SPECIAL EDUCATION COMPLIANCE MANUAL

Working Draft
# Table of Contents

## Introduction
- Purpose of the Special Education Compliance Manual
- Overview of the Special Education Process

## Chapter 1 Pre-Referral Process
- **IDEA/COMAR REQUIREMENTS**
  - Purpose of Student Support Team
- **PROCEDURES**
  - Student Support Team
  - Continuum of SST Intervention Services
- **PRACTICES**
  - Student in Need of Interventions Flowchart

## Chapter 2 Child Find
- **IDEA/COMAR REQUIREMENTS**
  - Child Find
  - Referring a Child for a Child Find Evaluation
- **PROCEDURES**
  - Child Find Unit
  - Services to Preschool Children in Community Environments
  - IEP Team Responsibility for Children Attending Head Start Programs
  - Transitioning Head Start Students to Kindergarten
- **PRACTICES**
  - Referral
  - Students Attending Headstart Programs

## Chapter 3 Parent and Parent Surrogates
- **IDEA/COMAR REQUIREMENTS**
  - Who is a “Parent” For Purposes of Special Education Decision-Making?
  - When a Parent Surrogate Is Needed
  - Parent Surrogate Eligibility
  - The Parent Surrogate’s Roles and Responsibilities
- **PROCEDURES**
- **PRACTICES**
  - Baltimore City Public Schools Request for Parent Surrogate Sample Form

## Chapter 4 Parental Notification of IEP Meetings
- **IDEA/COMAR REQUIREMENTS**
  - Who Must Be Notified?
  - Timeline for Notifying Parent
  - Exceptions to Prior Notification
  - Information Needed in the Meeting Notification
  - Additional Information Required
  - Requirements for Transition Activities
Requirements for Diligent Effort
PROCEDURE
Timeline for Notifying Parent
Exception to Prior Notification
Waiver – City Schools
Information Needed in the Meeting Notification
Meeting Without a Parent in Attendance
Parents Who Speak a Language Other than English
PRACTICE
Chapter 4 Flow Chart
Notice of Documents Provided to Parent for Review at an IEP Meeting

Chapter 5 Procedural Safeguards Notice

IDEA/COMAR REQUIREMENTS
What It Is
Timeline for Giving It To Parents
Parents Whose Native Language Is Not English
Information Included In The Procedural Safeguards Notice
PROCEDURES
PRACTICE
Chapter 6 IEP Team Composition and Excusal of Required IEP Team Members

IDEA/COMAR REQUIREMENTS
What It Is
IEP Team Members
Others That May Participate
When a Team Member Cannot Attend
PROCEDURE
Public Agency Representative
PRACTICE
Notification of IEP Team
Submission of Documentation for Excused Member

Chapter 7 Informed Consent

IDEA/COMAR REQUIREMENTS
Informed Consent
Initial Evaluation
  Parent Does Not Provide Consent
  When Informed Consent From the Parent for an Initial Evaluation Is Not Required
Consent for Reevaluation
  If the Parent Refuses to Provide Consent
  When Parental Consent Is Not Required
Initial Consent for Services
  If the Parent Does Not Provide Consent
  Responsibility of the IEP Team If the Parent Does Not Consent to Services
Defining Reasonable Efforts
Release/ Receipt of Information Regarding a Student
Requesting Records from Another School District
Exception to Above: Nonresident Parentally Placed Private School Students
Requesting Records from an Outside Agency
Inviting Outside Agency Staff to an IEP Meeting for Transition
Excusing an IEP Team Member
PROCEDURES
Obtaining Informed Consent
PRACTICE

Chapter 8 Prior Written Notice to Parents Regarding IEP Team Decisions

IDEA/COMAR REQUIREMENTS
What It Is
Timeline For Providing Prior Written Notice
What To Include In The Notice
Notice to Parents with Primary Language other than English
Documenting Prior Written Notice on the Maryland Online IEP
PROCEDURES
Chapter 9 The Evaluation Process

IDEA/COMAR REQUIREMENTS
Timeline for Completing the Referral
Exceptions to the Timeline for Completion of an Initial Evaluation
Initial IEP Meeting
Review of Existing Data
Additional Data Needed – Ordering Assessments
Scope of Assessment
Selection of Assessments
Assessment Reports
Parental Consent
PROCEDURES
Referral Procedures
Timeline for Completing the Referral
Parent Attends Meeting and Signs the Consent at the Meeting
Parent Does Not Sign the Consent for Assessments at the IEP Meeting
Students Leaving City Schools
Students Entering City Schools
Disability Is Not Suspected
Disability Is Suspected
Selection of Assessments
Prior Written Notice
PRACTICE
Referral by Teacher
Referral by Student Support Team (SST)
Referral by Parent
Referral by Attorney or Other Person
Timeline for Completing the Referral
Exceptions to the Timeline for Completion of an Initial Evaluation
Noncompliance to the Required Timelines
Disability Is Not Suspected
Additional Data Needed – Ordering Assessments
Selection of Assessments
Assessment Reports/Parental Consent
Next Steps
Prior to the Evaluation Meeting
Reference Chart of Types of Assessments and Assessors
Chapter 9 Flow Chart

Chapter 10 Determination of Eligibility/Evaluation Meeting

IDEA/COMAR REQUIREMENTS
Determining Eligibility
Disabilities Recognized under IDEA 2004
Factors that May Impact Eligibility Determination
Student Is Eligible Under IDEA
PROCEDURES
Considerations in Determining Eligibility
Student Is Determined To Be Eligible for Special Education
Student Is Not Determined Eligible for Special Education
Outside Evaluation Is Considered at the Meeting
Chapter 10 Flow Chart

Chapter 11 Specific Learning Disability—Additional Procedures for Identification
IDEA/COMAR REQUIREMENTS
What It Is
Additional Procedures if the IEP Team Suspects that a Student Has an SLD
   Additional Team Member Required
   Additional Data that Must Be Considered
   Additional Time for Evaluation May Be Given
Observation Required
Specific Documentation Required for the Eligibility Determination
Certification in Writing
PROCEDURE
PRACTICE
Chapter 12 The Individualized Educational Program (IEP)

IDEA/COMAR REQUIREMENTS

What Is an IEP?
What the IEP Must Contain
Those Responsible For Developing The IEP
Factors To Be Considered When Developing An IEP For a Student
  General Factors
  Special Factors
Role of the Regular Education Teacher in IEP Development
IEP for Student in an Adult Correctional Facility

PROCEDURE

PRACTICE

Implementation Guidelines:
Principal Accountability:
Using Evaluation Results to Develop Effective Present Level Statement:
Guiding Questions for Developing Present Level of Academic Achievement & Functional Performance:
Scaffolding Objectives
IEP for Student in an Adult Correctional Facility
  Provision of the FAPE to students in Eager Street Academy (ESA)
  Planning/Coordination between City Schools and ESA to provide FAPE
  Identification of student with IEP’s
  Records
  IEP Process
  IEP Implementation
  Data Collection/Accountability
  Procedural Safeguards

Chapter 13 Related Services

IDEA/COMAR REQUIREMENTS

Related Services
Services Not Included
Descriptions of Related Services and Qualified Providers
  Audiology (Office of Related Services)
  Occupational Therapy (Office of Related Services)
  Physical Therapy (Office of Related Services)
  Psychological Services (Office of Related Services)
  Speech-Language Pathology Services (Office of Related Services)
  Social Work Services (Office of Related Services)
  Assistive Technology-AT (Office of Related Services)
  Orientation and Mobility Services (Office of Special Population in Conjunction With Community Agencies)
  School Health Services (Office of Interagency Support Services)
  Medical Services (Office of Interagency Support Services)
  Counseling (Office of Related Services)
  Early Identification and Assessment of Disabilities (Child Find Unit)
  Interpreting Services (Office of Special Populations)
Parent Counseling and Training (Office of Special Education)
Rehabilitation Counseling (Office of Related Services in Conjunction with Community Agencies)
Recreation (Office of Special Populations)
Transportation (Office of Special Education in conjunction with the Office of Transportation)

PROCEDURE
Eligibility and Provision of Related Services

PRACTICE
Related Services Staff Functions
Determining the Frequency, Location, and Provider of Special Education and Related Services
Related Service Implementation Guidelines

Chapter 14 Transition Services
IDEA/COMAR REQUIREMENTS
Definition of Transition Services
Description of the Transition Planning Guide
Maryland Exit Document
Definition of State Performance Plan (SPP)

PROCEDURE
When Transition Services Must Be Provided
Exit Document
State Performance Plan

PRACTICE
People Who Must Attend the IEP Team Meeting When Transition Services Will Be Discussed
Transition Services Are Based On Student’s Need
When Transition Services Must Be Provided
Transition Planning Guide
Exit Document
Definition of the Indicator 13 Checklist

Chapter 15 Placement Determination/
Least Restrictive Environment Decision Making
IDEA/COMAR REQUIREMENTS
Definition of Placement Determination
Definition of Least Restrictive Environment (LRE) According To Individuals With Disabilities Act (IDEA)
The Relationship Between Least Restrictive Environment (LRE) and Educational Placement Policy
Who Makes the LRE Placement Determination?
How Is a Placement Determination Made?
Placeement Decision
Transportation Consideration

PROCEDURE

PRACTICE
Description of Specialized Programs
Chapter 16 Evaluation and IEP Development Transition From the Infants and Toddlers Program

IDEA/COMAR REQUIREMENTS
What is it?
Children Affected
Transition
IEP Meeting
When the IEP Must Be in Effect
PROCEDURE
Transition for Part C to Part B
Family Choice
PRACTICE
Procedural Safeguards

Chapter 17 IEP Implementation

IDEA/COMAR REQUIREMENTS
Access to the IEP
When a Student’s IEP Must Be in Effect
PROCEDURE
Prior Written Notice
Access to the IEP
PRACTICE
Access to the IEP
Implementation of the IEP
Prevention Plan
Settlement Agreement-Missed Services
Makeup Services for Students Beyond the Specified Settlement Agreement Timeline
Chapter 17 Flow Charts

Chapter 18 Reporting Progress

IDEA/COMAR REQUIREMENTS
Reporting Progress on IEP Goals
When Must Progress Reports Be Sent?
PROCEDURE
PRACTICE
Information Included in the IEP Progress Report
There are four progress codes:
   - Achieved
   - Making sufficient progress to meet goal
   - Not making sufficient progress to meet goal
   - Not yet introduced
Reporting Progress on Report Cards
Chapter 19 IEP Review and Revision

IDEA/COMAR REQUIREMENTS
IEP Review
What Information Must Be Considered at an IEP Review Meeting?
When Must an IEP Be in Effect?
Changes to an IEP Outside of an IEP Meeting (Amending the IEP)

PROCEDURE
PRACTICE
Annual Review
Student is not making expected progress
Amendments
Late Annual Review
Chapter 19 Flow Chart
Chapter 20 Continuing Eligibility/ Reevaluation

IDEA/COMAR REQUIREMENTS
Continued Eligibility
Timeline for Reevaluation
Review of Available Data
  If the IEP Team Determines That No Additional Data Is Needed
  If Additional Data Is Requested by the IEP Team
Reevaluation Meeting to Review Assessments

PROCEDURE
Reevaluation Meeting
At Parent’s Request
Prior Written Notice When a Parent Is in Attendance:
Prior Written Notice When A Parent Is not in Attendance
Prior Written Notice (PWN)

PRACTICE
Reevaluation Meetings
Reevaluation Planning IEP Meeting
Ordering Assessments
Specific Procedures to Address Dismissal of a Related Service
Discontinuing A Service
Consideration of Dismissing a Student Back to General Education
Updating Education Assessments
Consideration of Dismissing a Student with an 04 (Speech-Language Disability) Which Will Impact IEP Services
Documenting Reevaluation Data

Chapter 21 Discipline Procedures

IDEA/COMAR REQUIREMENTS
Disciplinary Removal of Students with Disabilities
When Does a Disciplinary Removal Trigger the Procedural Educational services must be provided on the 11th day of removal for all students with disabilities.
Change of placement
Pattern of Removal
Conducting the Manifestation Determination Meeting
If Manifestation Is Found
45 Day Placement –Alternative Educational Setting (AES)
If Manifestation Is Not Found
Appeal of Placement Determination or Manifestation Determination
Students Who Are in the Evaluation Process
Eligible for Protection During Disciplinary Removals?
Considered to Have Knowledge of a Disability
School Staff Would not be Deemed to Have Knowledge if:
Request for an Evaluation While the Student is Disciplinarily Removed from School
Referral to Law Enforcement and Judicial Authorities
Functional Behavior Assessment and Behavior Intervention Plans
Functional Behavior Assessment (FBA)
Behavior Intervention Plan (BIP)
Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)
Use of Exclusion, Restraint or Seclusion
   - Exclusion
   - Restraint
   - Seclusion

PROCEDURE
Disciplinary Removal of Students with Disabilities
Unilateral Placement in AES
Exclusion, Restraint and Seclusion

PRACTICE
Disciplinary Removal of Students with Disabilities
Unilateral Placement in AES
Students Who Are in the Evaluation Process
Functional Behavior Assessment (FBA)
Behavior Intervention Plan (BIP)
Implementation of FBA and BIP
Seclusion, exclusion and restraint
Procedures for Early Dismissal
Student Sign-Out Log
Chapter 22 Extended School Year (ESY) Services
IDEA/COMAR REQUIREMENTS
What It Is
Determining ESY
Required Documentation
Services Are Available Through ESY
PROCEDURE
When Must the Determination Regarding ESY Be Made?
PRACTICE
Required Documentation

Chapter 23 Parentally Placed Private School Students
IDEA/COMAR REQUIREMENTS
Eligibility
  Student is a Baltimore City Resident
  Student is Not a Baltimore City Resident
Can Parents File a Due Process Complaint If They Disagree With the
Determination of the IEP Team?
Can Parents File a State Complaint If They Disagree With the
Service Plan or Provision of Service Under A Service Plan?
PROCEDURE
Obligations of the City Schools to These Students
Referral and Evaluation
PRACTICE
Student is a Baltimore City Resident
Student is Not a Baltimore City Resident
Reevaluation
Student Records

Chapter 24 Independent Educational Evaluation (IEE)
IDEA/COMAR REQUIREMENTS
Definition of an IEE
When Does a Parent Have a Right to an IEE at Public Expense?
PROCEDURE
Independent Educational Evaluation
PRACTICE
Practices to Follow if a Parent Requests an IEE

Chapter 25 Student Records
IDEA/COMAR REQUIREMENTS
Parent’s Right to Review
Timeline to Comply with a Request to Review
Requests for Copies of School Records
When Must a Copy Be Provided Without Charge?
Can a Parent Request Changes to a School Record?
When Can Special Education Records Be Destroyed?
PROCEDURE
How a Parent Makes a Request to Amend a Record
Release of Records without Prior Consent
When Can Special Education Records Be Destroyed
Reconstruction of Lost IEP Folder
PRACTICE
Parents’ Right to Inspect Their Child’s Educational Record
Amending an Educational Record
Transfer of Educational Records Between Schools
When Can Special Education Records Be Destroyed
Reconstruction of Lost IEP Folder
Chapter 26 Transferring of Students With A Disability

IDEA/COMAR REQUIREMENTS
Students Who Transfer from One City School to Another
Students Who Transfer into City Schools
Who is Covered?
Students Who Transfer Between Maryland School Systems
Students Who Transfer From Another State
PROCEDURE
Students transferring to another City School
Students who transfer out of City Schools
PRACTICE
Students transferring to another City School
Students entering City School
Students Entering Who Require a Special Program/School
PRACTICE
Sample Documentation of Student Registration Form

Chapter 27 Students With Disabilities Who Exit Special Education Services and/ or The City Schools

IDEA/COMAR REQUIREMENTS
Who is Covered
PROCEDURE
PRACTICE
What is Required?
Enter Code A – Return to general education
  Consideration of Dismissing a Student Back to General Education
Enter Code B - Graduated with MD High School Diploma
Enter Code C – Received MD High School Certificate of Completion
Enter Code D - Reached 21 yrs. of age
Enter Code E – Deceased
Enter Code F- Moved, Known To Be Continuing In Education
Enter Code H – Dropped Out
Enter Code J – Parent Revokes Consent for Services

Chapter 28 Transfer of Parental Rights at Age of Majority

IDEA/COMAR REQUIREMENTS
What It Means
Circumstances Under Which IDEA Rights May Transfer in Maryland
PROCEDURE
Request that Parental Rights Transfer
Right to Due Process
Notification to Parents and Students About the Transfer of Rights
PRACTICE
Notification to Parents and Students About the Transfer of Rights
Reporting the Transfer of Parental Rights Under IDEA
Chapter 29 Parental Disagreement with the IEP or Placement Determination 179
IDEA/COMAR REQUIREMENTS
State Complaint Process
PROCEDURE
PRACTICE
Mediation
Due Process Hearing
City Schools – Initiated Due Process

Chapter 30 Data Monitoring and Compliance 182
IDEA/COMAR REQUIREMENTS
PROCEDURE
PRACTICE
Prevention Plans
Data Cleansing Reports
Maryland Online IEP System
Listing of Data Cleansing and Maryland Online IEP (MDOIEP) Reports Table

Chapter 31 Questions and Answers About the City Schools 190
Special Education Policy

Chapter 32 Additional Resources 193

Chapter 33 Compliance Manual Term Definitions 194

Notes

Appendix A
Baltimore City Public Schools Request for Parent Surrogate
Notice of Documents Provided to Parent for Review at an IEP Meeting
Introduction

Purpose of the Special Education Compliance Manual

In December 2004, the United States Congress reauthorized the Individuals with Disabilities Education Improvement Act, commonly known as IDEA 2004. IDEA 2004 included several significant changes to the special education process. In August 2006, the federal Office of Special Education and Rehabilitative Services adopted the regulations governing IDEA 2004. The regulations implemented the changes included in IDEA 2004. These regulations were effective as of October 13, 2006. In April 2007, Maryland State Department of Education adopted revised regulations implementing the changes contained in IDEA 2004.

The City Schools Special Education Compliance Manual is a comprehensive document that contains all special education policies, procedures, practices and information needed to complete the special education process in compliance with the federal and State laws. Throughout the manual each topic includes policies, procedures and practices as defined in the following manner:

- IDEA/COMAR Requirements refer to federal and State laws;
- Procedure refers to City Schools’ guidelines for the implementation of the policies; and
- Practice refers to the step-by-step instructions for the implementation of procedures.

The original text of the federal and State laws can be reviewed in IDEA (34 CFR 300) and in the Code of Maryland Regulations, commonly known as COMAR (13 A.05.01). Additionally, answers to frequently asked questions regarding the special education process can be found in Chapter 31.
Overview of the Special Education Process

The school district will identify a child as possibly needing special education and related services.

Through child find activities, a child may be identified as possibly needing special education. In addition, parents or school staff members may refer a child for an evaluation to determine whether the child has a disability. The school’s IEP team (including the parents) will determine whether to conduct an evaluation. Parental consent is needed before the child can be assessed. The evaluation must be conducted by the 60th calendar day from the date of parental consent but not to exceed 90 calendar days from the receipt of the referral.

In this document, several types of days are discussed. School days refer to any days where the school office is open. Business days refer to any day when the City Schools central office is open. Calendar days refer to standard days on the calendar. Unless otherwise specified, the word days refers to calendar days.

The school’s IEP team will evaluate the child.

The IEP team will assess the child in all areas related to the child’s suspected disability and use the evaluation results to decide the child’s eligibility for special education and related services. If the parents disagree with the evaluation, they have the right to obtain an independent educational evaluation and request that the school district pay for the evaluation.

The IEP team will decide whether the child is eligible.

The IEP team and the parents will examine the child’s evaluation results and together decide whether the child is eligible for, and in need of, special education and related services. Parents may ask for a hearing if they disagree with the eligibility decision.

If the IEP team determines that the child is eligible for services, an IEP will be developed.

If the IEP team determines that the child is eligible for special education and related services, the IEP team will meet to write an IEP for the child within 30 calendar days after the child is determined eligible.

The IEP team will schedule an IEP meeting.

The IEP team will schedule an IEP meeting at a time and place agreeable to the parents and the school staff and notify the parents early enough to make sure they have an opportunity to attend. The IEP team will inform the parents about the purpose, time, and location of the meeting; who will be attending; and their right to invite people to the meeting who have knowledge or special expertise about their child.

The IEP team will conduct the IEP meeting and write the IEP.

At the IEP meeting, the IEP team, including the parents and the child (when appropriate), will discuss the child’s present levels of educational performance and needs and then write the child’s IEP. Prior to the school providing special education and related services to the child for the first time, the parents must give consent. The child will begin receiving services as soon as possible after receipt of parental consent.
If the parents do not agree with the IEP and placement, they may discuss their concerns with the IEP team and try to work out an agreement. They also may file a complaint with the state department of education, request mediation, or ask for a due process hearing.

**The IEP team will provide special education services.**
The IEP team will ensure that the child’s IEP is implemented as it was written and that the parents receive a copy of the IEP. Each of the child’s teachers and service providers will have access to the IEP and will know his or her specific responsibilities for implementing the IEP. This includes the accommodations, modifications, and supports specified in the IEP.

**The IEP team will measure the child’s progress and provide progress reports to the parents.**
The child's service providers will measure the child’s progress toward the annual goals, as stated in the IEP, and regularly inform the parents of their child’s progress and whether that progress is sufficient for the child to achieve the goals by the end of the year. These progress reports will be given to the parents at least as often as parents are informed of their nondisabled children’s progress.

**The IEP team will review the child’s IEP.**
The IEP team will review the child’s IEP at least once a year, or more often if the parents or school staff ask for a review. If necessary, the IEP will be revised. Parents, as team members, will be invited to attend these meetings. Parents can make suggestions for changes and can agree or disagree with the IEP goals and/or the placement.

If the parents do not agree with the IEP and/or placement, they may discuss their concerns with the IEP team and try to work out an agreement. They also may request mediation, ask for a due process hearing or file a complaint with the state department of education.

**The IEP team will reevaluate the child.**
The IEP team, at least every three years, will consider the child for a reevaluation in order to determine the child’s current educational needs and eligibility for special education and related services. The child will be reevaluated more often if conditions warrant or if the child’s parent or teacher asks for a reevaluation.
Chapter 1
Pre-Referral Process

IDEA/COMAR Requirements:

Purpose of Student Support Team

Maryland state law requires that all public schools have active pupil services teams that serve students in a variety of ways. COMAR 13A.05.05.01

Procedure:

Student Support Team

In the City Schools, this team is called the Student Support Team (SST). The SST brings together school resources to support general education students and teachers. According to the City Schools policy, the intent of the SST is to bring together expertise from several disciplines to develop prevention/intervention plans for individual students, classes, or school wide issues needing support. A flow chart documenting the SST process is presented at the end of this chapter. Additional questions about the SST process or 504 activities can be directed to Student Services at (410) 361-9252.

Continuum of SST Intervention Services

When it becomes apparent to a staff member or parent that a student is not responding to standard teaching and behavior management techniques, different approaches should be identified and attempted. A continuum of interventions can include:

- Teacher identified and implemented alternative teaching/behavioral strategies using SST provided resources and/or mentoring;
- Grade level team consultation/intervention;
- Referral to SST for development and assistance with implementation of Prevention/Intervention Plan; and,
- Referral to IEP team for suspicion of a disability.

All strategies and interventions tried prior to the referral to the IEP team should be documented on the teacher referral form for the IEP team.

Relationship of the SST to Special Education

SST services are not a substitute for special education, but rather serve the school by providing an overall mechanism by which students may receive additional academic or behavioral supports without entering the special education process.
If an SST member, teacher or parent suspects the existence of a disability, a referral to the IEP team must occur immediately.

Completion of the SST process is not a prerequisite to a referral to the IEP team and referral to the IEP team cannot be delayed until the SST process is completed.

**Practices:**

- The Student Support Team process begins the day the teachers return from summer vacation.

- Members of the SST are to be provided time to speak at faculty/staff meetings, team meetings, departmental meetings, Back to School Night, and PTA meetings regarding the SST process.

- Faculty and staff are to have access to all SST forms and documents.

- Members of the SST should review any cases referred after May 31st of the previous school year.

- An invitation to the SST meeting and 504 meeting must be sent to the parent.

- Parents and students should be encouraged to participate in the planning of the intervention plan.

- SST is to meet no less than twice a month.

- Due diligence is to be documented and kept on file regarding parent notification.

- All referrals and data must be entered into the Student Management System (SMS) weekly.
Student Support Service Flow Chart
Students in Need of Interventions

Student needs are identified (severity of need will dictate timelines to follow)

Tier 1
Classroom Strategies and Grade Level

Classroom strategies developed and implemented

Grade level collaboration (strategies developed and implemented)

Tier 2
Need continues, student is referred to SST

SST compiles and reviews student data from a variety of sources

SST referral is entered into SMS-SST Module and SST meeting is conducted within 10 Days (Student Intervention Plan created)

SST develops Intervention Plan and schedules Review Meeting

SST review/revised Plan

SST ends Plan (no further strategies required)

SST develops Plan and refers student to 504 Team if there is documentation of a disabling condition that requires accommodations

504 Team conducts 504 procedures

504 Team or IEP Team may refer back to SST

SST develops plan and refers to IEP Team if educational impact is severe

IEP Team conducts IEP procedures
Chapter 2
Child Find

IDEA/COMAR Requirements:

Child Find

Child Find is an ongoing process to locate, evaluate, and identify all children with disabilities, from birth through 21 years of age, in Baltimore City who are eligible for early intervention or in need of special education services. This includes:

- Homeless children
- Children who are wards of the State
- Children who attend private schools in Baltimore City

34 CFR 300.111

Referring a Child for a Child Find Evaluation

A parent or a public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability.

The word parent includes a referral from an advocate or attorney representing a parent that is accompanied by a release signed by a parent authorizing the person to act on behalf of the parent.

The word public agency includes MSDE, other school systems, Department of Social Services staff, Department of Juvenile Services or any other state agency that is responsible for providing education to children with disabilities.

34 CFR 300.301

Procedure:

The Child Find Unit

City Schools has a specific Child Find Unit that is responsible for Child Find referrals. It accepts referrals for:

- Children ages 3 through age 21 who are not enrolled in school
- Children ages 3 through 21 who are enrolled in public, private and parochial schools
- Children age 3 to 5 with an IFSP under the Family Choice option who are transitioning to an IEP

A parent who contacts the Child Find Unit regarding a child who attends City Schools is encouraged to contact the Principal or IEP chairperson at the local school where the child attends to initiate a Child Find referral.
The Child Find Unit also conducts various outreach activities to notify parents, community groups and nonpublic schools, which includes private and parochial schools, of the services that are available to identify children in need of special education services, which fulfills the requisite under the IDEA to “locate” all children with disabilities.

Children who are in the birth to three age range are referred to Baltimore City Health Department Infants and Toddlers Program at 410-396-1666.

**Services to Preschool Children in Community Environments**

City Schools provides special education and related services to 3 and 4-year-olds attending community-based programs that include: home (for medically fragile children unable to attend school) and Head Start centers. Under a Collaborative Agreement between City Schools and the Baltimore City Head Start Programs, City Schools provides staff to facilitate the special education process for children attending Head Start Programs. The special education process is conducted at the Head Start Centers.

**IEP Team Responsibility for Children Attending Head Start Programs**

1. The IEP team process for children who are dually enrolled in Head Start Programs and a City Schools preschool program is the responsibility of the attending City Schools IEP Team.

2. The IEP team process for children who are attending Head Start Programs only (not registered in City Schools preschool programs) is the responsibility of the City Schools Head Start Representative.

**Transitioning Head Start Students to Kindergarten**

The special education process for children in Head Start is managed by a City Schools Head Start Representative. During the school year prior to entry into kindergarten, the zoned school conducts the child’s annual review in collaboration with the City Schools Head Start Representative and Head Start staff.

**PRACTICE:**

**Referral**

- Referrals are received by the Child Find Unit via the Child Find Hotline (443-984-1011), Fax (410-254-1372), or U.S. Mail (2500 East Northern Pkwy Room 23 Baltimore, MD 21214)

- The Child Find Coordinator reviews the referral and assigns the child to either the Preschool Unit Child Find IEP team or the zoned school IEP team.

- An entry is made by the Child Find Intake Clerk in SMS, enrolling the child in #888. Subsequently, the Child Find referral is entered into MDOIEP.
- The Child Find Coordinator forwards the referral to the appropriate IEP team. If the referral is assigned to a school, it is sent to the IEP Chairperson and the Principal via e-mail with a “read receipt” attached. For children assigned to the Preschool IEP Team, the referral is submitted to the Child Find Team Leader.

- The Child Find Intake Clerk follows up with the Principal and IEP team assigned to process a Child Find referral to verify that an initial IEP meeting has been scheduled for the referred child. The IEP team follows the procedures outlined in the section on the Evaluation Process (Chapter 9).

- The 90 day evaluation timeline starts on the date the referral is received by the City Schools Child Find Office.

**Students Attending Headstart Programs**

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning the first day of the school year</td>
<td>Head Start Centers will be contacted by the City Schools Head Start Representative to update enrollment and demographic information for students with IEPs who will be attending kindergarten the following school year.</td>
</tr>
<tr>
<td>By September 15</td>
<td>Schools will receive a list of transitioning Head Start children who will attend kindergarten the following school year. Zoned schools will be responsible for conducting IEP review meetings for these students for the current school year.</td>
</tr>
<tr>
<td>45 calendar days prior to the meeting due date</td>
<td>IEP files of Head Start children will be delivered to the zoned schools. Upon receipt, the zoned school should schedule a date for the meeting to be conducted. The scheduled meeting date is confirmed with the assigned City Schools Head Start Representative. The residence school is changed to the zoned school in MDOIEP. Head Start continues as the service school.</td>
</tr>
<tr>
<td>At least 20 calendar days prior to the scheduled meeting</td>
<td>Copies of the student’s progress reports and draft IEP goals are sent to the zoned school by the City Schools Head Start Representative (This information must be submitted to the parent with the notification letter).</td>
</tr>
<tr>
<td>Within five days after the meeting</td>
<td>The City Schools Head Start Representative will give the Head Start IEP service providers a copy of the revised IEP.</td>
</tr>
</tbody>
</table>

City Schools IEP Team will follow procedures in Chapter 4, Parent Notification of IEP Meetings.
The parent notification of IEP meetings must indicate the following participants:

- Head Start teacher
- Head Start Disabilities Coordinator
- Head Start Special Education Consultant
Chapter 3
Parent and Parent Surrogates

IDEA/COMAR Requirements:

Who is a “Parent” For Purposes of Special Education Decision-Making?

Under IDEA, the parent is defined as:

1. The student’s natural or adoptive parent;
2. A guardian appointed by the court;
3. An individual acting in the place of the natural parent and with whom the child lives, such as a grandparent, stepparent or other relative, or an individual who is legally responsible for the student’s welfare;
4. A foster parent with whom the child lives, if the foster parent has been granted limited guardianship for educational decision-making purposes by the court that has placed the student in foster care; or,
5. A surrogate parent.

In Maryland, a foster parent can serve as the parent, only if the court order clearly states that the foster parent has been granted limited guardianship for educational decision-making. COMAR 13A.05.01.03B. (52). If you have any questions regarding the court order, you must contact either the Office of Special Education or the Office of Legal Counsel at (410) 396-8900.

The definition of parent does not include:

1. An employee of a public agency responsible for the education or care of the student; or,
2. The State, if the student is a ward of the State.

When a Parent Surrogate Is Needed

A Parent Surrogate is appointed by the CEO on recommendation by the Office of Special Education when:

1. No parent can be identified;
2. The whereabouts of the parent cannot be determined after reasonable efforts;
3. The student is a ward of the State (under the custody of the Baltimore City Department of Social Services);
4. The student is an unaccompanied homeless youth.

Parent Surrogate Eligibility

To be eligible as a parent surrogate an individual must:

- Be at least 21 years of age;
The Parent Surrogate’s Roles and Responsibilities

The parent surrogate acts as an advocate on behalf of the child to assure that the child receives a free, appropriate public education by:

- Becoming familiar with the child’s educational history;
- Participating in the planning, development and approval or disapproval of the child’s individual education program (IEP);
- Monitoring the child’s educational development;
- Acting as the child’s parent advocate; and
- Representing the child in any due process procedure.

A Parent Surrogate cannot be appointed by the court. However, the court can grant limited guardianship for education to an individual (i.e. foster parent), therefore granting them the right to represent the named student in the IEP process. Under state and federal law, the parent surrogate has the same rights as do natural parents or guardians within the educational decision making process.

Procedures:

City Schools implements the requirements of IDEA § 300.30 and COMAR 13.A.05.01.03.B, to ensure the provision of Free Appropriate Public Education (FAPE) for students by implementing City Schools local policies and procedures for the special education processes that are consistent with State and federal requirements.

Practice:

The IEP Chair submits a completed Request for Parent Surrogate form to the Parent Surrogate Coordinator, room 205, 200 E. North Avenue, within three business days of the determination that there is no parent or legal guardian to participate in the IEP process. All relevant information, such as current court documents or diligent efforts to locate the parent if applicable and available, should be attached. The Parent Surrogate Coordinator may be contacted with questions at (410) 396-8995 (phone) and (410) 545-6383 (fax).

The Parent Surrogate Coordinator is responsible for submitting the completed Request for Parent Surrogate form to the CEO.
Baltimore City Public Schools Request for Parent Surrogate

Date: ______/______/______ (PLEASE PRINT ALL INFORMATION)

To: Parent Surrogate Coordinator
200 E. North Avenue, Room 205
Baltimore, MD 21202
(410)396-8995 (Office)
(410)545-6383 (FAX)

Requested by: ________________________
Title: _______________________________
Agency/ School: ______________________
Address: ____________________________
Phone Number: _______________________
Fax Number: _________________________

I. Student Information

<table>
<thead>
<tr>
<th>Student</th>
<th>Permanent Number</th>
<th>Date of Birth (Month/ Date/ Year)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>School (Name and Number)</th>
<th>Grade</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Residing with</th>
<th>Person/ Facility</th>
<th>Relationship</th>
<th>Phone Number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address (Street, Apartment Number)</th>
<th>City, State, Zip Code</th>
</tr>
</thead>
</table>

Race:  
- African American (Not of Hispanic Origin)  
- American Indian or Alaskan Native  
- Asian/ Pacific Islander  
- Hispanic  
- White (Not of Hispanic Origin)  

Sex:  
- Male  
- Female

Native Language: ____________________________

Program: ____________________________

Date of Last IEP Team Meeting: ______/______/______
Timeline for Compliance: ______/______/______

II. Reason for Request

- Parent(s) Unknown  
- Parent(s) Unavailable - Deceased  
- Parent(s) Unavailable – Geographic Whereabouts Unknown  
- Custody/ Commitment with Education Rights  
- Guardianship with State Agency

III. Agency Social Worker (DSS, DJS, etc.)

Name ____________________________  
Address ____________________________  
Phone ____________________________

IV. Parent Surrogate Recommendation

Name ____________________________  
Home Phone # ____________________  
Work Phone # ____________________  
Address ____________________________  
Employer ____________________________

* Attach any guardianship documentation.

Form released from the Office of Special Education on 7/12/2010
Chapter 4
Parental Notification of IEP Meetings

IDEA/COMAR Requirements:

Who Must Be Notified?

The parents of a student with a disability must be notified when the City Schools schedules an IEP meeting for the student to ensure that one or both of the parents are present at the IEP meeting or afforded the opportunity to participate.

34 CFR 300.322(a)

Timeline for Notifying Parent

Parents must be notified of a scheduled IEP meeting early enough to ensure that they will have the opportunity to make arrangements to attend. Efforts must be made to arrange the meeting at a mutually agreed upon time and place.

34 CFR 300.322 (a)(1),(2)

Maryland State law requires that the parent receive written notification at least 10 days before the IEP meeting. If the notification is mailed, it must be mailed early enough to ensure that the parent receives the notification 10 days before the meeting.

COMAR 13 A.05.07 D.

