

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1368 (Delegate Rosenberg)
Ways and Means

Special Education - Individualized Education Program - Notification of Missed Services (Shifra's Act)

This bill requires that the parents of a child with a disability who has an individualized education program (IEP) be notified in writing when a special education service, related service, or supplementary aid or support specified in the IEP (1) was not initiated by the date set forth in the IEP or (2) was not provided to the child during specified intervals, depending on the frequency of intended services and not including a child's absence from school. Notification must be sent within 3 school days after the lack of initiation or provision of the relevant service or services. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Local school system expenditures increase substantially, potentially by millions of dollars statewide, beginning in FY 2027. Required county government expenditures for public schools and local school system revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: Local school systems must notify parents when (1) a service, aid, or support that is required daily is missed, incomplete, or interrupted five times within 10 consecutive school days; (2) a service, aid, or support required for a specific number of times within a specified time period is missed, incompletely provided, or interrupted over

a time period at least two times longer than the specified time period; or (3) a pattern of missed, incomplete, or interrupted sessions substantially limits the delivery of the service, aid, or support.

Notification to parents must include (1) an explanation of the missed, incomplete, or interrupted service, aid, or support and the reason the service, aid, or support was missed, incomplete, or interrupted; (2) steps the local school system will take to ensure the service, aid, or support will be provided; and (3) information for parents to request an IEP meeting to discuss compensatory services, dispute resolution options, and alternative methods or services to address the child's needs if the local school system determines that services, aids, or supports are likely to continue being missed, incomplete, or interrupted.

Current Law: The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with the Individualized Family Service Plan (IFSP) or an IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5, under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child's progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child's IEP and for revisions to the IEP.

At the initial evaluation meeting, the parents of a child with a disability must be provided certain information, including (1) in plain language, a verbal and written explanation of the parents' rights and responsibilities in the process and a program procedural safeguards notice; (2) written information that the parents may use to contact early intervention and special education family support services and staff members within the local school system and a brief description of the services provided by staff members; and (3) written information on the Special Education Ombudsman and toll-free telephone number. If a parent's native language is not English, the information must be provided in the parent's native language. The parents may request this information at any subsequent meeting. If a child who has an IEP developed in another school system moves to a different local school system, the new school system must provide the information in the first communication

regarding the child’s IEP. Failure to provide information does not constitute grounds for a due process complaint.

“Public agency” means MSDE, a local school system, the Juvenile Services Education Program, or any State agency responsible for providing education to students with disabilities, including the Maryland School for the Blind and the Maryland School for the Deaf. A parent of a child with a disability or a public agency may request mediation to resolve any disagreement regarding the child’s special education services or program, including mediation to resolve a due process complaint filed by a parent against a public agency. A parent of a child with disabilities may file a due process complaint with the Office of Administrative Hearings (OAH) and the public agency. Similarly, the public agency may file a due process complaint with OAH and the parent. OAH appoints an administrative law judge to conduct a due process hearing. The decision of the administrative law judge must be made on substantive grounds based on whether a child has received a free appropriate public education.

Local Fiscal Effect: The bill requires local school systems to track, on a daily basis and over specified intervals, the provision of special education services to thousands of students. It also allows parents to request more frequent IEP meetings to discuss and arrange alternative or additional services for their children.

Based on estimates provided by Montgomery County Public Schools and by Prince George’s County Public Schools, one-time and annual local school system expenditures increase substantially, potentially by millions of dollars statewide, beginning in fiscal 2027. This includes increased costs (1) to develop or enhance, and maintain, tracking systems for identifying when services are missed or interrupted; (2) for compensatory services and meetings to determine IEP impacts, both resulting from missing services; (3) to generate and deliver required notices in a timely manner; and (4) for potential increases in costs for IEP dispute resolution. Required county government expenditures for public schools and local school system revenues are not affected.

Additional Comments: The bill does not specify from whom the required notice to parents is provided, but it is assumed that the public agency responsible for educating a child must send the notice.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Montgomery County Public Schools; Prince George's County Public Schools; Maryland State Department of Education; Department of Legislative Services

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