

HOUSE BILL 1383

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By: **Delegates Miller, Bouchat, Buckel, Griffith, Hornberger, McComas, Roberson, Rose, Tomlinson, Vogel, and Young**

Introduced and read first time: February 7, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education – Online Special Education System – Technical**
3 **Requirements**

4 FOR the purpose of requiring the State Board of Education to adopt regulations concerning
5 minimum functional and technical requirements to ensure optimal performance of
6 the State’s online special education system, including the Maryland Online
7 Individualized Education Program and the Maryland Online Individualized Family
8 Service Plan; directing the State Department of Education to study minimum
9 functional and technical requirements to ensure optimal performance of the State’s
10 online special education system and report the results of the study to the State Board
11 on or before a certain date; requiring the State Board, on or before a certain date, to
12 report to the Governor and the General Assembly on the results of the study and the
13 status of certain proposed regulations; and generally relating to the State’s online
14 special education system.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 8–404
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

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

22 **Article – Education**

23 8–404.

24 (a) The State Board shall adopt, as regulations, standards for the identification,
25 evaluation, educational placement, and the provision of a free appropriate public education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



of each child in this State who has begun the school year under the age of 21 and is found to need special education and related services, whether or not the child is receiving nonduplicative services from another governmental agency.

(b) Before these standards are adopted, the State Board shall consult with public and private agencies and persons who are concerned with and knowledgeable about the educational needs of children with disabilities who require special education and related services.

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

(d) The standards shall include:

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

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

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

(4) MINIMUM FUNCTIONAL AND TECHNICAL REQUIREMENTS TO ENSURE OPTIMAL PERFORMANCE OF THE STATE'S ONLINE SPECIAL EDUCATION SYSTEM, INCLUDING THE MARYLAND ONLINE INDIVIDUALIZED EDUCATION PROGRAM AND THE MARYLAND ONLINE INDIVIDUALIZED FAMILY SERVICE PLAN;

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

[(5)] (6) Coordination of these special education services with services given by any other government agency; and

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education shall study minimum functional and technical requirements to ensure optimal performance of the State's online special education system, including the Maryland Online Individualized Education Program and the Maryland Online Individualized Family Service Plan, to implement the State Board of Education's regulatory requirements under § 8-404(d)(4) of the Education Article, as enacted by Section 1 of this Act.

(b) In conducting the study required under subsection (a) of this section, the State Department of Education shall:

(1) ensure that the State's online special education system is:

(i) a secure, user-friendly, and web-based platform that serves as a dynamic tool to allow real-time monitoring of student demographic and disability information for use by family, teachers, staff, and administrators to help students thrive;

(ii) capable of tracking important events and deadlines to notify all stakeholders of important information and developments related to a student;

(iii) able to store, allow access to, and allow for the processing of documents related to a student;

(iv) adaptable to short-term and long-term updates and changes necessary to address the system's growing and evolving needs; and

(v) compliant with all relevant federal and State laws and regulations, including federal and State privacy laws and regulations;

(2) perform a technical review of the State's online special education system; and

(3) compare the results of the technical review under item (2) of this subsection with other systems currently available.

(c) On or before October 1, 2025, the State Department of Education shall report the results of the study to the State Board of Education.

(d) On or before December 1, 2025, the State Board of Education shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on:

(1) the results of the study; and

1 (2) the status of proposed regulations to implement the standards required
2 under § 8–404(d)(4) of the Education Article, as enacted by Section 1 of this Act.

3 (e) Nothing in this section shall be construed to alter the duties of the State Board
4 of Education under the Administrative Procedure Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2025.