At least five (5) business days before a scheduled IEP team meeting or other multidisciplinary education team meeting, the parents are to receive an accessible copy of each assessment, report, data chart(s), draft IEP or other document the team plans to discuss at the meeting.

School personnel must provide parents with an accessible copy of each assessment, report, data chart(s), draft Individualized Education Program (IEP- cover page, present level of academic and functional performance, goals/ objectives and, accommodations/ modifications, and transition, if appropriate), or other document the IEP team or other multidisciplinary education team plans to discuss at that meeting.

Education Article §8-405

Exceptions to Prior Notification

Maryland State law permits fewer than 10 days notice to the parent if an expedited meeting is necessary to:

1. Address disciplinary issues;
2. Determine the placement of the student with a disability not currently receiving educational services; or,
3. Meet other urgent needs of the student to ensure the provision of FAPE.

COMAR 13 A.05.07 D(2)
**Information Needed in the Meeting Notification**

For all IEP meetings, notification must contain:

- The purpose of the meeting;
- The time of the meeting;
- The location of the meeting;
- Titles of City Schools staff members who are expected to attend; and,
- Information that the parent may invite other individuals to attend and participate as a member of the IEP team.

34 CFR 300.322(b)(1)

**Additional Information Required**

At least five (5) business days before a scheduled IEP team meeting or other multidisciplinary education team meeting, the parents are to receive an accessible copy of each assessment, report, data chart(s), draft IEP or other document the team plans to discuss at the meeting.

School personnel must provide parents with an accessible copy of each assessment, report, data chart(s), draft Individualized Education Program (IEP- cover page, present level of academic and functional performance, goals/ objectives and, accommodations/ modifications, and transition, if appropriate), or other document the IEP team or other multidisciplinary education team plans to discuss at that meeting.

Education Article §8-405

**Requirements for Transition Activities**

For IEP meetings for a student with a disability who is 14 years old, or younger, if appropriate, notification must contain:

- All of the above; and,
- Notification that the purpose of the meeting will be consideration of postsecondary goals and transition services for the student.

COMAR 13 A. 05.07. D.(4)

For IEP meetings for a student with a disability who is 14 years of age, or younger, if appropriate, notification must contain:

- All of the above, including notification regarding consideration of transition services; and,
- Identification of any other agencies that may be invited to send a representative to the meeting.

COMAR 13 A. 05.07. D.(4)
Requirements for Diligent Effort

Examples of diligent efforts include:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parent and any responses received; and,
- Detailed records of visits made to the parent’s home or place of employment.

Procedural

Timeline for Notifying Parent

In order to ensure that the parent receives the notification letter at 10 days prior to the scheduled IEP meeting, the letter must be mailed at least 12 days prior to the scheduled meeting. If the notice is being sent through the interoffice mail to be stamped at Central Office, it must be placed in the mailbag for pickup at least 15 days prior to the scheduled IEP meeting date.

In order to ensure parent participation, the IEP team must conduct and document 3 diligent effort attempts on different days prior to the meeting. At least one attempt must be made one day prior to the meeting date. Document all diligent efforts to notify the parent of the IEP meeting on the Communication Log. See examples of diligent efforts in this chapter.

Please refer to Chapter 3: Parent and Parent Surrogates if you discover the parent is a foster parent and is unauthorized to sign for the student’s educational rights

Exception to Prior Notification

If the school is considering an expedited meeting for any reason other than a disciplinary issue, the IEP Chairperson should contact the SLS Specialist to discuss the circumstances before scheduling the IEP meeting.

If an expedited meeting is scheduled without the required 10 day notice, the parent must be notified by phone on the same day the meeting is being planned. A written notification must also be sent by U.S. mail within 24 hours of the phone call.

If school personnel are unable to provide the parents with an accessible copy of the materials to be discussed at the IEP team meeting at least five (5) business days before the scheduled meeting, school personnel must document and communicate to the parents the nature of the extenuating circumstance that prevented school personnel from providing parents with accessible copies of the materials.

Waiver – City Schools

If a parent requests an IEP meeting and the team and the parent agree to a meeting date that does not allow the IEP team to give the parent the requisite 10 day notice, then the parent must sign a waiver of the right to receive the notification 10 days before the IEP meeting. The waiver
The statement is located on the *Notice of Individualized Program (IEP) Team Meeting* form in Maryland Online IEP.

The parent must initiate the request for an expedited meeting. The IEP team cannot request a waiver in order to meet a timeline requirement.

**Information Needed in the Meeting Notification**

The notification letter, completed on MDOIEP must include:

- The purpose of the meeting;
- The time of the meeting;
- The location of the meeting;
- Titles of City Schools’ staff members who are expected to attend; and,
- Information that the parent may invite other individuals to attend and participate as a member of the IEP team

Staff members may be listed by position only. It is not required to provide the name of the actual person who will participate. Maryland Online IEP currently does not allow for selection of an attorney/lawyer as a participant. If a City Schools attorney is invited to participate, City Schools Representative must be selected on the form. After the form is printed, ‘School Attorney’ must be written next to City Schools Representative.

If a staff member is not listed by title, it is within the right of the parent to ask that the staff member who was not included on the list to leave the meeting.

If a representative of an outside agency will be invited, the consent of the parent must be obtained prior to inviting the representative. See Chapter 7 on Informed Consent for more information.

According to MSDE, parental consent is not required to invite a representative of MSDE’s Division of Rehabilitation Services (DORS). The DORS representative, however, must be listed on the notification form as a person expected to attend the meeting.

Parental Notification must be completed on the Maryland Online IEP. All of the required information is contained on the Notice of IEP Meeting Notification Form. Please make sure that the form is completed and accurate. Refer to the Maryland Online IEP User Guide for additional assistance.

**Meeting Without a Parent in Attendance**

The IEP team can meet without the parent if the IEP team is unable to convince the parent to attend. The IEP team must demonstrate diligent efforts to inform the parent of the meeting and ensure the parent’s participation. There must be a record of the attempts that the IEP team made to arrange a mutually agreed on time and place for the meeting.
City Schools requires that at least three (3) attempts (diligent efforts) be made to notify the parent and arrange a mutually agreed on time and place for the IEP meeting.

Diligent efforts must be done on different days prior to the IEP meeting. All diligent efforts must be documented in the Communication Log. If neither parent can attend, the City Schools must offer other methods to ensure parent participation, including individual, video conference or teleconference calls. The offer to participate in another manner, such as by phone conference, must be documented in the Communication Log.

**Parents Who Speak a Language Other than English**

The City Schools must provide an interpreter for a parent with deafness or whose native language is other than English.

**Practice:**

The IEP team should follow the process flow on the next page to ensure compliance with parent notification of the meeting.
CHAPTER 4 FLOW CHART

*The following is a general outline of the process for parent notification of IEP meetings. Refer to Chapter 4 for specific details on each step*

**Day 14**
- Gather all required documents that must be submitted with parent notification
- Complete notification on Maryland Online IEP and print notification

**Day 12**
- Mail the parental notification, the 5 day letter, Procedural Safeguards and Parental Rights Booklet, a draft copy of the IEP, all formal/informal assessment reports and any other documents that will be discussed
- Document the materials that were sent on the Communication Log
- Maintain copies in student’s IEP folder

**Day 8**
- Try to contact the parent to verify the receipt of information
- If a parent has not been contacted, discuss with school staff strategies to make parent contact
- Document all diligent efforts made to contact the parent

**Day 5**
- If a parent has not been contacted, make a diligent effort to contact the parent

**Day 1**
- If a parent has not been contacted, make a diligent effort to contact the parent

**Day 0**
- Conduct the IEP meeting
NOTICE of DOCUMENTS PROVIDED to PARENT for REVIEW at an IEP MEETING

School: _____________________

Name of student: ___________________ Name of parent: ____________________

Date of Notice: _____________________ Date of scheduled meeting: ___________

In 2010 the Maryland General Assembly passed House Bill 269 (HB 269) and Senate Bill 540 (SB 540). As of July 1, 2010, school personnel must provide parents with an accessible copy of each assessment, report, data chart(s), draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary education team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting.

In order to meet this requirement we are providing the following information for your review prior to the IEP meeting that is scheduled for ____________ (date). A notice of this meeting is: ___attached or was sent on ________ (date). The following information/documents are attached and may be discussed at the meeting:

________________________________________________________________________
________________________________________________________________________

School personnel may also discuss the following information and are not able to provide documents prior to the meeting:

________________________________________________________________________
________________________________________________________________________

The reason (extenuating circumstance) these documents are not available prior to the meeting is:

________________________________________________________________________
________________________________________________________________________

If the purpose of the IEP team meeting is to develop or review and revise your child’s IEP, within 5 business days following the IEP team meeting, school personnel are required to provide you with a completed copy of your child’s IEP.

We hope this information is helpful and helps us to have a meaningful and productive discussion regarding your child’s needs.

If you have questions please contact _______________________________ (contact name, phone number, and/or email address).

Form released from the Office of Special Education on 7/12/2010
Chapter 5
Procedural Safeguards Notice

IDEA/COMAR Requirements:

What It Is

The Maryland Procedural Safeguards Notice provides parents with information about the special education process and their rights under IDEA. The notice must be written in language that is understandable to the general public. The City Schools uses the Procedural Safeguards document prepared by MSDE.

Timeline For Giving It To Parents

The Maryland Procedural Safeguards Notice must be given to the parents one time a school year. It is usually given to parents at the student’s IEP review meeting. However, there are four additional circumstances that require the public agency to provide the parents with the Procedural Safeguards notice. These circumstances are:

1. Upon initial referral or parent request for an evaluation;
2. Upon receipt of a filing of the first state complaint or due process complaint in a school year;
3. On the date that the City Schools decides to make a disciplinary removal for a student that will constitute a change in placement (a disciplinary removal that will place the student beyond the 10th day of removal); and,
4. Upon parent request.

34 CFR 300.504(a)

Parents Whose Native Language Is Not English

The notification must be provided to the parent in the native language or other mode of communication used by the parent. The notification can be downloaded from the MSDE website in the following languages: Amharic, Arabic, Chinese, French, Haitian Creole, Hindi, Korean, Portuguese, Russian, Spanish, Tagalog, Urdu and Vietnamese. The web address is www.marylandpublicschools.org/MSDE/divisions/earlyinterv/Special_Ed_Info

34 CFR 300.504(d)

If the native language or other mode of communication of the parent is not a written language, then the City Schools must translate the notice orally or by other means to the parent in his or her native language or other mode of communication and ensure that the parent understands the content of the notice. The IEP Chair must document in writing that this requirement has been met.

Information Included In the Procedural Safeguards Notice

The procedural safeguards notice must contain a full explanation of all of the procedural safeguards available under IDEA 2004 relating to:
1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to education records;
5. Opportunity to present and resolve complaints through the due process complaint and State complaint procedures;
6. The availability of mediation;
7. The child’s placement during the pendency of any due process complaint;
8. Procedures for students who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints;
11. State-level appeals;
12. Civil actions; and,
13. Attorneys’ fees.

34 CFR 300.504(c)

**Procedures:**

City Schools implements the requirements of IDEA § 300.504 to ensure the provision of FAPE for students by implementing City Schools local policies and procedures for the special education processes that are consistent with State and federal requirements.

**Practice:**

The parent will receive the *Parents’ Rights/ Procedural Safeguards* Notice annually. The Parents’ Rights Book is sent to the parent with the meeting notification letter for the student’s annual review meeting. In addition, the parent must receive a copy of the procedural notice:

- When the initial referral is made;
- When a state or due process complaint is filed;
- When a student is placed on a suspension that will result in more than 10 cumulative days of removal;
- Upon parent request.

The IEP Chair should document on the *Communication Log* that the procedural notice was sent or provided to the parent.
Chapter 6
IEP Team Composition and Excusal of Required IEP Team Members

IDEA/COMAR Requirements:

What It Is

IDEA 2004 requires that the decisions regarding the educational programming for a student with a disability be made by a group of individuals called the IEP team. The IEP team is responsible for evaluating the student, developing and implementing the educational program for the student and evaluating progress. Members of the IEP team fall into two subgroups: 1) team members who are required; and 2) team members whose attendance is discretionary.

IEP Team Members

1. The parent/guardian(s) of the student with a disability.

2. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment)
   - If the student attends a comprehensive school and has a regular educator for any subject, including a resource subject, this is the regular educator who must attend the meeting.

3. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student. If the student does not have a special education teacher (e.g. during the initial evaluation process), a special educator assigned to the school who is familiar with the student’s age and grade level needs may participate.
   - Under Maryland law, the following can be special education providers: speech-language pathologist, or an individual who provides travel training, career and technology education or physical education if the service consists of specially designed instruction. These persons can substitute for the special education teacher only if the student does not have a special education teacher who provides specially designed instruction.

   COMAR 13 A. 05.03 B. (71)

4. A representative of the City Schools who is:
   - Qualified to provide or supervise the provision of specially designed instruction;
   - Knowledgeable about the general education curriculum; and,
   - Knowledgeable about the availability of resources of the City Schools.

5. An individual who can interpret the instructional implications of evaluation results. This person may also serve the role outlined in 3 and 4.
6. When appropriate, the student.
   - The student, age 14 and older, must be invited if a purpose of the meeting will be the consideration of postsecondary goals and transition services.

7. When appropriate, an outside agency, such as the Division of Rehabilitation Services (DORS), Mental Health Administration (MHA), or Developmental Disabilities Administration (DDA).
   - An outside agency should be invited if there is communication that they will be paying for services at a later date

34 CFR 300.321(a)(1-5)

**Others Who May Participate**

1. The parent may invite other individuals who have special knowledge or expertise regarding the child.

2. The City Schools may invite other individuals who have special knowledge or expertise of the child. The school should always consider if there are other school staff who have information that would be useful to the IEP team. These staff persons include: related services personnel, the special education coordinator, guidance counselor, etc.

   34 CFR 300.321(a) (6,7)

3. Representative from an agency that may be providing or paying for transition services.

   34 CFR 300.321(b)(3)

4. For the initial IEP meeting for a child transitioning from Part C, the Part C service coordinator or other representative of the Part C system must be invited if the parent requests that these persons be invited.

   34 FR 300.321(f)

**When a Team Member Is Unable to Attend**

A required IEP team member can be excused from the IEP team under two circumstances. These are outlined below.

1. The required IEP team member’s area of curriculum is not being discussed.

   The parent of the student and the public agency must agree in writing that the attendance is not necessary because the team member’s area of curriculum or related services is not being discussed or modified. The parent must agree in writing that the team member can be excused.

   34 CFR 300.321(e)(1)
2. The required IEP team member’s area of curriculum is being discussed.

A required member of the IEP team may be excused from the IEP meeting when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if:

- The parent and the City Schools representative (principal of the school) consent in writing to the excusal; and,
- The member submits input relating to the development of the IEP in writing to the parent and the City Schools representative (principal of the school) prior to the meeting.

34 CFR 300.321(e)(2)

The Comments and Analysis to the Federal Regulations state that “Allowing IEP Team members to be excused from attending an IEP Team meeting is intended to provide additional flexibility to parents in scheduling IEP team meetings and to avoid delays in holding an IEP Team meeting when an IEP Team member cannot attend due to scheduling conflict.”

**Procedure:**

**Public Agency Representative**

In the City Schools it is essential that the principal, as the instructional leader in the school, generally serves as the public agency representative at IEP meetings. However, it is recognized that time constraints may prohibit consistent principal participation in IEP team meetings. If the principal is unable to attend the IEP meeting, the principal can designate the assistant principal, the IEP chair or another staff member (who meets the requirements stated in IEP Team Members #4 of this chapter) to serve as the Public Agency Representative. By principal designation, this person has the authority to dedicate the resources of the school to meet the student’s individual needs.

The individual designated as the public agency representative at an IEP meeting must remain and participate for the entire IEP meeting. The representative should not change during the IEP meeting.

**Practice:**

**Notification of the IEP Team**

In order to ensure timely submission of all required documents, the IEP team must be notified when the IEP meeting is scheduled.

**Submission of Documentation for Excused Member**

No fewer than five days prior to the meeting, the excused member must submit to the parent and IEP team all required documentation that would substitute for an oral presentation. This documentation is in addition to any traditional written reports that must be submitted to the parent.
The Excusal from the IEP Team Meeting form is located on the Maryland Online IEP. It must be completed and signed by both the parent and principal in order for consent to be granted. Every effort must be made to have all of the required IEP team members at the IEP team meeting. Only in exceptional circumstances should the excusal process be used.

Any City Schools staff member who is being invited to participate in the meeting must be listed at the bottom of the parent notification of the IEP meeting. If the IEP team is planning to invite a representative from an outside agency to an IEP meeting, the IEP team must have informed consent from the parent to invite the representative from the outside agency. Informed consent is not needed to invite a representative from DORS to an IEP meeting. See Chapter 4 for additional information.
Chapter 7
Informed Consent

IDEA/COMAR Requirements

Informed Consent

Under IDEA 2004, and its implementing regulations, informed consent means:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to carrying out of the activity for which his or her consent is sought;
3. The consent describes the activity and lists the records (if any) that will be released and to whom;
4. The parent understands that the consent is voluntary on the part of the parent and may be revoked at any time; and,
5. If a parent revokes consent, that revocation is not retroactive (i.e. it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Initial Evaluation

The City Schools must obtain informed consent from the parent before conducting an initial evaluation to determine if a child qualifies as a child with a disability. Reasonable efforts must be made to obtain the informed consent.

Parental consent for initial evaluation must not be construed as consent for the initial provision of services.

1. Parent Does Not Provide Consent

If the parent of the child suspected of having a disability does not:

   a. Provide consent for the initial evaluation; or,
   b. The parent fails to respond to a request to provide consent,

the City Schools may pursue the initial evaluation of the child by utilizing the procedural safeguards outlined in the federal regulations, including mediation or due process procedures.
2. **When Informed Consent From the Parent for an Initial Evaluation Is Not Required**

If the child referred for an initial evaluation is a ward of the State and not living with the child’s parents, the City Schools is not required to obtain informed consent from the parent if:

a. The City Schools cannot discover the whereabouts of the parent of the child despite reasonable efforts;
b. The rights of the parents have been terminated in accordance with State law; or,
c. The rights of the parent to make educational decisions has been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by a judge to represent the child.

34 CFR 300.300(a)(2)

**Consent for Reevaluation**

In most cases, the City Schools must obtain informed parental consent prior to conducting any reevaluation of a student.

34 CFR 300.300(c)

1. **If the Parent Refuses to Provide Consent**

If the child’s parent refuses to consent to the reevaluation, the City Schools may pursue the reevaluation by utilizing the procedural safeguards outlined in the federal regulations, including mediation and due process procedures. The IEP team should contact the City Schools Office of Procedural Safeguards to pursue this option.

34 CFR 300.300 (c)(1)(ii)

2. **When Parental Consent Is Not Required**

The City Schools does not need to obtain informed parental consent if it demonstrates:

1. It made reasonable efforts to obtain such consent; and,
2. The child’s parent has failed to respond.

34 CFR 300.300 (c)(2)

**Initial Consent for Services**

The City Schools must make reasonable efforts to obtain informed consent from the parent before the initial provision of special education and related services to the child.

34 CFR 300.300(b)(1,2)

1. **If the Parent Does Not Provide Consent**

If the parent fails to respond or refuses to consent to services, the City Schools may not use the mediation or due process procedures to obtain agreement or a ruling that services may be provided to the student. The student remains a general education student.
2. Responsibility of the IEP Team If the Parent Does Not Consent to Services

If the parent refuses to consent to the initial provision of services or fails to respond to the request to provide consent, the City Schools will not be considered in violation of the requirement to make FAPE available to the student. Additionally, the IEP team is not required to convene an IEP meeting or develop an IEP for the student.

Defining Reasonable Efforts

Reasonable efforts are interpreted by the City Schools to mean similar efforts to those necessary to encourage a parent to participate in an IEP meeting.

To meet the “reasonable efforts” requirement, City Schools’ staff must document on the Communication Log attempts, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and,
3. Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

Release/Receipt of Information Regarding a Student

The City Schools must obtain informed parental consent before releasing personally identifiable information about a student unless the disclosure is authorized without parental consent under the Family Education Rights and Privacy Act (FERPA). This includes obtaining parental consent, or the consent of an eligible child who has reached the age of majority, before releasing information to officials of agencies providing or paying for transition services.

Requesting Records from Another School District

Informed consent is not needed before forwarding a student’s records to another LEA in which the student has enrolled. The records should not be sent until the enrolling school requests the records.

Exception to Above: Nonresident Parentally Placed Private School Students

For a child who is enrolled or is going to enroll in a private school that is not located in the LEA of the parent’s residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent’s residence.
**Requesting Records from an Outside Agency**

The City Schools must obtain informed parental consent before requesting information about a student from any outside agency or individual unless the disclosure is authorized without parental consent under FERPA. The consent must specify the information that is being requested or released.

See Student Records Chapter 25 for more information.

**Inviting Outside Agency Staff to an IEP Meeting for Transition**

Informed consent must be received from the parent or an eligible student who has reached the age of majority before inviting staff from outside agency to participate in transition planning for a student (with the exception of DORS).

34 CFR 300.622(b)(2)

**Excusing an IEP Team Member**

Informed parental consent must be obtained before excusing a required IEP team member whose area of curriculum will be discussed at an IEP meeting. See Chapter 6 for detailed information.

**Procedures:**

**Obtaining Informed Consent**

The City Schools has a legal obligation to ensure that informed parental consent is obtained before the City Schools:

- Evaluates a student;
- Reevaluates a student;
- Initiates special education services for a student;
- Releases or receives information regarding a student;
- Invites a representative from another public agency (except for DORS) who may be providing transition services to a student to an IEP meeting for the student; or,
- Excuses an IEP team member whose area of curriculum or related services will be modified at an IEP meeting.

There must be a court order with language that pertains to options b. or c. from Item #2 above (IDEA/COMAR Requirements) before the evaluation can proceed without parental consent. Additionally, the IEP team should proceed promptly to secure a parent surrogate for the student if any of the above circumstances apply.

The ability to proceed on an Initial Evaluation without a signed informed consent only applies in very limited circumstances. The purpose of the exception is to allow the evaluation to proceed without undue delay while the IEP team secures a parent surrogate for the child. It only applies to the consent for the evaluation. It does not apply to any other part of the process.
The IEP team must document three (3) separate diligent efforts to satisfy the “reasonable efforts” requirement. See chapter 4 for the definition of diligent effort

**Practice:**

The IEP team may contact the City Schools Due Process/Procedural Safeguards Unit to pursue obtaining consent for the initial evaluation through due process. The IEP team does not pursue due process if the parent refuses initial consent for service.
Chapter 8
Prior Written Notice to Parents Regarding IEP Team Decisions

IDEA/COMAR Requirements:

What It Is
Prior Written Notice means written notification to parents informing the parent of the actions that the City Schools proposes to take or refuses to take regarding the educational program of their children. This notice must be given to the parent after the discussion at the IEP meeting about the IEP services and placement for the student and before the IEP is implemented.

Timeline for Providing Prior Written Notice

Parents must be provided with written notice whenever City Schools:

- Proposes to initiate or change the identification, evaluation or educational placement of a student with a disability or the provision of free appropriate public education (FAPE) to the student; or,
- Refuses to initiate or change the identification, evaluation or educational placement of a student or the provision of FAPE to the student.

34 CFR 300.503(a)

The written notice is provided to the parent after the IEP meeting at which decisions were made, and prior to the implementation of any changes or refusals to change the identification, evaluation or educational placement or provision of FAPE to the student.

What to Include In The Notice

The written notice must include the following:

1. A description of the action proposed or refused by City Schools;
2. An explanation of why the City Schools proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record or report that the City Schools used as a basis for the proposed or refused action;
4. A statement that the parents of the student with a disability have protections under the procedural safeguards of the Individuals with Disabilities Education Improvement Act (IDEA 2004) and its implementing regulations and, if this notice is not an initial referral for an evaluation, the means by which a copy of the description of the procedural safeguards can be obtained;
5. Sources for the parents to contact to obtain assistance in understanding their rights under the IDEA 2004 and its implementing regulations;
6. A description of other options that the IEP team considered and the reasons why those options were rejected; and,
7. A description of other factors relevant to the City Schools’ proposal or refusal.

34 CFR 300.503(b)
City Schools must ensure that the notice is provided in language understandable to the general public.

34 CFR 300.503(c)(1)(i)

**Notice to Parents with Primary Language other than English**

The written notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

34 CFR 300.503(c)(1)(ii)

If the native language or other mode of communication of the parent is not a written language, the City Schools must ensure that:

1. The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
2. The parent understands the content of the notice; and,
3. There is written evidence that the City Schools translated the notice for the parents.

34 CFR 300.503(c)(2)

For information on having documents translated, contact the Office of Intra-agency Support Services at 410-396-8904.

**Documenting Prior Written Notice on the Maryland Online IEP**

 Appropriately completing/ documenting the “Discussion to Support Decisions” and Documenting Basis for Decision(s) sections on the Maryland Online IEP provides Prior Written Notice to parents.

**Procedure:**

The IEP should be closed on the day of the meeting. If the parent did not attend, the IEP team must provide an accessible copy of the completed IEP no later than five (5) business days after the IEP team meeting has been held.
Chapter 9  
The Evaluation Process  

What is an Evaluation?  

An evaluation is a process by which the IEP team, including the parent, uses a variety of assessment tools and strategies to gather relevant functional, academic and developmental information about the student to determine whether the student is a student with a disability. This information will also be used to assist in determining the content of the student’s IEP if the student is determined to need special education services.

IDEA/COMAR Requirements:  

Timeline for Completing the Referral  

The IEP team must complete an evaluation of a student for suspected disabilities within 60 days of the parental consent for assessment or 90 days of the written referral.  

All documents that should be discussed at the initial meeting must be submitted to the parent five (5) business days prior to the meeting. This means that all documentation should be submitted with the notification to the meeting.

Exceptions to the Timeline for Completion of an Initial Evaluation  

The timeline for completion of the initial assessment does not apply if:

1. The parent of the student repeatedly fails or refuses to produce the student for assessments; or,
2. A student enrolls in a different public agency before the completion of the initial evaluation initiated by the student’s former public agency of enrollment.

The exception in #2 above only applies if: (1) The subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation; and, (2) The parent and the public agency agree to a specific time for completion of the evaluation.

Initial IEP Meeting  

Review of Existing Data  

The IEP team and other qualified professionals, as appropriate, must review the existing evaluation data on the student. This includes, but is not limited to:

- Data recorded on the referral form completed by the teacher;
- All evaluations and information provided by the parents;
• Current classroom-based, local or State assessments;
• Classroom-based observations;
• Observations by teachers and related services providers;
• Report cards;
• Health records or concerns;
• Work samples;
• Attendance data;
• SST information;
• Discipline data; and,
• Outside agency information

34 CFR 300.305(a)(1)

From this information, the IEP team determines if the student is suspected of having a disability under IDEA.

34 CFR 300.305(a) 2)(i)(A)

Additional Data Needed – Ordering Assessments

Assessment and other evaluation materials include those designed to assess specific areas of educational need, such as speech, language, academic performance, etc., and not just assessments designed to provide a general intelligence quotient.

34 CFR 300.304(b)(2)

See the Reference Chart at the end of this chapter for examples of types of assessments that the IEP team may consider.

Scope of Assessment

The IEP team must make sure that the student is assessed in all areas related to the suspected disability or disabilities. This includes, if appropriate:

1. General intelligence
2. Academic Achievement
3. Communication
4. Social/ emotional/ cognitive status
5. Motor abilities
6. Sensory (vision and hearing)
7. Health/ medical
8. Adaptive functioning
9. Vocational/ occupational
10. Assistive Technology

34 CFR 300.304(c)(4)

Selection of Assessments

The City Schools is required to use technically sound instruments for assessment that may assess the contribution of cognitive and behavioral factors, in addition to physical or developmental
factors. No single assessment can be used as the sole criterion for the determination that a student is a student with a disability under IDEA.

The assessments used:

1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;

2. Are provided in the student’s native language or other mode of communication and in a form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally;

3. Are used for the purposes for which the assessment is valid and reliable;

4. Are administered by trained personnel;

5. Are administered in accordance with the instructions provided by the producer of the assessment;

6. Are selected and administered to ensure that the assessment accurately reflects a student’s aptitude or achievement level rather than reflecting the student’s impaired sensory, manual or speaking skills; and,

7. Provide relevant information that directly assists the IEP team in determining the educational needs of the student.

\[34 \text{ CFR 300.304 (b)}\]

**Assessment Reports**

A written report of the results of each assessment ordered must be available to the parent at the IEP meeting convened to review the results of the evaluation. The report must contain a validity statement and a reliability statement and must be signed by the assessor and dated.

\[34 \text{ CFR 300.306(a)(2); 300.304(a)(1)(iii)}\]

Each report of assessment procedures must include:

- A description of the child’s performance in each area of suspected disability;
- Relevant functional, cognitive, developmental, behavioral, and physical information;
- Instructional implications for the child’s participation in the general curriculum or, for a preschool child, participation in appropriate activities; and
- For any assessments not administered under standard conditions, a description of how it varied from standard administration procedures.

**Parental Consent**

Written parental consent must be obtained before the administration of any assessments.

\[34 \text{ CFR 300.300 (a)}\]
Procedure:

Referral Procedures

A student suspected of having a disability under IDEA should be referred to the IEP team for evaluation. The child can be referred by the parent or by the public agency (City Schools). The evaluation must be sufficiently comprehensive to identify all of the student’s special education and related services needs, whether or not these needs are commonly linked to the disability category in which the student is classified. The referral can be made by the teacher, student support team (SST), the parent, from an attorney or other person advocating for the parent. Although a teacher may directly refer a student to the IEP team, the teacher is encouraged to also refer the student to SST while the IEP process is being conducted.

Timeline for Completing the Referral

In order to meet this timeline, an IEP meeting must be scheduled within 15 calendar days of receipt of the referral to allow sufficient time to conduct any required assessments.

Parent Attends Meeting and Signs the Consent at the Meeting

The assessments must be completed and the IEP meeting held to review the assessments and determine eligibility within 60 days of the signed consent if the 60th day occurs before the 90th day from the written referral.

Parent Does Not Sign the Consent for Assessments at the IEP Meeting

The assessments must be completed and the IEP meeting held to review the assessments within 60 days of the signed consent but no more than 90 days from the written referral. Documentation must be maintained to show diligent efforts to obtain parent’s signature. If parent permission to assess is not obtained by the 45th calendar day from the referral date, the IEP team must contact the Due Process Office at 410-396-8900.

The documentation must be maintained to show diligent effort made to assess the student.

Students Leaving City Schools

For students leaving City Schools, it must be documented that they transferred prior to the completion of the evaluation process and such documentation must be maintained in the student’s IEP folder. The notification sent to the receiving school that the student is in the evaluation process also must be maintained.

Students Entering City Schools

For students entering City Schools from another LEA who are in the evaluation process, document the agreed upon specific time for completion of the evaluation.
**Disability Is Not Suspected**

After reviewing the existing data, the IEP team may determine that a student is not suspected of having a disability under IDEA. The IEP team will not order assessments for a student who is not suspected of having a disability. The IEP team must document that all areas of suspected disability were considered. The evaluation process is completed upon a finding that a student is not suspected of having a disability under IDEA. A student who is not suspected of having a disability should be referred to the SST to determine the need for an intervention plan.

The Prior Written Notice must clearly state that the student is not suspected of having a disability and must document the reasons that a disability is not suspected. The Prior Written Notice must identify the specific information that the IEP team reviewed to reach its decision that the student was not suspected of having a disability. This is documented in MD Online in the *Evaluation Report and Determination of Initial Eligibility form*. For students found not eligible this and the *Child Find Referral form* document the team discussion and decisions. The completed *Evaluation Report and Determination of Initial Eligibility form* must be provided to the parent not later than five (5) business days after the scheduled IEP meeting.

**Disability Is Suspected**

If the student is suspected of having a disability, the IEP team determines any additional assessments required.

**Selection of Assessments**

The IEP team must select assessments that will enable it to determine whether a student has a disability and provide information about the student’s levels of academic performance and functional needs. The IEP team must carefully consider all areas of suspected disability suggested by student records, parent concerns, or teacher concerns and observations. The student’s classroom teacher is a critical part of the evaluation process in providing information about: research based interventions used to assist the student, work samples, performance on benchmark assessments, and teacher observation of student performance relative to peers.

A classroom observation is useful to assist teams in determining student’s present level of functioning in the classroom environment and must be conducted if a student is suspected of having a specific learning disability (See Chapter 11 on Specific Learning Disability if more information is needed).

**Prior Written Notice**

The IEP team must include in the Prior Written Notice all of the assessments considered, including those suggested by the parents. If there were assessments considered, but not ordered, the Prior Written Notice must explain why considered assessments were not ordered and the documentation that the team used to determine that these assessments were not needed.
Practice:

Referral by Teacher

1. Go to http://eweb/ and complete the MDOIEP Child Find Referral form

2. Upon completion print the MDOIEP Child Find Referral form and immediately submit the MDOIEP Child Find Referral form to the IEP team

3. The IEP team must maintain a completed copy of the MDOIEP Child Find Referral form in a newly created folder for the student being referred

Referral by Student Support Team (SST)

1. Complete the MDOIEP Child Find Referral

2. All supporting documentation from SST must accompany the completed MDOIEP Child Find Referral form
   
   • For additional information refer to Chapter 1: Pre-Referral Process section (Relationship of the SST to Special Education)

3. The IEP team must:
   
   • Create a new folder for the student being referred.

   • Print out and maintain a completed copy of the MDOIEP Child Find Referral form in the folder while the IEP is determining whether a student is eligible for special education services

   • Transition the MDOIEP Child Find Referral form to the IEP folder if the student is found eligible

   • Transition the MDOIEP Child Find Referral form to the inactive files if the student is found not eligible

Referral by Parent

1. The referral request from the parent should be written, signed and dated by the parent

2. The referral should state that the parent suspects the student of having a disability and/ or request an evaluation for special education services.

3. The referral request made by the parent must be given to the IEP team on the same day

4. The parent must be given a copy of their written referral
The IEP process timeline starts the day of the receipt of the written referral made by the parent or made by a City Schools employee requesting an evaluation for special education services.

5. Upon receipt, the written referral request is placed in a newly created folder for the student.

6. The teacher completes the MDOIEP Child Find Referral form with the support of the IEP team including information regarding parent concerns.

**Referral by Attorney or Other Person**

1. The referral request should be accompanied by a release of information authorizing the attorney or advocate to discuss the student with the school team.

2. If there is no release authorizing the person to act on behalf of the parent, the parent must be contacted before any action is taken.

3. If step 1 is appropriately followed, then the IEP team must maintain a copy of the referral for the student in a newly created folder.

At the initial meeting, the IEP team will review all information and determine if the student is suspected of a disability. If the team does not suspect a disability, then the IEP team can refer the student to SST for possible interventions. If a disability is suspected, the IEP team must determine if additional data is needed.

**Timeline for Completing the Referral**

1. The referral is received.

2. Schedule an IEP meeting within 15 calendar days of receipt of referral (step 1).

3. Follow the step appropriate for your current circumstances.

4a. Parent attends IEP meeting and signs consent for assessments

   - Conduct and review all assessments within:
     - 60 days of the signed consent and;
     - 90 days of the written referral
   - Keep all documentation in the newly created folder for the referred student.

