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Equal Employment Opportunity and Title IX Compliance
200 East North Avenue, Room 208
Baltimore, MD 21202
(410) 396-8542 (p)
(410) 396-2955 (f)
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Purpose of the Special Education Regulations Manual

The ultimate goal of the Individuals with Disabilities Education Act (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.

The vision for Baltimore City Public Schools (City Schools) is accelerating the academic achievement of all students, in partnership with the entire community to ensure that students have the attitudes, skills, and proficiencies needed to succeed in college and in the 21st century global workforce. City Schools and the Office of Special Education are committed to educating students with disabilities in the Least Restrictive Environment (LRE) with the appropriate supports and interventions to promote engagement in rigorous instruction, high achievement and post- secondary success, and ensuring that students with disabilities (birth to 21) living in Baltimore City receive a free appropriate public education in compliance with legal mandates.

The Special Education Regulations Manual is designed to guide school administrators, school staff, special educators, assessment personnel, as well as parents through the appropriate procedures for the identification and evaluation of students with disabilities and the subsequent Individualized Education Program (IEP) development for those students eligible to receive special education and related services. The purpose of the Special Education Regulations Manual is to assist school personnel to understand and practice procedures consistent with Federal, State, and Local requirements, i.e. IDEA, 20U.S.C. §1400ct.Seq. and in the Code of Maryland Regulations (COMAR 13A.05.01).
Chapter 1

Pre-Referral Process

IDEA/COMAR REQUIREMENTS:

*Purpose of Student Support Team (SST)*

Each local school system shall provide a coordinated program of pupil services for *all* students which shall include, but not be limited to:

- Guidance;
- Pupil personnel;
- School psychology; and
- Health services.

COMAR 13A.05.05.01
Chapter 2
Child Find

IDEA/COMAR REQUIREMENTS:

Child Find is an ongoing process to locate, evaluate, and identify all children with disabilities, from Birth through twenty-one (21) years of age, who are eligible for early intervention or in need of special education services.

The State must have in effect policies and procedures to ensure that-

- All children with disabilities residing in the State, including children with disabilities who are homeless children or wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and a practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

34 CFR § 300.111(a)(1)(i) and (ii)

Request for Initial Evaluation

Consistent with the consent requirements in §300.300, either a parent or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

34 CFR § 300.301(b)
Chapter 3

Parents and Parent Surrogates

IDEA/COMAR REQUIREMENTS:

Under IDEA, the parent is defined as:

- A biological or adoptive parent of a child;
- A foster parent, unless State law, regulations or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the state);
- An individual acting in the place of the biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives or an individual who is legally responsible for the child's welfare; or
- A surrogate parent who has been appointed in accordance with §300.519 or Section 639(a)(5) of the Act.

34 CFR § 300.30

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.

COMAR 13A.05.01.03B (52)(a)

The definition of parent does not include:

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

COMAR 13A.05.01.03B (52)(b)
Each public agency must ensure that the rights of a child are protected when

- No parent can be identified;
- The public agency, after reasonable efforts, cannot locate a parent;
- The child is a ward of the State under the laws of that State; or
- The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(6)).

34 CFR § 300.519(a)

**Parent Surrogate Eligibility Criteria for Selecting Surrogates**

The local lead agency shall ensure that a person recommended as a surrogate parent:

- Has no personal or professional interest that conflicts with the interests of the child the surrogate parent represents; and
- Has knowledge and skills that ensure adequate representation of the child.

COMAR 13A.13.01.13A(4)
Chapter 4

Parental Notification of IEP Team Meetings

IDEA/COMAR REQUIREMENTS:

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at the IEP Team meeting or are afforded the opportunity to participate, including:

- Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place.

34 CFR § 300.322(a)(1) and (2)

The parent of a student with a disability shall be provided with written notice in advance of the meeting. Reasonable notice shall be at least 10 days in advance of the meeting, unless an expedited meeting is being conducted to:

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

COMAR 13A.05.01.07D(2)

Native Language

If the native language spoken by the parents of a child with a completed individualized education program or a completed individualized family service plan is spoken by more than 1 percent of the student population in the local school system, the parents may request the document to be translated into the parents’ native language.

If the parent makes a request appropriate school personnel shall provide the parents with the translated document within 30 days after the date of the request.

Md. Code Ann., Educ., §8-405(b)(5)

5-Day Rule

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 that either team plans to discuss at the meeting. A “business day” means a day when a public agency is open for business whether or not students are required to be in attendance for instruction.


Appropriate school personnel shall provide the parent of a student with a disability an accessible copy of:

- Each assessment;
- Report;
- Data chart;
- Draft Individualized Education Program (IEP), or
- Other documents the IEP Team or other multidisciplinary team plans to discuss at that meeting, at least 5 business days before the scheduled meeting; and
- The completed IEP not later than 5 business days after a scheduled IEP or other multidisciplinary team meeting.

