

INSTRUCTION: SPECIAL PROGRAMS

SPECIAL EDUCATION PROGRAM AND SERVICES

I. GUIDELINES

A. DEFINITIONS

1. THE TERM STUDENT WITH A DISABILITY REFERS TO A STUDENT WHO IS LOCATED, IDENTIFIED, AND EVALUATED IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AS HAVING A DEVELOPMENTAL DELAY, MENTAL RETARDATION, HEARING IMPAIRMENTS (INCLUDING DEAFNESS), SPEECH OR LANGUAGE IMPAIRMENTS, VISUAL IMPAIRMENTS (INCLUDING BLINDNESS), EMOTIONAL DISTURBANCE, ORTHOPEDIC IMPAIRMENTS, AUTISM, TRAUMATIC BRAIN INJURY, OTHER HEALTH IMPAIRMENTS, OR SPECIFIC LEARNING DISABILITIES; AND WHO, BECAUSE OF THE IMPAIRMENT, NEEDS SPECIAL EDUCATION AND RELATED SERVICES.
2. IN ACCORDANCE WITH STATE AND FEDERAL LAW, THE TERM FREE, APPROPRIATE PUBLIC EDUCATION (FAPE) MEANS SPECIAL EDUCATION AND RELATED SERVICES THAT ARE PROVIDED BY THE SCHOOL SYSTEM AT PUBLIC EXPENSE; MEET THE STANDARDS OF THE STATE EDUCATIONAL AGENCY; INCLUDE EDUCATION IN PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; AND ARE PROVIDED CONSISTENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP), WHICH WAS DEVELOPED PURSUANT TO STATE AND FEDERAL LAW AND REGULATION.
3. AN IEP IS THE WRITTEN DOCUMENT THAT OUTLINES THE GOALS AND OBJECTIVES TO BE ACHIEVED BY THE STUDENT, THE SPECIAL EDUCATION AND RELATED SERVICES TO BE PROVIDED TO THE STUDENT, THE INSTRUCTIONAL AND TESTING ACCOMMODATIONS DETERMINED APPROPRIATE, AND THE LEAST

RESTRICTIVE ENVIRONMENT IN WHICH TO PROVIDE THE SERVICES TO A STUDENT WITH A DISABILITY.

4. IN ACCORDANCE WITH FEDERAL AND STATE REGULATIONS, IN ORDER TO IMPLEMENT THE IEP IN THE LEAST RESTRICTIVE ENVIRONMENT, THE PUBLIC AGENCY MUST ENSURE THAT:
  - a. TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO ARE NONDISABLED; AND
  - b. SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL OF CHILDREN WITH DISABILITIES FROM THE REGULAR EDUCATIONAL ENVIRONMENT OCCURS ONLY IF THE NATURE OR SEVERITY OF THE DISABILITY IS SUCH THAT EDUCATION IN REGULAR CLASSES WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE ACHIEVED SATISFACTORILY.
  
5. THE TERM RELATED SERVICES MEANS TRANSPORTATION, AND SUCH DEVELOPMENTAL, CORRECTIVE, AND OTHER SUPPORTIVE SERVICES THAT ARE REQUIRED TO ASSIST A STUDENT WITH A DISABILITY TO BENEFIT FROM SPECIAL EDUCATION, AND INCLUDES THE EARLY IDENTIFICATION AND ASSESSMENT OF DISABLING CONDITIONS IN CHILDREN. THESE SERVICES MAY INCLUDE SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES; INTERPRETING SERVICES; PSYCHOLOGICAL SERVICES; PHYSICAL AND OCCUPATIONAL THERAPY; RECREATION, INCLUDING THERAPEUTIC RECREATION; SOCIAL WORK SERVICES; SCHOOL NURSE SERVICES; COUNSELING SERVICES, INCLUDING REHABILITATION COUNSELING; ORIENTATION AND MOBILITY SERVICES; AND ASSISTIVE TECHNOLOGY SERVICES AND DEVICES. AN IEP TEAM DETERMINES WHICH RELATED SERVICES ARE

NECESSARY TO ENABLE A STUDENT WITH A DISABILITY TO RECEIVE FAPE.