4b. Parent does not sign the consent for assessments

   - Document diligent effort to obtain the parent’s signature (refer to chapter 14 for clarification on diligent effort)
   - Keep all documentation in the newly created folder for the referred student.
• If parent permission is not obtained by the 45th calendar day, contact:
  o Due Process Office at 410-396-8900

Exceptions to the Timeline for Completion of an Initial Evaluation

Follow the steps appropriate for your current circumstances

1. Parent of student repeatedly fails or refuses to produce student for assessments
   
   IEP team must maintain documentation showing diligent effort was made to assess
   the student (refer to chapter 4 for clarification on diligent effort)
   or

2. Student is transferring out of City Schools prior to completing their evaluation process
   
   IEP team must maintain the following:
   
   • documentation of the transfer
   • documentation of notification to the receiving LEA that student is in the
     evaluation process
   or

3. Student still undergoing the evaluation process is entering City Schools from another
   LEA
   
   • IEP team must contact student’s prior school and identify if any
     assessments of the student are outstanding
   
   • IEP team must conduct any outstanding assessment from the student’s
     prior school
   
   • IEP team must contact parent of student and re-schedule an IEP meeting
   
   • IEP team is encouraged to contact an educator at the student’s prior school
     who can offer valuable input at the student’s upcoming IEP meeting
   
   • IEP team must review assessments at IEP meeting and determine if the
     student does or does not have a disability that is adversely impacting his or
     her education
Noncompliance to the Required Timelines

Students found eligible for IEP services will require the following:

- Discussion of impact of harm and;
- Make up service procedures as described in Chapter 13

Disability Is Not Suspected

1. Document all the areas of the student’s suspected disability on the eligibility form
2. Once it is determined that the student is not suspected of having a disability, the IEP team will not order assessments
3. The student not suspected of having a disability is referred to the SST to determine the need for an intervention plan
4. The prior written notice must identify and document the following:
   - A statement that the student is not suspected of having a disability
   - The reasons that the student is not suspected of having a disability
   - Specific information that the IEP team relied on to reach their decision that the student is not suspected of having a disability
   - The *Child Find Referral form* and the *Evaluation Report and Determination of Initial Eligibility form* document team discussions and decisions
   - Parent concerns about all decisions and discussions which were a part of the IEP team initial meeting
5. Provide the completed *Evaluation Report and Determination of Initial Eligibility form* to the parent no later than five (5) business days after the scheduled IEP meeting

Additional Data Needed – Ordering Assessments

City Schools encourages parents to bring relevant student information to the IEP meeting.

Timeline Issues

As the evaluation must be completed within specific timelines, the IEP team should identify all suspected areas of disability and order all necessary assessments at the initial IEP meeting.

Additional Data Needed – Ordering Assessments

1. The IEP team identifies the assessments necessary to evaluate all areas related to the student’s suspected disability
2. The IEP team orders the assessments that are deemed necessary to determine the presence of the student’s suspected disability at the initial IEP meeting

3. The IEP team reviews and considers all assessment and evaluation materials that the parent brings to the IEP meeting

Selection of Assessments

1. The IEP team must select assessments that will enable it to do the following

   - Determine whether a student has a disability
   - Provide information about the student’s levels of academic performance
   - Provide information about the student’s levels of functional needs

2. The IEP team must carefully consider all areas of suspected disability including:

   - Student records
   - Parent concerns
   - Teacher concerns
   - Teacher observations
   - Research based interventions used by the general educator to assist the student
   - Work samples
   - Performance on benchmark assessments
   - Teacher observation of student performance relative to peers

Assessment Reports/ Parental Consent

1. Complete the Prior Written Notice with the following included

   - All of the assessments considered including those suggested by parents
   - An explanation explaining why certain assessments were considered but not ordered (documentation must be included)

2. Obtain written parental consent prior to the administration of any assessments

   - Make a diligent effort to obtain the parent’s signature if he or she did not provide
     - Refer to Chapter 4 for clarification on diligent effort

Next Steps

When all of the assessments are completed, an IEP meeting is convened to determine whether the student is eligible for special education (See Chapter 10, Determination of Eligibility for more information). Accessible copies of completed assessment reports, data charts, progress reports, or other documentation that will be discussed must be provided to the parent at least five (5) business days before the scheduled IEP meeting.
Prior to the Evaluation Meeting

1. It is required that parents receive an accessible copy of the following documents at least five (5) business days before the scheduled IEP;
   
   - Completed assessment reports
   - Data charts
   - Progress reports
   - Other documentation that will be discussed

2. Conduct the IEP meeting to determine whether the student is eligible for special education when all of the assessments are completed
<table>
<thead>
<tr>
<th>Assessment</th>
<th>Description</th>
<th>Assessor</th>
</tr>
</thead>
</table>
| Educational                 | An assessment of reading, math, spelling, written and/or oral language, perceptual motor functioning, and developmental milestones, as appropriate | Certified general educator  
Certified special educator                                          |
| Adapted Physical Education  | An assessment to determine whether adaptations to regular physical education curriculum or to a special adapted physical education class are required | Certified physical education teacher                                         |
| Assistive Technology        | An assessment of a student’s need for an assistive technology device designed to increase, maintain, or improve the student’s functional capabilities | Assistive technology team  
Certified and/or licensed speech/language pathologist  
Licensed OT  
Certified special educator |
| Audiological                | An assessment of the student’s auditory functioning                          | Licensed audiologist                                                      |
| Cognitive                   | An assessment of intellectual skills and adaptive behaviors, as appropriate | Certified school psychologist                                             |
| Medical                     | An assessment of the student’s medically related disability. Should indicate area of medical diagnosis and characteristics of the possible diagnosis (i.e. limits the ability to perform on tests, interpersonal activities). | Licensed physician                                                      |
| Observation                 | A classroom/environmental observation of the student’s school functioning/ academic performance  
(If the student is below school age, the observation will be done in an environment appropriate to the child’s age.) | Member of the IEP team other than the student’s classroom teacher        |
| Ophthalmologic             | An assessment used to determine eligibility for vision services             | Licensed ophthalmologist                                                 |
| Physical Therapy            | An assessment of balance, posture, coordination and gross motor skills, as appropriate | Licensed physical therapist                                               |
| Psychiatric                 | An assessment of mental, emotional, or behavioral factors                   | Licensed psychiatrist                                                    |
| Psychological               | As assessment of social, emotional, and/or behavioral factors               | Certified school psychologist                                             |
| Psychosocial                | An assessment of social and educational adjustment                          | Licensed social worker                                                   |
| Speech/Language             | An assessment of articulation, fluency, voice, and language, as appropriate | Certified or licensed speech/language pathologist                         |
| Functional Behavior         | An assessment procedure designed to understand the causes of a student’s inappropriate behavior in order to promote positive changes | Members of the IEP team which may include guidance counselors, mental health providers and/or other individuals as appropriate |
CHAPTER 9 FLOW CHART

*The following is a general outline of the IEP Evaluation Process. Refer to Chapter 9 for specific details on each step*

IEP Referral received
- 90 Day Timeline begins

Schedule meeting within 15 calendar days of referral receipt
- Parent notification and 5 day letter must accompany copies of all documents that will be reviewed/discussed

At the meeting review all submitted documentation (i.e. classroom assessments, work samples, SST information etc)
Use submitted documentation to determine suspicion of disability

NO, there is not a suspicion of a disability
- Refer to SST for possible interventions
  - IEP Process ended

YES, there is a suspicion of a disability
If NO
- Go to Eligibility

If YES
- Obtain consent. The 60 day timeline begins but cannot exceed 90 days
Chapter 10
Determination of Eligibility/Evaluation Meeting

IDEA/COMAR Requirements:

Determining Eligibility

At the IEP meeting to determine eligibility, the IEP team must carefully consider all evaluative data, including:

1. Assessment reports;
2. Teacher observations and recommendations;
3. Parent input; and,
4. All other pertinent information, such as the student’s physical condition, social or cultural background, and adaptive behavior.

34 CFR 300.306(c)(1)(i)

A student is eligible as a student with a disability under IDEA 2004 if, after a properly conducted evaluation, the IEP team determines that:

1. The student has a disability listed under IDEA 2004; and,
2. As a result of that disability, requires the provision of special education and related services to benefit from the general curriculum.

34 CFR 300.8(a)(1)

A student who has been evaluated and identified as a student with one of the disabilities listed under IDEA 2004, but only needs a related service, and not special education, is not a student with a disability under IDEA.

34 CFR 300.8(a)(2)(i)

Exception: If the related service required by the student is considered special education under state standards, the student would be a student with a disability under IDEA.

34 CFR 300.8(a)(2)(ii)

Under Maryland state special education law, the following are considered special education:

1. Specially designed instruction provided at no cost to the parents to meet the unique needs of a student with a disability;
2. Speech pathology services if the service consists of specially designed instruction;
3. Travel training if the service consists of specially designed instruction;
4. Career and technology education if the service consists of specially designed instruction; and,
5. Physical education if the service consists of specially designed instruction.

COMAR 13A.05.01.03B.(71)

This means a student must qualify for services of classroom instruction (nature 11), adaptive physical education (nature 12), speech and language (nature 13) or travel training (nature 14) in order to qualify as a student with a disability under IDEA.
Specially designed instruction means the adaptation of content, methodology, or delivery of instruction to meet the unique needs of a student with a disability to ensure access to the general curriculum.

**Disabilities Recognized under IDEA 2004**

a. **Autism**- A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child’s educational performance.

b. **Deaf-Blindness**- Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot accommodate in special education programs solely for children with deafness or children with blindness.

c. **Deafness**- A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing with or without amplification that adversely affects a child’s educational performance.

d. **Developmental Delay**– Under Maryland state law, a student from the age of three through nine years can be identified as a student with a disability of developmental delay if the student has:

   i. A 25% or greater delay, as measured by appropriate diagnostic instrument, in one or more of the following areas:
      - Cognitive development
      - Physical development
      - Communication
      - Adaptive behaviors
      - Emotional development
      - Social development
   
   ii. Atypical development or behavior; or,
   
   iii. A diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

A student with a disability designation of developmental delay can maintain that disability designation through age nine. Documentation of adverse impact of the disability or developmental delay on performance in formal academic content areas is not required for eligibility under the Developmentally Delayed category. Prior to the child’s 10th birthday, the IEP team must conduct a reevaluation meeting to determine if the student qualifies as a student with one of the other designated disabilities under IDEA.

e. **Emotional Disability**- A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:
1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disability includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability under IDEA.

f. Hearing Impairment– An impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness.

g. Intellectual Disability- Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child’s educational performance.

h. Multiple Disabilities- Concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments (such as blindness-intellectual disability). Concomitant means happening or existing along with or at the same time as something else. Specify each disability from any of the three categories of disabling conditions the student’s IEP team identifies as concomitant that causes such severe educational problems that the student cannot be accommodated in special education instructional services solely for one of the impairments. The team should establish eligibility for services under each disability label.

- Cognitive includes: Autism, Emotional Disability, Intellectual Disability, Specific Learning Disability, Speech or Language Impairment, and Traumatic Brain Injury
- Sensory includes: Deaf-Blindness, Deafness, Hearing Impairment, and Visual Impairment including Blindness
- Physical includes: Orthopedic Impairment and Other Health Impairment

A student is not required to be identified as a student with an intellectual disability as one of the disabilities

i. Orthopedic Impairment- A severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by diseases (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause fractures).

j. Other Health Impairment- Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect
to the education environment, that is due to chronic or acute health problems such as asthma, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome; and adversely affects a child’s educational performance.

k. **Specific Learning Disability**- A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

l. **Speech or Language Impairment**- A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance

m. **Traumatic Brain Injury**- An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

n. **Visual Impairment**– An impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes partial sight and blindness.

34 CFR 300.8(c)

**Factors that May Impact Eligibility Determination**

A student must not be determined to be a child with a disability if the determinant factor for eligibility is:

1. Lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and reading comprehension strategies;
2. Lack of appropriate instruction in math; or,
3. Limited English proficiency.

34 CFR 300.306(b)(1)

**Student Is Eligible Under IDEA**

If the IEP team determines that a student has a disability and requires special education and related services, an IEP must be developed.

34 CFR 300.306 (c)(2)

The IEP can be developed at the eligibility meeting. If the IEP is not developed at the eligibility meeting, another meeting must convene and the IEP developed by the 30th calendar day after the eligibility meeting.

COMAR 13A.05.01.08A.(1)
Procedure:

The determination of eligibility is made at an IEP meeting. The meeting must be convened within the timelines specified in the Evaluation Process section. At least five business days before a scheduled IEP meeting, the parents are to receive an accessible copy of each assessment, report, data chart(s), draft IEP, or other document(s) the team plans to discuss at the meeting. City Schools’ practice indicates that copies of all information to be discussed at the Evaluation meeting must accompany the notification of the meeting to the parent at least 12 days prior to the scheduled meeting.

Practice:

Considerations in Determining Eligibility

In addition to required evaluative data, (assessment reports, teacher observations, parent input and all other pertinent information), if the parent presents outside assessment information to the IEP team, this information must be considered.

After considering all evaluative information, the IEP team must determine:

1. Whether the student has a disability covered under IDEA; and,
2. Whether the disability results in an adverse educational impact on the student.

Student Is Determined To Be Eligible for Special Education

The prior written notice must clearly document the IEP team’s decision, including the specific disability, and the information that the team relied on to make its determination. The completed Evaluation Report and Determination of Initial Eligibility must be provided to the parent not later than 5 business days after the scheduled IEP meeting. If the IEP was developed at the Eligibility Meeting, the parent must be provided with an accessible copy of the IEP within 5 business days after the meeting.

Student Is Not Determined Eligible for Special Education

The IEP team must clearly document its rationale for determining that the student is not eligible and the documentation it relied on to support its decision. If the IEP team suspected more than one disability at the initial meeting, the team must provide its rationale and documentation for each disability. This is documented in MD Online in the Evaluation Report and Determination of Initial Eligibility form. For students found not eligible this form and the Child Find Referral form document the team discussion and decisions. The completed Evaluation Report and Determination of Initial Eligibility must be provided to the parent no later than 5 business days after the scheduled IEP meeting.
Outside Evaluation Is Considered at the Meeting

If the IEP team considered information presented by the parent from an outside agency and the team did not adopt major points in the outside information, the IEP team must document the options from the report that were considered and rejected in the prior written notice for the meeting. Documentation of the team’s discussion of the options/ recommendations made in information presented by the parent from an outside agency must be recorded in the Present Level of Academic Achievement and Functional Performance Section: Parental Input Area of Discussion. The team must address all recommendations in the report and specify reasons why they accept or refuse to accept the recommendation. The recommendations in outside reports have to be considered and documented in the same manner as recommendations for services that were requested by the parent.
**CHAPTER 10**
**DETERMINATION OF ELIGIBILITY FLOW CHART**
*The following is a general outline of the Determination of Eligibility/Evaluation Meeting. Refer to Chapter 9 for specific details on each step*

**Prior to Meeting**
- File all related assessment reports/documents upon completion and schedule a meeting/notify the parent
- Each assessor must enter information in MDOIEP on the Evaluation Report and Determination of Initial Eligibility form

**At the Meeting**
**Review all pertinent documentation** (i.e. classroom assessments, progress reports, work samples, classroom observations etc)

**Determine Eligibility under IDEA**

- **If No**
  - Refer to SST for possible interventions
    - IEP Process ends

- **If Yes**
  - Determine special education needs
  - Develop the IEP
Chapter 11
Specific Learning Disability– Additional Procedures for Identification

IDEA/COMAR Requirements:

What It Is

IDEA 2004 defines a specific learning disability (SLD) as a disorder in one or more of the psychological processes involved in understanding and using spoken or written language.

34 CFR 300.8(b)(10)

The IEP team may determine that a student has a specific learning disability, as defined by IDEA, if:

- The student does not achieve adequately for his age or to meet State-approved grade level standards when provided with learning experiences and instruction appropriate for age or grade-level standards in one or more of these areas:
  (i) Oral expression
  (ii) Listening comprehension
  (iii) Written expression
  (iv) Basic reading skills
  (v) Reading fluency skills
  (vi) Reading comprehension
  (vii) Mathematics calculation
  (viii) Mathematics problem solving

- The student does not make sufficient progress to meet age or State-approved grade level standards in one or more of the areas identified above when using a process based on the child’s response to scientific, research-based intervention;

- The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, State-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments;

- The student’s inability to make sufficient progress cannot be primarily the result of:
  (i) A visual, hearing or motor disability;
  (ii) Emotional disturbance;
  (iii) Mental retardation;
  (iv) Cultural factors;
  (v) Environmental or economic disadvantage; or
  (vi) Limited English proficiency.

34 CFR 300.309(a)
Additional Procedures if the IEP Team Suspects that a Student Has an SLD

1. Additional Team Member Required

The IEP team that meets to determine if a student may have a suspected learning disability must also include a City Schools staff member qualified to conduct individual diagnostic assessments of students. This can be a speech/language pathologist, a school psychologist or a certified reading specialist.

34 CFR 300.308

2. Additional Data that Must Be Considered

To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the IEP team must consider, as part of the evaluation:

- Data that demonstrate that prior to, or part of, the referral process, the child was provided with appropriate instruction in regular education settings delivered by qualified personnel; and,
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child’s parents.

34 CFR 300.309(b)

3. Additional Time for Evaluation May Be Given

The IEP team may determine that additional data are needed to determine that a student may have a specific learning disability. Specifically, if a student is participating in a Response to Intervention (RTI) program and enough data has not been obtained to determine that the student’s failure to achieve is not the result of lack of appropriate instruction, then the parent and the IEP team may agree to extend the timeframe for the evaluation. This agreement must be in writing.

34 CFR 300.309(c)

4. Observation Required

A student suspected of having a specific learning disability must be observed in his learning environment to document the student’s academic performance and behavior in the areas of difficulty. The observation will most likely occur in the student’s regular education classroom.

The team can: 1) use information from an observation that was done in routine classroom instruction and monitoring of the student’s performance prior to the referral; or, 2) have one of the IEP team members conduct an observation in the regular classroom after the child has been referred and parental consent obtained. If the student is below school age, the observation should occur in an environment appropriate for the child’s age.

34 CFR 300.310
5. Specific Documentation Required for the Eligibility Determination

Documenting that a student is eligible as a student with a specific learning disability must include:

- A statement of whether the child has a specific learning disability;
- The basis for making that determination, including an assurance that the determination has been made in accordance with IDEA;
- The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child’s academic functioning;
- The educationally relevant medical findings, if any;
- A statement of whether the child does not make sufficient progress to meet age or State-approved grade level standards in one or more of the areas identified in Chapter 11 when using a process based on the child’s response to scientific, research-based intervention;
- A statement of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, State-approved grade level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability using appropriate assessments, consistent with IDEA; and,
- The determination of the IEP team concerning the effects of a visual, hearing, or motor disability; emotional disturbance; mental retardation; cultural factors; environmental or economic disadvantage; or Limited English proficiency on the child’s achievement level.

If the child has participated in a process that assesses the child’s response to scientific, research-based intervention, there must be documentation of:

- The instructional strategies used and the student data collected;
- The documentation that the child’s parents were notified about MSDE’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
- The strategies for increasing the child’s rate of learning; and,
- The parent notification of their right to request an evaluation.

The Classroom Observation form should be attached to the Specific Learning Disabilities Team Report and reflect the relevant behavior noted during the observation of the child and the relationship of the behavior to the child’s academic functioning.

34 CFR 300.319 (a)

6. Certification in Writing

Each IEP team member must certify, in writing, whether the report reflects the member’s conclusions. If a team member disagrees with the report, that team member must submit a separate statement presenting the member’s conclusions.

34 CFR 300.319(b)

The parent must also be offered the opportunity to sign the report or to submit a written statement regarding his/ her disagreement with the conclusion of the IEP team.
The Specific Learning Disabilities (SLD) Team Report must be used as documentation for all evaluation meetings when considering if a child does or does not have a suspected learning disability.

**Procedure:**

The SLD Team Report is located on the Maryland Online IEP. This form must be completed and signed by the IEP team members whether or not the IEP team determines that the student does or does not have a suspected learning disability in order to complete the evaluation/reevaluation process.

**Practice:**

The IEP team members must complete and sign the SLD Team Report located on the Maryland Online IEP whether or not the IEP team determines that the student does or does not have a learning disability in order to complete the evaluation/reevaluation process.
Chapter 12  
The Individualized Educational Program (IEP)  

IDEA/COMAR Requirements:  

What Is an IEP?  

Individualized Education Program (IEP) means a written statement for a student with a disability that is developed, reviewed, and revised in an IEP meeting.  

34 CFR 300.22  

What the IEP Must Contain  

1. A statement of the student’s present levels of academic achievement and functional performance. This statement must include:  
   i. How the disability affects the student’s involvement in the general education curriculum; or,  
   ii. For Preschool students, how the disability affects the student’s participation in appropriate activities;  

2. A statement of measurable annual goals, including academic and functional goals designed to:  
   i. Meet the student’s needs that result from the student’s disability to enable the student to be involved in and make progress in the general education curriculum; and,  
   ii. Meet each of the student’s other educational needs that result from the student’s disability,  
   iii. For students who take alternate assessments, the measurable annual goal must also include a description of benchmarks or short-term objectives;  

3. A description of how the child’s progress towards meeting the annual goals will be measured and when the reports of progress on the annual goals will provided to the parent (see chapter 18 for further details);  

4. A statement of the special education and related services and supplementary aides and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:  
   i. To advance appropriately toward attaining the annual goals;  
   ii. To be involved in and make progress in the general education curriculum in accordance to #1 above and to participate in extracurricular and other nonacademic activities;  
   iii. To be educated and to participate with other students with disabilities and nondisabled students in the regular class and in activities described in this subparagraph.  

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described above.  

6. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments. If the IEP team determines that the student shall take an alternate assessment on a particular State or districtwide assessment of student
achievement, a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.

7. The projected date for the beginning of services and modifications, along with the anticipated frequency, location, and duration of the services and modifications.

Those Responsible For Developing The IEP

The IEP is developed by the IEP Team. See Chapter 6 for a complete discussion of IEP Team composition.

Factors To Be Considered When Developing An IEP For a Student

1. General Factors

The IEP team must consider:

i. The strengths and needs of the student;
ii. The concerns of the parents for enhancing the education of the student;
iii. The results of the initial or most recent evaluation of the student; and,
iv. The academic, developmental and functional needs of the student.

2. Special Factors

The IEP team must consider:

i. The use of positive behavioral interventions, supports and other strategies to address the behavior of a student whose behavior interferes with his learning or the learning of his classmates;
ii. The language needs of a student who has limited language proficiency;
iii. The provision of instruction in Braille and the use of Braille for a student who is blind or visually impaired unless the use of Braille is not appropriate;
iv. The communication needs of the student, including the language and communication needs of a student who is deaf or hard of hearing. For a student who is deaf or hard of hearing, this includes consideration of opportunities for direct communications with peers and staff in the student’s language and communication mode and opportunities for direct instruction in the student’s language and communication mode; and,
v. Whether the student requires assistive technology.

Role of the Regular Education Teacher in IEP Development

The regular education teacher of the child is the expert in grade level curriculum and is able to address the performance of the child in relation to grade/age level peers. The regular education teacher must participate in the development of the IEP, including the determination of:
• Appropriate positive behavioral interventions and supports for the student; and,
• Supplementary aids and services, program modifications and support for school personnel.

34 CFR 300.324 (a)(3)

**IEP for Student in an Adult Correctional Facility**

The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

1. Requirements relating to participation of students with disabilities in general assessments; and,
2. Requirements relating to transition planning and transition services for students whose eligibility under IDEA will end, because of age, before the student will be eligible to be released from prison based on consideration of his/her sentence and eligibility for early release.

The IEP team of a student who is convicted as an adult under State law and is incarcerated in an adult prison may modify the student’s IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

CFR § 300.324(d)

**Procedure:**

Baltimore City Public Schools (City Schools) implements the requirements of IDEA § 300.324, for developing IEP students requiring special education and related services. City Schools ensures the provision of FAPE for students by implementing City Schools’ local policies and procedures for the special education processes that are consistent with State and federal requirements.

**Practice:**

*One Year Plus (OYP)*

The term, One Year Plus describes the expectation of achievement that students with disabilities may attain with goals written in the proscribed format. It is not meant to quantify or guarantee a specific amount of progress for a student. OYP is a concept that embodies City Schools’ commitment to promoting high achievement for students with disabilities.

**Implementation Guidelines:**

The IEP for students with disabilities who are pursuing high school diplomas must contain goals that reflect the expectation that a student should progress **ONE YEAR PLUS** (OYP) in twelve months, thus advancing toward achieving grade level standards as independently as possible. Given a goal on a student’s assigned grade level and careful analysis of the student’s Present Level of Academic Achievement and Functional Performance (PLAAFP) objectives
should be scaffolded to enable the student to achieve assessment limits in the Maryland State Curriculum which represents substantial growth from the student’s current level. Instructional techniques, supplementary aids and services and supports must be sufficient to support this expectation. The amount of progress that a student will actually achieve may be impacted by the student’s cognitive ability, the effect of the disability on the student’s learning and other factors, such as attendance and home reinforcement, which affect progress for all students.

1. Documentation of a student’s Present Level of Academic Achievement and Functional Performance must be accurate and comprehensive. This documentation may include report cards, anecdotal information, class work, observations, unit tests, attendance etc. See attached document (Guiding Questions for Developing Present Level of Academic Achievement & Functional Performance) for guiding questions that will assist in completing this section.

2. Goals must be developed based on the Present Level of Academic Achievement and Functional Performance, utilizing the Maryland State Curriculum for the student’s assigned grade. See the MD Online tutorial, Writing Goals Utilizing the Wizard, for directions on how to utilize the Goal Wizard that is incorporated into the Maryland Online IEP.

3. Objectives are developed and scaffolded based on the student’s instructional needs and will support the student achieving OYP progress in meeting these goals.

4. The student must receive research-based instruction, supports and services (nature, frequency and duration) that will substantially advance the student in achieving OYP progress in meeting these goals. When determining what is required to meet the student’s individual needs, the IEP team must not be bound by the resources of the school but be guided by the needs of the student.

5. The IEP team will conduct meetings to review and/or revise the IEPs for students who are not making substantial progress that will enable them to meet the goals on their IEP in twelve months. Determining how a student is progressing is an on-going process; but it must be documented and analyzed at least quarterly with appropriate adjustments made to the IEP, as appropriate. If a student is not making sufficient progress, based on objective data, to meet the goal, then the IEP team must convene to determine why the student is not making sufficient progress and if revisions to the IEP are necessary.

**Principal Accountability:**

1. Principals are responsible and accountable for ensuring that IEP teams develop and implement IEPs that allow the student to progress OYP in twelve months.

2. Principals are responsible for assuring compliance with all federal, state, and court ordered regulations and mandates related to students with disabilities.
Using Evaluation Results to Develop Effective Present Level Statements:

IEP teams consider evaluation results when writing a student's Present Level of Academic Achievement and Functional Performance. Make sure that evaluation results provide:

- A variety of data sources, including performance on standardized achievement and diagnostic tests, progress on previous IEP goals and objectives (if available), classroom assessments and work samples, parent or guardian input, and other school-based information (e.g., attendance records, scores on large-scale assessments). [Click here for the matrix, which provides a summary of data types that are commonly used.]
- Data sources that are reliable and accurate measures of the student’s abilities.

Guiding Questions for Developing Present Level of Academic Achievement & Functional Performance:

Identify the sources of the data used to assess the student’s academic achievement and functional performance. Sources may include, but are not limited to current classroom-based assessments, district and/or state assessments, and classroom-based observations, parent information, student and general education teacher input in all relevant areas.

The student’s instructional performance may not be on grade level. If not, this may be an indicator that the student’s IEP team needs to consider supplementary aids, services, program modifications, and supports needed. Although a student’s performance may not be at grade level, the student is to receive instruction in grade level content.

Family and student interviews are particularly useful in answering the first two questions. In answering the third question, the IEP team typically reviews additional information—(such as individually administered tests, classroom-based assessments, and other district data)—that can be used to establish a baseline and accompanying goal for each area of education that is affected by the student's disability.

1. What do we know about the student?
   - Strengths
   - Needs/ Weakness

2. How has the student responded to academic instruction?

3. How are the student’s needs linked to the general curriculum?

4. What are the unique needs of the student related to the disability and current level of functioning?

5. What programs, modifications, accommodations and/or interventions have been implemented?
• What worked?
• What did not work?

6. What has been learned from previous IEPs?

7. Is there assessment data that can provide useful information for making decisions about the student's strengths and needs?

8. What are the results of the most recent individual evaluation and student data that can inform decision making?
   • Classroom- based assessments
   • Observations

9. What are the results of State and district assessments?

10. According to content standards, what should the student know and be able to do?

11. What does the student need to accomplish on the next IEP to support learning?

12. What are the parents’ concerns for the education of their child?

13. What are the student’s interests/ preferences?

**Scaffolding Objectives:**

The intent of scaffolding is to determine the objectives needed that will support progress in achieving goals. The objectives, like goals are based on the Maryland State Curriculum. The objectives however are the meaningful intermediate outcomes between the student’s current performance level and the measurable annual goal.

Examine:

1. What is the student’s instructional level?

2. What is the student able to do?

3. What skills are emerging and require continual instruction?

4. What are the next skills that require intensive instruction to achieve this goal?

Determine:

1. What is the student expected to accomplish in 12 months?
2. What supplementary services/supports are being implemented?

3. What accommodations are being provided?

4. What assessment limits will be addressed for this objective?

Select:

1. What is the projected level for the objective that is above the current instructional level and will it support the student in achieving ‘ONE YEAR PLUS’?

2. What is the appropriate revise objective to meet the student’s individual needs?

Monitor:

1. What information should the quarterly monitoring provide?

2. How is it determined if progress is or is not sufficient?

IEP for Student in an Adult Correctional Facility

I. PROVISION OF FAPE TO STUDENTS IN EAGER STREET ACADEMY (ESA)

Eager Street Academy is located inside the Baltimore City Detention Center and services students who have been charged as an adult and awaiting trial. The average stay in ESA is 4 months for male and female students ranging from 14 to 17 years of age.

II. PLANNING/COORDINATION BETWEEN CITY SCHOOLS AND ESA TO PROVIDE FAPE

The City Schools on an annual basis, meets with the Eager Street Academy (ESA) prior to the beginning of the school year to review the following:

1. City Schools’ contact information.

2. ESA contact information.

3. Annually City Schools and ESA review policies and procedures regarding the provision of special education and related services to students with Individualized Education Programs (IEPs) in ESA.

4. City Schools and ESA follow timelines for notification of students with IEPs placed in ESA.

5. City Schools and ESA maintain a system to document the provision of special education and related services.
6. City Schools and ESA maintain documentation for a student who refuses educational services (that includes special education services) for students that have reached the age of majority.

7. A copy of an existing memorandum of agreement (as appropriate) for IEP service delivery will be maintained on file with the designated City Schools office.

8. City Schools provides a mechanism for a referral that is completed by the ESA contact person requesting special education and/or related services when an eligible student is with disabilities is detained or incarcerated.

9. If appropriate, request a copy of the Court Order that documents who has education decision making authority for a student with an IEP.

10. Annually, City Schools will have an enrollment conference with the ESA to ensure services are initiated when a student is detained or incarcerated.

11. Upon registration to ESA, an IEP team member will check MDOIEP to determine if the student is a student with a disability. If the student is on roll within the City Schools, the most recent IEP, transcript, and current documentation of the child’s disability will be requested within five business days.

   In the case of a student who exited City Schools prior to July 1, 2007, the IEP Chairperson at ESA will contact the Student Learning Support (SLS) specialist who will investigate the student’s status prior to their exit. The IEP Chairperson will also contact the SLS specialist for investigation for students whose last school of enrollment was outside the school district (another Maryland school or a school in another state).

12. Confidentiality requirements in the Family Education Privacy Rights Act will be reviewed as appropriate with ESA personnel to ensure compliance.

13. The City Schools will follow the procedures for the appointment of a parent surrogate to protect the rights of a student in a ESA in accordance with the laws of the State.

14. The City Schools follows a process for monitoring and ensuring the provision of FAPE is reviewed on an annual basis, all IEP service delivery data that is maintained (SMS and MDOIEP systems) includes:

   - Student’s name
   - Student’s identification number
   - Student’s current address
   - Student’s home school name
   - Disability SSIS identification code
   - Student’s special education service hours on the LSS IEP received
   - Date of entry into the ESA
   - Date educational records are received by ESA
   - Date of initiation of special education services in ESA
   - Dates of delivery of all IEP services by ESA
   - Date of release from detention or incarceration in ESA
Summary of services provided while detained by ESA

III. IDENTIFICATION OF STUDENTS WITH IEPs
Students with IEPs in ESA are identified in a timely manner.

1. Within two working days of notification by ESA that a student with an IEP is incarcerated in the facility, the City Schools contact person will initiate the following activities:

   - Request from the appropriate school all the records required to implement the student’s current IEP.
   - Review the student record to ensure that the student is currently a student receiving special education and related services.
   - Initiate services for students who were identified as in need of services but not previously receiving services.
   - Inform the ESA of the student’s current special education and related services delivery of services status.
   - Within five days of identification that the student is a student with a disability, the IEP services are initiated if the current IEP can be implemented. If the current IEP cannot be implemented, the City Schools will ensure that an IEP meeting takes place as soon as possible and all of the required steps are taken prior to conducting the IEP meeting.
   - Based on the review of the student’s current documentation: 1) If the IEP is more than one year old, the IEP team must review and revise the IEP, as appropriate; and 2) the IEP team will develop a reevaluation plan, if required.
   - If the student refuses educational services this information is logged in accordance with the City Schools policies and procedures and this information is maintained with the student’s educational records.

Decisions regarding special education must involve the student’s parent according to State and federal requirements. State Statute (Education Article §8-412.1, Annotated Code of Maryland) does not permit students who reach the age of majority, who are in the custody of a state agency, to assume parent rights afforded under the IDEA.

IV. RECORDS

City Schools Education records are obtained in a timely manner in accordance with the Maryland Code/Education Title 8. Subtitle 5. Children in State Supervised Care (§8-501-506).

1. A copy of the student’s education records will be requested by the City Schools within two working days of notification that a student with an IEP is in detention or incarcerated.

2. The school records should be received within three working school days of the request.
3. A copy of the educational records will be requested in accordance with the City Schools policies and procedures for a request for records release.

4. Timelines for receiving the records will be documented.

5. Upon reviewing the records all of the relevant information in the students record required to implement the IEP will be forwarded to the ESA within three working days of notification that a student with an IEP is in detention or incarcerated.

6. The City Schools will keep a list of all of the information provided to the ESA including the name of the City Schools and ESA contact persons managing the educational record information.

V. IEP PROCESS
City Schools in cooperation with ESA implements local policies ensure IEPs are developed, reviewed and revised according to requirements and local policies and procedures.

A. City Schools and ESA staff contacts responsible to implement the IEP process are identified.

1. The names of all City School and ESA staff contacts are reviewed on an annual basis prior to the beginning of the school year.

2. If there is a change in the City School and ESA staff contacts, this information is updated within five working days and shared with both the City School and ESA.

3. A phone call is made quarterly and documented to assure that step 2 (above) is implemented.

B. City Schools procedures and processes have been implemented to schedule and complete IEP meetings in a timely manner.

1. The IEP is reviewed and revised consistent with State and federal requirements and the content of the IEP for a student with a disability in an ESA shall include all of the requirements consistent with 13.A.05.01.09.

2. The City Schools provides special education and related services to students with disabilities incarcerated in local adult correctional facilities located within the jurisdiction of the local school system to ensure FAPE as soon as possible, with no undue delay.

VI. IEP IMPLEMENTATION

A. City Schools ensures that an IEP is in effect before special education and related services are provided to a student with a disability within its jurisdiction, including students with disabilities incarcerated in an adult correctional facility and in need of special education or related services from the City Schools.

B. The City Schools and ESA shall work together to timely develops, adopt or implements a new IEP.

C. The City Schools provides special education and related services by qualified personnel.
1. A copy of the special educators’ qualifications for the provision of special education is on file with the City Schools.

2. A copy of the related service providers’ qualification for the provision of related services is on file with the City Schools.

VII. DATA COLLECTION /ACCOUNTABILITY
City Schools maintains data to document
1. Identification process, timelines and IEP implementation that includes dates and data that document:
   - Timely identification process for students with disabilities
   - IEP implementation timelines
2. All service provider logs (Encounter Tracker and MDOIEP) that include at a minimum the following information:
   - Student’s name
   - Student’s identification Number
   - Date(s) of service
   - Services provided (SSIS code)
   - Hours of services provided
3. City Schools will maintain an up to date tracking log of all students receiving special education and related services.
4. City Schools reviews the data logs at least annually prior to the beginning of the next school year. A record of this information will be maintained by the City Schools in accordance with City Schools record maintenance policies and procedures.

