

Chapter 172

(House Bill 336)

AN ACT concerning

Maryland Achieving a Better Life Experience (ABLE) Program – Materials for Individualized Education Program, Individualized Family Service Plan, and 504 Plan Meetings

FOR the purpose of requiring a local school system to provide to parents at certain individualized education program, individualized family service plan, and 504 plan meetings for children with disabilities certain written informational materials regarding the Maryland Achieving a Better Life Experience (ABLE) Program in a certain manner; requiring the State Treasurer to develop certain informational materials about the Maryland ABLE Program; requiring the State Treasurer to provide certain informational materials to the State Board of Education and county boards of education for a certain purpose; and generally relating to individualized education programs, individualized family service plans, and 504 plans for children with disabilities and the Maryland ABLE Program.

BY repealing and reenacting, without amendments,

Article – Education

Section 8–405(a)(1) and (4), (b)(1), (c), and (j)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 8–405(b)(2) and (3) and 18–19C–03(a)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY adding toArticle – EducationSection 8–405.1Annotated Code of Maryland(2022 Replacement Volume and 2023 Supplement)

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

Article – Education

8–405.

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

(4) “Individualized education program” and “individualized family service plan” have the same meaning as provided in the federal Individuals with Disabilities Education Act.

(b) (1) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(i) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(ii) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

1. Address disciplinary issues;

2. Determine the placement of the child with a disability not currently receiving educational services; or

3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, an oral and written explanation of the parents’ rights and responsibilities in the individualized education program process and a program procedural safeguards notice;

B. Written information that the parents may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members; [and]

C. Written information on the Special Education Ombudsman and toll-free telephone number established under Title 6, Subtitle 5 of the State Government Article; AND

D. WRITTEN INFORMATIONAL MATERIALS REGARDING THE MARYLAND ABLE PROGRAM PROVIDED UNDER § 18-19C-03(A)(2) OF THIS ARTICLE.

2. AT LEAST ONE TIME EACH YEAR AT AN INDIVIDUALIZED EDUCATION PROGRAM OR INDIVIDUALIZED FAMILY SERVICE PLAN

TEAM MEETING, THE PARENTS OF THE CHILD SHALL BE PROVIDED WITH THE WRITTEN INFORMATIONAL MATERIALS DESCRIBED UNDER SUBSUBPARAGRAPH 1D OF THIS SUBPARAGRAPH.

3. If a parent's native language is not English, the information in subsubparagraph [1B and C] **1B, C, AND D** of this subparagraph shall be provided to the parent in the parent's native language.

(ii) The parents may request the information provided under subparagraph (i) of this paragraph at any subsequent meeting.

(iii) If a child who has an individualized education program developed in another school system moves into a different local school system, that local school system shall provide the information required under subparagraph [(i)1B and C] **(i)1B, C, AND D** of this paragraph at the time of the first written communication with the parents regarding the child's individualized education program or special education services.

(iv) A local school system shall publish information that a parent may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members in a prominent place on the section of its website relating to special education services.

(3) Failure to provide the information required under paragraph [(2)(i)1B and C] **(2)(i)1B, C, AND D AND 2** of this subsection does not constitute grounds for a due process complaint under § 8–413 of this subtitle.

(c) The individualized education program team shall determine, on at least an annual basis, whether the child requires extended year services in order to ensure that the child is not deprived of a free appropriate public education by virtue of the normal break in the regular school year.

(j) The Department shall adopt:

(1) Regulations that define what information should be provided in the verbal and written explanations of the parents' rights and responsibilities in the individualized education program process; and

(2) Any other regulations necessary to carry out subsection (b)(2) and (4) of this section.

8–405.1.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AT LEAST ONE TIME EACH YEAR AT A STUDENT'S 504 PLAN MEETING, THE PARENTS OF THE STUDENT SHALL BE PROVIDED WITH THE WRITTEN INFORMATIONAL MATERIALS REGARDING THE MARYLAND ABLE PROGRAM PROVIDED UNDER § 18-19C-03(A)(2) OF THIS ARTICLE.

(B) (1) IF A STUDENT'S 504 PLAN MEETING DOES NOT OCCUR AT LEAST ONE TIME EACH YEAR, THE WRITTEN INFORMATIONAL MATERIALS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED AT EACH 504 PLAN MEETING.

(2) IF A PARENT'S NATIVE LANGUAGE IS NOT ENGLISH, THE WRITTEN INFORMATIONAL MATERIALS SHALL BE PROVIDED IN THE PARENT'S NATIVE LANGUAGE.

(3) THE PARENTS MAY REQUEST THE WRITTEN INFORMATIONAL MATERIALS PROVIDED AT ANY SUBSEQUENT MEETING.

18-19C-03.

(a) (1) (I) The State Treasurer may issue requests for proposals to evaluate and determine the means for the administration, management, promotion, or marketing of the Maryland ABLE Program.

[(2)] (II) The State Treasurer shall consider proposals that meet the following criteria:

[(i)] 1. Ability to develop and administer an investment program of a nature similar to the objectives of the Maryland ABLE Program;

[(ii)] 2. Ability to administer financial programs with individual account records and reporting; and

[(iii)] 3. Ability to market the Maryland ABLE Program to eligible individuals.

(2) (I) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE STATE TREASURER SHALL DEVELOP WRITTEN INFORMATIONAL MATERIALS ABOUT THE MARYLAND ABLE PROGRAM.

2. THE WRITTEN MATERIALS DEVELOPED UNDER THIS SUBPARAGRAPH SHALL BE IN A FORM THAT ENABLES THE MATERIALS TO BE DISTRIBUTED ELECTRONICALLY OR BY HAND.

(II) THE STATE TREASURER SHALL PROVIDE THE MATERIALS DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE STATE BOARD AND COUNTY BOARDS FOR DISTRIBUTION TO PARENTS DURING INDIVIDUALIZED EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, AND 504 PLAN MEETINGS IN ACCORDANCE WITH ~~§ 8-405(B)(2)~~ §§ 8-405(B)(2) AND 8-405.1 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, April 25, 2024.