6. SPECIAL EDUCATION MEANS “SPECIALLY DESIGNED INSTRUCTION,” WHICH IS PROVIDED AT NO COST TO PARENTS/GUARDIANS, AND IS DESIGNED TO MEET THE UNIQUE NEEDS OF A STUDENT WITH A DISABILITY. IN ACCORDANCE WITH STATE AND FEDERAL LAW, SPECIALLY DESIGNED INSTRUCTION MEANS ADAPTING, AS APPROPRIATE TO THE NEEDS OF AN ELIGIBLE CHILD, THE CONTENT, METHODOLOGY, OR DELIVERY OF INSTRUCTION TO ADDRESS THE STUDENT'S UNIQUE NEEDS RESULTING FROM THE DISABILITY AND ENSURING THE STUDENT’S ACCESS TO THE GENERAL CURRICULUM SO THAT HE OR SHE CAN MEET THE EDUCATIONAL STANDARDS THAT APPLY TO ALL CHILDREN WITHIN JURISDICTION OF THE PUBLIC AGENCY.

B. ELIGIBILITY AND IEP DEVELOPMENT

1. THE OFFICE OF SPECIAL EDUCATION WILL MAINTAIN A SYSTEM FOR IDENTIFYING CHILDREN FROM BIRTH THROUGH THE END OF THE SCHOOL YEAR IN WHICH THE STUDENT TURNS 21 WHO MAY BE DISABLED AND IN NEED OF SPECIAL EDUCATION AND RELATED SERVICES.
2. FOR CHILDREN NOT CURRENTLY ATTENDING A BALTIMORE COUNTY PUBLIC SCHOOL PROGRAM, REFERRALS ARE MADE THROUGH THE CHILD FIND PROCESS. REFERRALS MAY BE MADE DIRECTLY BY PARENTS/GUARDIANS BUT ARE ALSO MADE, WITH PARENTAL CONSENT, BY HEALTH CARE PROVIDERS, SOCIAL WORKERS, CHILD CARE PROVIDERS, AND OTHER INDIVIDUALS FAMILIAR AND CONCERNED ABOUT THE CHILD’S DEVELOPMENT.
3. FOR CURRENT STUDENTS, ANY STUDENT WHO DEMONSTRATES ACADEMIC AND SKILL DEFICITS OR INTERFERING BEHAVIORS THAT INDICATE A POSSIBLE PRESENCE OF A DISABLING CONDITION MAY BE

REFERRED TO THE IEP TEAM, IN WRITING, FOR IDENTIFICATION AND EVALUATION. THE STUDENT CAN BE REFERRED BY THE PARENTS, LEGAL GUARDIAN, OR PARENT SURROGATE; THE SCHOOL'S STUDENT SUPPORT TEAM; INDIVIDUAL SCHOOL PERSONNEL (TEACHERS, COUNSELOR, ADMINISTRATORS, ETC.); OR OTHER AGENCIES AND PROFESSIONALS.