VIII. PROCEDURAL SAFEGUARDS
City Schools provides Procedural Safeguards to all of the required parties in accordance with federal and State requirements.

1. Documentation is maintained in each student’s educational record to demonstrate dissemination of procedural safeguards at required intervals in accordance with City Schools’ procedures.
2. A representative of the City Schools is available to review procedural safeguards with ESA staff upon request.
3. Procedural safeguards are provided in accordance with written City Schools’ policies and procedures.
IDEA/COMAR Requirements:

**Related Services**

Related Services means transportation and such developmental, corrective and other supportive services as may be required to assist a student to benefit from special education.

34 CFR 300.34(a)

These services include speech/language pathology, audiology, interpreting services, psychological services, physical therapy, occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in students, counseling services, including rehabilitation counseling orientation and mobility services, medical services for diagnostic or evaluation purposes, school health services, including school nursing services, social work services, parent counseling and training, rehabilitation counseling, transportation, assistive technology

34 CFR 300.34 (a) , 34 CFR 300.6

**Services Not Included**

Related Services do not include a medical device that is surgically implanted (cochlear implant), the optimization of that device’s functioning, and maintenance of the device or the replacement of the device. However, this exception does not:

1. Limit the right of the student with a surgically implanted device to receive related services that are determined by the IEP team to be necessary for the student to receive FAPE;

2. Limit the responsibility of City Schools to appropriately monitor and maintain medical devices needed to maintain the health and safety of the student, including breathing, nutrition or operation of other bodily functions, while the child is transported to and from school or is at school; or,

3. Prevent the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

34 CFR 300.34 (b)

Related Services do not include medical or other therapeutic interventions that are not required for the student to access the educational program.
Descriptions of Related Services and Qualified Providers

1. Audiology (Office of Related Services)

Audiology includes the identification and diagnosis of children with hearing loss, referral for appropriate medical or other professional attention, provision of aural/auditory therapy, counseling and guidance of students, parents and teachers regarding hearing loss and the determination and evaluation of a student’s need for amplification.

Qualified Provider: The audiologist is the evaluator for hearing disabilities. The audiologist is also the evaluator who determines whether a student may require a FM training system in the classroom and is the provider to contact if a student is diagnosed with a central auditory processing disorder by an outside assessor.

2. Occupational Therapy (Office of Related Services)

Occupational therapy means services provided by a qualified Occupational Therapist and includes improving, developing or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost and preventing through early intervention initial or further impairment or loss of function.

Qualified Provider: The occupational therapist (OT) is the evaluator for students who may present fine motor, visual and/or sensory deficits. Services may be provided by an OT or by a certified occupational therapy assistant (COTA) who works under the supervision of the OT.

3. Physical Therapy (Office of Related Services)

Physical therapy means services provided by a qualified Physical Therapist. Physical therapy facilitates the development of a student’s ability to access and participate safely in the education environment to enable a student with a physical disability to participate in, and benefit from, the educational program through interventions, strategies and adaptations focused on promoting functional mobility, positioning, using specialized equipment and safe and efficient participation in daily activities and routines.

Qualified Provider: The physical therapist (PT) is the evaluator for students with physical disabilities. Services may be provided by a PT or by a physical therapy assistant (PTA) who works under the supervision of a PT.

4. Psychological Services (Office of Related Services)

Psychological services include administering and interpreting psychological and educational tests and other assessment procedures; obtaining, integrating and interpreting information about student behavior and conditions related to learning; consulting with other staff members in planning school programs to meet the special needs of students with disabilities; planning, managing, and delivering a program of psychological services, including counseling and other interventions for students and consultation with parents; and, developing, implementing, monitoring, and evaluating positive behavioral intervention strategies.
Qualified Provider: The school psychologist is the evaluator for mental retardation and assists in the determination of emotional disturbance, specific learning disabilities, and Other Health Impairments based. The school psychologist may also assess children suspected of having other disabilities when cognitive, attentional, and/or emotional factors are suspected of adversely affecting academic performance or scholastic adjustment.

5. Speech-Language Pathology Services (Office of Related Services)

Speech-Language Pathology services include: identification and diagnosis of students with speech and/or language impairments; diagnosis and appraisal of specific speech and language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language impairments; provision of speech and language services for the habilitation or prevention of communicative impairments; and, counseling and guidance of parents, students and teachers regarding speech and language impairments.

Qualified Provider: The speech-language pathologist (SLP) is the evaluator for students suspected of having a speech and/or language impairment. Services may be provided by an SLP or a speech-language assistant who works under the supervision of a SLP.

Under Maryland state law, speech-language pathology services can also be considered special education and can qualify a student for an IEP. Speech-language service is considered a special education service if the primary disability impacting the student’s educational performance is a communication disability. In most cases in which a student has a primary disability of speech or language impairment, special instruction will not be required.

6. Social Work Services (Office of Related Services)

School social work services include: preparing a social or developmental history on a child with a disability; group and individual counseling with the child and family; working in partnership with parents and others on those problems in a child’s living situation (home, school, community) that affect the child’s adjustment in school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; assisting in developing positive behavioral intervention strategies.

Qualified Provider: The school social worker is responsible for preparing a social or developmental history (psychosocial assessment) for a student who either has a disability or is suspected of having a disability. The school social worker is the evaluator for the social, behavioral, and environmental factors affecting the student’s school adjustment.

7. Assistive Technology-AT (Office of Related Services)

Assistive technology includes devices and services such as evaluations, provision of AT devices for students who demonstrate need, collaboration with other IEP service providers, and training and technical assistance for students, family and school staff who work with the student.

Qualified provider: The Assistive Technology Team (ATT) is a city-wide team of professionals who have been specifically trained in the area of assistive technology. The ATT provides
assessments to determine the need for AT devices and/or services for students with fine motor-based deficits that affect the student’s ability to speak or to write. Based on the assessment, the ATT will recommend, obtain, or assist in obtaining, a device with specific features required by the student to receive FAPE. The ATT assists in guiding the IEP team through the process of making decisions about the need for AT.

8. Orientation and Mobility Services (Office of Special Populations in Conjunction with Community Agencies)

Orientation and mobility services are provided to students who are blind or visually impaired children, by qualified personnel, to enable those students to obtain systematic orientation to, and safe movement, within their environments in school, home, and community. Orientation and mobility services include teaching the following as appropriate: spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g. using sound at a traffic light to cross the street). Qualified personnel may also train students to use the long cane or a service animal to supplement visual travel skills, or as a tool, for safely negotiating the environment for children with no available travel vision. They may also train students to understand, and use remaining vision and distant low vision aids, and other concepts, techniques and tools.

Qualified Provider: An ophthalmologist is the evaluator for vision impairment and blindness. The specialist assigned to vision services can guide the IEP team through the process for determining whether a student qualifies as a student with a vision impairment or blindness and in the development of an appropriate IEP.

9. School Health Services (Office of Interagency Support Services)

School health services and school nurse services are health services that are designed to enable a student with a disability to receive FAPE as described in the student’s IEP. These services may be provided through employees of the Baltimore City Health Department (BCHD) who work in the City Schools, or through a contractual agency. The provision of any school health service is pursuant to a current physician’s order and is outlined in a Nursing Care plan that is attached to the student’s IEP.

10. Medical Services (Office of Interagency Support Services)

Medical services include services provided by a licensed physician to determine a student’s medically-related disability that results in the student’s need for special education and related services.

Qualified Provider: Medical doctor.

If the IEP team suspects that a medical evaluation is necessary to determine if a medically related disability is present, the City Schools is responsible for the full cost of the evaluation. The IEP team cannot require the parent to have a medical evaluation completed and provide the IEP team with documentation.
If the IEP team suspects that the student may demonstrate symptoms of attention deficit hyperactivity disorder (ADHD), the IEP team, in consultation with the school psychologist, may order an evaluation to be conducted by the school psychologist who evaluates the student’s ability to focus and attend, and includes all other relevant information. A medical diagnosis is not required to determine if the student exhibits symptoms of ADHD.

11. Counseling (Office of Related Services)

School counseling services within the public school setting are designed to assist the student in accessing the education program by addressing social, emotional, and behavioral impediments to learning. School counseling is not a clinical therapeutic service provided to address matters that are not related to the student’s educational program.

Qualified Provider: Counseling services are provided by qualified social workers or school psychologists. Depending on the needs of each individual student, guidance counselors or other qualified personnel can provide (non-IEP) counseling services.

12. Early Identification and Assessment of Disabilities (Child Find Unit)

Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a student’s life.

13. Interpreting Services (Office of Special Populations)

Interpreting services include: oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services when used with respect to students who are deaf or hard of hearing. It also includes special interpreting services for students who are deaf-blind.

Qualified Providers: City Schools’ Instructional Specialists for Vision and Deaf/Hard of Hearing programs work with the IEP team to determine when these services are required and who the providers will be.

14. Parent Counseling and Training (Office of Special Education)

Parent counseling and training are services designed to assist parents in understanding the special needs of their child. These services can include providing parents with information about child development, and helping parents acquire the necessary skills that will enable them to support the implementation of the student’s IEP.

Qualified Providers: Qualified providers are school system staff members identified by the IEP team who have the requisite skills and expertise to address the identified areas of need. Qualified providers could include the school social worker, school psychologist, guidance counselor, special educator and/or regular educator.
15. Rehabilitation Counseling (Office of Related Services in Conjunction with Community Agencies)

Rehabilitation counseling services are services provided in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability.

Qualified Providers: The SLS Specialist and the school transition specialist work with the IEP team to identify qualified personnel to implement this related service.

16. Recreation (Office of Special Populations)

Recreation includes the assessment of leisure function, therapeutic recreation services, recreation programs in schools and community agencies, and leisure education.

Qualified Provider: The Office of Special Populations works with the IEP team to identify a qualified provider.

17. Transportation (Office of Special Education in conjunction with the Office of Transportation)

Transportation includes: 1) travel to and from school and between schools; 2) travel in and around school buildings; and, 3) specialized equipment such as special or adapted buses, lifts, and ramps, if required to provide special transportation for a student with a disability.

Qualified Providers: The City Schools Office of Transportation manages the provision of transportation services. Transportation staff are available to address questions and/or concerns regarding a student’s transportation needs.

Procedure:

Eligibility and Provision of Related Services

After identifying a student for special education services, the IEP team determines whether the student requires related service(s) to access the educational environment. If a student with a disability does not need special education services, then the student does not qualify for related services under IDEA 2004.

The determination of the need for a related service must be based on written documentation completed, signed, and dated, by a licensed/ certified provider of the service, in agreement with the IEP team. The related service provider who conducted the assessment, or who may provide services to the student, reports to the IEP team on the results of the assessment and instructional implications. IEP goals and objectives for each related service required in the IEP must be written by a certified/ licensed provider representing his/ her respective discipline.

Related services are provided to students according to the identified needs as stated in the IEP. Services are provided according to City Schools’ guidelines.
Practice:

**Related Services Staff Functions**

1. Related services personnel attend IEP meetings at which initial or re-evaluation planning is being considered.

2. Related services personnel provide assessments to help answer questions related to the student’s current educational, behavioral, social/emotional difficulties related to accessing learning.

3. Related services personnel report the findings of assessments conducted to the IEP team which includes the parents.

4. Related services personnel write IEP goals and objectives to support the student’s learning if the student has been found eligible for special education.

5. Related services personnel provide consultative services through the IEP process under Supplementary Aids and Services.

6. Related services personnel provide consultation to parents, teachers, and administrators and other parties involved in the education of the child and his or her development.

7. Related services personnel provide direct services to students consistent with the provider’s area of specialization.

8. Services provided to students are documented through an electronic data system, Encounter Tracker (ET).

9. Encounter Tracker (ET) is an electronic data management system which tracks the compliance of IEP services and is used to document the provision of related services.
   - Principals monitor Encounter Tracker compliance reports through the Principals’ Dashboard.
   - Encounter Tracker Associates and assigned support staff assist Related Services managers in monitoring compliance.

10. Electronic Prevention Plan (ePP) is an application developed by City Schools to store and manage Prevention Plans electronically. Users include IEP Chairs, Special Education teachers, Related Service Providers, Principals, and other designated staff.
   - ePP helps to ensure that all assessments and services are initiated within timelines outlined in IDEA 2004.
   - Prevention Plans are submitted via the ePP system and allow for anticipation and prevention of missed services; Prevention Plan staff secures and manage additional resources to schools as necessary for assessment, and direct and
indirect services for students. Form A (assessment) or Form B (services) are completed at the school level.

- A course on ePP is available on Blackboard at [www.bcps.org](http://www.bcps.org).
- ePP is accessed via eweb.
- Staff accessing ePP can verify if a Prevention Plan referral has been received, assigned, or completed.

**Determining the Frequency, Duration, Location, and Provider of Special Education and Related Services**

The IEP team must discuss services that the student requires as well as the frequency, duration, location, and provider of each service. The IEP team has several considerations to make for each academic goal.

The duration of services includes the number of minutes allocated per session. The frequency is the number of sessions per week, day, or month. When determining the frequency, duration, location, and provider of each service:

- The IEP team must consider the individual needs of the student and develop a plan that meets the student’s individualized needs.
- Services should be provided in an amount that is based on 1) the intensity of services that are required and 2) the degree to which the student’s performance is below the State Curriculum for his or her grade level.
- Services should be provided in an amount that the team determines is most likely to ensure that the student is able to make adequate progress towards both 1) IEP goals and 2) the general curriculum goals.
- City Schools staff must be flexible in allocating the number of minutes and sessions; a staff member’s schedule may not be considered in assigning the number of sessions and minutes that will be allocated for a student. Additionally, the services for a student cannot be limited by a school’s preferred model of service delivery.
- IEP team’s determination of services should not be limited by the school schedules (periods) or service providers availability.

**Related Services Implementation Guidelines:**

A. The following “Related Services” as defined by the Federal Register and Code of Maryland Regulations are being provided and managed by City Schools’ Related Services Unit (RSU): physical therapy, occupational therapy, psychology, social work, counseling, audiology, and speech-language pathology. These clinical disciplines utilize Encounter Tracker as an electronic documentation and data management system. Implementation of these identified Related Services is overseen as follows:
1. Related Service providers are required to provide the principal with a comprehensive schedule for IEP service delivery at each school by the end of the first week of instruction for each school year. A copy of each provider’s schedule is also kept in the IEP Team office. Any subsequent revision to the schedule is to be distributed immediately. Each Related Service provider’s schedule must reflect that IEP related services are being delivered according to the frequency and duration specified on the students’ IEPs. **Provider schedules for each student are to be maintained in Encounter Tracker (ET).** Copies of provider schedules are to be provided to the principal, the IEP Office and also available in the treatment room.

2. Related Service providers (City Schools’ employees and contractual staff) must document provision of therapy services (direct and indirect) in the electronic database, Encounter Tracker (ET) **on the day that the service was delivered.** Providers are required to self-monitor delivery of all services. The Scheduling feature of ET provides an “at-a-glance” view of missed appointments. Assessments are documented via utilization of paper documentation, until such time that these types of clinical data may also be warehoused in Encounter Tracker. All Encounter Logs and documentation of service provision are to be printed, signed and filed in each student’s confidential folder within five (5) business days following the end of the month.

3. Principals, ITAs and Related Services staff will use the Prevention Plan process to anticipate and prevent missed services and to access additional resources as necessary. **If a provider is sick or absent for any reason, in addition to notifying the school, the provider must also notify the Related Services Supervisor of the absence and discuss a plan for make-up of missed services within Settlement Agreement timelines.** If the provider is going to be on a long term absence, the details must be reported to the Related Services Supervisor who will file a prevention plan. The supervisor and provider will coordinate coverage needs. **The supervisor will coordinate the coverage including updating of prevention plan, Encounter Tracker and notifying the principal of provider coverage arrangements.**

4. Principals have access to the School-wide Compliance Report via Blackboard. The report is derived from data entered into Encounter Tracker and lists all providers assigned to a school, their caseloads, and services provided within a selected date range. **Principals MUST review the report with their Related Services staff at least monthly** to ensure that all students have an assigned provider and all services due within a month are scheduled to be provided, or have been provided (if reviewing the prior month). If there are services that cannot be provided on-time (within Settlement Agreement timelines) or have not been provided as scheduled, principals will ensure that make-up services are **scheduled in an expedited manner** and/or contact the Related Services Unit (RSU) supervisor for assistance. The RSU supervisory contacts are as follows:
5. In advance of the monthly meeting with the principal (or at any time given a specified date range) school-based Related Service providers can also view their portion of the School-wide Compliance Report, via the web application.

6. Monitoring by Principal

   a. Principals should meet with Related Services staff at least once per month. Meetings are scheduled in order to:
      i. Ensure the ongoing provision of required IEP services (discuss issues related to particular students of concern, review data reports (Maryland On-Line IEP), review supporting documentation such as School-wide Compliance Report, schedules, Encounter Logs, UCLs, status of missed service make-ups, etc.);
      ii. Prevent Related Service missed services (assessments or therapy);
      iii. Ensure that documentation and principal observations reflect a level of service that meets IEP requirements;
      iv. Identify and resolve issues that are making service provision difficult and review status of any open issues that could result in missed services;
      v. Review issues identified (if any) and follow-up plans originating from monitoring conducted by Related Services Supervisors; communicate with Related Services supervisory staff as necessary.
      vi. Principals should maintain sufficient supporting documentation of meetings with Related Services staff (e.g. agendas, sign-in sheets, materials reviewed, etc.).

   Reminder about contractual and/or redeployed staff: These staff persons may not be able to schedule themselves in a particular school to accommodate the monthly meeting with principals. For these staff persons, principals should review the School-wide Compliance Report and send any concerns to the related services supervisors for that discipline (see 6.a.iv. above).

7. Principals must be aware of the business rules which govern the provision of Related Services and include the following:

   a. Weekly services may ONLY be missed in the case of a student absence or school closing. In the event of field trips, assemblies or provider absences, services MUST be made-up within Settlement Agreement timelines.
      Note: During high school exam weeks, if the high school is closed for instruction, then weekly services do not need to be made up.
   b. Monthly services should not be missed. Monthly services MAY NOT be scheduled on school closing dates. Providers must document attempts to provide services each week of the month. If a student
has been absent for each weekly attempt, the attempts must be
documented in ET and the service does not need to be made up.

c. All services must be delivered on time. If they are missed, the make-
ups must be scheduled as follows: a daily service must be made up in 5 school days; a weekly service must be made up in 7 calendar
days; and a monthly service must be made up within 10 school days
from the end of the month during which the service was scheduled
to be delivered. For any make-up service that will be delivered
outside of these timelines, the related service provider must notify
the related services supervisor. RSU tracks make-up services that are
provided in the schools. All missed services and the respective
timeline to make up the services are reported to the Settlement
Agreement Liaison, MSDE and MDLC. Any time services are
missed and made-up, the impact of the missed related services on the
student’s progress must be discussed at the student’s next scheduled IEP
meeting.

8. The principal will report any performance issues or concerns regarding any Related
Service provider to the appropriate Related Services supervisory staff person
immediately. Principals shall provide written input into the annual evaluation of
Related Service staffing via the Principal Input Form at least twice per year.
Principals will work collaboratively with Related Services supervisory staff when
enhanced monitoring, progressive discipline and/or utilization of performance
improvement plans are necessary.

9. Monitoring conducted by the RSU supervisors includes:
   a. Oversight of Encounter Tracker Associates (ETA’s) who are reviewing the
      missed services reports and unassigned student reports on a daily basis.
      ETA’s communicate with therapists regarding status of make-up
      services.
   b. Review of clinician-specific and student-specific assessment and clinical
      records for Related Services staff.
   c. Review of diligent attempts and student absences. Note: providers are
      strongly suggested to verify student absences with school staff (as
      reporting in SMS) to determine if a student unavailable for service was
      absent for the day, or tardy.
   d. Review of services missed and made-up services scheduled/completed.
      Particular attention to ensure services made up within Settlement
      Agreement timelines.
   e. Investigation of the status of students identified as “unassigned.”
   f. Review and monitoring to confirm that make-up services are provided to
      ensure IEP implementation and avoid missed services. Ongoing
      communication with principals as needed to effectively manage RSU
      providers.
10 Monitoring by related service provider:
   a. Provider must maintain accurate schedules in Encounter Tracker.
   b. Provider must enter all notes into ET on the date of the service.
   g. Provider will self-monitor delivery of all services. Note: the scheduling
      feature of ET provides a visual alert of missed services on the schedule
      (missed services will appear in red), and also will provide email alerts of
      missed services.
   h. Provider must schedule make-up services within Settlement Agreement
      timelines as discussed in #7.c above.
   i. When the provider is unable to make-up services within the timelines,
      he/she must contact the related services supervisor to discuss plans for
      make-up services, and shares these plans with the principal.

B. Disciplinary Consequence

Failure of City Schools staff to adhere to the requirements for provision of ALL IEP Related
Services and the procedures to prevent missed services will result in disciplinary action,
which may include dismissal. Failure of contractual Related Services staff to adhere to the
requirements for provision of IEP services, as identified at the school level and reported to
the appropriate City Schools supervisory staff, will result in immediate follow-up with
agency supervisory staff. Insufficient contractual agency follow-up could result in contract
termination.
Chapter 14
Transition Services

IDEA/COMAR Requirements:

Definition of Transition Services

1. Transition services means a coordinated set of activities for a student with a disability that:
   - Are designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate the student’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
   - Are based on the student’s needs, taking into account the student’s strengths, preferences and interests; and includes:
     - Instruction;
     - Related services;
     - Community experiences;
     - Development of employment and other post-school adult living objectives; and,
     - Acquisition of daily living skills and provision of a functional vocational evaluation, if appropriate.

   34 CFR § 300.43(a)

2. Transition services for a student with a disability may be considered special education, if provided as specially designed instruction, or a related service, if required to assist a student to benefit from special education.

   34 CFR § 300.43(b)

Description of the Transition Planning Guide

The reauthorization of IDEA in 2004 included very specific language about transition planning and the postsecondary outcomes for children. The law stresses the need for the student, educators, parents, and community service providers to work together to support the student as he or she works toward his or her goals and outcomes. This guide is intended to assist parents, students, educators, and community service providers to build informed partnerships. The guide will also provide parents with information that will be needed in the planning process.

Maryland Exit Document

The Summary of Performance (SOP) is required under the reauthorization of the Individual with Disabilities Education Act of 2004. The language as stated in IDEA 2004 regarding the SOP is as follows:
For a child whose eligibility under special education terminates due to graduation with a regular diploma, or due to exceeding the age of eligibility, the local education agency “shall provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals.”

34 CFR §300.305(e)(3).

**Definition of State Performance Plan (SPP)**

The reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004 added a requirement to develop and submit a State Performance Plan (SPP) for IDEA Part C services for children, birth through age two years old, and their families, and IDEA Part B services to children with disabilities, ages three through 21 years old, to the United States Department of Education, Office of Special Education Programs (OSEP).

The purpose of the SPP is to enable OSEP and the Maryland State Department of Education (MSDE) to monitor and enforce the implementation of the IDEA Part C and Part B through general supervisory oversight responsibilities and the performance of local Infants and Toddlers Programs (LITPs) and public agencies on the respective SPP indicators [20 U.S.C.§1416(a)(1)(A) and (B)].

The ultimate goal of IDEA is to improve the educational results and functional outcomes for all infants and toddlers, children, and youth with disabilities under IDEA in order to ensure the provision of early intervention services and a free appropriate public education (FAPE) designed to meet the unique needs of infants, toddlers, children, youth, and their families to prepare our children and youth for further education, employment, and independent living [20 U.S.C. §1401(d)]. OSEP developed a set of quantifiable indicators for both Part C and Part B to measure the performance of states in their efforts to accomplish this goal [20U.S.C.§1416(b)(2)].

**Procedure:**

**When Transition Services Must Be Provided**

According to COMAR 13A.05.01.09A (3), in Maryland, beginning not later than the first IEP to be in effect when a student turns 14 years old, and younger if appropriate, a student’s IEP must include:

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

2. The transition services, including course of study needed to assist the student to reach those goals; and,
3. A statement of needed transition services including, if appropriate, a statement of a public agency’s and a participating agency’s responsibilities or linkages, or both, before the student leaves the secondary school setting.

Exit Document

The Maryland Code of Regulations (COMAR), which are the regulations for the Maryland state laws, refers to the Summary of Performance as the Exit Document. The Maryland Exit Document provides graduating students with IEPs important information that they may use as they transition from school to post secondary activities. These activities may include employment, postsecondary education, supported employment, or independent living provided by community service agencies. The document is given to students as a companion to the Maryland High School Diploma or the Maryland High School Certificate of Program Completion. The document is generated using a web-based program. This document is developed by a school staff member and the student with input from the student’s family. Data for the document should be gathered at the student’s IEP team meetings where transition planning takes place. The School Principal will designate the staff member responsible for completing the Maryland Exit Document.

State Performance Plan

MSDE is committed to effectively reporting and disseminating the SPP to local superintendents of schools, local directors of special education in each public agency, local directors of LITPs, Parents’ Place of Maryland, Inc. Families Involved Together, Inc., SICC members, SESAC members, IDEA Partnership Team members, and the public as required by law. Additionally, the SPP will be posted on the MSDE Web site and annual presentations regarding the performance of the State and its public agencies on SPP targets will occur at State leadership meetings.

Practice:

People Who Must Attend the IEP Team Meeting When Transition Services Will Be Discussed

1. The student must be invited to an IEP meeting if postsecondary goals for the student and the transition services needed in reaching those goals will be considered. If the student does not attend the IEP team meeting, the IEP team must take other steps to ensure that the student’s preferences and interests are considered.

2. Representatives of other agencies which are likely to be responsible for paying for or providing transition services must also be invited if the parent has provided informed consent for the representative’s attendance at the meeting.
Transition Services Are Based On Student’s Need

1. The IEP team must base transition services on the student’s needs.

2. To ensure transition services are appropriately designed the IEP team must take into account the following:

   - the student’s strengths
   - the student’s preferences and interests
   - instruction
   - related services
   - community experiences
   - development of employment
   - development of other post-school adult living objectives
   - acquisition of daily living skills and provision of a functional vocational evaluation, if appropriate.

When Transition Services Must Be Provided

The IEP team must ensure that all eighth graders have transition services incorporated into their IEP, or sooner if the student turns 14 years old before entering the 8th grade.

Transition Planning Guide

The Transition Planning Guide was developed and produced by the Maryland State Department of Education (MSDE) and Division of Special Education/Early Intervention Services.

1. As of April 19, 2010, “The Transition Planning Guide” must be provided to parents at every new and annual IEP meeting for a transition student.

2. The parent/caregiver(s) must sign for receipt of the form on the last page of the City School’s copy of the book, and this must be filed in the parent section of the student’s IEP folder.

3. If the parent does not participate in the meeting, the Transition Planning Guide must be sent home to the parent and it must be documented in IEP Communication Log that there was an attempt to give it directly to parent/caregiver.

4. A statement to document method of receipt of the Transition Planning Guide should be included in the first transition discussion box of IEP (the same box where age appropriate assessment is discussed).

5. All students 14 years and older must receive the “Transition Planning Guide”.

6. For all students 16 years and older, the Department of Rehabilitation Services’ (DORS) representative must be invited to the IEP meeting. For all students, in the fall of the next
to last year of school, a DORS referral should be made. DORS may also be invited in any situation that an IEP Team deems necessary.

**Exit Document**

1. Each City High School, Non Public education facility, and other schools with prospective graduating seniors and students exiting with a certificate of program completion will have School Level Administrative Logon rights to the web-based program used to generate the Maryland Exit Document issued by the Office of Student Learning Support – Transition Unit.

2. Exit documents can be entered in the data base as early as the ninth (9th) grade and must be completed and issued along with the diploma/certificate of completion by the school’s graduation date. A copy of the Exit Document should be maintained in the student cumulative folder along with either the diploma or certificate of program completion.

3. The Maryland Exit Document contains the following ten sections:

   a. Demographic Information- This section provides basic demographic information such as the student’s name, address, and phone number.

   b. Course of Study- This section highlights the student's curricular experiences.

   c. Educational Supports- This section identifies the supports that have been the most significant in helping the student in his/her classes throughout high school, and the anticipated supports that the student may need in post-secondary institutions.

   d. Employment Preferences- This section provides the student with the opportunity to identify his/her preferred job and/or preferred working conditions.

   e. Personal Interests- This section provides the student with the opportunity to include favored extracurricular and non-school related activities or other interests.

   f. Personal Attributes- This section identifies attributes that best describe the student.

   g. Vocational Supports- This section identifies the supports that have been the most significant in helping the student in his/her job experiences throughout high school, and the anticipated supports/services that the student may need in future employment.

   h. Work History- This section identifies the student's job/training experiences throughout high school.

   i. References- This section provides the student with the opportunity to include personal/character references and/or employment references.
j. Skill Rating—This section provides information about the student's individual characteristics and level of skill in three broad areas: Basic Academic Skills, Personal Attributes, and Vocational Skills.

**Definition of the Indicator 13 Checklist**

1. The Office of Student Learning Support—Transition to Work has adopted The Indicator 13 Checklist in order to help City Schools collect data that meets SPP Indicator 13 of the Part B State Performance Plan and Annual Performance Report goals as required by the Department of Education, Office of Special Education Programs.

2. An updated copy of the Indicator 13 Checklist is available by contacting the Office of Student Learning Support—Transition to Work at 410.396.8900. It will also be posted on TSS.
Chapter 15
Placement Determination/ Least Restrictive Environment
Decision Making

IDEA/COMAR Requirements:

**Definition of Placement Determination**

The educational placement decision is made by the IEP team to determine the educational setting in which the student’s special education instruction will occur. Unless the student’s IEP requires a different arrangement, the student is educated in the school that he or she would attend if nondisabled.

34 CFR 300.116

The placement determination identifies the educational settings in which the student’s Individualized Education Program (IEP) will be implemented. This decision is made by the IEP team. Placement decisions require that:

- The student’s placement decision must be made by the student’s IEP team;
- The placement in the least restrictive environment (LRE) is based on, and consistent with the student’s IEP; and
- Unless the student’s IEP requires some other setting, the student is to be educated in the school the student would attend if not disabled, and as close as possible to his or her home.

**Definition of Least Restrictive Environment (LRE) According To Individuals With Disabilities Act (IDEA)**

The LRE is the educational setting where a student with a disability can receive a FAPE (Free Appropriate Public Education) designed to meet the student’s unique needs, while being educated with peers without disabilities in the general educational environment, to the maximum extent appropriate. The LRE mandate of the IDEA requires students with disabilities to receive their education in general education settings to the maximum extent appropriate. If such a setting is not appropriate, the student is to receive his or her education in a setting with the least amount of segregation from the student’s nondisabled peers, as possible.

**The Relationship between Least Restrictive Environment (LRE) and Educational Placement Policy**

Each public agency must ensure that:

- To the maximum extent appropriate, children with disabilities, including children in public or private institution or other care facilities, are educated with children who are nondisabled; and
- 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.

34 CFR 300.114

The City Schools must maintain a continuum of alternative placements to meet the needs of students with disabilities. This continuum includes instruction in regular classes, instruction in special classes, special schools, home instruction and instruction in hospitals and institutions. The City Schools must also make the provision of supplementary services (such as resource room or itinerant instruction) and related services in conjunction with regular class placement.

COMAR 13A.05.01.10B

Who Makes the LRE Placement Determination?

The IEP team makes the LRE placement determination. (See Chapter 6 for description of required IEP team members).

COMAR 13 A.05.01.10C.(1)(a)(i)

How Is a Placement Determination Made?

The IEP team develops the goals and objectives of the IEP based on the student’s individual needs. This includes any instructional accommodations or modifications that the student may require.

34 CFR 300.116(b)(2)

The IEP team then considers the supplementary aids and services, program modifications and supports that can be provided to the student in the general education setting. The student cannot be removed from the regular education classroom solely due to needed modifications to the classroom.

34 CFR 300.116(e)

Placement Decision

The placement decision must be made at least annually.

34 CFR 300.116(b)(1)

If the student’s placement determination requires that a student attend a school other than the school he/she would attend if nondisabled, the assignment must be to a school as close as possible to the student’s home.

34 CFR 300.116(b)(3)

Transportation Consideration

If the IEP team determines that a student with a disability cannot be educated in the school or early childhood setting that the student would attend if nondisabled, the IEP team must document the specialized transportation needs of the student.

The IEP team must consider the following factors in determining whether the student requires specialized transportation:

- Student’s age and disability;
• Specialized equipment needs of the student;
• Personnel needed to assist the student during transportation;
• Amount of time involved in transporting the student; and
• Distance that the student will be transported.

COMAR 13A.05.01.10C.(1)(e)

Procedure:

This continuum starts with the general education classroom. The continuum must include general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions or other settings unless the nature or severity of the disability is such that education in regular classroom settings, with supplementary aids, services, program modifications and supports cannot be implemented satisfactorily.

If the general education setting is not appropriate even with modifications and supports, the student is to receive his/her education in a setting with the least amount of segregation from the student’s nondisabled peers, as possible. In short, LRE relates to the settings where a student with a disability receives special education services, and how much time is spent in those settings, and not what services a student is to receive. For additional information, see the MSDE Technical Assistance Bulletin 9A which is available on the MSDE website.

For preschool children with disabilities, LRE is based on the percentage of time a child spends in a regular early childhood setting. A regular early childhood setting, composed of 50% or more nondisabled peers, includes:

• Head Start
• Public school pre-kindergarten or kindergarten programs
• Reverse mainstream classes
• Private preschools
• Group child care

The time a child spends in Head Start, public or private preschool, or group day care is considered as general education hours. The child’s total program (regular education and special education hours combined) cannot exceed 8 hours per day.

The IEP team then determines whether the student’s IEP can be implemented in the general education setting satisfactorily with the recommended supplementary aids and services.

• Yes— The team documents its decision including the rationale and supporting documentation for its determination as part of the Prior Written Notice.

• No— The team documents its decision including the rationale and supporting documentation for its decision as part of the Prior Written Notice.

If the IEP team determines that the IEP cannot be satisfactorily implemented in the general education classroom, then the team considers other configurations of instruction and service delivery, such as a combination of general education and small group instruction (resource room), self-contained classroom, etc.
The team documents its decision for each option considered and rejected as part of the Prior Written Notice.

The team must consider the supplementary aids and services for the student that are appropriate for each placement option. The student may not need all of the supplementary aids and services considered for the general education classroom if he/she will receive the IEP services in a more restrictive setting. However, this first entails an individualized inquiry into the unique educational needs of the disabled student in deciding the possible range of aids, services and supports that are needed to facilitate the student's placement in the regular educational environment before a more restrictive placement is considered.

**Practice:**

1. In determining appropriate placement, the IEP team must consider:
   - The educational benefits to the student with a disability in a general education class supplemented with appropriate aids and services, in comparison to the benefits in a separate special education classroom.
   - The non-academic benefits to the student with a disability when interacting with students who are not served in special education.
   - The degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the student with a disability.
   - The goals and objectives of the IEP based on the student’s individual needs. This includes any instructional accommodations or modifications that the student may require.
   - The supplementary aids and services, program modifications and supports that can be provided to the students in the general education setting. The student cannot be removed from the general education classroom solely due to needed modifications to the classroom.

2. Placement decisions cannot be solely based on:
   - Category of the student’s disability;
   - Significance of the student’s disability;
   - Language and communication needs;
   - Needed modifications in the general curriculum;
   - Configuration of the City Schools’ delivery system;
   - Availability of space of educational or related services; or,
   - Administrative convenience.

3. The IEP team must consider every recommendation or suggestion proposed by the parent or an IEP team member. Rejection of any recommendation must be based on documentation relating to the student’s needs. The rationale and the supporting documentation must be recorded in the Prior Written Notice.

4. If the IEP team suspects that the student may require placement in a specialized program (PAL, Life Skills, ED, Vision or Hearing Impaired), the IEP team must consult/ collaborate
with the appropriate specialist to make an informed decision. The specialist should be invited to attend the IEP meeting at which the IEP will be developed and placement determined.