COMAR 13A.05.01.07D (3)(a) and (b)

**Information provided to parents**

For all IEP Team meetings, the notice must:

- Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- Inform the parents of the provisions relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child.

34 CFR § 300.322(b)(1)

**Requirements for Transition Activities**

For a student with a disability who is 14 years old, or younger, if appropriate, the written notice shall indicate that:

- A purpose of the meeting will be consideration of postsecondary goals and transition services for the student; and
- The public agency will invite the student.

COMAR 13A.05.01.07D(5) and (6)
Conducting an IEP Team Meeting without a Parent in Attendance

A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as:

- 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 and the results of those visits.

34 CFR § 300.322(d)
Chapter 5

Procedural Safeguards Notice

IDEA/COMAR REQUIREMENTS:

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year;
- On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct; and
- Upon request by a parent.

34 CFR § 300.504(a) and 34 CFR § 300.530(h)

The “Parental Rights Maryland Procedural Safeguards Notice Infants and Toddlers/Preschool Special Education and Special Education” (Revised July 2017) 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.

COMAR 13A.05.01.11A

Notice in understandable language

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

34 CFR § 300.503(c)(1)(i) and (ii)

If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure:

- That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- That the parent understands the content of the notice; and
- That there is written evidence that this requirement has been met.

34 CFR § 300.503(c)(2)
**Native language**

If the native language spoken by the parents of a child with a completed individualized education program or a completed individualized family service plan is spoken by more than 1 percent of the student population in the local school system, the parents may request the document to be translated into the parents’ native language.

If the parent makes a request appropriate school personnel shall provide the parents with the translated document within 30 days after the date of the request.

Md. Code Ann., Educ., §8-405(b)(5)

**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:

- Independent educational evaluations;
- Prior written notice;
- Parental consent;
- Access to education records;
- Opportunity to present and resolve complaints through the due process complaint and State complaint procedures;
- The availability of mediation;
- The child’s placement during the pendency of any due process complaint;
- Procedures for students subject to placement in an interim alternative educational setting;
- Requirements for unilateral placement by parents of children in private schools at public expense;
- Hearings on due process complaints, including the time period in which to file those actions;
- State-level appeals;
- Civil actions; and
- Attorneys’ fees.

34 CFR § 300.504(c)
Chapter 6
IEP Team Composition and Excusal of Required IEP Team Members

IDEA/COMAR REQUIREMENTS:

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.

*Individualized Education Program Team* or *IEP Team* means a group of individuals responsible for developing, reviewing, or revising an IEP for a child with a disability.

34 CFR § 300.23

**IEP Team Members**

A public agency shall ensure that the IEP Team for a student with a disability includes:

- The parents of the student;
- Not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment;
- Not less than one special education teacher, or not less than one special education provider of the student;
- A representative of the public agency who is:
  - Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, and
  - Knowledgeable about the general education curriculum and about the availability of resources of the public agency;
- An individual who can interpret the instructional implications of evaluation results;
- Other individuals at the discretion of the parent or public agency, who have knowledge or special expertise regarding the student, including related service personnel, as appropriate; and
- The student, if appropriate.

COMAR 13A.05.01.07(A)
The public agency must invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

34 CFR § 300.321(b)

Others Who May Participate

At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability.

34 CFR § 300.321(a)(6) and (7)

Initial IEP Team meeting for child under Part C

In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

34 CFR § 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:

- A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed in the meeting.
- A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if
  - The parent, in writing, and the public agency consent to the excusal; and
  - The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

34 CFR § 300.321(e)(1) and (2)
Conducting an IEP Team Meeting without a Parent in Attendance

A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as:

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

34 CFR § 300.322(d)
Chapter 7
Informed Consent

IDEA/COMAR REQUIREMENTS

Consent means that:

- 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;
- The parent understands and agrees in writing to carrying out of the activity for which his or her consent is sought;
- The consent describes the activity and lists the records (if any) that will be released and to whom; and
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
- 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).

34 CFR § 300.9

Parental Consent for the Initial Evaluation

The Public Agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must, after providing notice obtain informed consent from the parent of the child before conducting the evaluation.

Parental consent for initial evaluation must not be construed as consent for the initial provision of special education and related services. The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

34 CFR § 300.300(a)(1)

Parent Does Not Provide Consent

If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards including the mediation procedures or the due process procedures.

34 CFR § 300.300(a)(3)
When Informed Consent from the Parent for an Initial Evaluation Is Not Required

For initial evaluations only, if the child referred is a ward of the State and not living with the child’s parents, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

- Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
- The rights of the parents of the child have been terminated in accordance with State law; or
- 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)

Parental Consent for Reevaluation

Each public agency must obtain informed parental consent prior to conducting any reevaluation of a child with a disability.