4. FOLLOWING THE REFERRAL, THE IEP TEAM WILL CONVENE TO REVIEW EXISTING DATA AND DETERMINE WHETHER THE STUDENT IS SUSPECTED OF HAVING A DISABILITY THAT QUALIFIES THE STUDENT FOR SERVICES UNDER IDEA. IF THE STUDENT IS NOT SUSPECTED OF HAVING A DISABILITY, THE PARENT/GUARDIAN SHALL RECEIVE WRITTEN NOTICE OF THE DECISION NOT TO ASSESS AND EVALUATE THE STUDENT AS WELL AS NOTICE OF THE PROCEDURAL RIGHTS TO APPEAL.
5. IF THE STUDENT IS SUSPECTED OF HAVING A DISABILITY UNDER IDEA, THE IEP TEAM SHALL CONDUCT ASSESSMENTS AND AN EVALUATION OF THE STUDENT. FOR AN IEP TEAM TO DETERMINE A STUDENT ELIGIBLE FOR SPECIAL EDUCATION SERVICES, THE IEP TEAM MUST VERIFY THAT: 1) THE STUDENT HAS A CURRENT IMPAIRMENT UNDER THE STATE AND FEDERAL REGULATIONS, 2) DUE TO THE IMPAIRMENT, THERE IS AN ADVERSE EDUCATIONAL IMPACT, AND 3) THE STUDENT REQUIRES SPECIAL EDUCATION AND RELATED SERVICES TO ADDRESS HIS OR HER NEEDS.
6. TO DETERMINE ELIGIBILITY UNDER IDEA, THE IEP TEAM MUST CONSIDER DATA FROM A VARIETY OF SOURCES INCLUDING, BUT NOT LIMITED TO, FORMAL AND/OR INFORMAL ASSESSMENTS RELATED TO THE STUDENT'S SUSPECTED AREA OF DISABILITY. THE DATA MAY INCLUDE REPORTS OF INDIVIDUALLY ADMINISTERED ACHIEVEMENT TESTS, APTITUDE TESTS, TEACHER REPORTS, PARENT/GUARDIAN INFORMATION, ACADEMIC HISTORY, GRADES, CLASSROOM OBSERVATIONS, AND/OR OTHER EXTENUATING CIRCUMSTANCES THAT MAY

HAVE AN IMPACT ON THE STUDENT'S BEHAVIOR AND ACADEMIC PERFORMANCE.

7. UPON DETERMINATION OF ELIGIBILITY AFTER CONDUCTING THE EVALUATION, THE IEP TEAM SHALL DEVELOP AN INDIVIDUALIZED EDUCATION PROGRAM FOR THE STUDENT AS SOON AS POSSIBLE FOLLOWING THE ELIGIBILITY DETERMINATION, BUT NO LATER THAN 30 DAYS. THE IEP TEAM SHALL IDENTIFY THE STUDENT'S STRENGTHS, NEEDS, AND DETERMINE BEHAVIORAL OR OTHER SUPPORTS NECESSARY TO PROVIDE SPECIAL EDUCATION SERVICES. THE IEP IS THE WRITTEN DOCUMENT THAT OUTLINES THE GOALS, OBJECTIVES, SUPPORTS, ACCOMMODATIONS, SERVICES, AND ENVIRONMENT NECESSARY TO ENSURE THAT THE STUDENT IS ABLE TO RECEIVE EDUCATIONAL BENEFIT.
8. PARENT/GUARDIAN CONSENT MUST BE RECEIVED IN ORDER FOR THE STUDENT TO RECEIVE SPECIAL EDUCATION SERVICES UNDER THE INITIAL IEP. AFTER THE INITIAL IEP, PARENT/GUARDIAN CONSENT IS NOT REQUIRED TO CONTINUE SERVICES WHEN CHANGES ARE MADE TO THE SPECIAL EDUCATION SERVICES. PARENTS/GUARDIANS HAVE THE UNILATERAL RIGHT TO WITHDRAW CONSENT FOR SERVICES AND HAVE THE STUDENT RETURNED TO THE GENERAL EDUCATION ENVIRONMENT WITHOUT SPECIAL EDUCATION SUPPORTS.

C. PLACEMENT

1. THE IEP TEAM WILL ENSURE THAT, TO THE MAXIMUM EXTENT APPROPRIATE, THE STUDENT WITH A DISABILITY IS EDUCATED WITH STUDENTS WHO ARE NON-DISABLED AND IN THE LEAST RESTRICTIVE ENVIRONMENT. THE IEP TEAM WILL CONSIDER PLACEMENT IN THE GENERAL EDUCATION CLASSROOM WITH APPROPRIATE SUPPLEMENTARY AIDS, SERVICES, AND SUPPORTS. IF EDUCATIONAL BENEFIT CANNOT BE RECEIVED IN THAT ENVIRONMENT, THEN THE TEAM

WILL CONTINUE OTHER OPTIONS ON THE CONTINUUM OF SERVICES AND PLACEMENT.