**Description of Specialized Programs**

**People with Autistic-Like Behavior (PAL) Program**– The PAL Program is designed for individuals with autism which is a pervasive developmental disorder that typically appears during the first three years of life. Autism is the result of a neurological disorder that affects the normal functioning of the brain, impacting development in the areas of communication and language, social interaction, and behavior. The instructional emphasis is on communication, academic, behavior management, and social/life skills.

**Life Skills Program**– The Life Skills Program is designed to provide instructional support to students with intellectual disability who have concurrent deficits or impairments in adaptive functioning in at least two of the following areas: self-care, home living, social/interpersonal skills, self-direction, work, leisure, health, safety, and use of community resources. The instructional emphasis is on the academic content areas with an integration of activities of daily living that are needed to support functioning in the home, school, community, and at work.

**ED Program**– The ED Promoting Respect Integrity Discipline and Excellence (P.R.I.D.E.) Program is designed for students diagnosed with emotional disturbance who need intense behavioral supports and therapy in order to be successful in their classroom. Types of emotional disabilities can include: emotional disturbance, generalized anxiety disorder, obsessive-compulsive disorder, panic disorder, post-traumatic stress disorder, societal anxiety disorder, specific phobias, depression, bipolar disorder, seasonal affective disorder, and schizophrenia. The instructional emphasis is on appropriate therapy, instruction, and positive behavioral supports.

**Vision Program**– The Vision Program provides services to students who have vision disability. The three major types of vision disability are those related to:

- Acuity (clarity of sight)
- Field (seeing within 180 degrees)
- Cognitive (failure of the brain to process information from the visual pathways)

In order to assess the visual functioning of a child, a report from a qualified medical examiner (ophthalmologist, optician, neurologist, doctor) is needed first. Instructional supports include modifications, such as, magnification devices, large print books, books on disc, or materials in Braille.

**Deaf or Hard of Hearing Program**– The Deaf or Hard of Hearing Program provides services to students who have been diagnosed with hearing loss. Hearing loss is measured in decibels and can be mild, moderate, severe, or profound. The types of hearing loss are:

1. Conductive– This is the most common hearing loss in children and occurs when sound is blocked in the external or middle ear.
2. Sensorineural– This hearing loss involves the inner ear or the nerve cells and is a permanent condition.
3. Mixed– This is a combination of both conductive and sensorineural loss.

A child with a hearing loss usually needs a full speech and language evaluation to help plan for educational services. Instructional support may include hearing devices, and accommodations/modifications to support academic and language development.

**IEP Team Discussion Requirements**

Questions to ask during the discussion:

1. Can services be provided in general education without supplemental services?
2. Can services be provided in general education with supplemental services?

Review the following to answer questions 1 and 2:

- Begin with a general education setting.
- Use the student’s IEP as the basis for the IEP team’s placement decision.
- Services and placement that will reasonably promote educational success must be individually determined and be based on the student’s unique abilities and needs.
- Determine the educational needs of each student with a disability in order to evaluate the appropriateness of the full range of supplementary aids, services, and supports needed to facilitate specialized instruction in general education settings before a more restrictive placement is considered.
- Determine the extent that the student with a disability will be able to participate in the general education classes, services, and activities:
  - Review of student’s present level of academic achievement and functional performance which describes how the student’s disability affects the student’s involvement and progress in the general curriculum
  - Review of a student’s measurable goals and benchmarks.
- Consider the supplementary aids, supports, services, and accommodations to be provided in order to facilitate the student’s access and progress in the general curriculum and to participate with nondisabled peers in general education, extracurricular, and nonacademic activities
- Consider whether placement in general education settings will result in any potential harmful effect on the students or on the quality of service that the student needs.
• Consider whether placement in general education even with the implementation of documented rigorous behavioral interventions as indicated in the student's BIP, will significantly impair the learning of others.

• Calculating the LRE is based on setting and time. The LRE is reported as a percentage of time within a school day that a student with a disability is removed from general education settings or segregated from disabled peers. The amount of time removed is translated into a percentage of the school day. The percentage of time outside of the general education setting is then assigned an LRE categorical code.

**Transportation Consideration**

The IEP team must document the consideration of the following factors when determining the student’s need for transportation:

- Student’s age and disability;
- Specialized equipment needs of the student;
- Personnel needed to assist the student during transportation;
- Amount of time involved in transporting the student; and
- Distance that the student will be transported.

After consideration of these factors, the IEP team determines the type of transportation that the student requires (yellow bus, MTA) and any specialized equipment (for example: seat belt, harness, car seat) or staff assistance that the student will require to access the transportation.

If the IEP team is aware of any specialized transportation needs of the student prior to the IEP meeting, a member of the IEP team should contact the Office of Transportation to discuss these needs and the supports available to address them.
## Description of LRE Settings and Supports

<table>
<thead>
<tr>
<th>Setting</th>
<th>Discussion</th>
<th>Suggested Supports</th>
</tr>
</thead>
<tbody>
<tr>
<td>General education (80% or more)</td>
<td>Supports are provided in the general education setting by the general educator and/or the special educator.</td>
<td>Related services, modified assignments, small group setting, behavior interventions, indirect services, collaboration, services provided by general educator, can be the co-teaching model, additional adult support (with input from central office).</td>
</tr>
<tr>
<td>Inside General Education (40%-79%)</td>
<td>Supports are provided in the general education setting by the general educator and/or the special educator. Students can be in a small group setting for areas identified within the IEP as a need for additional support.</td>
<td>Small group setting, supports within the general education setting as deemed necessary when student is in the general education setting, additional adult support through self contained and/or pull out program (with input from central office).</td>
</tr>
<tr>
<td>Inside General Education (less than 40%)</td>
<td>Can be a PAL, ED, Life Skills (tend to be the city wide program) This placement is determined by the IEP team and the IEP educational specialist.</td>
<td>Students integrated for lunch and SPARS, field trips, all school wide and extra-curricular activities with supports identified on the IEP. All services and supports listed above are also available as appropriate.</td>
</tr>
<tr>
<td>Public Separate Day School</td>
<td>City schools that service specialized populations. There are no general education students in these schools. The disabilities of students attending these schools tend to be severe to profound. This placement is determined by the IEP team and the IEP educational specialist.</td>
<td>All related service supports as identified on the IEP are available on a full time basis generally within the classrooms as opposed to a pull out program. All services and supports listed above are also available as appropriate.</td>
</tr>
<tr>
<td>Private Separate Day School</td>
<td>Non-citywide schools that service the specialized population. The non-public office, IEP team and IEP educational specialist reviews IEP and determines placement.</td>
<td>All related service supports as identified on the IEP are available on a full time basis generally within the classrooms as opposed to a pull out program. All services and supports listed above are also available as appropriate.</td>
</tr>
<tr>
<td>Public Residential Facility</td>
<td>Student attends school and lives on campus; student does not go home and receives 24 hour care. The non-public office, IEP team, IEP educational specialist, makes recommendation and LCC (Local Coordinating Council) reviews IEP and determines placement.</td>
<td>All related service supports as identified on the IEP are available on a full time basis generally within the classrooms as opposed to a pull out program. All services and supports listed above are also available as appropriate.</td>
</tr>
<tr>
<td><strong>Private Residential Facility</strong></td>
<td>Student attends school and lives on campus; student does not go home and receives 24 hour care. The non-public office, IEP team, and IEP educational specialist, make recommendation and LCC reviews IEP and determines placement.</td>
<td>All related service supports as identified on the IEP are available on a full time basis generally within the classrooms as opposed to a pull out program. All services and supports listed above are also available as appropriate.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Home and Hospital</strong></td>
<td>Students are assigned to this placement by the IEP team and/ or medical staff based on the student’s medical needs and/ or if the student is found to be in an emotional crisis by doctor or psychologist. This placement is generally no longer than 60 business days. IEP meeting is recommended to be held by the home school IEP team by the 35th day to review the student’s educational needs and placement.</td>
<td>IEP special education instruction is reduced to no fewer than 6 hours. Related services can be reduced or suspended during this time period. Services are provided in the home, hospital, or agreed upon location such as a public library. An adult must be present during the provision of services.</td>
</tr>
<tr>
<td><strong>Parentally Placed in Private Schools</strong></td>
<td>Parents voluntarily place the student in non city schools (Religious Schools, Culturally Ethnic School). Students are provided assessments to determine if a disability exists and a service plan can be offered for related services. An IEP annual review and reevaluation are provided for students and these families by the designated school.</td>
<td>The amount of services and type of services are specified by the Notification of Intent Letter.</td>
</tr>
</tbody>
</table>
### Description of Preschool LRE Settings and Supports

<table>
<thead>
<tr>
<th>Setting</th>
<th>Discussion</th>
<th>Suggested Supports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Early Childhood Setting (80% or more)</td>
<td>Supports are provided in the regular early childhood setting by the general educator and/or the special educator</td>
<td>Related services, small group instruction, behavior interventions, indirect services, collaboration, services provided by general educator, can be the co-teaching model, adult support (with input from central office).</td>
</tr>
<tr>
<td>Regular Early Childhood Setting (40% to 79%)</td>
<td>Supports are provided in the general education setting by the general educator and/or the special educator. Students can be in a small group setting for areas identified within the IEP as a need for additional support. Includes preschool children dually enrolled in a preschool special education class and Head Start or day care for the remainder of the day.</td>
<td>Small group setting, with consultation and collaboration by service providers during the time the student spends in the regular early childhood setting, additional adult support through self contained and/or pull out program (with input from central office).</td>
</tr>
<tr>
<td>Regular Early Childhood Setting (less than 40%)</td>
<td>Preschool programs that include less than 50% nondisabled peers, with opportunities to interact with nondisabled peers.</td>
<td>Students integrated for lunch and SPARS, field trips, all school wide activities with supports identified on the IEP. All services and supports listed above are also available as appropriate.</td>
</tr>
<tr>
<td>Separate class</td>
<td>Preschool program that includes less than 50% nondisabled peers. It includes a separate special education classroom or a separate special education school. These placements are determined by the IEP team and Preschool Coordinator.</td>
<td>IEP is implemented in a structured small group setting by a preschool special educator.</td>
</tr>
<tr>
<td>Home</td>
<td>Preschool children may receive services in the home setting, based on the IEP Team decision. Typically, preschool children who receive home services through an IEP are too medically fragile to attend school.</td>
<td>Adult must be present. Service provider consults directly with parent or caregiver.</td>
</tr>
<tr>
<td>Service Provider Location</td>
<td>Services provided to a preschool child who is not enrolled in any early childhood setting. Settings include school, clinician office, library, or clinic. Preschool children who are not enrolled in any program and receive a single service at the designated school are included in this category.</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 16
Evaluation and IEP Development
Transition from the Infants and Toddlers Program

IDEA/COMAR Requirements:

*What is it?*

The Individuals with Disabilities Education Act of 2004 (IDEA 2004) allows States the flexibility to make Part C services available to children after age 3. Parents of children who previously received early intervention services and who are determined eligible for services under Part B Section 610 (preschool special education) may choose the continuation of services under Part C through an Individualized Family Service Plan (IFSP). Under the Part C Option, the early intervention services system shall also include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for such children until they enter, or are eligible under State Law to enter, kindergarten.

*Children Affected*

Under the IDEA, "infants and toddlers with disabilities" are defined as children from birth through age two who need early intervention services because they are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

- Cognitive development;
- Physical development, including vision and hearing;
- Communication development;
- Social or emotional development;
- Adaptive development; or
- have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. The term may also include, if a state chooses, children from birth through age two who are at risk of having substantial developmental delays if early intervention services are not provided.

34 CFR §303.16

*Transition*

Children participating in Early Intervention Programs (Part C), and who will participate in Early Childhood Special Education Programs (Part B), experience a smooth and effective transition to those preschool programs. Families will be included in the transition planning for their children (§300.132).
**IEP Meeting**

The IEP meeting can be held as early as 9 months prior to the child’s third birthday.

The following participants must attend the IEP meeting:

- Parent (Required)
- Special educator (Required)
- Individual who is qualified to teach a child of the child’s age if the child is younger than school age, or does not have a regular education teacher (Required)
- Individual who can interpret the instructional implications of the evaluation results
  - This can be another required member of the IEP team if that person is able to interpret the instructional implications of the evaluation
- City Schools representative who is familiar with resources available (Required)
  - This can be another required member of the IEP team

The following people must be invited to the initial IEP meeting for a child under Part C if the parent requests:

- The Part C service coordinator
- Other representatives of the Part C system who are requested by the parent

**When the IEP Must Be in Effect**

Any child who has a disability under IDEA and who requires special education must have an IEP in place by the child’s third birthday.

**Procedure:**

**Transition for Part C to Part B**

Children participating in early intervention programs under Part C of the IDEA through the Health Department’s Baltimore Infants and Toddlers Program (BITP) and may require preschool services under Part B of the IDEA must transition to those programs with an IEP by the child’s third birthday.

**Family Choice**

If the child is determined eligible for Part B, the parent will select Family Choice.

Children currently enrolled in an infants and toddlers program, with a third birthday of February 1, 2010 or later, and who are found eligible for preschool special education and related services will have the opportunity to continue an Individualized Family Service Plan (IFSP) or move to an Individualized Education Program (IEP).
Practice:
At 33 months, the BITP Part C supervisor will provide the City School representative with a Transition Packet for children who may require special education and related services by their third birthday. A transition Packet may include: Transition Planning Checklist, IFSP, and Parent Consent for Release of Information, completed assessments, progress reports and medical information, etc.

The IEP Team will:

- Review IFSP
- Review assessment/ progress reports
- Determine the existence of a Part B disability (see Appendix E for a list of disability codes)
- Determine present level of performance
- Develop annual goals and short-term objectives
- Identify service providers for annual goals
- Document frequency of identified services
- Discuss eligibility for Extended School Year (ESY) services
- Determine the Least Restrictive Environment (LRE) including supplementary aids and services
- Obtain appropriate signatures
- Discuss community resources and complete Part VI of the IFSP

IFSP services will continue until the child’s third birthday.

1. If eligibility is suspected but not able to be determined, the IEP Team will:

   - Document that the child is not eligible for Part B based on existing information
   - Determine which additional assessments that may be necessary for eligibility for Part B
   - Secure parent permission and conduct recommended assessments, as appropriate
   - Schedule and send notice for appropriate IEP meeting to parent and all required team members.

2. If the child is determined not eligible for Part B, the Service Coordinator will:

   - Discuss community resources and complete Part VI of the IFSP; and
   - IFSP services will continue until the child’s third birthday.

Following the IEP meeting, the City Schools Transition representative will ensure that the IEP is in effect by the child’s third birthday and will:

- Complete student data form if appropriate and submit to preschool special education office
- Complete IEP folder
- Forward IEP folder to assigned placement
- Notify parent of school registration requirements, if appropriate
- Send placement letter to parent and the Related Services Unit
- Confirm transportation arrangement, if appropriate.

When the child reaches the age of 36, months the Part C Service Coordinator will complete the data add/change form, IFSP Part VI, and forward with the early intervention record to Baltimore Infant and Toddler Program (BITP) data entry for closure.

**Procedural Safeguards**

To ensure the successful transition of toddlers from Part C to Part B:

- The BITP will develop a list of all toddlers turning 29 months of age to review the status of each child’s transition.

- The BITP Part C Supervisor and Part C City Schools Transition Liaison will review the list of children turning 30 months of age on a monthly basis to determine transition status. Parental consent is obtained prior to the meeting.

- The Preschool Special Education Coordinator is provided a projected number of children transitioning from Part C to Part B within the next six months, to support the planning of early intervention services.

To ensure the successful transition of infants and toddlers from Part C to Part B special education services, the LSS Representative will confirm attendance.
Timeline For Implementing An IEP After It Is Developed

IDEA/COMAR Requirements:

An IEP must be implemented as soon as possible after the meeting at which the IEP is developed or revised, except when:

1. The meeting occurs during the summer or a vacation period; or,
2. There are circumstances that require a short delay, such as arranging transportation, arranging for an IEP aide, or identifying a nonpublic school.

Access to the IEP

Each teacher or school staff person who is responsible for the implementation of the IEP must have access to it. Additionally, each teacher and service provider must be informed of his or her specific responsibilities relating to implementing the IEP and the specific accommodations, modifications and supports that must be provided for the child in accordance with the IEP.

When a Student’s IEP Must Be in Effect

City Schools must have an IEP in effect for each student with a disability in its jurisdiction at the beginning of the school year.

Procedure:

Prior Written Notice

Prior to the implementation of the revised IEP the parent must be provided prior written notice of the IEP team’s determinations

Access to the IEP

The City Schools requires that each teacher, service provider or school staff member who has responsibilities for IEP implementation must have a copy of the IEP and be familiar with its contents. There should be documentation in the Communication Log that the service provider received a copy of the IEP and initiated services.
Practice:

Access to the IEP

It is the responsibility of the teacher or service provider to make sure that he/she has a copy of the IEP for each student in his/her class or his/her caseload and that he/she is knowledgeable about implementing the provisions of the IEP.

Implementation of the IEP

- The IEP must be implemented in the educational environment identified in the IEP. The student’s class schedule and school assignment must be consistent with the identified Least Restrictive Environment on the IEP.

- All IEP services must be implemented by appropriate services providers. The appropriate service providers are identified on each goal page. Service providers must document the initiation and provision of each service in the Communication Log found in each student’s confidential folder when the initial IEP is implemented, each time the IEP is revised, and at the beginning of each school year. Additional documentation that IEP services are being provided should be documented in contact logs, attendance books, teachers’ lesson plans, class lists, providers’ schedules and caseload lists, and Encounter Tracker logs.

- All IEP services must be provided without interruption. The Communication Log must contain documentation to show that all IEP services are implemented by the legal initiation date. City Schools is obligated by the Settlement Agreement of March 2010 to make up any missed IEP services within the designated timeline. In delivering makeup services, City Schools will ensure that the instructional program of students will not be negatively impacted. Schools must document how missed classroom instruction is made up in the required time period and by the required service provider utilizing the Notification of Missed/Make IEP Services form (located in the form section of this manual).

- Indirect services to support the teacher must be documented. Indirect services are documented on the Maryland Online IEP Part III: Special Considerations and Accommodations in the Supplementary Aids, Services, Program Modifications and Supports section. On-going documentation of the provision of indirect services must be maintained on the Universal Contact Log and Contact Note forms. These forms must be signed by an administrator and filed in the student’s confidential folder by the 5th day of the following month.

- All identified instructional and testing accommodations/ modifications must be fully implemented. Instructional and testing accommodations must be documented on the Maryland Online IEP Part III: Special Considerations and Accommodations in the Instructional and Testing Accommodations section. Documentation of supplementary aides and services as well as accommodations and modifications provided to students must be evident in teacher lesson plans.
Prevention Plan

When a school needs assistance in providing an IEP service or preventing an interruption in an existing IEP service, Prevention Plan B should be submitted using the Electronic Prevention Plan process when requesting assistance with psychological, counseling, social work, speech/language, occupational therapy physical therapy, audiology, and assistive technology services. The Electronic Prevention Plan Process is accessed using e-web. If e-web is unavailable or unable to be accessed contact the help desk at 410-396-8182. Make note of the ticket number. Also contact the related services unit 410-396-8924 to alert them of the needed prevention plan. All attempts to submit the prevention plan must be documented on the communication log. After submitting the prevention plan on going monitoring is required until the service(s) requested are provided.

The Electronic Prevention Plan process is not used when requesting assistance with vision and adaptive physical education services. Complete a hard copy of Prevention Plan B and submit to the Special Education Programs unit (410) 361-9806. To follow up the phone number is 2-2392. For vision services the contact person is Karen DiDomenico and for adaptive PE the contact person is Leslie Brudenell.

For initial/modified service, the IEP team will complete the Electronic Prevention Plan and submit to the Related Service Unit immediately after the IEP is developed. A request for assistance with an anticipated interruption in service is faxed immediately to the IEP Specialist.

Settlement Agreement- Missed Services

The Settlement Agreement requirements for make-up of missed IEP services are:

City Schools is obligated by the Settlement Agreement (March 2010) to make up any missed IEP services in a timely manner. All missed IEP services must be reported to the Office of Special Education utilizing the Notification of Missed/Make-up Services form. (See the form section of this manual). The required timeline to make up any missed IEP services is as follows:

1. A weekly service that is missed must be made up within 7 calendar days;
2. A monthly service that is missed must be made up within 10 school days;
3. A daily service that is missed must be made up within 5 school days.

If the student missed IEP instruction the following steps must be followed (see flowchart Part 1: Missed IEP Instruction at the end of this chapter)

- School staff must complete the Notification of Missed/Make-up Services form.
- School staff must coordinate with the special education teacher to make-up the missed services within the timelines specified in #1, 2, and 3 above.
Delivery of make-up services must be documented on the *Notification of Missed/Make-up Services* form and upon completion the form must be forwarded to the Office of Special Education, 200 E. North Ave. Room 210, Baltimore, MD 21202 OR faxed to 410-545-3688.

Central Office staff will update eComp and collect data for Settlement Agreement reporting.

If a student misses IEP instruction due to late IEP required transportation refer to Flowchart I: Identifying students that Missed IEP Instruction due to Transportation and Flowchart II: School to Provide Make-up Service

If a student missed related services (at the regularly scheduled appointment time) the Related Services Unit will coordinate the make-up and reporting of the missed related services.

If the student missed related services due to late IEP required transportation, the make-up of the services will be coordinated with the provider and the Related Services Unit. The Office of Special Education will complete the *Notification of Missed/Make-up Services* form for reporting of data for MSDE, SAL, and MDLC.

The Office of Special Education must monitor and report to MSDE, the Settlement Agreement Liaison (SAL), and the Maryland Disability Law Center (MDLC) the number of:

1. Services missed;
2. Make up services provided within timelines;
3. Make up services not provided within timelines;
4. Number of students with missed services.

**Makeup Services for Students Beyond the Specified Settlement Agreement Timeline**

- Makeup IEP services provided for students beyond the specified timeline must be reported to the Office of Special Education immediately upon discovery of missed services.
- For a student who misses more than 60 hours of instructional services and/or 20 hours of related services, a panel will review the case and make a recommendation regarding the appropriate manner of providing the one-for-one makeup service.
- A special IEP meeting will be scheduled for the student. The IEP team will consider the panel’s recommendation and document their final decision regarding provision of makeup services
- The IEP team at the student’s school must then report back to the Office of Special Education, the results of the IEP meeting, including the results of the student specific corrective action determined by the IEP team and the status of implementation.
- The Office of Special Education will notify the panel of the IEP team’s decision and make arrangements for the make-up services.
- See Flowchart II: Missed IEP Instruction > 60 hours at the end of this chapter.
Part I: Missed IEP Instruction

*Note 1 – make-up services must be completed during the school day, whenever possible. However, it may be necessary to arrange for after-school or Saturday make-up if the make-up services cannot be scheduled during the school day (i.e., self-contained student)
Part II: Missed IEP Instruction >60 Hours (See Note 1)

**Note:** This situation could be caused by failure to identify an incoming student as receiving Special Education Services and therefore not providing IEP Instruction, or absences of a Special Education Teacher without a qualified substitute, etc. It requires review by a panel made-up of the Executive Director of Special Education for City Schools, a representative from MSDE, and the Settlement Agreement Liaison (Erin Leff) to make recommendations regarding make-up services.

1. Parental notice consistent with COMAR 13A.05.01.07D and Prior Written Notice COMAR 13A.05.01.12
I. Identifying Students That Missed IEP Instruction Due to Transportation

Transportation Monitor logs all buses & taxis that arrive 15 minutes late on manual form.

Transportation Monitor enters the late bus info into new Vehicle Tracking Application daily.

ITD will send a daily listing (or file) of late bus/taxi arrivals to Special Education (OCS).

Transportation Department will send copies of the daily bus/taxi attendance logs to Special Ed (OCS) for buses that were late.

Special Ed (OCS) will create a daily list of IEP students who arrived late on bus or taxi.

For each student on list identified as late, a call is made to the school to determine if student missed IEP Instruction:

- Yes
  - OCS will create a Notification of Missed/Make-up IEP Service form for each student that missed IEP Instruction and charge to transportation (541).
  - OCS will fax form to school to arrange for make-up within timeframe.
  - Go to "School to Provide Make-up Services" Flowchart.

- No
  - OCS will enter information into eComp under Settlement Agreement type.
  - Go to "Identifying Students that Missed Related Services Due to Transportation" Flowchart.

IEP Bus Aide logs students that ride bus each day on manual form.

Bus Aides submit the log to transportation department daily.

ITD will send the weekly listing to Special Ed (OCS) showing students & their bus numbers.

ITD will generate a weekly list of students with IEP listed as transportation reason in eTR.

Special Ed (OCS) will create a daily list of IEP students who arrived late on bus or taxi.

Special Ed (OCS) will compare the daily bus attendance logs to the eTR list of students with disabilities.
II. School to Provide Make-up Service

School receives Notification of Missed/Made-up IEP Services from for students that arrived late on bus/taxi

School will notify Special Educator of each student to make-up the service (within 5 school days of miss, if instruction)

As provider makes-up missed services, he/she updates the Notification of Missed/Made-up Services Form

Provider will make a copy of the Notification of Missed/Made-up Services Form and place the original in the Student’s Confidential Folder

Is make-up completed?

Provider (or school staff) sends a copy of the Notification of Missed/Made-up IEP Services Form to Special Ed (OCS)

OCS updates eComp with provided services information

OCS monitors completion of make-up services and negotiates with school to complete services

End

III. Identifying Students That Missed Related Services Due to Transportation

For each student identified as late, OCS will call the school to determine if student missed Related Service

Is the student on the list of Students With Disabilities Receiving Related Services?

For each Related Service that the student receives, OCS staff will check provider schedule

Scheduled during time late?

OCS will notify each Related Service Coordinator of need to check provider notes and need for make-up

OCS will update list of late students to indicate pending Related Service make-up

End
Chapter 18
Reporting Progress

IDEA/COMAR Requirements:

*Reporting Progress on IEP Goals*

The IEP progress report is a periodic report sent to the parent to inform the parent of the student’s progress towards achieving the annual IEP goals.

*When Must Progress Reports Be Sent?*

The IEP Progress Report must be sent home on a quarterly basis.  

34 CFR300.320 (a)(3)

**Procedure:**

In City Schools, these reports are sent to the parent at the same time as the regular report card is issued.

**Practice:**

Before progress is addressed, the team needs to determine the methods used to document appropriate supplemental aids and services and the use of accommodations and modifications.

The general educator and special educator collaborate to discuss the progress of the student in terms of the IEP goals. The tools that can be used include but are not limited to:

- Observation
- Class work
- Informal assessments
- Homework
- Quizzes and drills
- Standardized tests
- Unit tests and benchmarks
- Data sheet
• Social/behavioral contracts/ BIPS
• Attendance/ tardiness
• Documentation of disciplinary action
• Formal assessments
• Independency
• Self advocacy
• Motivation

**Information Included in the IEP Progress Report**

The IEP Progress Report must contain each annual goal on the student’s IEP and the student’s progress towards achieving each goal.

In Maryland Online IEP, the area at the bottom of the IEP goal page entitled Progress Toward Goal provides the service provider a place to record student progress.

**There are four progress codes:**

• Achieved
• Making sufficient progress to meet goal
• Not making sufficient progress to meet goal
• Not yet introduced


If any goal is marked “not making sufficient progress to meet goal”, then an IEP meeting must be held to discuss the student’s progress before the end of the next marking period. The teacher’s written comments need to be included for any goals that are marked “not making sufficient progress to meet goal.”

There should be collaboration between the general educator and special educator to determine the progress of the special education student. Students with IEPs should not automatically be given a U or failing grade simply because they are below benchmarks or grade level. A student with an IEP can be given a passing grade if documentation supports that the student is showing growth in the IEP goals as measured by the previously stated tools. Also, below grade level scores on benchmark assessments or state testing do not prevent students with disabilities from earning top marks on their report card (e.g. A, B, Excellent, Good) through classroom performance.
After collaboration, the information is to be shared with the case manager who is responsible for scheduling the IEP meeting as needed and reporting the progress on the report card. When reporting the progress, the supplemental supports are to be listed as part of the written comment. Consideration and noting of accommodations used or not used can be made by the special educator and/ or general educator. When progress is made with supports, the supports should be identified.

The IEP Report Card should be attached to the regular report card. The IEP report card is to be placed in the student’s IEP folder in the Parent’s Section quarterly (5 days after the report card is sent home). All service providers should maintain a copy of the IEP Report Card for their documentation.

**Reporting Progress on Report Cards**

There must be ongoing consultation and collaboration between the regular education and special education service providers to address skill areas for which the child has IEP goals. Skill areas and goals need to be addressed on the School Report Card and IEP Report Card for students in elementary schools. Secondary students also receive grades on both report cards (i.e. School and IEP Report Cards) in all areas.
Chapter 19
IEP Review and Revision

IDEA/COMAR Requirements:

IEP Review

If the student is making expected progress towards achieving the annual goals on the IEP, then the IEP would need to be reviewed annually from the date of the initial IEP development meeting.

34 CFR 300.324 (b)(1)(i)

What Information Must Be Considered at an IEP Review Meeting?

In revising a student’s IEP, the IEP team must address:

• Any lack of expected progress toward the annual goals and in the general education curriculum;
• Results of the most recent evaluation of the student;
• Information about the student provided by the parent;
• The academic, developmental, and functional needs of the student;
• The language, vision, communication, behavior and assistive technology needs of the student; and,
• As appropriate, the results of the student’s performance on any state or citywide assessment program.

34 CFR 300.324(b)(1)(ii)

When Must an IEP Be in Effect?

The City Schools must have a current IEP in effect for each student with a disability at the beginning of the school year.

34 CFR 300.323(a)

Changes to an IEP Outside of an IEP Meeting (Amending the IEP)

After the annual IEP meeting, the parent and the City Schools may agree not to convene an IEP meeting to change a student’s IEP. Specified school staff may meet with the parent and develop a written document that amends or modify the student’s current IEP. If either the parent or school staff feels that a full IEP team meeting is necessary, then an IEP meeting must be convened.

34 CFR 300.324(a)(4)(i)

All members of the student’s IEP team must be notified of any amendments to the IEP.

34 CFR 300.324 (a)(4)(ii)
The parent must receive a copy of the IEP with the amendments incorporated.

34 CFR 300.324 (a)(6)

**Procedure:**

The IEP can be reviewed at any time at the request of the parent and/or at the request of the IEP team but no later than 365 days from the last meeting where the IEP was developed/revised.

The IEP may be reviewed at any time for FAPE (example: manifestation).

**Practice:**

*Annual Review*

The IEP team meets periodically, but not less than annually, to review and revise a student’s IEP. The IEP review is always due within one year of the previous meeting where the IEP was developed or reviewed. However, if the student does not achieve the expected progress, the IEP team must revise the student’s IEP to address the lack of expected progress (See *Student is not making expected progress* section below).

The IEP review meeting is scheduled and conducted at a time and place mutually convenient to the parent and the school. For a student placed by the parent in a private or parochial school, the IEP team at the designated school is responsible for conducting the IEP review.

At an IEP review meeting, the IEP team:

- Determines whether the annual goals for the student are being achieved. The previous IEP must indicate if objectives were achieved, with the dates of achievement indicated.
- Addresses any lack of expected progress in the annual goals or in the general education curriculum;
- Reviews data and information from assessment procedures conducted as part of the reevaluation, as appropriate;
- Addresses any information about the student provided to or by the parent;
- Addresses the student’s anticipated needs;
- Discusses other matters, as identified on the notice of the IEP team meeting; and
- Provides the parent with information regarding Extended School Year Services.

Note: Parents must be notified of their right to ask for revisions of the student’s IEP or to invoke due process procedures if the parent feels that good faith efforts to assist the student to achieve the goals and objectives on the IEP are not being made.

The parent must receive the completed/closed IEP within 5 business days of the meeting,

*Student is not making expected progress*
If the student is not achieving the expected progress, the IEP team must convene to address the lack of expected progress.

Use the review of quarterly IEP Report Cards as a guide.

The quarterly reporting of the student’s progress on the IEP Report Card should be used to determine whether a student’s performance on the IEP goals is sufficient to enable the student to achieve the goal in a year. If the student is not making progress from one reporting period to the next, the IEP team should convene to determine if the IEP needs to be revised. See Chapter 18 for additional information.

Although amendments may be necessary, they can only occur:

- After an annual review meeting during the current school year
- After obtaining permission from parent
- With Office Student Learning Support (OSLS) approval

**Amendments**

Documentation for amendments is completed in the Forms section of MD Online IEP. The forms that must be completed are the:

- Amendment/Modification to Current IEP without an IEP Team Meeting
- Access Log
- Parent Contact log

Amendments for transfer of schools that occur as a result of changing servicing schools must also include the *Amendment/Modification to Current IEP Without an IEP Team Meeting* form. These forms need to be filed in the student’s confidential folder.

**Late Annual Review**

If any IEP services are increased or added at the time of the late annual meeting, then during this meeting the IEP team must discuss and document if the student experienced any harm due to the late meeting and any possible remedy to this harm.
**CHAPTER 19**  
**IEP REVIEW/REVISION FLOW CHART**

*The following is a general outline of the IEP review and revision process. Refer to Chapter 19 for specific details on each step*

---

**Prior to the Meeting**

1. Schedule the meeting and gather information  
2. Notify parent 12 days prior to IEP meeting  
   - Parent notification form  
   - Require documents that will be discussed at meeting  
   - Procedural Safeguards Booklet

---

**At the Meeting**

1. Discuss and document on IEP the present level of academic achievement and functioning behavior  
   - Document and address parent input/concerns  
   - Document and address recommendations from outside agencies  
   - Document student’s interests  
   - Document impact of disability

2. In revising the student’s IEP, the IEP team must address:  
   - The language, vision, communication, behavior and assistive technology needs of student  
   - Any lack of expected progress toward annual goals/general education curriculum  
   - As appropriate, the results of student’s performance on state/citywide assessment  
   - Results of most recent evaluation of the student  
   - Information about the student provided by parent  
   - The academic, developmental, and functional needs of student

3. Revision to Goals and Objectives to address present level of performance

4. Discussion of determination of services needed and placement.
Chapter 20
Continuing Eligibility/Reevaluation

IDEA/COMAR Requirements:

Continued Eligibility

A reevaluation is any evaluation that occurs after the initial evaluation and is required for students with an IEP and for students with a services plan.

Timeline for Reevaluation

A reevaluation of a student with a disability must be conducted:

1. If the City Schools determines that the educational or related services needs of the student warrant a reevaluation. This includes ensuring that a reevaluation occurs before determining a student is no longer a student with a disability. 34 CFR 300.303(a)(1)

2. If the child’s parent or teacher requests a reevaluation. 34 CFR 300.305(a)(2)

3. The IEP team must conduct a full and complete assessment in all areas of suspected disability before a student is dismissed from special education services. 34 CFR 300.305(e)(1)

A reevaluation is not required before termination of a student’s eligibility due to graduation from high school with a regular diploma or due to reaching the age of 21. In these cases, the student must be provided with a summary of the student’s academic achievement and functional performance. This summary must include recommendations on how to assist the student in meeting his/her postsecondary goals. 34 CFR 300.305(e)(2,3)

A reevaluation must occur at least once every 3 years, unless the parent and the City Schools agree that a reevaluation is not necessary.

A reevaluation may not occur more than once a year, unless the parent and the City Schools agree that an additional reevaluation is necessary. 34 CFR 300.303(b)

At least five (5) business days before a scheduled IEP team meeting or other multidisciplinary education team meeting, the parents are to receive and accessible copy of each assessment, report, data chart(s), draft IEP, or other document the team plans to discuss at the meeting. Education Article §8-405
**Review of Available Data**

At the reevaluation planning IEP meeting, the IEP team must review existing evaluation data, including:

- Evaluations and information provided by the parents of the student; and,
- Current classroom-based, local, or State assessments and classroom-based observations.  
  