34 CFR § 300.300(c)(1)(i)

If the Parent Refuses to Provide Consent

If the parent refuses to consent to the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedure.

34 CFR § 300.300(c)(1)(ii)

When Parental Consent Is Not Required (Reevaluations only)

The informed parental consent need not be obtained if the public agency can demonstrate that:

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

34 CFR § 300.300(c)(2)

Initial Parental Consent for Services

A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special
education and related services to the child. The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

34 CFR § 300.300(b)(1) and (2)

**Conducting an IEP Team Meeting without a Parent in Attendance**

A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as:

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

34 CFR § 300.322(d)

**If the Parent Does Not Provide Consent**

If the parent of a child fails to respond to a request for, or refuses to consent to the initial provision of special education and related services, the public agency may not use the mediation or due process procedures in order to obtain agreement or a ruling that services may be provided to the child.

34 CFR § 300.300(b)(3)

**Responsibility of the IEP Team If the Parent Revokes Continued Consent for Services**

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

- May not continue to provide special education and related services to the child, but must provide written notice before ceasing the provision of special education and related services;
- Will not be considered in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.

34 CFR § 300.300(b)(4)
Release/ Receipt of Information Regarding a Student

Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies unless the information is contained in education records, and the disclosure is authorized without parental consent.

Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition service.

34 CFR § 300.622 and 34 CFR § 99.30

Requesting Records from another School District

Informed consent is not required 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. However school districts can require a signed consent and it must be provided if requested.

34 CFR § 300.622(a)(1)

Exception to Above: Non-resident Parentally Placed Private School Students

If a child 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.

34 CFR § 300.622(b)(3)

Inviting Outside Agency Staff to an IEP Team Meeting for Transition

Parental consent, or the consent of an eligible student who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

34 CFR § 300.622(b)(2)
Chapter 8
Prior Written Notice to Parents Regarding IEP Team Decisions

IDEA/COMAR REQUIREMENTS:

A public agency shall provide written notice to the parent of a student with a disability before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student.

COMAR 13A.05.01.12A

Notice to Parents with Primary Language other than English

The notice must be:

- Written in language understandable to the general public; and
- 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)

If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure:

- That the notice is translated verbally or by other means to the parent in his or her native language or other mode of communication;
- That the parent understands the content of the notice; and
- That there is written evidence that the requirements of this section have been met.

34 CFR § 300.503(c)(2)

Content of Notice

The notice must include the following:

- A description of the action proposed or refused by the agency;
- An explanation of why the agency proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record or report the agency used as a basis for each proposed or refused action;
- A statement that the parents of the student with a disability have protections under the procedural safeguards of this part 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;

- Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- A description of other factors that are relevant to the agency’s proposal or refusal.

34 CFR § 300.503(b)

**Prior Notice by the Public Agency**

Written notice must be given to the parents of a child with a disability a reasonable time before the public agency:

- Proposes to initiate or change the identification, evaluation or educational placement of the child with a disability or the provision of Free Appropriate Public Education (FAPE) to the child; or
- Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child.

34 CFR § 300.503(a)

*Note:* The written notice is provided to the parent after the IEP Team 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.
Chapter 9

The Evaluation Process

IDEA/COMAR REQUIREMENTS:

**Evaluation Process/Assessment**

A public agency shall ensure that testing and assessment materials and procedures used to assess a student's need for special education and related services are selected and administered in a manner which is not racially or culturally discriminatory.

A student shall be assessed in all areas related to the suspected disability and a variety of assessment tools and strategies shall be used to gather sufficient relevant functional, cognitive, developmental, behavioral, academic, and physical information, and information provided by the parent to enable the IEP Team to determine:

- If the student is a student with a disability;
- The student's educational needs;
- The content of a student's IEP, including information related to enabling the student to be involved in and progress in the general curriculum, or, for preschool students, to participate in appropriate activities; and
- Each special education and related service needed by a student, regardless of whether the need is commonly linked to the student's disability.

COMAR 13A.05.01.05B(1) and (2)

**Referral to a Public Agency**

A student with a suspected disability who may need special education shall be referred, in writing, to a public agency. An initial referral may be initiated by the student’s parent or a representative of a public agency.

COMAR 13A.05.01.04A(1) and (2)

An IEP Team shall complete an initial evaluation of a student for suspected disabilities within:

- 60 days of the parental consent for assessments; and:
- 90 days of the public agency receiving a written referral.

COMAR 13A.05.01.06A(1)(a) and (b)
**Exceptions to the Timeline for Completion of an Initial Evaluation**

The timeframe does not apply to a public agency if:

- The parent of the child repeatedly fails or refuses to produce the child for evaluation; or
- A child enrolls in a school of another public agency after the timeframe has begun and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability.

