

HOUSE BILL 1161

F1

(3lr2839)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates A. Washington, Afzali, Branch, Clippinger, George, Hixson, Howard, Ivey, Kaiser, Luedtke, McConkey, A. Miller, Summers, Waldstreicher, ~~and Walker~~ Walker, Barve, Boteler, Cardin, Fisher, Frick, Harper, Myers, Serafini, Stukes, and F. Turner**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Commission on Special Education Access and Equity**

3 FOR the purpose of establishing the Commission on Special Education Access and
4 Equity; providing for the composition, chair, and staffing of the Commission;
5 prohibiting a member of the Commission from receiving certain compensation,
6 but authorizing the reimbursement of certain expenses; requiring the
7 Commission to study and make recommendations regarding certain matters;
8 requiring the Commission to report its findings and recommendations to the
9 Governor and certain committees of the General Assembly on or before a certain
10 date; providing for the termination of this Act; and generally relating to the
11 Commission on Special Education Access and Equity.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That:

3 (a) There is a Commission on Special Education Access and Equity.

4 (b) The Commission consists of the following ~~15~~ members:

5 (1) two members of the Senate of Maryland, appointed by the
6 President of the Senate;

7 (2) two members of the House of Delegates, appointed by the Speaker
8 of the House;

9 (3) the State Superintendent of Schools, or the State Superintendent's
10 designee;

11 (4) one school psychologist, appointed by the Maryland School
12 Psychologists' Association;

13 (5) one special education teacher, appointed by the Maryland State
14 Educators' Association; and

15 (6) the following ~~8~~ members, appointed by the Governor:

16 (i) one general educator who teaches inclusion classes;

17 (ii) one representative of the Maryland Association of Boards of
18 Education;

19 (iii) one administrative law judge with experience in special
20 education appeals;

21 (iv) one representative of the Maryland Disabilities Law Center;

22 (v) one parent of a student with severe and profound disabilities
23 who has an Individualized Education ~~Plan~~ Program;

24 (vi) one parent of a student with a mild to moderate learning
25 disability who has an Individualized Education ~~Plan~~ Program;

26 ~~(vii) one parent of a student with an Individualized Education~~
27 ~~Plan under Section 504 of the Rehabilitation Act of 1973; and~~

28 ~~(viii)~~ (vii) one representative of the Maryland Parent Teacher
29 Association;

1 (viii) one representative of the Maryland Department of
2 Disabilities;

3 (ix) one representative of the Public School Superintendents'
4 Association of Maryland;

5 (x) one parent of a student with an emotional disability who has
6 an Individualized Education Program;

7 (xi) one parent of a student with autism spectrum disorder who
8 has an Individualized Education Program;

9 (xii) one representative of a nonpublic special education school;

10 (xiii) one representative from the Maryland Speech–Language
11 Hearing Association; and

12 (xiv) two representatives from the Education Advocacy ~~Council~~
13 Coalition; and

14 (xv) two representatives who are public school employees who
15 work with and are familiar with the Individualized Education Plan process.

16 (c) The Governor shall designate the chair of the Commission.

17 (d) The State Department of Education shall provide staff for the
18 Commission.

19 (e) A member of the Commission:

20 (1) may not receive compensation as a member of the Commission; but

21 (2) is entitled to reimbursement for expenses under the Standard
22 State Travel Regulations, as provided in the State budget.

23 (f) The Commission shall study:

24 (1) the extent to which parents and guardians of students with
25 disabilities are made aware of their rights under the Individuals with Disabilities
26 Education Act (20 U.S.C. § 1400 et seq.), ~~Section 504 of the Rehabilitation Act of 1973~~
27 ~~(29 U.S.C. § 701)~~, and State law and regulations relating to children with disabilities
28 and potential ways to improve the awareness of these rights;

29 (2) disparities and potential methods for eliminating any disparities
30 based on race, national origin, and limited English proficiency in the following areas:

31 (i) knowledge of and access to special education services;

1 (ii) rights under the Individuals with Disabilities Education Act
2 ~~and Section 504 of the Rehabilitation Act of 1973;~~

3 (iii) access to and participation in Individualized Education ~~Plan~~
4 Program mediation and appeals; and

5 (iv) access to and participation in free and reduced price meals;

6 (3) effects of workload, caseload, and paperwork requirements related
7 to the special education process on the ability of educators to provide a free and
8 appropriate public education as guaranteed under federal law, and potential methods
9 for mitigating these factors;

10 (4) concerns about equity between the parties in special education due
11 process hearings, and potential methods for improving the process, ~~including the~~
12 ~~viability of establishing a system of voluntary binding arbitration in these cases as an~~
13 ~~alternative method of resolving disputes; and;~~

14 (5) the State and local costs of all proposals considered or
15 recommended by the Commission; and

16 ~~(5)~~ (6) any other issues related to access and equity in the provision of
17 special education services under federal and State law identified by the Commission.

18 (g) On or before ~~December 15, 2013~~ June 30, 2014, the Commission shall
19 report its findings and recommendations on these issues relating to access and equity
20 in the provision of special education services under federal and State law to the
21 Governor and, in accordance with § 2-1246 of the State Government Article, the
22 Senate Education, Health, and Environmental Affairs Committee and the House Ways
23 and Means Committee.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2013. It shall remain effective for a period of 1 year and 1 month and, at the
26 end of ~~May 31~~ June 30, 2014, with no further action required by the General
27 Assembly, this Act shall be abrogated and of no further force and effect.