  34 CFR 300.305(a)(1)

On the basis of that review and input from the child’s parents, the IEP team must determine if additional data are needed to document:

i. Whether the student continues to be a student with a disability;
ii. The educational needs of the student;
iii. The present levels of academic achievement and related developmental needs of the student; and,
iv. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.  
  
  34 CFR 300.305(a)(2)(i)(B)-(iv)

**If the IEP Team Determines That No Additional Data Is Needed**

If the IEP team determines that additional data is not necessary, the IEP team must:

ii. Notify the parent of the determination and the reasons for the determination; and,
iii. Inform the parent of the parent’s right to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student’s educational needs.  
  
  34 CFR 300.305(d)

**If Additional Data Is Requested by the IEP Team**

If the IEP team determines that additional data is necessary before making a determination regarding the student’s continuing eligibility or educational needs, the IEP team must order appropriate assessments and secure parental consent.  

COMAR 13A.05.01.06E(4,5)

**Reevaluation Meeting to Review Assessments**

After ordered assessments are completed, the IEP team must reconvene to determine if the student continues to be a student with a disability and, if so, the educational needs of the student.  

34 CFR 300.305(a)(2)(i)(A)

Not later than five (5) business days after a scheduled IEP or other multi-disciplinary team meeting the appropriate school personnel are to provide parents and accessible copy of the completed IEP. If the IEP has not been completed by the fifth business day after the IEP meeting, school personnel shall provide the parents with the draft copy of the IEP.  

Education Article §8-405
**Procedure:**

**Reevaluation Meeting**

A reevaluation meeting must be held within required IDEA timelines. A reevaluation must also occur if the IEP team is considering dismissing any service on the IEP, even if dismissal of the IEP service will not terminate the student’s eligibility under IDEA 2004. See Dismissal Procedures in this chapter for detailed information.

**At Parent’s Request**

If the parent requests an assessment, then the IEP team must order and conduct the assessment. Parents have the right to request an independent assessment if they have concerns regarding the findings of an assessment conducted by City Schools.

**Prior Written Notice When a Parent Is in Attendance:**

The notification of the IEP team’s determination and the rationale for not needing any additional data, must be clearly stated and must be included in the Prior Written Notice to the parent, even if the parent attends the IEP team meeting. The parent’s response must also be included in the Prior Written Notice.

**Prior Written Notice When a Parent Is not in Attendance:**

The notification of the IEP team’s determination and the rationale for not needing any additional data must be clearly stated. The parent must also be clearly informed of the right to request that an assessment be conducted.

If the parent is not at the IEP meeting, the IEP Team Chair must conduct diligent efforts to ensure that the parent is informed of the right to request an assessment and has the opportunity to respond.

**Prior Written Notice (PWN):**

All decisions regarding the dismissal of a related service must be clearly documented, including a discussion of the data which supports the dismissal. The prior written notice must be provided to the parent before a service is ended.

Prior Written Notice: The prior written notice must clearly discuss why the student is no longer eligible under the current disability and any other suspected disabilities.

In the City Schools, the reevaluation meeting must occur within 90 days of the date of the meeting at which the assessments were ordered.
Practice:

Reevaluation Meetings

- To prepare the student for transitioning from elementary to middle school grades or middle to high school grades a reevaluation must also considered at these natural transition point (i.e. moving from 5th to 6th and 8th to 9th) unless formal education assessments have been conducted in the past 2 year and are an accurate description of the student’s current level and needs.

- A reevaluation meeting to review assessments provided by parent(s) must occur within 30 days of the assessment being provided by the parent. The IEP team must review the assessment and consider all of the recommendations provided within the assessment; however these recommendations do not have to be accepted by the team. The IEP team must document the discussion of the assessment findings and recommendations in the Maryland Online IEP.

- Any time the IEP team meets to review an assessment for a student already receiving Special Education services; this is considered a reevaluation meeting.

If any IEP services are increased or added at the time of the late reevaluation meeting, then during this meeting the IEP team must discuss and document whether the student experienced any harm due to the late meeting and any possible remedy to this harm.

Reevaluation Planning IEP Meeting

- If the student’s disability is Other Health Impaired current documentation of the disability must be available.
- If the student’s disability is learning disabled, current documentation must include informal classroom observation and the LD team report completed and signed on Maryland Online form (this form must be completed, printed and signed).

Questions for team to consider during reevaluation planning/reevaluation:

1. When did the last documentation to support a students’ documented disability occur? If longer than 3 years ago, the team must consider assessment to support the documentation of the disability.

2. Is there sufficient data to support the current IEP of the student (including consideration of state, district, and College Board assessments)? If no, the team must consider assessment to support the student’s current educational plan.

3. Do current Present Levels of Academic Achievement and Functional Performance (PLAAFP) support previous and current data from all assessments? If no, the team must consider assessment to support the students documented PLAAFP.
4. Is the student making progress in the curriculum at the expected rate based on previous assessment data? If no, the team should consider ordering assessments to determine what additional supports may be needed.

5. Have there been any significant life changes that have occurred since last evaluation that would warrant additional investigation? If yes determine what type of evaluation would be appropriate in order to plan appropriately to meet student’s current needs.

If the IEP team determines that no additional data is necessary and the parent does not request an assessment, the Reevaluation Planning meeting becomes a Reevaluation Meeting.

Ordering Assessments

Please see Chapter 7 and Chapter 9 if you need more information on informed parental consent for reevaluation or conducting assessments.

Assessment Procedures Must Include:

- Input from classroom teacher and other team members on the student’s performance and need for continued eligibility;
- Documentation to support team recommendations (such as work samples, informal assessments, IEP goal progress report);
- Observation of the student in the classroom to document performance;
- Input from the parent on the student’s progress and need for continued eligibility;
- Performance of classroom-based assessments, benchmark assessment data, city or statewide assessments;
- Documentation of progress to include: information from progress notes, encounter notes, report of baseline data and charting to show progress; and,
- IEP progress report related to the service.

If a student is unwilling to take an assessment after multiple attempts the report documenting this behavior will serve as the assessment.

Specific Procedures to Address Dismissal of a Related Service

1. Schedule a reevaluation planning meeting to consider existing data. As part of the existing data, the related service provider must present a comprehensive report discussing the student’s progress in the related service and whether there continues to be an educational impact that requires the related service. The report of progress must be based on assessment procedures which are outlined in Chapter 9.

2. If the IEP team, including the parent, determines that there is enough data to support the recommendation to dismiss the related service, then the reevaluation planning meeting becomes a reevaluation meeting and the service can be dismissed.
3. If the IEP team determines that no additional data is required, but the parent disagrees, then the IEP team informs the parent that he/she has the right to request that the IEP team order additional assessments, including standardized testing.

4. If the IEP team determines that additional assessment procedures are needed, including standardized testing, the team orders the selected assessments. The related service continues until the reevaluation meeting. The reevaluation meeting must occur within 90 calendar days of the date that the school IEP team met and determined that additional data is needed.

5. At the IEP reevaluation meeting, the IEP team reviews all of the additional data and determines whether the student continues to require the related service. If the team determines that the student no longer requires the related service, then the IEP team recommends dismissal of the service and informs the parent of his/her procedural safeguards if the parent disagrees with the recommendation.

Documentation of assessment data must be placed in the Academic and Functional Areas Assessed section of the Maryland Online IEP. Discussion regarding the assessments used to document disability and team decision regarding disability continuing must be placed in the Continued Eligibility section of the Maryland online IEP.

**Discontinuing A Service**

Follow these guidelines to determine when a service can actually be discontinued:

1. If the parent is at the meeting, is in agreement with the dismissal and receives the IEP/Prior Written Notice (PWN) at the meeting, the services can be discontinued the following school day. If the PWN is not provided to parent at the meeting then a service cannot be discontinued. The service must continue until the PWN is provided to the parent.

2. If the parent is not at the meeting, PWN must be provided (given or mailed) to the parent within three (3) business day of the meeting. Document all PWN activities on Communication Log.

Service may be discontinued once prior written notice is provided to the parent.

**Consideration of Dismissing a Student Back to General Education**

1. Schedule a reevaluation planning meeting to:
   - Discuss the current data on the student;
   - Decide what additional data is necessary to determine that the student no longer has a disability under IDEA; and
   - Order the recommended assessments needed to conduct a comprehensive individualized evaluation.
These assessments may include, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. Area impacted by the disability must be considered. All other areas must be discussed and documented.

2. Reevaluation to consider returning the student to general education (exit code A) must include documentation of standardized testing in the primary disability and documentation that there is not a disability that has an educational impact requiring special education instruction or related services.

**Updating Educational Assessments**

The IEP team must order an updated educational assessment and classroom observation even if the IEP team determines that no other assessments are necessary to determine whether the student continues as a student with a disability under IDEA.

1. The team must consider not only the current disability, but if there is any other suspected disability that may impact the student’s educational progress. If another disability is suspected, then the team must order all necessary assessment procedures, including standardized testing related to the suspected disability.

2. Schedule a reevaluation meeting to review the ordered assessment information. If the IEP team determines that the student no longer is eligible as a student with a disability under IDEA, then the student is dismissed from special education services.

*Note:* The prior written notice must clearly discuss why the student is no longer eligible under the current disability and any other suspected disabilities.

**Consideration of Dismissing a Student with an 04 (Speech-Language Disability) which will Impact IEP Services that the Student is Receiving other than Speech-Language Services**

Schedule a reevaluation planning meeting to consider existing data. As part of the existing data, the speech-language pathologist (SLP) must present a comprehensive report discussing the student’s progress in the speech and/or language areas and whether there continues to be an educational impact that requires speech and/or language therapy. The report of progress must be based on formal assessment procedures described in Chapter 9.

A speech-language assessment should be ordered if the parent feels that deficits continue in that area and requests additional assessment which can include standardized tests or other appropriate assessment instruments.

Speech/language services continue until the IEP team reconvenes to discuss the results of any assessments ordered.

Schedule a reevaluation meeting. The IEP team must consider all of the data and determines if the student:
1. Continues to have a speech-language disability
   - If the student no longer is eligible as a student with a speech-language disability, then the student is dismissed from speech-language services.

2. Qualifies for special education because of another disability.
   - If the student continues to qualify for services with a different disability, then the IEP team develops an IEP to meet the student’s needs based on the new disability.

3. No longer qualifies under a 04 disability code and that there is no other disability that requires special education.
   - The team dismisses all services and the student returns to general education exit code A.

When a student is eligible for special education services with a 04 disability, it is because the student has a communication disorder that is impacting his educational performance. In most cases, neither special instruction nor other related services will be indicated.

When the IEP team feels that the student requires special instruction or related services in addition to speech/language services, the IEP team should consider if another disability is suspected at that time and order appropriate assessments. The primary disability should be changed if indicated. This will help to avoid the situation described above when the dismissal of speech-language services will dismiss the student back to general education.

**Documenting Reevaluation Data**

All reevaluation data must be entered into the IEP Part 1: *Meeting and Identifying Information on the Continued Eligibility* section of the Maryland Online IEP. If the reevaluation results indicate that the student is no longer eligible for special education services the student needs to be exited from special education in Maryland Online IEP using Code A-Return to General Education and the person entering data into SMS and responsible for student scheduling must be alerted that the student is returning to general education. This is needed in order to facilitate any schedule changes that may be necessary when the child no longer requires special education services.
Chapter 21
Discipline Procedures

IDEA/COMAR Requirements:

Disciplinary Removal of Students with Disabilities

A student with a disability who violates a code of school conduct may be removed from his current placement to another appropriate interim alternative educational setting, another setting or suspension for up to 10 consecutive or cumulative days (to the extent that those alternatives are applied to nondisabled students) without the need to conduct a manifestation determination or to provide educational services during the removal.

34 CFR §300.530(b)(1)

When Does a Disciplinary Removal Trigger the Procedural Requirements of the IDEA?

Requirement to Provide Educational Services

On the 11th day of disciplinary removal in a school year, a student with a disability must be provided educational services sufficient to permit the student to continue to participate in the general curriculum and to progress towards meeting his IEP goals. These services can be provided in a setting other than the student’s zoned school.

Educational services must be provided on the 11th day of removal for all students with disabilities.

Requirement to Conduct a Manifestation Determination

When the disciplinary removal of a student constitutes a change in placement, the City Schools must:

1. Immediately notify the parent of the decision to disciplinarily remove the student and provide the parent with a copy of the procedural safeguards notice. This must be done on the actual date that the removal occurs.

34 CFR §300.530(h)

2. Within 10 school days of the decision (IDEA 2004), convene an IEP meeting to determine if the student’s behavior that resulted in the removal is a manifestation of the student’s disability. The IEP team must include any school staff deemed relevant to the decision-making by the parent and the City Schools.

34 CFR §300.530(e)(1)

Change of Placement

A change in placement occurs:

1. If the disciplinary removal is for more than 10 consecutive school days;

2. If the student has had 10 cumulative days of disciplinary removal; or,
3. If the child has had a series of removals that constitute a pattern.

*Pattern of Removal*

A pattern of removal is demonstrated if:

1. The series of removals total more than ten (10) school days in a school year;

2. The student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and,

3. There are additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

The determination of whether a pattern of removals constitute a change in placement is made on a case-by-case basis and is subject to review through due process and judicial proceedings.  

34 CFR §300.536

In Maryland, the determination of whether a pattern exists must be made by the IEP team.  

COMAR 13A.08.03.05B.

The IEP team must count time for all removals made during the school year to determine if a disciplinary action constitutes a change in placement. After the initial 10 days of removal have been met, the IEP team must meet on every subsequent disciplinary removal to consider all of the disciplinary removals as a whole and determine if there is a pattern of removal. If the IEP team determines that there is a pattern of removal that constitutes a change in placement, than the IEP team must conduct a manifestation determination.

**Conducting the Manifestation Determination Meeting**

The IEP team must review all relevant information in the student’s file, including the student’s IEP, teachers’ observations, and relevant information provided by the parents during the manifestation analysis. The IEP team must carefully consider and answer the following questions:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or,

2. If the conduct in question was a direct result of the City Schools’ failure to implement the IEP.

34 CFR §300.530(e)(1)

If the IEP team answers YES to either of these questions, then the behavior must be determined to be a manifestation of the student’s disability.  

34 CFR §300.530(e)(2)
The reasons for the IEP team’s decision regarding manifestation must be clearly documented on the manifestation determination form because it is part of the Prior Written Notice provision.

**If Manifestation Is Found**

If the IEP team finds that the behavior was a manifestation of the student’s disability, then the team must:

1. Either
   a. Conduct a functional behavior assessment (FBA), unless the IEP team had conducted an FBA prior to the disciplinary action, and develop and implement a behavior intervention plan (BIP); or,
   b. If there is a BIP in place, review the BIP and modify it, as necessary, to address the behavior; and,

2. Immediately return the child to his educational placement, unless the parent and the IEP team agree to a change in placement as part of the modification of the BIP.

   34 CFR §300.530(f)(1,2)

If the manifestation finding is based on the failure of the school to implement the student’s IEP, then the IEP team must also immediately review and, if necessary, revise the IEP and ensure that it is consistently implemented.

   34 CFR §300.530(e)(3)

All FBA and BIP forms must be entered on MDOIEP and must be thoroughly completed to document the discussion and decision about the student’s behavior. To ensure compliance, all sections of the form must be completed on line.

**45 Day Placement – Alternative Educational Setting (AES)**

School administration may remove a student to an AES for not more than 45 school days without regard to whether the behavior is a manifestation of the student’s disability if:

- The student carries or possesses a weapon in school, on school premises, or at a school function. A weapon is an animate or inanimate object capable of inflicting death or serious bodily injury. A knife can be a dangerous weapon if the blade is over 2.5 inches long;
- The student knowingly possesses or uses illegal drugs while at school, on school premises or at a school function;
- The student knowingly sells or solicits the sale of a controlled substance while at school, on school premises or at a school function. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V section 202c of the Controlled Substances Act; or,
- The student knowingly inflicts serious bodily harm upon another while at school, on school premises or at a school function. Serious bodily injury is defined as a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious...
disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

34 CFR§300.530(g)

The IEP team determines the interim alternative educational setting in which a student with a disability will receive the educational services required to enable him to participate in the general education curriculum and progress on his IEP goals.

34 CFR§300.531

If Manifestation Is Not Found

If the team finds that the behavior was not a manifestation of the student’s disability, then the City Schools may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures are applied to nondisabled students except that:

1. The student must continue to receive educational services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP; and,

2. The student must receive, as appropriate, a FBA, and behavioral intervention services and modifications that are designed to address the behavior so that it does not recur.

34 CFR §300.530(c),(d)

Appeal of Placement Determination or Manifestation Determination

If the parent disagrees with any decision regarding the placement of a student in an interim alternative educational setting or with the manifestation determination, that parent can appeal the decision by requesting a due process hearing.

The school can also request a due process hearing if it believes that the current placement of the student is substantially likely to result in injury to the student or others.

34 CFR §300.532(a)

The student remains in the last assigned placement (AES) pending the results of the due process hearing.

See Chapter 28 for information on requesting a due process hearing and authority of the administrative law judge.

Students Who Are in the Evaluation Process

A student who has not yet been identified as disabled is entitled to the same protections as a student with a disability if the school had knowledge that the student had a disability before the behavior occurred.

34 CFR§300.534(a)
**Considered to Have Knowledge of a Disability**

A school is deemed to have knowledge that a student may be a student with a disability if:

- The parent has expressed a concern in writing to supervisory or administrative personnel of the City Schools or to a teacher of the student that the student may need special education;
- The parent has requested an evaluation of the student;
- The student’s teacher or other school staff has expressed specific concerns about a pattern of behavior demonstrated by the student to the director of special education or other supervisory personnel of the City Schools.

34 CFR §300.534(b)

**School Staff Would not Be Deemed to Have Knowledge if:**

1. The parent has not allowed an evaluation of the student; or,
2. The parent has refused the initiation of special education services for the student; or,
3. The student was evaluated and the IEP team determined that the student did not have a disability; or,
4. The student has been evaluated and the IEP team determined, based on the information reviewed, that the student was not suspected of a disability.

34 CFR §300.534 (c)

The parent must have received proper prior written notice for #3 and #4 above to be accepted as no basis of knowledge. If the parent has not been provided proper and complete written notice, then the school may be deemed to have a basis of knowledge.

A student who is not suspected of having a disability and for whom there is no basis of knowledge may be disciplined in the same manner as a nondisabled student.

34 CFR § 300.534(d)(1)

**Request for an Evaluation While the Student is Disciplinarily Removed from School**

If the parent requests an evaluation during the disciplinary removal (either short-term or extended removal), the IEP team must conduct an expedited evaluation. The student can remain on suspension or expulsion pending the completion of the evaluation.

If, as a result of the evaluation, the student is identified as a student with a disability, the IEP team develops an IEP and provides the required special education and related services.

34 CFR §300.534(d)(2)

**Referral to Law Enforcement and Judicial Authorities**

The City Schools can report a student with a disability to appropriate authorities for a crime committed by the student. The City Schools must ensure that copies of the special education and disciplinary records for the student are transmitted to the agency to which the crime was reported for consideration. The records must be transmitted in accordance with regulations under the Family Education Rights and Privacy Act (FERPA).

34 CFR §300.535
**Functional Behavior Assessment and Behavior Intervention Plans**

The school IEP team will review information on students who are experiencing behavioral deficits and who may have received disciplinary referrals. School personnel are encouraged to use an array of positive behavior interventions, strategies and supports to increase or decrease targeted student behaviors.

**Use of Exclusion, Restraint or Seclusion**

**Exclusion**

School personnel may use exclusion to address a student's behavior:

- If the student's behavior unreasonably interferes with the student's learning or the learning of others;
- If the student's behavior constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
- If exclusion is requested by the student; or
- If supported by the student's behavior intervention plan.

**Restraint**

The use of physical restraint is prohibited in public agencies and nonpublic schools, unless:

- There is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
- The student's behavioral intervention plan or IEP describes the specific behaviors and circumstances in which physical restraint may be used; or
- The parents of a nondisabled student have otherwise provided written consent to the use of physical restraints while a behavior intervention plan is being developed.

Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint consistent with Regulation .06C of this chapter.

In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.

COMAR 13A.08.04.04
Physical Restraint:

- Shall be removed as soon as the student is calm; and
- May not exceed 30 minutes.

In applying physical restraint, school personnel may not:

- Place a student in a face down position;
- Place a student in any other position that will obstruct the student’s airway or otherwise impair a student’s ability to breathe. Obstruct a staff member’s view of a student’s face, restrict a student’s ability to communicate distress, or place pressure on a student’s head, neck or torso; or
- Straddle the student’s torso.

Seclusion

The use of seclusion is prohibited in public agencies and nonpublic schools unless:

- There is an emergency situation and seclusion is necessary to protect a student or another person after other less intrusive interventions have failed or been determined to be inappropriate;
- The student's IEP or behavioral intervention plan describes the specific behaviors and circumstances in which seclusion may be used; or

The parents of a nondisabled student have otherwise provided written consent for the use of seclusion while a behavior intervention plan is being developed.

Procedure:

Disciplinary Removal of Students with Disabilities

City Schools’ procedure requires that the IEP team convene within five (5) school days for a proposed extended suspension and the appropriate information must be forwarded immediately to the Office of Suspension Services.

Failure to adhere to the five (5) day timeline will result in rescission of the extended suspension.

The Manifestation Determination Worksheet on MDOIEP must be completed to document the discussion and decision about manifestation. To ensure compliance all sections of the form must be completed on line.

Unilateral Placement in AES

City Schools practice requires that the IEP team must convene by the 35th school day to prepare for the student’s return to the regular school setting.
**Exclusion, Restraint and Seclusion**

The use of exclusion, restraint, and seclusion must be implemented in a “humane, safe, and effective” manner. It is important to consider whether the proposed intervention promotes “a safe, inclusive, equitable learning community.” Evaluations of safety and efficacy should be based on data at the individual student level and at the level of peer-reviewed research. Only schools which have received training in current, professionally accepted practices and standards regarding:

1. Positive behavior interventions, strategies, and supports;
2. Functional behavior assessment and behavior intervention planning;
3. Exclusion;
4. Restraint, including alternatives to restraint;
5. Seclusion; and
6. Symptoms of physical distress and positional asphyxia can use exclusion/restraints/seclusion.

The use of exclusion, restraint, and seclusion must be consistent with known medical or psychological limitations. It is essential that medical contraindications, such as asthma, seizures, or other medical conditions be considered by school personnel when determining the use of exclusion, restraint, and seclusion. In addition, factors such as psychological history due to past sexual abuse or abandonment must also be considered. **The use of exclusion, restraint, or seclusion may only exacerbate the behavior issues that need to be addressed without appropriate consideration.**

**Practice:**

**Disciplinary Removal of Students with Disabilities**

1. The IEP team must convene within five (5) days for a proposed extended suspension
2. All appropriate documentation must be forwarded to the Office of Suspension Services immediately which includes the following:
   - AES Referral Checklist submitted to OSS/AES Unit via facsimile
   - IEP submitted to OSS/AES Unit via facsimile
   - Student Data/Transportation Form submitted to OSS/AES Unit via facsimile
   - Student Log of Disciplinary Action submitted to OSS/AES via facsimile
3. The IEP team conducts a Manifestation meeting
4. Following the meeting the IEP team must complete all sections of the Manifestation Determination Worksheet on MDOIEP on line

5. The IEP team must complete and submit all the documentation above to the Office of Suspension Services within five (5) days of the proposed extended suspension

6. The proposed extended suspension will be put on hold if the IEP team fails to adhere to the five (5) day timeline

**Unilateral Placement in AES**

If the student was removed to an AES for not more than 45 school days (violation involving weapons, drugs or serious bodily injury and manifestation was found) the IEP team at the student’s school of enrollment must convene an IEP meeting by the 35th school day to prepare for the return of the student. The IEP team must request from the AES all relevant documentation to discuss at the meeting as well as relevant information from the student’s teachers.

**Students Who Are in the Evaluation Process**

A student who has not yet been identified as disabled is entitled to the same protections as a student with a disability if the school had knowledge that the student had a disability before the behavior occurred. The IEP team must conduct an expedited evaluation for students in the referral process within 30 calendar days. If the student is found to be eligible for service as a student with a disability, the IEP must determine manifestation and conduct a FBA and develop a BIP as well as develop the IEP for the student.

**Functional Behavior Assessment (FBA)**

The Functional Behavior Assessment (FBA) identifies the circumstances that precede the behavior and the reinforcers after the behavior. The following steps must be taken:

1. Define the target behavior in observable terms

2. Collect data through:
   - observations
   - standardized check lists
   - interviews with parents, school staff and other adults
   - school record review
   - other pertinent data (medical, historical, etc)

3. Determine causes and functions of the targeted behaviors

4. Summarize and analyze data
5. Complete the MD Online FBA-BIP forms documenting the factors that lead to the target behavior and factors that contribute to reinforcing the behavior’s continuation.

**Behavior Intervention Plan (BIP)**

The Behavior Intervention Plan (BIP) should include the following;

1. Description of the behavior
2. Hypothesis as to the cause of the behavior
3. Interventions to address the behavior:
   - the identification of replacement behaviors
   - practice and modeling specification of staff involved with the student to implement strategies
   - positive recognition
   - frequency for the review of the FBA and BIP

**Implementation of FBA and BIP**

In order to implement the FBA and BIP follow the steps outlined below:

1. The IEP team must identify the IEP team member who will lead the FBA/ BIP process for the student which may include any of the following members:
   - school psychologist
   - school social worker
   - any other IEP team member
2. The IEP team defines the target behavior in a descriptive manner to allow others observing the behavior to know when the behavior is occurring
3. The IEP team determines what data to collect and which members will be responsible for collecting the various parts
4. The IEP team meets to review the data collected and, based on that information, the IEP team determines the causes and functions of the targeted behaviors
5. The IEP team subsequently summarizes and analyzes the data to complete documentation describing the factors
6. The IEP team should now begin the process of creating the BIP which includes the following

- description of the behavior
- hypothesis as to the cause of the behavior
- frequency for the review of the FBA and BIP
- interventions to address the behavior which include the following strategies;
  - the identification of replacement behaviors
  - identify staff members to assist the student in practicing new behaviors
  - use modeling to help the student engage in desired replacement behavior
  - positive recognition

7. The IEP team will determine a date to review the BIP and establish if any changes are necessary

**Seclusion, exclusion and restraint**

1. IEP teams may consider seclusion/ exclusion/ restraint for students who will be entering special citywide programs as part of IEP supplemental services

2. Prior to the meeting where the IEP is developed/revised the IEP chair must request technical assistance from the Office of Student Learning Support and/ or the Office of Citywide Special Education Programs in order to determine if seclusion/ exclusion/ restraint is appropriate for the student.

3. The Office of Student Learning Support and/ or the Office of Citywide Special Education Programs will conduct an observation and review of the student and submit their recommendations to the IEP team to be incorporated in the student’s IEP

4. IEP teams may not incorporate exclusion/ seclusion/ restraint in a student’s IEP without receiving technical assistance from the Office of Student Learning Support at (410) 396-8562 and/ or the Office of Citywide Special Education Programs at (443) 642-2391.

**Procedures for Early Dismissal**

To address informal or undocumented suspensions of students with disabilities, the Office of Special Education is adopting the procedures specified by the Office of Student Support and Safety in processing and documenting early dismissal of students from school.

A. Student should remain in school for the entire school day to take full advantage of the instructional program. It is understood that occasions may arise that require a parent or guardian to request the early dismissal of the student from school. The reasons may include, but are not limited to:

1. Doctor/Dentist Appointment
2. Funeral of Relative
3. Illness of the Student
4. Family Emergency

B. The following procedures must be followed to process early dismissals from school.

1. The request for early dismissal letter must be written by the parent or guardian and must include; the reason for the early dismissal, the date and time the child is to leave school, and a working telephone number to reach the parent/guardian to verify the letter.

2. The school office staff must use SMS to confirm that the letter was written by the child’s parent or guardian.

3. The office staff must contact the parent or guardian by telephone to verify that he/she wrote the letter.

4. The parent or guardian must come to the main office to pick-up the child.

5. The parent must provide picture identification document (i.e.; driver’s license, work identification, etc.).

6. The office staff must verify that individual is the child’s parent or guardian.

7. The parent or guardian must sign the Student Sign-Out Log.

C. Students will remain in school until the regular dismissal time if the steps outlined in B are not followed.

D. Students must be picked up in the main office. Students cannot be picked up from the classroom.

E. Office staff will classify the absence as excused, unexcused, or medical in accordance with laws of the State of Maryland, bylaws of the Maryland State Department of Education, and implementing regulations issued by the CEO.

F. All students who return from early dismissal will be readmitted through the main office. They will be given a pass for re-admittance to class.

The Student Sign-Out Log will be maintained in the main office. Early dismissalal requests will be maintained in a file in the main office and a copy included in the student’s cumulative record until the end of the school year.
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Student’s Name</th>
<th>Written Notice Received &amp; Verified by Staff</th>
<th>Reason for Early Release</th>
<th>Name of Person Picking Up Student/Relationship to Student</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Baltimore City Public Schools
Student Sign-Out Log
2010-2011 School Year
Chapter 22  
Extended School Year (ESY) Services

IDEA/COMAR Requirements:

What It Is

Extended school year services are the individualized extension of specific special education and related services that are provided to a student with a disability beyond the normal school year.

34 CFR§300.106(b)

Determining ESY

The IEP team determines whether a student requires ESY services by considering specific eligibility criteria. Each of the following factors must be considered in making an ESY determination:

- Whether the student’s current IEP includes annual goals related to critical life skills;
  - “Critical life skill” means a skill determined by the IEP team to be critical to the student’s overall educational progress. It can be any academic or functional skill that is needed to enable the student to progress educationally. Students in Life Skills and Programs for Autistic-like Students would most likely have critical life skills on their IEPs.
- Whether the normal school break is likely to cause a substantial regression of any of the critical life skills and the student will be unable to recover the lost skills in a reasonable time;
- The student’s degree of progress toward mastery of IEP goals related to critical life skills;
- The presence of emerging skills or breakthrough opportunities;
- Interfering behaviors;
- The nature and severity of the disability; and,
- Special circumstances.

COMAR 13A.05.01.03B.(15).

Following the consideration of the factors described above, the IEP team shall determine whether the benefits the student gains during the regular school year will be significantly jeopardized if that student is not provided with an educational program during a normal break in the regular school year.

COMAR 13 A.05.01.08 B.(2)

The mere fact of likely regression is not a sufficient basis for providing ESY since all students, disabled or not, may regress to some extent during lengthy breaks from school.

Appropriate prior written notice requires that the IEP team document the discussion of each factor, basis for the decision and reason for the determination of eligibility for ESY service. This documentation is especially important when the IEP team does not recommend ESY. On the Maryland Online IEP document, the information necessary for PWN should be in the discussion section under each factor considered.
**Required Documentation**

Teachers and service providers must provide documentation on a student’s progress on IEP goals, especially before and after sustained breaks to assist the team in making the decision regarding ESY. It is not an automatic entitlement but must be supported by documentation that without ESY the student will likely regress in his skills and will require extensive time to regain them.

**Services Are Available Through ESY**

ESY services may not be limited to particular categories of disability or to the type, amount or duration of the services. The IEP team must determine the nature, amount and duration of the services necessary to ensure that the student will be able to recoup skills within a reasonable amount of time.  

34 CFR §300.106(a)(3)

The IEP team must consider the IEP goals that are to be addressed in ESY and determine the nature and amount of services that a student requires for FAPE. This will vary depending on the individual student’s needs.

**Procedure:**

ESY services cannot be restricted to the City Schools ESY program only. If a student requires a different amount, a different timeframe or a different setting based on his/her individual needs, then the IEP team must recommend what is needed.

**When Must the Determination Regarding ESY Be Made?**

The determination must be made at an IEP meeting in sufficient time to allow the parent to pursue his/her procedural safeguards if the parent disagrees with the IEP team’s determination.

Appropriate prior written notice requires that the IEP team document the discussion of each factor, basis for the decision and reason for the determination of eligibility for ESY service. This documentation is especially important when the IEP team does not recommend ESY. On the Maryland Online IEP document, the information necessary for PWN should be in the discussion section under each factor considered.

**Practice:**

**Required Documentation**

Teachers and service providers must provide documentation on a student’s progress on IEP goals, especially before and after sustained breaks, to assist the team in making the decision regarding ESY. It is not an automatic entitlement, but must be supported by documentation that without ESY the student will likely regress in his skills and will require extensive time to regain them.
When making decisions regarding ESY determination, the IEP team should review the following data sources as appropriate:

- Progress reports from all service providers (special educator, general educator, and related services);
- IEP Progress Report Card and school report card;
- Classroom work folders to document achievement in the content areas prior and after school breaks, in addition to, rate of achievement after 60 days of instruction.
- Current assessments (formal and informal) to measure progress;
- Functional Behavioral Assessment, Behavior Intervention Plan, classroom behavioral sheets, and suspension data to track behaviors;
- Medical evaluations and reports from outside agencies;
- Attendance record; and
- Other supporting documentation.

As a practical matter, the ESY decision should be made no later than the end of April.

The City Schools requires that ESY is discussed at every IEP meeting. If an IEP team defers a decision on ESY at a meeting, then the team must reconvene to make the determination.
Chapter 23
Parentally Placed Private School Students

IDEA/COMAR Requirements:

A parentally placed private school student with a disability is any student with a disability enrolled by his/her parent in a private elementary or secondary school in Baltimore City. This includes Baltimore City residents and nonresidents of Baltimore City who attend private schools located within Baltimore City.

34 CFR§300.131

In Maryland, elementary school includes preschool classes if the classes are part of a program of instruction approved by the Maryland State Department of Education.

Eligibility

Student is a Baltimore City Resident: If the IEP team determines that the student is eligible for special education under IDEA, the IEP team develops an IEP that includes all of the services that would be recommended if the student enrolled in the City Schools. The IEP team informs the parent that, should the parent choose to enroll the student in the City Schools, the recommended IEP will be implemented.

If the parent elects to have the student continue to attend the private school and the parent wants the student to receive services from the City Schools, the IEP team develops a Service Plan for the student. The service plan only includes services for which the student has been found eligible by the IEP team and which are offered by the City Schools to parentally placed private school students as stated by the Notification of Intent letter submitted to the private parochial directors.

Student is Not a Baltimore City Resident: If the IEP team determines that the student is eligible for special education under IDEA, the IEP team determines if, based on the assessment information, the services would include any of the services offered by the City Schools under a Service Plan. If the student would be eligible for any of these related services, then the IEP team develops a Service Plan for the student.

The IEP team does not develop an IEP for a student who is not a resident of Baltimore City. If the parent is interested in an IEP, the IEP team refers the parent to the school system in which the parents reside.

1. Provision of Services
   • The parent must consent to the initial provision of services under a service plan.

2. Reevaluation
   • Any student with a disability who has been identified as requiring special education services under the IDEA must be reevaluated within 3 years of the initial evaluation even if the parent has declined the services offered under an IEP or service plan.

3. Student Records
   • The City Schools must have informed parental consent before requesting or releasing any student records of a parentally placed private school student to any other educational institution or agency.

152
Can Parents File a Due Process Complaint If They Disagree With the Determinations of the IEP Team?

The Due Process is not applicable, except for child find. 34 CFR§300.140(a)

If a parent disagrees with the determination of the IEP team regarding a student’s eligibility as a student with a disability under IDEA, the parent can file a due process complaint with the City Schools. The complaint is filed with the City Schools if the student’s school is located in Baltimore City, even if the student is not a resident of Baltimore City. 34 CFR§300.140(b)

Can Parents File a State Complaint If They Disagree With the Service Plan or Provision of Service Under A Service Plan?

Parents of parentally placed private school students can file a complaint with MSDE through the State complaint process if they disagree with the determinations of the IEP team regarding the service plan for a student. A State complaint can also be filed if services are not provided according to the Service Plan. 34 CFR§300.140(c)

Procedure:

Obligations of the City Schools to These Students

The City Schools is responsible for locating, evaluating and identifying each parentally placed private school student with a disability and providing certain services to these students under a service plan.