34 CFR § 300.301(d)

The exception in #2 above only applies only if:

- The subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation; and,
- The parent and the public agency agree to a specific time when the evaluation will be completed.

34 CFR § 300.301(e)

**IEP Team Meetings**

A public agency shall ensure that an IEP Team meets to conduct an evaluation before the initial provision of special education and related services to a student with a disability and develop, review and revise, as appropriate, a student’s IEP in accordance with 34 CFR §300.324.

COMAR 13A.05.01.07B(1)

**Initial IEP Team Meeting:**

**Review of existing evaluation data**

As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must review existing data on the child, including:

- Evaluations and information provided by the parents of the child;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

34 CFR § 300.305(a)(1)

On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine:
• Whether the child is a child with a disability, as defined in COMAR 34 §300.8, and the educational needs of the child; or
• In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child.

34 CFR § 300.305(a)(2)(i)

Additional Data Needed – Ordering Assessments

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

34 CFR § 300.304(c)(2)

Scope of Assessment

Each public agency must ensure that the child is assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, and motor abilities.

34 CFR § 300.304(c)(4)

Selection of Assessments

The public agency must:

• Not use any single measure or assessments the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
• Use technically sound instruments for assessment that may assess the contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Each public agency must ensure that:

• Assessments and other evaluation materials used to assess a child under this part --
  o Are selected and administered so as not to be discriminatory on a racial or cultural basis;
  o Are provided and administered in the child’s native language or other mode of communication and in a form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to so provide or administer;
o Are used for the purposes for which the assessments or measures are valid and reliable;
o Are administered by trained and knowledgeable personnel; and
o Are administered in accordance with any instructions provided by the producer of the assessment.
• Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
• Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

34 CFR § 300.304(b) and (c)

Determination of eligibility

Upon completion of the administration of assessments and other evaluation measures:

• A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in § 300.8, in accordance with paragraph (c) of this section and the educational needs of the child; and
• The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

34 CFR § 300.306(a)

Parental consent for initial evaluation

The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under § 300.8 must, after providing notice consistent with §§ 300.503 and 300.504, obtain informed consent, consistent with § 300.9, from the parent of the child before conducting the evaluation.

34 CFR § 300.300(a)

Native Language

If the native language spoken by the parents of a child with a completed individualized education program or a completed individualized family service plan is spoken by more than 1 percent of
the student population in the local school system, the parents may request the document to be translated into the parents’ native language.

If the parent makes a request … appropriate school personnel shall provide the parents with the translated document within 30 days after the date of the request.

Md. Code Ann., Educ., §8-405(b)(5)
Chapter 10

Determination of Eligibility/Evaluation Meeting

IDEA/COMAR REQUIREMENTS:

Procedures for determining eligibility and educational need

In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each public agency must:

(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and

(ii) Ensure that information obtained from all sources and documents are carefully considered.

34 CFR § 300.306(c)(1)

Child with a disability - means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

34 CFR § 300.8(a)(1)

If it is determined, through an appropriate evaluation under 34 CFR §§300.304 through 300.311, that a child has one of the disabilities identified [as referenced above], but only needs a related service and not special education, the child is not a child with a disability under this part.

34 CFR § 300.8(a)(2)(i)

If, consistent with 34 CFR § 300.39(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be a child with a disability.

34 CFR § 300.39(a)(2)(ii)
Special education includes:

- Speech-language pathology services;
- Travel training;
- Career and technology education; and
- Instruction in physical education if the service consists of specially designed instruction.

**Specially designed instruction** - means the adaptation of content, methodology, or delivery of instruction to address the unique needs of a student with a disability to ensure access to the general curriculum, so that the student can meet the educational standards that apply to each student within the jurisdiction of the public agency.

**Disabilities Recognized under IDEA 2004**

**Autism** - means a developmental disability that significantly affects verbal and nonverbal communication and social interaction and is generally evident before 3 years old that adversely affects a student’s educational performance. This may be characterized by:

- Engagement in repetitive activities and stereotyped movements;
- Resistance to environmental change or change in daily routines, and
- Unusual responses to sensory experiences.

**Deaf-Blindness** - means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be accommodated solely as a student with deafness or a student with blindness.

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

**Student with a Developmental Delay (DD)** - means a student within the age range of 3 years old through 7 years old assessed and evaluated as having:
• A 25% or greater delay in:
  o Adaptive development;
  o Cognitive development;
  o Communicative development;
  o Emotional development
  o Physical development; or
  o Social development.
• Atypical development or behavior; or
• A diagnosed physical or mental condition.

