BILL

1lr1343
CF SB 209

By: **Delegate Guyton**

Introduced and read first time: January 26, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Education – Education and Vocational Services – Prolonged School**
3 **Closure**

4 FOR the purpose of requiring a county board of education to enroll a certain student whose
5 school is subject to a prolonged school closure in continuing school classes and certain
6 education services for a certain period of time; requiring a county board to provide a
7 certain notice to the parents or guardians of certain students and to offer the
8 opportunity to opt out of enrollment; requiring a county board to provide a certain
9 extension to certain students regardless of whether certain conditions have been
10 met; requiring that certain classes and services be of a certain type and quality;
11 requiring a county board to coordinate with certain entities to ensure that certain
12 students have access to certain services; requiring the Division of Rehabilitation
13 Services within the State Department of Education to ensure that certain
14 transitioning students continue to have access to certain services for a certain period
15 of time; defining certain terms; making this Act an emergency measure; and
16 generally relating to education and vocational services for special education students
17 who are experiencing a prolonged school closure.

18 BY adding to
19 Article – Education
20 Section 8–404.1
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Education
25 Section 21–305
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2020 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



That the Laws of Maryland read as follows:

Article – Education

8–404.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ELIGIBLE STUDENT” MEANS A CHILD WHO:

(I) HAS A DISABILITY;

(II) RECEIVES SPECIAL EDUCATION SERVICES; AND

(III) IS AT LEAST 17 YEARS OLD AND UNDER THE AGE OF 22 YEARS.

(3) “PROLONGED SCHOOL CLOSURE” MEANS A PERIOD OF TIME OF 10 CONSECUTIVE SCHOOL DAYS OR MORE, DURING WHICH THE SCHOOL IS:

(I) NOT FULLY OPEN FOR ATTENDANCE BY AN ELIGIBLE STUDENT;

(II) OPEN FOR ATTENDANCE BY AN ELIGIBLE STUDENT FOR FEWER HOURS THAN A 6–HOUR SCHOOL DAY; OR

(III) OPEN FOR ATTENDANCE BY AN ELIGIBLE STUDENT FOR FEWER DAYS THAN A 5–DAY SCHOOL WEEK.

(B) (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COUNTY BOARD SHALL ENROLL AN ELIGIBLE STUDENT WHOSE SCHOOL IS SUBJECT TO A PROLONGED SCHOOL CLOSURE IN CONTINUING SCHOOL CLASSES AND IN ANY EDUCATION SERVICES DUE THE STUDENT FOR A PERIOD OF TIME COMMENSURATE WITH THE PROLONGED SCHOOL CLOSURE BEGINNING FROM THE DATE ON WHICH THE PROLONGED SCHOOL CLOSURE ENDS.

(II) A COUNTY BOARD SHALL NOTIFY THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT OF THE STUDENT’S ENROLLMENT IN THE CLASSES AND EDUCATION SERVICES UNDER THIS PARAGRAPH AND OFFER THE STUDENT OR THE STUDENT’S PARENT OR GUARDIAN THE OPPORTUNITY TO OPT OUT.

(2) A COUNTY BOARD SHALL PROVIDE AN EXTENSION OF SCHOOL CLASSES AND EDUCATION SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION TO EACH ELIGIBLE STUDENT REGARDLESS OF WHETHER:

(I) THE STUDENT HAS COMPLETED ALL HIGH SCHOOL GRADUATION REQUIREMENTS; AND

(II) THE STUDENT'S ANTICIPATED HIGH SCHOOL GRADUATION DATE HAS PASSED.

(3) ANY SCHOOL CLASSES OR EDUCATION SERVICES PROVIDED UNDER THIS SUBSECTION SHALL BE OF THE SAME QUALITY AND TYPE AS THOSE PROVIDED TO THE ELIGIBLE STUDENT DURING PERIODS IN WHICH THE STUDENT'S SCHOOL IS NOT UNDERGOING A PROLONGED CLOSURE.

(C) A COUNTY BOARD THAT ENROLLS STUDENTS UNDER SUBSECTION (B) OF THIS SECTION SHALL ENSURE THAT ELIGIBLE STUDENTS HAVE ACCESS TO APPROPRIATE SERVICES DURING THE EXTENSION PERIOD BY COORDINATING WITH:

(1) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION TO ENSURE ACCESS TO THE TRANSITIONING YOUTH INITIATIVE UNDER § 7-721 OF THE HEALTH – GENERAL ARTICLE;

(2) THE DIVISION OF REHABILITATION SERVICES TO ENSURE ACCESS TO TRANSITION SERVICES IN ACCORDANCE WITH § 21-305 OF THIS ARTICLE; AND

(3) ANY OTHER SERVICE PROVIDERS THAT PROVIDE EDUCATIONAL OR VOCATIONAL SERVICES TO THE ELIGIBLE STUDENT.

(D) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

21-305.

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

(2) "Division" means the Division of Rehabilitation Services within the Maryland State Department of Education.

(3) "PROLONGED SCHOOL CLOSURE" HAS THE MEANING STATED IN § 8-404.1 OF THIS ARTICLE.

(4) "Transition services" means a coordinated set of activities for a student

with a disability who meets the definition of a transitioning student that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment, supported employment, adult services, independent living, and community participation.

[(4)] (5) “Transitioning student” means a student with a disability who is between the ages of 14 and 21 years who meets the eligibility criteria of the federal Individuals with Disabilities Education Act or § 7 of the federal Rehabilitation Act.

(b) The Division shall:

(1) Assign a rehabilitation counselor as a liaison to each Maryland public high school;

(2) Establish a cooperative agreement with each county board defining roles, responsibilities, and procedures in order to provide appropriate transition services for a transitioning student; and

(3) Develop, in consultation with county boards, for each transitioning student who is determined eligible for rehabilitation services, an individualized plan for employment prior to graduation.

(C) THE DIVISION SHALL ENSURE THAT A TRANSITIONING STUDENT WHOSE SCHOOL IS SUBJECT TO A PROLONGED SCHOOL CLOSURE AND WHO IS RECEIVING EXTENDED LEARNING IN ACCORDANCE WITH § 8-404.1 OF THIS ARTICLE HAS ACCESS TO THE SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION FOR A PERIOD OF TIME COMMENSURATE WITH THE PROLONGED SCHOOL CLOSURE BEGINNING FROM THE DATE ON WHICH THE PROLONGED SCHOOL CLOSURE ENDS.

[(c)] (D) (1) Each county board shall transmit to the Department information relating to the postsecondary anticipated services of the county’s transitioning students. The information shall be reported in the manner required by the Department.

(2) The Department shall aggregate the information provided under paragraph (1) of this subsection and forward the information annually to:

(i) The Behavioral Health Administration of the Maryland Department of Health;

(ii) The Developmental Disabilities Administration of the Maryland Department of Health; and

(iii) Other appropriate State adult services agencies, as determined by the Department.

(3) The information under this section shall include, for each transitioning

1 student:

- 2 (i) The student's current age;
- 3 (ii) The projected year of exit of the student from school;
- 4 (iii) Anticipated needs of the student;
- 5 (iv) The student's county of residence; and
- 6 (v) Any other information that the Department considers
- 7 appropriate.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety, has
10 been passed by a yea and nay vote supported by three-fifths of all the members elected to
11 each of the two Houses of the General Assembly, and shall take effect from the date it is
12 enacted.