Referral and Evaluation

If a parent of a student who is enrolled in a private school in Baltimore City requests an evaluation, the IEP team that receives the referral must:

1. Schedule and conduct an initial eligibility meeting to determine if the IEP team suspects a disability. A representative from the student’s private school must be invited to the meeting.

2. Follow procedures in the Evaluation section, Chapter 9, if the team suspects that the student may have a disability and may be eligible for special education services. The evaluation must be completed within 60 days of the date of the parents’ consent for assessment, but no later than 90 days from the initial referral from the parent.
Practice:

1. The IEP team receives the referral from a parent of a student who is enrolled in a private school in Baltimore City requesting an evaluation

2. The IEP team that receives the referral must schedule and conduct an initial eligibility meeting to determine if the IEP team suspects a disability

3. The IEP team must invite a representative from the student’s private school to the IEP meeting

4. The IEP team must follow the procedures outlined in the Evaluation section, chapter 9, if the IEP team suspects that the student may have a disability and may be eligible to receive special education services

**Student is a Baltimore City Resident**

1. If the IEP team determines that the student is eligible for special education services then the IEP team develops an IEP

2. The IEP must include all of the services that would be recommended if the student enrolled in the City Schools

3. The IEP team informs the parent that, should the parent choose to enroll the student in the City Schools, the recommended IEP will be implemented

**Student is Not a Baltimore City Resident**

1. If the IEP team determines that the student is eligible for special education then the IEP team determines if, based on the assessment information, the services would include any of the services offered by the City Schools under Service Plan

2. If the student would be eligible for any of these related services then the IEP team develops a Service Plan

3. The parent must consent to the initial provision of services under a service plan

4. The IEP team does not develop an IEP for a student who is not a resident of Baltimore City

5. If the parent is interested in an IEP, the IEP team must refer the parent to the school system in which the parents reside

**Reevaluation**

1. Any student with a disability who has been identified as requiring special education services under IDEA must be reevaluated within 3 years of the initial evaluation
2. The IEP team must follow the above step even if the parent has declined the services offered under an IEP or service plan

**Student Records**

City Schools must have informed parental consent before requesting or releasing any student records of a parentally placed private school student to any other educational institution or agency
Chapter 24
Independent Educational Evaluation (IEE)

IDEA/ COMAR Requirements:

**Definition of an IEE**

An IEE means an evaluation conducted by a qualified examiner who is not employed by the City Schools and is provided at no cost to the parent.

34 CFR §300.502(a)(3)(i)

**When Does a Parent Have a Right to an IEE at Public Expense?**

A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the City Schools unless the City Schools files a due process complaint, without unnecessary delay, to request a hearing to show that its evaluation is appropriate.

If the City Schools does not file a due process complaint to show that its evaluation is appropriate, then the City Schools must ensure that an IEE is provided at public expense.

The City Schools may request an explanation from the parent why he or she objects to the City Schools’ evaluation, but the City Schools may not require an explanation and may not unreasonably delay either filing a due process complaint or providing an IEE at public expense because the parent does not provide a reason.

The results of any IEE obtained by the parent:

1. Must be considered by the City Schools, if it meets the City Schools’ criteria for an evaluation, in any decision with respect to the provision of FAPE to the child; and,
2. May be presented as evidence at a hearing on a due process complaint.

**Procedures**

**Independent Educational Evaluation**

Baltimore City Public Schools (City Schools) implements the requirements of IDEA and COMAR to ensure the provision of FAPE for students by implementing City Schools local policies and procedures for the special education processes that are consistent with State and federal requirements.

**Practice:**

**Practices to Follow if a Parent Requests an IEE**

1. If the request is made at an IEP meeting, document the request in the parental input section of the Maryland Online IEP, ask the parent to submit a written request, and
immediately notify the Special Education Coordinator and the Coordinator of Due Process Complaints.

2. If the request is made outside of the IEP meeting, then, if it is not in writing, ask the parent to put the request in writing. Immediately forward the written request to the IEP Specialist and the Coordinator of Due Process Complaints.
Chapter 25
Student Records

IDEA/COMAR Requirements:

Parent’s Right to Review

A parent has the right to inspect and review any education records relating to their child that are collected and maintained by the City Schools.

34 CFR§300.501(a)

Timeline to Comply with a Request to Review

1. Reasonable Time

When a parent requests to review a child’s education record, the school must comply with the request without unnecessary delay, but no later than 45 days from the date of the request.

34 CFR §300.613(a)

2. Expedited Timeline

If the request is made prior to an IEP meeting, a resolution session for a due process complaint, or a due process hearing, the school must make the records available for review before the IEP meeting, resolution session or due process hearing.

34 CFR §300.613(a)

The parent can have a representative inspect and review the record if the parent provides the school with a signed release authorizing the individual to review the record.

34 CFR § 300.613(b)(3)

Requests for Copies of School Records

The parent does not have a right to a copy of a child’s education record free of charge.

If the school makes a copy of the student’s record for the parent or a parent’s representative, the school can charge reasonable copying costs.

34 CFR §300.617(a)

When Must a Copy Be Provided Without Charge?

1. A copy of a student’s educational record must be provided to the parent without charge if:
   • The parent is unable to exercise his/her right to come to the school to inspect and review the record; and,
   • The parent is unable to pay for the copy.

34 CFR§300.617(a)
When Must a Copy Be Provided Without Charge?

1. A copy of a student’s educational record must be provided to the parent without charge if:
   - The parent is unable to exercise his/her right to come to the school to inspect and review the record; and,
   - The parent is unable to pay for the copy.

34 CFR §300.617(a)

Can a Parent Request Changes to a School Record

A parent or student who has educational decision-making rights may request that an educational record be amended if it is felt that the information contained in the record is inaccurate, misleading or violates the privacy or other rights of the student.

34 CFR §300.618(a)

The City Schools must decide whether to amend the information in the record in accordance with the request within a reasonable period of time of receipt of the request. If the City Schools refuses to amend the information in accordance with the request, it must inform the parent of the right to a hearing.

34 CFR §300.618 (b)(c)

Release of Education Records

A parent does not have a right to a copy of the record except in limited circumstances that are addressed below.

1. Education Records can be Released Without the Prior Consent of Parents

   - To other school officials, including teachers within the City Schools, who have a legitimate educational interest in the records;
   - To officials of another school or school system in which the student seeks or intends to enroll;
   - To authorized representatives of:
     - The Comptroller General of the United States;
     - The Secretary;
     - The Director of the National Institute of Education, or the Assistant Secretary for Education;
     - State and local educational authorities.
   - In connection with financial aid for which the student has applied or has received;
   - To State and local officials to whom information is specifically allowed to be reported pursuant to State statute;
   - To organizations conducting studies for, or on behalf of a local school system;
   - To accrediting organizations;
   - To parents or guardians of a dependent student;
• To comply with a judicial order or lawfully issued subpoena if the school system makes a reasonable effort to notify the parent or guardian of the student of the order or subpoena in advance of compliance;
• To the court when the school system initiates legal action against a parent or student;
• To appropriate parties in a health or safety emergency.

2. Education Records can be Released With the Prior Consent of Parents

• All other requests for a copy of a student’s education records must be accompanied by signed and dated written consent from the parent or guardian.
• Documents from a student’s education record cannot be released without parental consent.

When Can Special Education Records Be Destroyed?

The following special education records must be retained for seven (7) years:

• All of a student’s IEPs
• IEP meeting minutes for all IEP meetings convened for the student
• Summary reports of assessments and evaluations conducted in Maryland State Records Manual

The parents of students with disabilities must be notified before special education records are destroyed because they are no longer needed to provide educational services to the student.

Procedure:

The City Schools must provide a copy of the record to the parent if the failure to provide a copy would prevent the parent from exercising his/her right to inspect and review the records. Circumstances that may prevent the parent from being able to come to the school to review the records may include:

• Incarceration
• Bedridden or housebound due to illness
• Parent travels during the week and is unable to come to the school

The parent can still be charged a fee per page for copying the record. The present copying charge is $.25 per page. The school can provide copies of individual documents as a courtesy at its discretion.

Decisions to copy the record for the parent and provide a free copy must be determined on a case-by-case basis.

How a Parent Makes a Request to Amend a Record
1. Written Request to the Principal

- The parent must make a written request to the principal of the student’s school to amend an education record. The principal must make a decision whether to amend the record within a reasonable time. In the City Schools, the recommended timeframe is 15 days from the receipt of the written request.
- If the principal declines to amend the record, the parent or eligible student is informed of the decision in writing. The parent or eligible student must receive information regarding the right to request a hearing on the matter.

2. Hearing Request

- A parent may request a hearing if the principal declines to amend the student’s records as requested. The Executive Director of Special Education will arrange for the hearing to appeal the decision of the principal.
- If the Hearing Officer declines to amend the record as the parent requests, the parent may place in the student’s education record a statement commenting on the information and setting forth reasons for disagreeing with the decision of the City Schools.

**Release of Records without Prior Consent**

A student’s education records can be released without prior consent from the student’s parent if any of the circumstances below are in occurrence:

- To other school officials, including teachers within the City Schools, who have a legitimate educational interest in the records;
- To officials of another school or school system in which the student seeks or intends to enroll;
- To authorized representatives of:
  - The Comptroller General of the United States;
  - The Secretary;
  - The Director of the National Institute of Education, or the Assistant Secretary for Education;
  - State and local educational authorities.
- In connection with financial aid for which the student has applied or has received;
- To State and local officials to whom information is specifically allowed to be reported pursuant to State statute;
• To organizations conducting studies for, or on behalf of a local school system;

• To accrediting organizations;

• To parents or guardians of a dependent student;

• To comply with a judicial order or lawfully issued subpoena if the school system makes a reasonable effort to notify the parent or guardian of the student of the order or subpoena in advance of compliance;

• To the court when the school system initiates legal action against a parent or student;

• To appropriate parties in a health or safety emergency.

A student’s education records can be released without prior consent from the student’s parent if any of the circumstances below are in occurrence:

• All other requests for a copy of a student’s education records must be accompanied by signed and dated written consent from the parent or guardian.

• Documents from a student’s education record cannot be released without parental consent.

**When Can Special Education Records Be Destroyed**

City Schools must retain the following records for seven (7) years:

• All of a student’s IEPs

• IEP meeting minutes for all IEP meetings convened for the student

• Summary reports of assessments and evaluations conducted in Maryland State Records Manual

Prior to destroying any special education records the parent(s) of students with disabilities must be notified that the special education records are no longer needed to provide educational services to the student

**Reconstruction of Lost IEP Folder**

If the student’s record is lost or was not transferred to the student’s current school, the IEP team must convene to determine what activities are required to reconstruct the student’s IEP folder
Practice:

Parents’ Right to Inspect Their Child’s Educational Record

1. City Schools must provide a parent with a copy of their child’s educational record if circumstances are preventing the parent from exercising his or her right to inspect and review the records

2. Circumstances preventing a parent from exercising his or her right to inspect and review their child’s educational records may include the following:
   - Incarceration
   - Bedridden or housebound due to illness
   - Parent travels during the week and is unable to come to the school

3. The parent can still be charged a copying fee of $.25 per page

4. City Schools can provide copies of individual documents free of charge as a courtesy

Amending an Educational Record

1. Principal receives written request to amend an education record from a parent

2. Principal must make a decision whether to amend the record within a reasonable time
   - City Schools recommended timeframe is 15 days from the receipt of the written request

3. If the principal denies to amend the record, the parent or eligible student must receive information regarding the right to request a hearing on the matter

4. The Executive Director of Special Education will arrange for the hearing to appeal the decision if the parent requests a hearing

5. If the Hearing Officer declines to amend the record as the parent requests then the parent may do the following;
• Place in the student’s education record a statement commenting on the information and setting forth reasons for disagreeing with the decision of the City Schools

Transfer of Educational Records Between Schools

1. Maryland Public School

• The 2006 Maryland Student Records Manual from MSDE requires that the “original” student records in their entirety including special education and discipline records” are sent to the enrolling school. The sending school must keep copies of the current IEP, most recent assessment reports and documentation of the disability for students with disabilities who have received or are receiving special education services.

2. Out-of-state school or nonpublic school

• The Maryland Records Manual requires that copies of the special education information/records and discipline records be sent to the enrolling school.

A student’s special education record must be transferred promptly when requested by another school district in which the student is enrolling.

Practice:

When Can Special Education Records Be Destroyed

1. The IEP team must retain the following documents for seven (7) years:

   • All of a student’s IEPs
   • IEP meeting minutes for all IEP meetings convened for the student
   • Summary reports of assessments and evaluations conducted in Maryland State Records Manual

2. The IEP team must notify parents prior to the destruction of any special education records

3. The IEP team must communicate clearly to the parent that the student’s IEP folder is being destroyed because it is no longer needed to provide educational services to that student

Reconstruction of Lost IEP Folder

1. If the student’s education record is lost or was not transferred to the student’s current school, the IEP team must convene to determine what activities are required to reconstruct the student’s folder

2. The IEP team must follow the timeline outlined below:
If the IEP folder has not been received in 5 days, the IEP chair must schedule a meeting.
The meeting must be conducted by the 20th day.
Reevaluation Planning must take place to determine what documentation is needed and how the documentation will be obtained (ordering assessments).
Any assessments ordered should be completed in an expedited manner (30 days).
IDEA/COMAR Requirements:

Students Who Transfer from One City School to Another

Any student with a disability who transfers from one City School to another City School is entitled to a continuation of his/her free appropriate public education (FAPE).

Students Who Transfer into City Schools

Who is Covered?

Any student with a disability who transfers into the City Schools from another school system, either within Maryland or outside of Maryland, is entitled to a continuation of his/her free appropriate public education (FAPE).

Students Who Transfer Between Maryland School Systems

- If a student with a disability with a current IEP transfers from a Maryland school district to the City Schools, the City Schools, after consultation with the parents, must immediately provide FAPE to the student by implementing services comparable to those described in the student’s IEP from the previous school district until the City Schools either:
  1. Adopts the student’s IEP from the previous public agency; or,
  2. Develop, adopts and implements a new IEP for the student.

34 CFR§300.323(e)

Students Who Transfer From Another State

If a student with a disability with a current IEP transfers into the City Schools from another state, the City Schools, after consultation with the parent, must immediately provide FAPE to the student by implementing services comparable to those described in the student’s IEP from the previous school district until the City Schools either:

1. Conducts an evaluation if determined necessary by the City Schools; or,
2. Develops, adopts and implements a new IEP.

34 CFR§300.323(f)

Procedure:

Students Transferring to Another City School

The sending school is responsible for transferring the student’s information in MDOIEP and hand delivering the student’s IEP folder.
If an IEP is secured but the Confidential Folder is not received by the 8th school day, an IEP team meeting must be scheduled to initiate activities to reconstruct the Confidential Folder (in case it is not found by the 20th calendar day).

**Students who transfer out of City Schools**

If a student with a disability transfers out of the City Schools, the City Schools must take reasonable steps to respond to a request for records from another public agency.

**Practice:**

**Students Transferring to Another City School**

1. In the Maryland Online IEP tool, this is a two step process.

2. The sending school must edit the demographics on the student’s IEP and change the Resident School and Service School to the City School which the student is transferring on the student information screen

3. The receiving school must amend the IEP to change the resident and service school on the LRE screen so that Encounter Tracker can initiate IEP services in the new school.

**Students Entering City Schools**

City Schools requires that the IEP team at the enrolling school convene an IEP meeting within five (5) school days of the student’s enrollment to either:

- Adopt the student’s IEP from the previous public agency; or,
- Develop, adopt and implement a new IEP.

**Students Entering Who Require a Special Program/School**

If a student transfers into a Baltimore City school with an IEP that requires a special placement program, the school should immediately fax the student’s IEP to the Office of Student Learning and Support for review and possible placement. It is not necessary that the student register in the resident school prior to placement.

If an IEP is secured but the Confidential Folder is not received by the 8th school day, an IEP team meeting must be scheduled to initiate activities to reconstruct the Confidential Folder (in case it is not found by the 20th calendar day).
What About the Student’s Records?

1. If the City Schools enrolls a student with a disability from another jurisdiction, the City Schools must take reasonable steps to promptly obtain:
   
   - The student’s IEP;
   - Supporting documentation; and,
   - Any other records relating to the provision of special education and related services to the student.

Upon notification the sending school must provide the parent with a copy of the student’s IEP to accompany the Maryland Transfer form. Once the receiving school enrolls the student and contacts the sending school, the contents of the IEP folder must be forwarded.

Practice:

1. In the Maryland Online IEP Tool, Exit Code F denotes a student who moved out of the City Schools and is known to be continuing in another educational program.

2. There need not be evidence that the student is continuing in special education, only that he/she is continuing in a general education program.

3. However, if after 20 calendar days and diligent efforts to determine if the student has entered an educational program, the City School does not receive a request for educational records, the City school must change the Exit Code in MDOIEP from Exit Code F to Exit Code H by amending the last IEP. An IEP team meeting will not be required in this instance.
This is a sample form. An official copy is completed by the school registrar.

Baltimore City Public Schools
Documentation of Student Registration

School: ______________________________

☐ New Entry
☐ Transfer from another City School
☐ Transfer from another LSS in MD
☐ Transfer from another state

PART I: To be completed by school registrar.
Student’s Name: __________________________ DOB: __________________________
Current Grade: _______ Perm Number _____________ State Identification Number ____________
Address: __________________________________ Apt: __________ Zip Code __________________

Parent/Guardian Information:

Father/Guardian
Name: __________________________
Occupation: __________________________
Employer: ______________________________
Business Phone: _________________________
Home Phone: _____________________________
Cell Phone: _______________________________
Primary Language in the home: ________________________
Interpreter needed: ☐ yes ☐ no

Mother/Guardian
Name: ______________________________
Occupation: __________________________
Employer: ____________________________
Business Phone: ________________________
Home Phone: __________________________
Cell Phone: ____________________________
Primary Language in the home: ________________________
Interpreter needed: ☐ yes ☐ no

Previous School
School Name: __________________________ School’s Tel. Number __________________________
School Address ______________________ City _________________ State _______ Zip Code __________

Maryland Transfer Record (SR-7): Verification of Information
☐ Received Special Education ☐ yes ☐ no
☐ Received Related Services ☐ yes ☐ no
☐ 504 student ☐ yes ☐ no
☐ ELL student ☐ yes ☐ no
☐ Gifted and Talented/honors program ☐ yes ☐ no
☐ Other special program ☐ yes ☐ no
☐ If yes, list:
☐ Entry due to Disciplinary Action ☐ yes ☐ no
☐ Maryland immunization requirements met? ☐ yes ☐ no
☐ Does student have any health issues? ☐ yes ☐ no
[If no to special education, ask parent probing questions)
Did student receive special education? ☐ yes ☐ no
Did student have an IEP? ☐ yes ☐ no
Was the student ever in a small class? ☐ yes ☐ no
Did the student ever receive special help? ☐ yes ☐ no
Did the student ever have any speech problems? ☐ yes ☐ no
☐ no
Did student receive speech service? ☐ yes ☐ no

If yes, please list:
Student’s Instructional Status (IS) in SMS__________ If student is not in SMS, how was instructional status verified?
Explain:

Class/Homeroom Assignment
Grade/Section: _________________________ Teacher: __________________________ Entry Date: ________________
☐ Student entered into SMS and entry slip completed
☐ Cumulative Record requested from:
School __________________ Contact Person __________________ Date __________________
☐ Copy of this form and MD Transfer Record form forwarded to Guidance Counselor. Date: ________________
☐ Copy of this form and MD Transfer Record form forwarded to IEP Team for verification. Date: ________________
Registered by: __________________________ Title: __________________ Date: ________________

Place the completed form (original) in the student’s cumulative record; maintain a copy in an office log book for quick access.
This is a sample form. An official copy is completed by the school secretary or registrar.

Part II: To be initiated by IEP Team member within 1 day of the assigned entry date recorded on page one of this document. This page MUST be completed for all new entries to document that the student does or does not receive services from Special Education.

Student’s Instructional Status

For students transferring between City Schools
For students transferring from outside of BCPS:

Status Verified by: □ MDOIEP
□ SMS

Prior School _________________________________

Date Called _________________________________

Contact Person _______________________________

Student receives Special Education Services

□ Yes (complete this form)
□ No (sign and return form to registrar)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>IEP requested</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IEP received</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If IEP is not received within 5 school days, an expedited IEP meeting must be convened to initiate evaluation procedures and develop an IEP.

| IEP reviewed               |      |          |
| Confidential Folder requested |    |          |
| Confidential Folder received |    |          |

If IEP is secured but the Confidential Folder is not received by the 8th school day, an IEP team meeting must be scheduled to initiate activities to reconstruct the Confidential Folder (in case it is not found by the 20th calendar day).

Diligent efforts to locate the Confidential Folder must continue until a review meeting is held to initiate the request for assessments required for reconstruction of the Confidential Folder.

Service Providers Notification (Indicate each service that the student must receive and the assigned service provider)

<table>
<thead>
<tr>
<th>Nature of Service</th>
<th>Time/Frequency</th>
<th>Service Provider</th>
<th>Provider Receipt of IEP (Initial and Date)</th>
</tr>
</thead>
</table>

Date of last meeting to review/revise IEP __________________________

Due date of next IEP meeting __________________________

□ Student transferred in MDOIEP Date: __________________________

□ Student entered into MDOIEP Date: __________________________

□ Initiation of service documented in the communication log. Date: __________________________

If services are not available, prevention plan submitted. □ yes □ no Date: __________________________

Verification/certification Conducted by: __________________________ Title: __________________________ Date: __________________________

Return completed original form to registrar.

Copy of completed form must be maintained in the student’s Confidential Folder.
Chapter 27
Students With Disabilities Who Exit Special Education Services and/or The City Schools

IDEA/COMAR Requirements:

Who is Covered

Any student with a disability who exits special education services and/or City Schools as a result of:

- Returning to general education
- Graduating with a MD High School Diploma
- Receiving a MD High School Certificate of Completion
- Reaching 21 yrs. of age
- Becoming deceased
- Moving while being known to be continuing in education
- Dropping out
- Parental revocation of consent for services

Procedure:
City Schools implements the requirements of COMAR to ensures the provision of FAPE for students by implementing City Schools local policies and procedures for the special education processes that are consistent with State and federal requirements.

Practice:

What is Required?

Exit Code A – Return to general education

In the Maryland Online IEP Tool, the Exit Code A denotes a student who was served in special education during the previous academic year, but at some point during that 12-month period, returned to general education as a result of having met the objectives of his or her IEP or no longer meets the criteria for an educational disability. This is a student who no longer has an IEP and is receiving all educational services from a general education.
Consideration of Dismissing a Student Back to General Education

Schedule a reevaluation planning meeting to:

- Discuss the current data on the student;
- Decide what additional data is necessary to determine that the student no longer has a disability under IDEA; and,
- Order the recommended assessments needed to conduct a comprehensive individualized evaluation.

These assessments may include, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. Area impacted by the disability must be considered. All other areas must be discussed and documented.

Reevaluation to consider returning the student to general education (Exit Code A) must include documentation of standardized testing in the primary disability.

The IEP team must order an updated educational assessment and classroom observation even if the IEP team determines that no other assessments are necessary to determine whether the student continues as a student with a disability under IDEA.

The team must consider not only the current disability, but if there is any other suspected disability that may impact the student’s educational progress. If another disability is suspected, then the team must order all necessary assessment procedures, including standardized testing.

Schedule a reevaluation meeting to review the ordered assessment information. If the IEP team determines that the student no longer is eligible as a student with a disability under IDEA, then the student is dismissed from special education services and assigned Exit Code A.

Prior Written Notice:

The prior written notice must clearly discuss why the student is no longer eligible under the current disability and any other suspected disabilities.

No SMS leave codes are required for these students since they do not exit the school system.

Exit Code B - Graduated with MD High School Diploma

In the Maryland Online IEP Tool, Exit Code B denotes a student who exited an educational program through receipt of a high school diploma identical to that for which students without disabilities are eligible by the end of the current academic year.

Exit Code B should only be assigned if all of the following criteria have been met (the first 4 are documented by an official transcript or copy):
• 21 credits in required subjects
• 75 hours in service learning
• MD High School Assessment scores
• Transcript signed stamped and dated by principal/designee
• Completion of Exit document (Summary of academic achievement and functional performance)

City Schools’ procedures currently require IEP teams to hold an exit meeting for these students prior to their exiting City Schools in order to discuss the student’s post secondary school plans and to maximize involvement of outside agencies in decision making.

**Exit Code C – Received MD High School Certificate of Completion**

In the Maryland Online IEP Tool, Exit Code C denotes a student who exited an educational program through receipt of a Maryland High School Certificate of Program Completion or IEP Team determination that the student has developed appropriate skills for the individual to enter the world of work by the end of the current academic year.

City Schools’ procedures currently require IEP teams to hold an exit meeting for these students prior to their exiting City Schools in order to discuss the student’s post secondary school plans and to maximize involvement of outside agencies in decision making.

Exit Code C should only be assigned if all of the following criteria have been met:

• Student does not meet requirements for a diploma
• Determined by the IEP team with the agreement of the parent (letter or attended)
• Student enrolled 4 years beyond 8th grade
• Completion of exit document

**Exit Code D - Reached 21 yrs. of age**

In the Maryland Online IEP Tool, Exit Code D denotes a student who exited special education because of reaching the maximum age of 21 during the current academic year.

City Schools’ procedures currently require IEP teams to hold an exit meeting for these students prior to their exiting City Schools in order to discuss the student’s post secondary school plans and to maximize involvement of outside agencies in decision making.
Exit Code D should only be assigned if all of the following criteria have been met:

- Student turned 21 years old during the current school year

- IEP meeting held to discuss exiting

- Completion of exit document

Exit Code E – Deceased

In the Maryland Online IEP Tool, Exit Code E denotes a student with an IEP who died during the current academic year.

This exit code does not require an IEP meeting and can be documented on the current IEP by amending the IEP.

Exit Code E can be assigned if one or the other criterion applies:

- Documentation such as a death certificate

- Written notes in file

Verbal comments are not documentation.

Exit Code F- Moved, Known To Be Continuing In Education

In the Maryland Online IEP Tool, Exit Code F denotes a student who moved out of the Baltimore City Public School System and is known to be continuing in another educational program. There need not be evidence that the student is continuing in special education, only that he/she is continuing in a general education program.

This exit code does not require an IEP meeting and can be documented on the current IEP by amending the IEP.

Exit code F should only be assigned if one of the following criteria applies:

- MD Transfer Form is in Special Education file or cum with notice of where student is moving

- Copy of request for confidential records

- Written notes in file that student has moved and is going to another school.
**Exit Code H – Dropped Out**

In the Maryland Online IEP Tool, Exit Code H denotes students who were enrolled during the current academic year at some point, but were not enrolled at the end of the current academic year, and did not exit through any other basis (returned to general education, graduated, received certificate, reached maximum age, died, or moved). This includes GED recipients.

City Schools’ require that Exit Code H should be assigned only if the following criteria have been met:

- IEP team exit meeting was held to drop student from school rolls with special education services to continue if the student returns to school
  
  and

- Documentation of 14 cumulative or consecutive days of absence in a semester
  
  and

- Over the age of 16 years old
  
  and

- Documentation of diligent efforts to return student to school

Document of one of the following:

- Attempts to locate student
- Contacts with parent
- Contacts with outside agency
- Pursuing GED
- Job Corps

**Exit Code J – Parent Revokes Consent for Services**

In the Maryland Online IEP Tool, Exit Code J denotes students who are receiving special education services whose parents request that the services no longer be provided by City Schools.

No SMS leave codes are required for these students since they do not exit the school system.

In order to substantiate the assignment of MDOIEP exit code J, when IEP team staff receive any notification in writing that the parent wants special education services to stop, City Schools’ procedures require that the parent must be provided prior written notice that the revocation of service request has been received and that special education services will stop before the services are terminated even if an IEP meeting is not held.

City Schools recommend that the IEP team schedules an IEP team meeting to discuss the decision to revoke consent for services with the parent. The IEP team will document diligent efforts to meet with the parent to ensure that the parent fully understands what the revocation of services means for the student. It is further recommended that the IEP team secures the parent
signature on the Consent to Dismiss and to Discontinue Special Education Services form and records all diligent efforts on the Communication Log in the student’s confidential folder.
Chapter 28
Transfer of Parental Rights at Age of Majority

IDEA/COMAR Requirements:

What It Means

IDEA 2004 permits states to transfer educational decision-making under IDEA to a student with a disability when the student reaches the age of majority provided that the student has not been judged to be incompetent under state law.

34 CFR §300.520

Circumstances Under Which IDEA Rights May Transfer in Maryland

1. The student must:
   • Be 18 years of age or older;
   • Have not been judged incompetent under state law; and,
2. Have documentation that he/she qualifies under one of the six circumstances listed below:
   • The parents are unavailable or unknown and the student requests that the parental rights be transferred to the student rather than have a parent surrogate appointed;
   • The parents have not participated in the special education decision-making process for the student after repeated attempts by the City Schools to involve the parents over the previous year;
   • The parents have affirmatively rejected participation in the special education decision-making process;
   • The parents cannot participate in the special education decision-making process due to prolonged hospitalization, institutionalization, or serious illness or infirmity of one or both parents, and the parents have consented to the transfer of rights to the student;
   • The parents cannot participate in the special education decision-making process due to extraordinary circumstances beyond their control, and they have consented to the transfer of rights to the student; or,
   • The student is living outside of the parents’ home and is not in the care or custody of another public agency.
3. For more information on these circumstances and fulfilling the requirements, please see Resource Information on the Transfer of Rights at the Age of Majority, MSDE, August 2002.

Procedure:

Request that Parental Rights Transfer

1. The student or parent must make a request in writing to the Executive Director of Special Education.
2. If the request is granted, the Executive Director of Special Education notifies the parents and student of the transfer of rights in writing.

3. If the request is not granted, the Executive Director of Special Education notifies the student, parents, or parent surrogate in writing. The notice must include the reason(s) for declining to transfer the parental rights to the student.

**Right to Due Process**

If the parents of a student with a disability, with whom the student resides, do not consent to the transfer of rights to the child at the age of 18, and the student has not been determined to be incompetent under state law, either the parents or the student may file a due process complaint to determine whether the rights should transfer.

The parties to the hearing are the student and the parents. City Schools staff may be called as a witness for either party.

**Notification to Parents and Students About the Transfer of Rights**

At least one year prior to the student’s 18th birthday, the City Schools must provide the student and his/her parents or parent surrogate with information concerning the transfer of rights at the age of majority.

**Practice:**

**Notification to Parents and Students About the Transfer of Rights**

1. The information concerning the transfer of rights at the age of majority is provided at an IEP meeting

2. That information is documented in both parental input section of the Maryland Online IEP document and the Communication Log in the student’s special education folder.

**Reporting the Transfer of Parental Rights Under IDEA**

1. If the City Schools transfers parental rights under IDEA to a student with a disability, the City Schools must provide written notification of the transfer to the following:

   - Assistant State Superintendent
   - Division of Special Education/ Early Intervention Services
   - Maryland State Department of Education within 30 days of the transfer

2. The reporting of the transfer of parental rights under the IDEA to MSDE is completed by the Executive Director of Special Education
Chapter 29
Parental Disagreement with the IEP or Placement Determination

IDEA/COMAR Requirements:

State Complaint Process

Parents have the right to file a complaint with Maryland State Department of Education (MSDE) if they believe that the City Schools is not complying with federal or State special education laws and regulations. The complaint must allege a violation that occurred no more than one year prior to the filing of the complaint.

34 CFR §300.151

Procedure:

When a complaint is filed, MSDE will initiate a complaint investigation. The investigation will include a record review and, generally, a site visit to discuss the allegations in the complaint with appropriate school staff. MSDE will issue a Letter of Findings after completion of its investigation. If there is a violation, MSDE will require a student-specific corrective action to address any harm that may have occurred to the student. A school-based corrective action may also be required to determine if the violation represents a pattern of non-compliance at the school.

Practice:

1. Parents are an integral part of the special education process and have extensive information to offer in programming for the educational needs of their children. This may, at times, lead to disagreements with City Schools staff on the recommended IEP services and placements for a child.

2. The City Schools expects that parents will be treated in a professional and courteous manner at all times, even when disagreements arise. If there has been open and consistent communication with parents throughout the school year, the IEP team should be aware of the parent’s areas of concern and should be ready to address these issues.

3. When disagreements occur, the IEP team should allow everyone to express their concerns and recommendations. After a full discussion has occurred and an impasse continues, the team can “agree to disagree.” The disagreement must be fully documented in the Prior Written Notice and the parent must be reminded of the avenues outlined in the Procedural Safeguards Notification for contesting an IEP team decision.

4. Make sure complete prior written notice. Fully explain all areas of disagreement (rejection of options considered) and the documentation relied upon by the IEP team in rejecting the options in the Parental Input section of the MD Online IEP. Document that the parent was reminded of the avenues outlined in the Procedural Safeguards booklet for contesting an IEP team decision.
5. If a parent files a complaint with MSDE, City Schools will develop a corrective action plan to address the violation if a pattern of noncompliance is found. The Office of Legal Counsel will advise and support the school team during the complaint process.

**IDEA/COMAR Requirements:**

**Mediation**

Mediation is a process in which an impartial mediator assists the parties in an effort to reach a mutually agreeable solution through a structured, yet informal meeting. It is a voluntary alternative to a due process hearing. Both parties must agree to mediate the dispute. Mediation does not interfere with or delay a parent’s right to a due process hearing.  

34 CFR§300.506

Discussions that occur during mediation are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.

**Due Process Hearing**

The parent may also file a due process complaint on an issue relating to the identification, evaluation or educational placement of a student with a disability, or the provision of FAPE to the student.  

34 CFR§300.507

**Procedure:**

Requests for mediation and/or due process are sent to the City Schools Office of Procedural Safeguards. The complaint must allege a violation that occurred not more than two years before the date of the complaint.

Upon receipt of the complaint, the City Schools must provide the parent with a copy of the Procedural Safeguards booklet and inform the parent of free or low-cost legal services that are available to the parent.

**Practice:**

1. All requests for mediation and/or due process are sent to the City Schools Office of Procedural Safeguards.

2. The complaint must allege a violation that occurred not more than two years before the date of the complaint.

3. Upon receipt of complaint, City Schools must provide the parent with a copy of the Procedural Safeguards booklet.
4. City Schools must inform the parent of free or low-cost legal services that are available to the parent.

5. If the parties choose not to mediate the complaint, the City Schools must schedule a dispute resolution session within 15 days of the request for a hearing.

6. The session must include relevant members of the IEP team who have specific knowledge of the facts identified in the due process complaint and a City Schools representative who has decision-making authority.

**City Schools - Initiated Due Process**

1. The City Schools can also request a due process hearing in certain circumstances. The most frequent issue that precipitates the City Schools to initiate a due process hearing is the failure of the parent to provide consent for the school to conduct assessments for an evaluation or a reevaluation of a student.

2. The City Schools cannot request a due process hearing to compel a parent to permit the initial provision of special education services to a student.
Chapter 30
Data Monitoring and Compliance

IDEA/COMAR Requirements:

The Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act of 2001 mandates the need for comprehensive data monitoring and compliance, as a result of new accountability standards that relies on accurate data collection and reliable reporting. NCLB requires states to determine Adequate Yearly Progress (AYP) by tracking student academic progress through assessment data. For IDEA, the primary focus of monitoring is to improve educational results and functional outcomes for children with disabilities while ensuring the requirements of IDEA are met, especially those requirements most closely related to improving educational results for children with disabilities.

Procedure:

Data monitoring in each data system is critical to maintaining compliance with City Schools’ policies as well as the federal and state regulations governing special education. Data monitoring should be an integral element of your schools special education management plan. It is the responsibility of school Principals, IEP Chairs, and assigned school staff to regularly review MDOIEP, Encounter Tracker, ePP, and data cleansing reports in order to maintain compliance. When data is not appropriately entered in MDOIEP and/or SMS according to timelines mandated by IDEA and City Schools, cases are generated via data cleansing reports, available on eweb. All cases reported in data cleansing reports should be remediated immediately.