COMAR 13A.05.01.03B(77)

Note: A student with a disability designation of developmental delay can maintain that disability designation through age seven. In determining developmental delay, the emphasis of assessment of young children is not performance on standardized diagnostic instruments but functional qualitative performance data that provides the IEP Team, including the parents, an accurate picture of what the student can/or cannot do in the developmental areas as compared to typical development performance. A psychological assessment is not required and a local school system may not require the administration of a psychological assessment as a condition for determining a student eligible under the DD categorical option. The student does not need to meet the eligibility criteria of an existing disability category to be eligible under developmental delay. Prior to the child’s 8th 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.

Emotional Disability - means 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:

• An inability to learn that cannot be explained by intellectual, sensory, or health factors;
• An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
• Inappropriate types of behavior or feelings under normal circumstances;
• A general pervasive mood of unhappiness or depression, or
• A tendency to develop physical symptoms or fears associated with personal or school problems.
• Emotional disability includes schizophrenia. Does not include a student who is socially maladjusted, unless it is determined that the student has an emotional disability.

COMAR 13A.05.01.03B(23)
**Hearing Impairment** - means an impairment in hearing, whether permanent or fluctuating, that adversely affects a student’s educational performance but which is not included under the definition of deafness

COMAR 13A.05.01.03 B(29)

**Intellectual Disability** - means general intellectual functioning, adversely affecting a student's educational performance, that:

- is significantly sub-average;
- exists concurrently with deficits in adaptive behavior; and
- is manifested during the developmental period that adversely affects a child’s educational performance.

COMAR 13A.05.01.03B(36)

**Multiple Disabilities** - means concomitant impairments such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that the student cannot be accommodated in special education programs solely for one of the impairments

COMAR 13A.05.01.03B(44)

**Orthopedic Impairment** - means a severe orthopedic impairment that adversely affects a child’s student’s educational performance. “Orthopedic Impairment” includes impairments caused by congenial anomaly, such as clubfoot or absence of some member; caused by disease, such as poliomyelitis or bone tuberculosis; and from other causes such as cerebral palsy, amputations, and fractures or burns that cause contractures

COMAR 13A.05.01.03B(50)

**Other Health Impairment** - means 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 adversely affecting a student's educational performance, 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, or Tourette’s Syndrome

COMAR 13A.05.01.03B(51)
Specific Learning Disability - means 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, consistent with Department criteria. "SLD" includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. "SLD" does not include students who have learning problems which are primarily the result of visual, hearing, or motor impairments, intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage.

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

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.

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

Special rule for eligibility determination

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

- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math; or,
- Limited English proficiency.

COMAR 13A.05.01.03B(73)

COMAR 13A.05.01.03B(74)

34 CFR § 300.306(b)(1)
**Determination of eligibility**

The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

34 CFR § 300.306(a)(2)

If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child.

34 CFR § 300.306(c)(2)

**IEP Development**

A public agency shall ensure that an IEP Team meets to develop an IEP for a student with a disability within 30 days of the evaluation.

COMAR 13A.05.01.08A(1)
Chapter 11

Specific Learning Disability - Additional Procedures for Identification

IDEA/COMAR REQUIREMENTS:

A disorder in one or more of the 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.

34 CFR § 300.8(b)(10)

The IEP Team shall determine that a student has an SLD if:

• The student does not achieve adequately for the student’s age or meet State-approved grade level standards when provided with learning experiences appropriate for the student’s age and ability levels in one or more of the following areas:
  o Oral expression;
  o Listening comprehension;
  o Written expression;
  o Basic reading skills;
  o Reading fluency skills;
  o Reading comprehension;
  o Mathematics calculation;
  o Mathematics problem solving; and
• The student’s lack of achievement is not primarily the result of:
  o A visual, hearing, or motor impairment;
  o Intellectual disability;
  o Emotional disability;
  o Cultural factors;
  o Environmental, cultural, or economic disadvantage; or
  o Limited English proficiency.

COMAR 13A.05.01.06(D)(2)

According to the Maryland State Department of Education Technical Assistance Bulletin, issued November 7, 2017, Specific Learning Disability (SLD) is the largest disability category, representing nearly thirty (30) percent of students with disabilities in Maryland. Dyslexia, dyscalculia, and dysgraphia are recognized as conditions that may underlie a student’s specific
learning disability, provided that all criteria are met under the Individuals with Disabilities Education Act (IDEA). There is nothing in Maryland law, policy, procedures, or practices that prohibits the use of these terms – dyslexia, dyscalculia, dysgraphia – by IEP teams as it relates to evaluations, eligibility and IEP documents. Indeed, the IEP team may find it helpful to include information about the specific condition underlying the student’s disability for the purpose of instructional planning and appropriate IEP implementation.

