

HB 778/SB 950  
STUDENTS WITH DISABILITIES—PARENTAL CONSENT FOR INDIVIDUALIZED  
EDUCATION PROGRAM CONTENT

**WHAT** does this legislation do?

**This legislation would require parental consent before an IEP team could:**

- enroll a child in an alternative education program that does not issue or provide credits towards a Maryland high school diploma;
- identify a child for the alternate assessment aligned with Maryland’s alternate curriculum;
- use restraint or seclusion to correct a child’s behavior;
- reduce or terminate the amount of instructional or related services a child receives;
- initiate a change in a child’s educational placement.

**HOW** would the parental consent process work?

- **Gives parents the right to consent if they agree with what the IEP team proposes:** Provides a way for parents to consent in writing if the IEP team proposes to take one of the actions listed above.
- **Gives parents the right to refuse to consent if they disagree with what the IEP team proposes:** Provides a way for parents to refuse in writing to consent if the team proposes to take one of the actions listed above.
  - If a parent refuses to consent, the IEP team (school system) has the right to initiate dispute resolution, including a due process hearing to try to establish why it should be allowed to take the proposed action.
- **Gives parents the right to choose to neither consent nor refuse to consent:** Requires the IEP team to provide a parent with notice that they have the right to consent to the IEP or refuse to consent and that if the parent does not provide written consent or a written refusal of consent within the 20 business day time frame, the IEP team will be able to implement the child’s IEP.

**WHY** is this legislation important?

- **Empowers parents:** This legislation would help to equalize the relationship between parents and school IEP team members during the IEP process. By allowing parents to actively or passively consent or actively refuse certain proposed actions that have a significant impact on their child’s education, they will have more of a voice in the IEP process.
- **Promotes partnership:** This legislation would promote more thoughtful IEP planning. Currently, only the first IEP requires a parent signature in order to be implemented. If a parent disagrees with a provision of his or her child’s subsequent IEP, the only way he or she can prevent that IEP or placement from being implemented is to request a due process hearing.

Several states already require parental consent before certain changes in placement and some require parental consent before a change or termination of services. One state also requires parental consent before a change from diploma to certificate track.<sup>i</sup>

**Maryland should join these other states in empowering parents to be more meaningful partners in the IEP process.** The time is now.

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<sup>i</sup> 6 states require parental consent before certain changes in placement (FL, MA, OH, KS, NH, MT), 3 states require parental consent before a change or termination of services (VA, KS, NH), and 1 state (FL) requires parental consent before a change from diploma to certificate track.