Special Education data is entered in the Maryland Online IEP system (MDOIEP), which tracks all phases of the special education process from child find and the determination of a disability to transition and exit. MDOIEP provides data reports for school administrators and staff to review and to plan accordingly.

Related service provider data is entered in the Encounter Tracker data system to track the delivery of special education services to students with disabilities.

School based requests for prevention plans are documented and recorded in the ePP data system for Assessments (Form A) and Services (Form B). ePP is an application developed by City Schools ITD in conjunction with the Related Services Unit to store and manage prevention plans electronically.

The Student Management System (SMS) records the entry of registration, enrollment, attendance, suspension, and withdrawal data for all students; special education and their non-disabled peers.
Practice:

Prevention Plans

- The IEP team will submit a Prevention Plan upon discovery that an assessment (Form A) or service (Form B) cannot be completed at the school.

- The Related Services Unit will initiate the Prevention Plan process for all students to be serviced by an outside contractor as of the start of a school year.

- The principal, IEP Chair and related service providers will work with RSU Prevention Plan staff to:
  - Ensure receipt of the Prevention Plan
  - Follow-up on the assignment of a provider
  - Document initiation of services

- Prevention Plan Goals & Objectives:
  - Prevent missed IEP services & assessment timeline violations.
  - Expedite the prevention plan process in an accurate and thorough manner.
  - Provide quality services for students, parents, and school personnel.
  - Facilitate open communication and work collaboratively with administrative offices and school personnel.

Data Cleansing Reports

When data is not appropriately entered in MDOIEP and/or SMS according to timelines mandated by IDEA and City Schools, cases are generated via data cleansing reports, available on eweb. All cases reported in data cleansing reports should be remediated immediately. School administrators are able to access the Data cleansing reports through EWEB. If there are any difficulties with accessing the data cleansing reports, contact your Student Learning Support Specialist.

Maryland Online IEP System

Special Education data is entered in the Maryland Online IEP system (MDOIEP), which tracks all phases of the special education process from child find and the determination of a disability to transition and exit. MDOIEP provides data reports for school administrators and staff to review and to plan accordingly. School administrators are able to log-in at https://www.online-iep.com/maryland/Login.aspx to access and enter special education data in the Maryland Online IEP system. If there are any difficulties with accessing the Maryland Online IEP system, contact Student Learning Support Specialist.
<table>
<thead>
<tr>
<th>Report Name</th>
<th>Data System</th>
<th>Report Description</th>
<th>Procedure to Resolve Frequency of Data Review</th>
<th>School Staff to Monitor and Resolve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report 2. Overdue Annual Meetings</td>
<td>Data Cleansing</td>
<td>This report lists all students where the most recent IEP meeting occurred more than 13 months ago.</td>
<td>Steps to Correct: Determine if meeting has been scheduled. If a meeting is not already scheduled, a meeting must be scheduled by IEP Chair as soon as possible.</td>
<td>IEP Chairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cases on this report may trigger an investigation.</td>
<td>Run report daily.</td>
<td></td>
</tr>
<tr>
<td>Report 4. Evaluation Meetings More than 3 Years</td>
<td>Data Cleansing</td>
<td>This report lists all students for which the most recent evaluation/reevaluation meeting recorded in MDOIEP is more than 3 years old. The evaluation/reevaluation meeting is viewed as overdue if the due date is prior to the report date or due in the next two weeks.</td>
<td>Steps to Correct: Determine if meeting has been scheduled. If a meeting is not already scheduled, a meeting must be scheduled by IEP Chair as soon as possible.</td>
<td>IEP Chairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cases on this report may trigger an investigation.</td>
<td>Run report daily.</td>
<td></td>
</tr>
<tr>
<td>Report 18. MD Online IEPs in DRAFT</td>
<td>Data Cleansing</td>
<td>The report shows all cases where the meeting date has past but the IEP has not been finalized.</td>
<td>Steps to Correct: Run audit check in MDOIEP to see what must be done in order to finalize the IEP. An initial IEP cannot be finalized until the signature from the parent has been received.</td>
<td>IEP Chairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cases on this report may trigger an investigation.</td>
<td>Note: All IEPs should be closed after the IEP Team Meeting.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Run report two times a week.</td>
<td></td>
</tr>
<tr>
<td>Report 28. Suspension Discrepancies between</td>
<td>Data Cleansing</td>
<td>Cases on this report have discrepancies between attendance and discipline data in SMS.</td>
<td>Steps to Correct: Review the school wide discipline log and the student discipline log to determine the actual days removed.</td>
<td>IEP Chair, AP responsible for suspension data entry,</td>
</tr>
<tr>
<td>attendance and discipline</td>
<td></td>
<td>Discrepancies on this report could result in an investigation for 'undocumented' suspensions and potentially could be a FAPE violation.</td>
<td>Run report daily.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Run report daily.</td>
<td></td>
</tr>
<tr>
<td>Report 33. SMS Discipline – Missing or</td>
<td>Data Cleansing</td>
<td>Incidents listed on this report are missing at least one required piece of data or the data entered is invalid for the outcome indicated. The specific data issue is indicated by the column(s) marked with an “X.”</td>
<td>Steps to Correct: Contact the Education Specialist assigned to your school for assistance.</td>
<td>IEP Chair, AP</td>
</tr>
<tr>
<td>Invalid Data</td>
<td></td>
<td></td>
<td>Run report daily.</td>
<td></td>
</tr>
<tr>
<td>Report 34. Multiple suspensions per student</td>
<td>Data Cleansing</td>
<td>Incidents in this report appear to have been entered into SMS more than once.</td>
<td>Steps to Correct: Please contact the data specialist assigned to your school for assistance.</td>
<td>IEP Chair, AP</td>
</tr>
<tr>
<td>with the same incident date</td>
<td></td>
<td></td>
<td>Run report daily.</td>
<td></td>
</tr>
</tbody>
</table>
### Listing of Data Cleansing and Maryland Online IEP (MDOIEP) Reports

<table>
<thead>
<tr>
<th>Report Name</th>
<th>Data System</th>
<th>Report Description</th>
<th>Procedure to Resolve Frequency of Data Review</th>
<th>School Staff to Monitor and Resolve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report 35. Incident records where student involved was recorded using district level versus school level</td>
<td>Data Cleansing</td>
<td>Incidents appearing here have been input incorrectly into SMS. Please contact the data specialist assigned to your school to rectify.</td>
<td>Contact Office of Suspension Services to resolve</td>
<td>IEP Chair, AP</td>
</tr>
<tr>
<td>Report 11. Active in MDOIEP – Inactive in SMS</td>
<td>Data Cleansing</td>
<td>Students listed on this report have a status of active special education student in the MDOIEP system, but have been inactivated in SMS. Cases are inactivated when a transfer or withdrawal code has been entered; including T10 cases.</td>
<td>Steps to Correct: Determine if student is actively attending school. If the student is no longer attending school, the IEP Chair must obtain documentation to support MDOIEP exit code and update MDOIEP accordingly. Note: MDOIEP exit code must be consistent with the leave code in SMS, and all supporting documentation must be filed in the student’s confidential record. If the student is attending the school, the IEP Chair must work with the SMS registrar to update SMS. Work to ensure that SMS accurately reflects the student’s attendance and days on role. Run report daily.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report 29. Active in SMS – Inactive in MDOIEP</td>
<td>Data Cleansing</td>
<td>Students listed on this report are active in the SMS system but show as exited in MDOIEP. Cases on this report may trigger an investigation.</td>
<td>Steps to Correct: Determine if the student is actively attending school. If the student is no longer attending the school, the IEP CHAIR must obtain documentation to support SMS leave code and work with the SMS registrar to update SMS accordingly. Note: the exit code in MDOIEP must be consistent with the leave code in SMS, and all supporting documentation must be filed in the student’s confidential record. If the student is attending the school, the IEP CHAIR must update MDOIEP to show that the student is an active special education student. Run report daily.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report 31. MDOIEP LRE Servicing School ≠ MDOIEP Demographics Servicing School</td>
<td>Data Cleansing</td>
<td>Students listed on this report show 2 different servicing schools within MDOIEP. The Servicing School on the Demographics page is different from the Servicing school on the LRE page of the IEP.</td>
<td>Steps to Correct: The IEP Chair must determine if the student which school the student actively attending. Complete either the Sending School or the Receiving School steps from the Transfer Procedures for MDOIEP from CITY SCHOOLS to CITY SCHOOLS outlined below. Run report daily.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report Name</td>
<td>Data System</td>
<td>Report Description</td>
<td>Procedure to Resolve Frequency of Data Review</td>
<td>School Staff to Monitor and Resolve</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
<td>--------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Report 32. MDOIEP LRE Servicing School ≠ SMS Attending School</td>
<td>Data Cleansing</td>
<td>Students listed on this report have a servicing school on the LRE page of the IEP that is different from the current SMS attending school.</td>
<td>Steps to Correct: The IEP CHAIR/TSP must determine if the student which school the student actively attending. Complete either the Sending School or the Receiving School steps from the Transfer Procedures for MDOIEP from CITY SCHOOLS to CITY SCHOOLS outlined below. Run report daily.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report 36. Inconsistent exit codes MDOIEP &amp; SMS Data Cleansing</td>
<td>This report lists students with MDOIEP exit code and SMS leave codes that are inconsistent with each other</td>
<td>Report should be run weekly.</td>
<td>IEP Chair</td>
<td></td>
</tr>
<tr>
<td>Report 50. Annual Meetings due within 30 days</td>
<td>Data Cleansing</td>
<td>This report lists all students whose most recent IEP annual meetings are due within the next 30 days.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report 51. Evaluation Meetings More than 3 Years old</td>
<td>Data Cleansing</td>
<td>This report lists all students for whose most recent evaluation/reevaluation meetings recorded in MDOIEP are due in the next 30 days.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Abbreviated Services</td>
<td>MDOIEP</td>
<td>This report will show services data for individual students or a group of students with closed IEPs.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Accommodations Report</td>
<td>MDOIEP</td>
<td>This report will show accommodations data for individual students or a group of students with closed IEPs.</td>
<td>This report should be reviewed by school administrators and staff to ensure that students’ accommodations are incorporated into instruction and classroom testing on a daily basis. Accommodations are not used only for district wide assessments. Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Annual Review/Reevaluation Due Date Report</td>
<td>MDOIEP</td>
<td>This report will show Annual/Review/Reevaluation Due Dates for students with closed IEP’s.</td>
<td>This report assists the IEP Chair with setting up IEP meetings in a timely manner as to avoid late meetings. Overdue meetings generate data cleansing cases. (see data cleansing reports #2 and 4.) Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report Name</td>
<td>Data System</td>
<td>Report Description</td>
<td>Procedure to Resolve Frequency of Data Review</td>
<td>School Staff to Monitor and Resolve</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Assessment Report</td>
<td>MDOIEP</td>
<td>This report will show an overview of assessment data for individual students or a group of students.</td>
<td>This report reminds school staff of timelines, who is due an assessment, the type of assessment due, and the date it should be reviewed.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>(Requires Notice and Consent for Assessment Form)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistive Technology</td>
<td>MDOIEP</td>
<td>This report will show Assistive Technology data for individual students or a group of students with closed IEPs.</td>
<td>The report assists with collaborative lessoning planning, scheduling and grouping students for instruction.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Draft and Closed IEPs</td>
<td>MDOIEP</td>
<td>This report will show IEP status, either Draft or Closed.</td>
<td>IEP’s should be closed after each IEP meeting. Draft IEP’s generates data cleansing cases (See data cleansing report #18) Run report weekly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>ECAS Entry Students</td>
<td>MDOIEP</td>
<td></td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>ESY Report</td>
<td>MDOIEP</td>
<td>This report will show ESY decision for individual students or a group of students with closed IEP’s with goals.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Exited Report</td>
<td>MDOIEP</td>
<td>This report will show exit data for individual students or a group of students with closed IEP’s.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>IEP Snapshot</td>
<td>MDOIEP</td>
<td>This report will show a summary of the IEP for individual students or a group of students with closed IEPs.</td>
<td>This report provides the school administrators and staff with a summary of all students IEP components; to ensure compliance with timelines, progress reports, needed supplementary aids, monitoring of indirect services, the need for state and district assessments and the connection between present level of performance, goals/objectives and instruction. Run report after each IEP meeting.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Initial Eligibility Timeline Report</td>
<td>MDOIEP</td>
<td>This report will show the Initial Eligibility Timeline for individuals or a group of students with a completed Notice and Consent for Assessment Form.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>LRE Report</td>
<td>MDOIEP</td>
<td>This report will show a list of students with their LRE placement data in Detail or Summary format.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report Name</td>
<td>Data System</td>
<td>Report Description</td>
<td>Procedure to Resolve Frequency of Data Review</td>
<td>School Staff to Monitor and Resolve</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Manifestation/BIP/FBA Report</td>
<td>MDOIEP</td>
<td>This report will show Manifestation, BIP and FBA data for individual students or a group of students with closed IEPs.</td>
<td>The Manifestation/BIP/FBA Report is based completing the Manifestation Determination Worksheet, Functional Behavior Assessment and Behavior Intervention Plan forms.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Medical Assistance</td>
<td>MDOIEP</td>
<td>This report will show medical assistance data for individual students or a group of students with Medical Assistance numbers receiving medical assistance.</td>
<td>This report is used for Third Party billing purposes.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Present Levels</td>
<td>MDOIEP</td>
<td>This report will show an overview of the Levels of Academic Achievement and Functional Performance for each student.</td>
<td>The report assists with collaborative lessoning planning, scheduling and grouping students for instruction.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Progress Report on IEP Goals</td>
<td>MDOIEP</td>
<td>This report will show progress toward IEP goals for individual students or a group of students.</td>
<td>Progress should be marked quarterly and sent home to parents. If a student is not making satisfactory progress an IEP team meeting should be held to review goals and objectives.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Indicator 11 Report</td>
<td>MDOIEP</td>
<td>This report will show referral and eligibility data for individual students or a group of students.</td>
<td>The Referral and Eligibility—SPP Indicator 11 Report requires the Evaluation Report and Determination of Eligibility be completed.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Indicator 12 report</td>
<td>MDOIEP</td>
<td>This report will show referral and eligibility data for individual students or a group of students.</td>
<td>The Referral and Eligibility—SPP Indicator 12 Report requires that the Evaluation Report and Determination of Eligibility be completed.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Services Report</td>
<td>MDOIEP</td>
<td>This report will show Services data for individual students or a group of students with closed IEPs.</td>
<td>This report provides school administrators and staff with a list of students and the services that they should receive based on the IEP.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Special Considerations</td>
<td>MDOIEP</td>
<td>This report will show special considerations data for individual students or a group of students with closed IEPs.</td>
<td>Run report monthly.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Supplementary Aids, Services, Supports and Program Modifications</td>
<td>MDOIEP</td>
<td>This report provides the school administrators and staff with a list of students and the services that they should receive based on the IEP of individual students or a group of students with closed IEPs.</td>
<td>This report provides the school administrators and staff with information concerning the needs of the special education students when making decisions for collaborative lesson planning, scheduling and grouping students for instruction.</td>
<td>IEP Chair</td>
</tr>
<tr>
<td>Report Name</td>
<td>Data System</td>
<td>Report Description</td>
<td>Procedure to Resolve Frequency of Data Review</td>
<td>School Staff to Monitor and Resolve</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td>-------------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Transition Report</td>
<td>MDOIEP</td>
<td>Lists students’ transition data for review</td>
<td>Run report monthly.</td>
<td>IEP Chair, Transition Monitor</td>
</tr>
</tbody>
</table>
Chapter 31  
Questions and Answers About the City Schools  
Special Education Policy

1. Can any school deny admission to a student in special education based on the services the student requires or the charter school’s available programs?

No, it is not possible for any school to deny admission on these grounds. According to MSDE publications, “you may not deny admission to a student with a disability solely because of that student's need for special education or related aids and services. Students with disabilities must have the opportunity to meet any appropriate minimum eligibility criteria for admission, consistent with the mission of the charter school and civil rights requirements.” Furthermore, MSDE states that, “You should recruit students from all segments of the community served by your school using strategies that will not exclude students with disabilities.” As a general rule, they report that, “It is typically not appropriate for you to suggest that the needs of a student with a disability may be better met in another school.”

Special Education in Charter Schools: A Resource Primer for the State of Maryland

2. What should the IEP team do when a parent/legal guardian doesn’t come to meetings?
Parents must be notified of a scheduled IEP meeting early enough to ensure that they will have the opportunity to make arrangements to attend. Efforts must be made to arrange the meeting at a mutually agreed upon time and place. Chapter 4 has information about the meeting notification process. Chapter 4 also describes how to conduct and document diligent efforts to inform the parents of the meeting and ensure the parents’ participation. If a parent does not attend the meetings, several rules apply.

a. Initial Evaluation: If the parent fails to respond or refuses to consent to services, the City Schools may not use the mediation or due process procedures to obtain agreement or a ruling that services may be provided to the student. The student remains a general education student.

b. Reevaluation: In most cases, the City Schools must obtain informed parental consent prior to conducting any reevaluation of a student. Chapter 7 describes limited and specific exceptions.

c. Annual IEP Meetings: City Schools staff must keep a record of its attempts to contact the parents. It is required that staff make at least three (3) separate, diligent efforts, such as:

i. Detailed records of telephone calls made or attempted and the results of those calls;

ii. Copies of correspondence sent to the parents and any responses received; and,

iii. Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

3. What is the difference between SST and the IEP team?
The Student Support Team (SST) is a group of school staff providing additional academic or behavioral supports for all students by developing specific interventions/strategies for the classroom teacher and other school staff to implement in order to address the needs of all students. Refer to Chapter 1 for additional information on the SST.

The IEP team is composed of members of the school staff with the parent and child. There are, at least four team members who are required to attend an IEP meeting. This includes a person empowered to make budget decisions (typically an administrator), the general educator of the student, the special educator of the student, the parent, and the student (if 14 years or older or transition planning will be discussed).

According to COMAR 13A.05.01.03B(34), an IEP team is “a group of individuals responsible for:

a. Identifying and evaluating students with disabilities;

b. Developing, reviewing, or revising an IEP for a student with a disability; and

c. Determining the placement of a student with a disability in the Least Restrictive Environment (LRE)

4. Can a teacher refer a student to the IEP team without going through SST?

Yes, however, due to the extended period of time necessary for the IEP process to take place the teacher should be encouraged to simultaneously refer the student to SST. Prior to making any such referral the teacher may want to confer with other colleagues capable of offering meaningful insight. If a teacher does directly refer a student then the teacher completes the MDOIEP Child Find Referral and submits the referral to the IEP team. The IEP team must maintain a copy of the written referral form in the student’s special education file.

5. Who is required to have a copy of a student’s IEP?

It is required that each teacher, service provider or school staff member who has responsibilities for IEP implementation must have a copy of the IEP and be familiar with its contents. There should be documentation in the Communication Log that the service provider received a copy of the IEP and initiated services. Anytime the IEP is revised the teacher and special service provider must have a copy of the new revised IEP.

Additionally, it is the responsibility of the teacher or service provider to make sure that he/she has a copy of the IEP for each student in his/her class or his/her caseload and that he/she is knowledgeable about implementing the provisions of the IEP.

6. What is the role of the regular education teacher in IEP development?
The regular education teacher must participate in the development of the IEP, including the determination of:
• Appropriate positive behavioral interventions and supports for the student; and,
• Supplementary aids and services, program modifications and support for school personnel.

7. What Disabilities Are Recognized under IDEA 2004

Refer to Chapter 10 for a comprehensive list of recognized disabilities under IDEA 2004.
Chapter 32
Additional Resources

The following resources are available for additional information on the IEP process:

1. The Division of Special Education/Early Intervention Services publications
   http://www.marylandpublicschools.org/MSDE/divisions/earlyinterv/Special_Ed_Info

2. MD Online IEP demonstration website
   http://olms.cte.jhu.edu/1344

3. Parental Rights- Maryland Procedural Safeguards Notice- Infants and Toddlers, Preschool, Special Education
   http://www.marylandpublicschools.org/nr/rdonlyres/d182e222-d84b-43d8-bb81-6f4c4f7e05f6/22796/marylandproceduralsafeguardsnotice_updatedjanuary2.pdf

4. COMAR Online
   http://www.dsd.state.md.us/comar/

5. IDEA
   http://idea.ed.gov/explore

6. Student Management System
Chapter 33
Compliance Manual Term Definitions

1. Accommodation- practices and procedures, in accordance with the Maryland Accommodations Manual, that provide students with disabilities equitable access during instruction and to assessments in the areas of:

   (a) Presentation;

   (b) Response;

   (c) Setting; and

   (d) Scheduling.

2. Assessment- the process of collecting data in accordance with Regulation .05 of this chapter, to be used by the IEP team to determine a student's need for special education and related services.

3. Assistive technology service- a service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

   (i) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;

   (ii) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;

   (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

   (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

   (v) Training or technical assistance for a student with a disability or, if appropriate, the student's family; and

   (vi) Training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals who provide services, employ, or are otherwise substantially involved in the major life functions of a student with a disability, in accordance with 34 CFR §300.6.

4. Business day- a day when a public agency is open for business whether or not students are required to be in attendance for instruction
5. Consent- a parent:

(i) Has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

(ii) Understands and agrees in writing to the carrying out of the activity for which the parent's consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom; and

(iii) Understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(b) "Consent" includes consent given to an action before a parent revokes consent, so that:

(i) If a parent revokes consent, that revocation is not retroactive and does not negate an action that occurred after the consent was given and before the consent was revoked; and

(ii) If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the student's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

6. Consultation- services provided to a teacher, parent, or other service provider, regarding a specific student, designed to support and enhance the implementation of a student's IEP.

7. Day- a calendar day unless otherwise indicated as a school day or business day.

8. Department- means the Maryland State Department of Education.

9. Diligent Efforts: read the following examples below

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parent and any responses received
- Detailed records of visits made to the parent’s home or place of employment.

10. Early identification- the implementation of a formal process for identifying a disability as early as possible in a child's life.

11. Emotional disturbance- a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects a student's educational performance:

(i) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
(ii) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(iii) Inappropriate types of behavior or feelings under normal circumstances;

(iv) A general, pervasive mood of unhappiness or depression; or

(v) A tendency to develop physical symptoms or fears associated with personal or school problems.

(b) "Emotional disturbance" includes schizophrenia.

(c) "Emotional disturbance" does not include a student who is socially maladjusted, unless it is determined that the student has an emotional disturbance.

12. Extended school year services- the individualized extension of specific special education and related services that:

(a) Are provided to a student with a disability beyond the normal school year of the public agency or nonpublic school the student attends, in accordance with the student's IEP;

(b) Are provided at no cost to the parents of the student; and

(c) Meet the standards of the Department.

13. Free appropriate public education (FAPE)- special education and related services that:

(a) Are provided at public expense, under public supervision and direction;

(b) Meet the standards of the Department, including the requirements of 34 CFR §§300.8, 300.101, 300.102, and 300.530(d) and this manual;

(c) Include preschool, elementary, or secondary education; and

(d) Are provided in conformity with an IEP that meets the requirements of 20 U.S.C. §1414, and this manual.

14. Independent educational evaluation- assessment procedures conducted by a qualified individual who is not employed by the public agency responsible for the education of the student.

15. Intellectual disability- general intellectual functioning, adversely affecting a student's educational performance, that:

(a) Is significantly subaverage;

(b) Exists concurrently with deficits in adaptive behavior; and
(c) Is manifested during the developmental period.

16. Limited English proficient (LEP)- an individual who does not speak English as the individual's primary language and who has a limited ability to read, speak, write, or understand English.

17. Local school system (LSS)- any of the 24 public school systems in the State responsible for providing a free appropriate public education to students with disabilities.

18. Mediator- a qualified individual:

(a) Selected by the Office of Administrative Hearings to conduct mediation in accordance with 34 CFR §300.506, Education Article §8-413, Annotated Code of Maryland, and Regulation .15B of this chapter; and

(b) Trained in effective mediation techniques.

19. Medical services- services provided by a licensed physician to determine a student's medically related disability that results in the student's need for special education and related services

20. Meeting- prearranged event when personnel of a public agency, a parent, and others who have knowledge or special expertise regarding the student, at the discretion of the public agency or the parent, come together at the same time and place to discuss matters related to the identification, evaluation, educational placement, and the provision of FAPE for a student with a disability.

(b) "Meeting" does not include:

(i) Informal or unscheduled conversations with public agency personnel;

(ii) Conversations on issues of teaching methodology, lesson plans, or coordination of service provision, if these issues are not addressed on the student's IEP; or

(iii) Preparatory activities of public agency personnel necessary to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

21. Modifications- practices that change, lower, or alter learning expectations, in accordance with the Maryland Accommodations Manual.

22. Native Language;

(a) "Native language" means the language normally used by an individual who is limited English proficient, or the language normally used by the parent of the student in accordance with 34 CFR §29.

(b) "Native language" includes the language normally used by the student in:
(i) All direct contact;

(ii) Assessment and evaluation;

(iii) The student's home; and

(iv) The student's learning environment.

(c) "Native language" includes the mode of communication that is normally used by an individual:

(i) Who is blind;

(ii) Who is deaf; or

(iii) With no written language.

23. Parent; read the following below

(i) A biological or adoptive parent;

(ii) A guardian;

(iii) A person acting as a parent of a student, including a grandparent, stepparent, or other relative with whom the child lives, or an individual who is legally responsible for the child's welfare;

(iv) A foster parent with whom the student lives, if the foster parent has been granted limited guardianship for educational decision-making purposes by the court that has placed the child in foster care; or

(v) A surrogate parent who has been appointed in accordance with 34 CFR §300.519 and Education Article, §8-412, Annotated Code of Maryland.

24. Participating agency- a public agency, other than the public agency responsible for the student's education that is financially and legally responsible for providing or paying for the provision of transition services to the student.

25. Public Agency; read the following below

(a) "Public agency" means a State or local government or quasi-government entity responsible for the provision of a free appropriate public education to students with disabilities.

(b) "Public agency" includes local school systems, the SEED School, the Department, the Department of Health and Mental Hygiene, the Department of Juvenile Services, the Maryland School for the Blind, the Maryland School for the Deaf, and the Department of Labor, Licensing, and Regulation.
26. **Public expense**- the cost of services paid or provided by a public agency at no cost to the parent.

27. **Recreation**- services which include assessment of leisure function, therapeutic recreation services, recreation programs in schools and other community agencies, and leisure education.

28. **School day**- a day, including a partial day, when a public agency is open and students with and without disabilities are required to be in attendance for instruction in accordance with COMAR 13A.08.02.01

29. **School health services**; means services (continue reading below)

   (a) Provided by a qualified school nurse or other qualified individual; and

   (b) Designed to enable a student with a disability to receive FAPE as described in the student's IEP.

30. **Secondary School**; read following below

   (a) "Secondary school" means a public day or residential school that provides secondary education in accordance with 34 CFR §300.36, Education Article, §2-205, Annotated Code of Maryland, and COMAR 13A.03.01.02.

   (b) "Secondary school" does not include education beyond grade 12.

31. **Service plan**- a written statement developed and implemented in accordance with 34 CFR §§300.131—300.144 and Regulation .16B of this chapter, that describes the special education and related services a local school system shall provide to a parentally placed private school student with a disability designated to receive services, including the location of the services and any transportation necessary.

32. **Special education**- specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. It includes speech-language pathology services, travel training, career and technology education, and instruction in physical education if the service consists of specially designed instruction.

33. **Statewide assessment**- the testing procedures adopted by the State Board of Education to measure student or school performance, consistent with 20 U.S.C. §1412(a)(16).

34. **Transportation**- means services which include:

   (a) Travel to and from school and between schools;

   (b) Travel in and around school buildings; and
(c) Specialized equipment, such as special or adapted buses, lifts, and ramps, if required to provide special transportation for a student with a disability.

35. **Traumatic brain injury** - an acquired injury to the brain, caused by an external force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance.

36. **Travel training** - providing instruction to students with disabilities, as appropriate, who require this instruction to enable them to:

(a) Develop an awareness of the environment in which they live; and

(b) Learn the skills necessary to move effectively and safely from place to place within that environment.

37. **Ward of the State** - a child for whom a State or county agency or official has been appointed legal guardian, or who has been committed by a court of competent jurisdiction to the legal custody of a State or county agency or official with the express authorization that the State or county agency or official make educational decisions for the child. This does not include a foster child who has a foster parent who meets the definition of a parent as defined in §B(52)(a)(iv) of this regulation.
Appendix A

Approved City Schools Forms
Baltimore City Public Schools Request for Parent Surrogate

Date: ______/_____/______ (PLEASE PRINT ALL INFORMATION)

To: Parent Surrogate Coordinator
200 E. North Avenue, Room 205
Baltimore, MD 21202
(410)396-8995 (Office)
(410)545-6383 (FAX)

Requested by: ________________________
Title: _______________________________
Agency/ School: ______________________
Address: ____________________________
Phone Number: _______________________
Fax Number: _________________________

V. Student Information

<table>
<thead>
<tr>
<th>Student</th>
<th>Permanent Number</th>
<th>Date of Birth (Month/ Date/ Year)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>School (Name and Number)</th>
<th>Grade</th>
</tr>
</thead>
</table>

Residing with

<table>
<thead>
<tr>
<th>Person/ Facility</th>
<th>Relationship</th>
<th>Phone Number</th>
</tr>
</thead>
</table>

Address (Street, Apartment Number) City, State, Zip Code

Race:
- [ ] African American (Not of Hispanic Origin)
- [ ] American Indian or Alaskan Native
- [ ] Asian/ Pacific Islander
- [ ] Hispanic
- [ ] White (Not of Hispanic Origin)

Sex:
- [ ] Male
- [ ] Female

Native Language: ____________________________
Program: ____________________________

Date of Last IEP Team Meeting: / / 
Timeline for Compliance: / / 

VI. Reason for Request

- [ ] Parent(s) Unknown
- [ ] Parent(s) Unavailable - Deceased
- [ ] Parent(s) Unavailable – Geographic Whereabouts Unknown

Custody/ Commitment with Education Rights
Guardianship with State Agency

VII. Agency Social Worker (DSS, DJS, etc.)

Name ____________________________
Agency ____________________________
Address ____________________________
Phone ____________________________

VIII. IV Parent Surrogate Recommendation

Name ____________________________
Home Phone # ____________________________
Work Phone # ____________________________
Address ____________________________
Employer ____________________________

* Attach any guardianship documentation.
Form released from the Office of Special Education on 7/12/2010

GREAT KIDS
GREAT SCHOOLS
NOTICE of DOCUMENTS PROVIDED to PARENT for REVIEW at an IEP MEETING

Name of student: ___________________ Name of parent: ____________________

Date of Notice: _____________________ Date of scheduled meeting: ___________

In 2010 the Maryland General Assembly passed House Bill 269 (HB 269) and Senate Bill 540 (SB 540). As of July 1, 2010, school personnel must provide parents with an accessible copy of each assessment, report, data chart(s), draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary education team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting.

In order to meet this requirement we are providing the following information for your review prior to the IEP meeting that is scheduled for ____________ (date). A notice of this meeting is: ___ attached or was sent on ________ (date). The following information/documents are attached and may be discussed at the meeting:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

School personnel may also discuss the following information and are not able to provide documents prior to the meeting:

________________________________________________________________________
________________________________________________________________________

The reason (extenuating circumstance) these documents are not available prior to the meeting is:

________________________________________________________________________

If the purpose of the IEP team meeting is to develop or review and revise your child’s IEP, within 5 business days following the IEP team meeting, school personnel are required to provide a completed copy of your child’s IEP.

We hope this information is helpful and helps us to have a meaningful and productive discussion regarding your child’s needs.

If you have questions please contact _______________________________ (contact name, phone number, and/or email address).

Form released from the Office of Special Education on 7/12/2010
# Referral Information

Submitted By:

<table>
<thead>
<tr>
<th>Last Name, First Name (Print Legibly)</th>
<th>Position</th>
<th>Signature</th>
</tr>
</thead>
</table>

Referring Office or School: __________________________

Check One: ` Settlement Agreement ` FAPE

# Student Information

<table>
<thead>
<tr>
<th>Student Name</th>
<th>Student ID #</th>
<th>DOB</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Last Name, First Name (Print Legibly)</th>
<th>Month/Day/Year</th>
</tr>
</thead>
</table>

Attending School: __________________________

Grade: ____________

# Missed Services Information

Date (s) of Missed Service: __________________________

Frequency: ` Daily ` Weekly ` Monthly

IEP Service Missed (Instruction, Speech/Language, OT, etc):

Amount of IEP Service Missed: __________________________

Responsible School: __________________________

Reason for Missed Service (late bus, late taxi, teacher absence, etc.):

# Makeup of Missed Services

Date: _______ Amt. of Time: _______ Check: ` During School ` After School ` Weekend

Date: _______ Amt. of Time: _______ Check: ` During School ` After School ` Weekend

Date: _______ Amt. of Time: _______ Check: ` During School ` After School ` Weekend

Date: _______ Amt. of Time: _______ Check: ` During School ` After School ` Weekend

********************************************************************************************

Provider: ____________________________________________________________

---

GREAT KIDS
GREAT SCHOOLS
Referral Information:
1. Check the box to indicate that the referral is an original (first notification of a missed service) or update (update of the Make-Up section).
2. Last Name and First Name: Indicate the person submitting the form.
3. Signature/Position: Include the title and signature of person submitting the form.
4. Referring Office or School: Indicate the referring office or school submitting the form.

<table>
<thead>
<tr>
<th>Code</th>
<th>Referring Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRU</td>
<td>Parent Response Unit</td>
</tr>
<tr>
<td>OPS</td>
<td>Office of Preschool Services</td>
</tr>
<tr>
<td>OSEMC</td>
<td>Office of Special Education Monitoring and Compliance</td>
</tr>
<tr>
<td>ONP</td>
<td>Office of Nonpublic Services</td>
</tr>
<tr>
<td>RS</td>
<td>Office of Related Services</td>
</tr>
<tr>
<td>SUS</td>
<td>Office of Attendance and Suspension</td>
</tr>
<tr>
<td>OSLS</td>
<td>Office of Student Learning Support</td>
</tr>
<tr>
<td>ODMCSS</td>
<td>Office of Data Monitoring, Compliance and Support Services</td>
</tr>
<tr>
<td>OTHER</td>
<td>Please write the full name of the Office</td>
</tr>
</tbody>
</table>

5. Check the appropriate box to indicate that the notification is Settlement Agreement (for referrals of missed IEP services) or a result of a FAPE meeting.

Student Identification Information:
1. Student Name: Indicate the student’s name exactly as it appears in SMS.
2. Student ID#: Indicate the student identification number from SMS. If the student does not have a permanent number, enter the student’s social security number.
3. DOB: Indicate the month, day and year of the student’s birth.
4. Attending School: Indicate the student’s current attending school number.
5. Grade: Indicate the student’s current grade level.

Missed Services Information:
1. Date(s) of Missed Service: Indicate the date(s) of the missed IEP service.
2. Check the box to indicate the missed service frequency.
3. IEP Service Missed: Indicate the type of IEP service missed (i.e. instruction, Speech/Language, OT, etc).
4. Amount of IEP Service Missed: Calculate (the number of times service was missed) x (the duration of each service).
5. Responsible School: Indicate the school responsible for the missed service.
6. Reason for Missed Service: Indicate the reason for the missed IEP service (i.e. late bus, late taxi, teacher absence, etc).

Makeup of Missed Services (include 1 line entry for each make-up session provided):
1. Date: Indicate the date of the make-up service.
2. Amount of Time: Indicate the amount of time make-up services were provided.
3. Check the appropriate box to indicate when make-up services were delivered.
4. Signature of Provider: Include the signature of the person providing the make-up service.

The completed form must be sent to the Office of Special Education, 200 E. North Ave. Room 210, Baltimore, MD 21202 or faxed to 410-545-3688.
# Student Sign-Out Log
## 2010-2011 School Year

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Student’s Name</th>
<th>Written Notice Received &amp; Verified by Staff</th>
<th>Reason for Early Release</th>
<th>Name of Person Picking Up Student/Relationship to Student</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>