**Additional Procedures if the IEP Team Suspects that a Student Has an SLD:**

**Additional group members**

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in §300.8, must be made by the child’s parents and a team of qualified professionals, which must include:

- The child’s regular teacher; or
- If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
- For a child of less than school age, an individual qualified by the SEA to teach a child of her or her age; and
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

34 CFR § 300.308

**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 group must consider, as part of the evaluation:

- Data that demonstrates that prior to, or part of, the referral process, the child was provided 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)
**Additional Time for Evaluation May Be Given**

The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in 34 CFR §§300.301 and 300.303, unless extended by mutual written agreement of the child’s parents and a group of qualified professionals. (1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction and (2) Whenever a child is referred for an evaluation.

34 CFR § 300.309(c)

**Observation Required**

The public agency must ensure that the child is observed in the child’s learning environment (including the regular classroom setting) to document the child’s academic performance and behavior in the areas of difficulty. The group in determining whether a child has a specific learning disability, must decide to (1) Use information from an observation in routine classroom instruction and monitoring of the child’s performance that was done before the child was referred for an evaluation; or (2) Have at least one member of the group conduct an observation of the child’s academic performance in the regular classroom after the child has been referred for an evaluation and parental consent. In the case of a child of less than school age, a group member must observe the child in an environment appropriate for a child of that age.

34 CFR § 300.310

**Specific documentation for the eligibility determination**

For a child suspected of having a specific learning disability, the documentation of the determination of eligibility must contain 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;
- 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;
- Whether the child does not achieve adequately for the child’s age or to meet State-approved grade level;
- 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;
- The determination of the group 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; and
• If the child has participated in a process that assesses the child’s response to evidence-based, intervention, the written report must also include:
  o The instructional strategies used and the student-centered data collected; and
  o Documentation that the student’s parents were notified of the 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;
  o Strategies for increasing the student’s rate of learning; and
  o The parents’ right to request an evaluation.

34 CFR § 300.311(a); COMAR 13A.05.01.06D(5)&(6)

Certification in Writing

Each-group member must certify, in writing, whether the report reflects the member’s conclusions. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusions.

34 CFR § 300.311(b)
Chapter 12

The Individualized Educational Program (IEP)

**IDEA/COMAR REQUIREMENTS:**

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

34 CFR § 300.22

*Initial IEPs; provision of services*

Each public agency must ensure that

- A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
- As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP.

34 CFR § 300.323(c)

*IEP Content*

An IEP must contain:

- A statement of the student’s present levels of academic achievement and functional performance including:
  - How the disability affects the student’s involvement in the general education curriculum; or
  - For a preschool student, as appropriate, how the disability affects the student’s participation in appropriate activities;
- Measurable academic and functional annual goals, including benchmarks or short-term instructional objectives related to:
  - Meeting 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 meeting each of the student’s other educational needs that result from the student’s disability; or
  - For a preschool student, as appropriate, to participate in appropriate activities.
• The special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, including staffing support, to be provided to the student, or on behalf of the student;
• Program modifications or supports for school personnel that will be provided for the student to enable the student to:
  o Advance appropriately toward attaining the annual goals;
  o Be involved in and make progress in the general education curriculum;
  o Participate in extracurricular and other nonacademic activities;
  o Be educated and to participate with other students with disabilities and students without disabilities; and
• 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;
• A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance on State and district-wide assessments;
• If the IEP Team determines that a student may not participate in a particular Statewide or district-wide assessment, documentation by the team of:
  o why the assessment, or part of the assessment, is not appropriate for the student,
  o how the student will be assessed; and
  o why a particular assessment is appropriate; and
• The projected dates for the beginning of services, and modifications, along with the anticipated frequency, location, and duration.

COMAR 13A.05.01.09A

**Parental Consent under Maryland Law**

In addition to the actions for which the IDEA requires parental consent, Maryland law now requires that an individualized education program team shall obtain written consent from a parent if the team proposes to:

• (i) Enroll the child in an alternative education program that does not issue or provide credits toward a Maryland high school diploma;
• (ii) Identify the child for the alternative education assessment aligned with the State’s alternative curriculum; or
• (iii) Include restraint or seclusion in the individualized education program to address the child’s behavior as described in COMAR 13A.08.04.05.

Md. Code Ann., Educ. §8-405(f)(1)

If the parent does not provide written consent the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the IEP team meeting informing them that:
1) the parent has the right to either consent to or refuse to consent to the action proposed; and
2) if the parent does not provide written consent or a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action.

Md. Code Ann., Educ. §8-405(f)(2)

If the parent refuses to consent to one of the actions proposed, the IEP team may use the dispute resolution options listed in Education Article §8-413 (mediation or due process) to resolve the matter.


_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.

34 CFR § 300.321

_Development of IEP/General Factors_

In developing each child’s IEP, the IEP Team must consider:

- The strengths and needs of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child; and
- The academic, developmental and functional needs of the child.