2. A STUDENT'S PLACEMENT WILL BE BASED ON THE NEEDS, SERVICES, AND GOALS AND OBJECTIVES REFLECTED IN THE STUDENT'S IEP. THE STUDENT IS TO BE EDUCATED IN THE SCHOOL THAT HE OR SHE WOULD ATTEND IF NON-DISABLED, UNLESS THE GOALS AND OBJECTIVES AND SERVICES CANNOT BE IMPLEMENTED IN THAT SCHOOL.
3. THE IEP APPROVED BY THE IEP TEAM SHALL BE IMPLEMENTED AS SOON AS POSSIBLE FOLLOWING THE TEAM DECISION AND THE PARENT/GUARDIAN RECEIVING WRITTEN NOTICE OF THE DECISION.
4. A CONTINUUM OF ALTERNATIVE PLACEMENTS WILL BE AVAILABLE TO THE STUDENT INCLUDING SPECIAL EDUCATION AND RELATED SERVICES RANGING FROM CONSULTATIVE SERVICES TO SELF-CONTAINED CLASSES IN SEPARATE SCHOOLS.

D. APPEAL PROCESS

1. REASONABLE EFFORTS WILL BE MADE AT THE SCHOOL LEVEL THROUGH THE IEP TEAM PROCESS TO RESOLVE DISAGREEMENT(S) BETWEEN PARENTS/GUARDIANS AND OTHER IEP TEAM MEMBERS CONCERNING THE STUDENT'S PROGRAM, SERVICES, AND RECOMMENDATIONS.
2. IF THE DISAGREEMENT(S) CANNOT BE RESOLVED AT THE SCHOOL LEVEL, A REQUEST FOR ASSISTANCE OR REVIEW MAY BE MADE TO THE AREA SPECIALIST FOR SPECIAL EDUCATION TO INITIATE FURTHER ATTEMPTS TOWARD INFORMAL RESOLUTION.
3. IF INFORMAL RESOLUTION IS INEFFECTIVE OR PARENT OPTS NOT TO PURSUE INFORMAL MEANS, FORMAL MEDIATION AND/OR A DUE PROCESS HEARING MAY BE REQUESTED THROUGH THE LAW OFFICE FOR BALTIMORE

COUNTY PUBLIC SCHOOLS. THE FORMAL MEDIATION AND/OR DUE PROCESS WILL BE INITIATED UPON RECEIPT OF THE WRITTEN REQUEST.

4. IF PARENTS/GUARDIANS REQUEST A DUE PROCESS HEARING, THE STUDENT MUST REMAIN IN HIS CURRENT EDUCATIONAL PLACEMENT PENDING RESOLUTION OF THE DISPUTE UNLESS THE PARENTS/GUARDIANS AND THE SCHOOL HAVE AGREED TO AN ALTERNATIVE OR INTERIM EDUCATIONAL PLACEMENT. IN MATTERS RELATING TO DISCIPLINARY REMOVAL, THE CURRENT EDUCATIONAL PLACEMENT IS CONSIDERED THE ASSIGNED INTERIM PLACEMENT AND THE STUDENT DOES NOT RETURN TO THE HOME SCHOOL PENDING THE OUTCOME OF THE HEARING.

LEGAL REFERENCES: 20 U.S.C. §1401 (*INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004*)  
*34 CFR §300.1 ET. SEQ.*  
*ANNOTATED CODE OF MARYLAND*, EDUCATION ARTICLE, §§8-301 – 8-307 AND §8-401 – 8-416  
*COMAR 13A.05.01.01 ET. SEQ.*

RULE  
ADOPTED: \_\_\_\_\_

SUPERINTENDENT OF SCHOOLS