34 CFR § 300.324(a)(1)

_Consideration of Special Factors_

The IEP Team must-

- In the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child’s IEP;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child’s
reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child’s future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;

- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode; and
- Consider whether the child requires assistive technology devices and services.

34 CFR § 300.324(a)(2)

- A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments.

34 CFR § 300.320(a)(6)(i)

*Requirements with respect to regular education teacher*

A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP, including the determination of:

- Appropriate positive behavioral interventions and supports, and other strategies for the child; and
- Supplementary aids and services, program modifications and support for school personnel.

34 CFR § 300.324(a)(3)

*Definition of individualized education program*

The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting and that must include a statement of the child’s present levels of academic achievement and functional performance, including:

- How the child’s disability affects the child’s involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
- For preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities;
- A statement of measurable annual goals, including academic and functional goals;
• For children with disabilities who take alternate assessments aligned to alternate academic achievement standards a description of benchmarks or short-term objectives.

34 CFR § 300.320

**Children with disabilities in adult prisons**

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

• Requirements relating to participation of students with disabilities in general assessments.
• Requirements relating to transition planning and transition services for students whose eligibility under IDEA will end, because of their age, before they 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 child with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the child’s IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

34 CFR § 300.324(d)
Chapter 13

Related Services

IDEA/COMAR REQUIREMENTS:

*Related Services*

*Related Services* - means transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability 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 training orientation and mobility services;
- Medical services for diagnostic or evaluation purposes;
- School health services, including school nursing services;
- Social work services in schools;
- Parent-counseling and training;
- Rehabilitation counseling;
- Transportation; and
- Assistive technology.

34 CFR § 300.34(a) and 34 CFR § 300.6

*Exception: services that apply to children with surgically implanted devices, including cochlear implants*

Related Services do not include a medical device that is surgically implanted (cochlear implant), the optimization of that device’s functioning (e.g., mapping), and maintenance of the device or the replacement of the device. However, this exception does not:
- Limit the right of the child with a surgically implanted device to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE;
- Limit the responsibility of a public agency to appropriately monitor and maintain medical devices needed to maintain the health and safety of the child, including breathing, nutrition or operation of other bodily functions, while the child is transported to and from school or is at school; or
- 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)

**Descriptions of Related Services and Qualified Providers**

**Audiology**

Audiology includes:

- Identification of students with hearing loss;
- Creation and administration of programs for the prevention of hearing loss;
- Provision of habilitative activities such as language habilitation, auditory training, speech reading (lip reading), hearing evaluation, and speech conservation;
- Counseling and guidance of students, parents and teachers regarding hearing loss;
- Determination of the range, nature and degree of hearing loss including referral for medical or other professional attention for the habilitation of hearing; and
- Determination of the student’s need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

COMAR 13A.05.01.03B(7)

**Occupational Therapy**

**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 function when functions are impaired or lost; and
- Preventing, through early intervention, initial or further impairment or loss of function.

COMAR 13A.05.01.03B(48)
**Physical Therapy**

*Physical therapy* - means services provided by a qualified Physical Therapist or physical therapy assistant.

COMAR 13A.05.01.03B(57)

**Psychological Services**

Psychological services mean services that include:

- Administering psychological and educational tests and other assessment procedures;
- Interpreting assessment results;
- 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 educational needs of students as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- Planning, and managing, a program of psychological services, including psychological counseling for students; and
- Assisting in developing positive behavioral intervention strategies.

COMAR 13A.05.01.03B(58)

**Speech-Language Pathology**

Speech-Language Pathology services means services which include:

- Identification 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.

COMAR 13A.05.01.03B(75)

**Social Work Services in Schools**

School social work services means services which include:
- Preparing a social or developmental history of a student with a disability;
- Group and individual counseling with the student and family;
- Working with those problems in a child’s living situation such as (home, school, and community) that affect the student’s adjustment in school;
- Mobilizing school and community resources to enable the student to learn as effectively as possible in the student’s educational program; and
- Assisting in developing positive behavioral intervention strategies.

COMAR 13A.05.01.03B(70)

**Assistive Technology - AT**

**Assistive technology service** - means 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:

- The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for a student with a disability or, if appropriate, the student's family; and
- 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.

COMAR 13A.05.01.03B(5)

**Orientation and Mobility Services**

**Orientation and mobility services** - means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility services include:
• Teaching students 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;
• Teaching students to use the long cane or a service animal, as appropriate, to supplement
  visual travel skills or as a tool for safely negotiating the environment for students with no
  available travel vision;
• Teaching students to understand and use remaining vision and distance low vision aids,
  as appropriate; and
• Other concepts, techniques, and tools, as determined appropriate.

COMAR 13A.05.01.03B(49)

**Orthopedic Impairment** - means a severe orthopedic impairment that adversely affects a
student's educational performance.

Orthopedic impairment includes impairments:

• Caused by congenital anomaly, such as clubfoot or absence of some member;
• Caused by disease such as poliomyelitis or bone tuberculosis; and
• From other causes such as cerebral palsy, amputations, and fractures or burns which
  cause contractures.

COMAR 13A.05.01.03(49), and 13A.05.03.01B(50)

**School Health Services**

**School health services** - means services provided by a school nurse or other qualified individual
are designed to enable a student with a disability to receive FAPE as described in the student’s
IEP.

COMAR 13A.05.01.03B(67)

**Medical Services**

**Medical services** - means 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.

COMAR 13A.05.01.03B(41)
Counseling

School counseling - means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

COMAR 13A.05.01.03B(14)

Early Identification

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 child’s life.

COMAR 13A.05.01.03B(20)

Interpreting Services

Interpreting services - means services for students who are deaf or hard of hearing. Interpreting services include:

- Oral transliteration services;
- Cued language transliteration services;
- Sign language transliteration and interpreting services;
- Transcription including Communication Access Real-Time Translation (CART), C-Print, and TypeWell; and
- Special interpreting services for students who are deaf-blind.

COMAR 13A.05.01.03B(37)

Parent Counseling and Training

Parent counseling and training - means: (a) assisting parents in understanding the special needs of the child; and (b) providing parents with information about child development.

COMAR 13A.05.01.03B(53)

Rehabilitation

Rehabilitation counseling - means services provided: (a) by qualified personnel in individual and group sessions that focus specifically on:

- Career development;
- Employment preparation;
- Achieving independence;
- Integration in the workplace and community of a student with a disability; and
To students with disabilities by vocational rehabilitation services funded under the Rehabilitation Act of 1973.

COMAR 13A.05.01.03B(64)

Recreation

*Recreation* - means services which include assessment of leisure function, therapeutic recreation services, recreation programs in schools and other community agencies, and leisure education.

COMAR 13A.05.01.03B(62)

Additional services provided by Related Services

**Vision Services**

Vision Services are specially designed classroom instruction for students with visual impairments that provide students with the accommodations and modifications related to their visual functioning. These may include software adapted for blind or visually impaired people, reading and writing Braille, navigating large print, training in the use of optical devices, orienting a person to the effective use of his or her usable vision, understanding body language and other visual concepts, or activities of daily living. These services may be provided by the Special Education Classroom Teacher under the direction of (with consultation from) a Teacher of the Visually Impaired (TVI), or directly by the certified Teacher of the Visually Impaired.

**Hearing Services**

Hearing services are specially designed classroom instruction for students with hearing impairments that provide students with the accommodations and modifications related to their hearing function. These may include software adapted for deaf or hearing-impaired people, a signing specialist, training in the use of lip reading, orienting a person to the effective use of his or her usable hearing, understanding body language and other visual concepts, or activities of daily living. These services may be provided by the Special Education Classroom Teacher under the direction of (with consultation from) a Teacher of the Hearing Impaired (THI), or directly by the certified Teacher of the Hearing Impaired.

**Adapted Physical Education (APE) Services**

The physical education comprehensive instructional program shall provide a developmentally appropriate instructional program that advances the student’s knowledge, competence, skills, and motivation to enjoy a lifetime of healthful physical activity.
Adapted Physical Education is designed to provide all students, including those with disabilities, an appropriate physical education program in the Least Restrictive Environment. Adapted Physical Education ensures that students with disabilities have access to a program that enables them to achieve the same goals in physical education as their nondisabled peers. If special services are required to assist students with disabilities to master these goals, services should be provided. Instructional methods, settings, materials, and time should be modified to create an appropriate educational environment comparable to that provided for students without disabilities.

Service Animals

The Americans with Disabilities Act (ADA) has regulations regarding comprehensive guidelines for public entities to follow in dealing with the special circumstances of students requiring a service animal. The regulation affects not only students seeking to bring a service animal to school, but any disabled person desiring to bring a service animal to a public school or school function. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity’s facilities (schools) where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. Effective as of March 15, 2011, the definition of a service animal is:

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability.

The ADA also requires that reasonable modifications be made to policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The care or supervision of a service animal is solely the responsibility of his or her owner. The LSS or school is not responsible for the care or supervision of a service animal.
Chapter 14

Transportation as a Related Service

IDEA/COMAR REQUIREMENTS:

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 child with a disability.

34 CFR § 300.34(c)(16)

If the IEP Team determines a student with a disability cannot be educated in the school or typical early childhood setting the student would attend if not disabled, the IEP shall document the specialized transportation needs of the student including consideration of the effect transportation may have on the student in relation to the: (i) Student’s age and disability; (ii) Specialized equipment needs of the student; (iii) Personnel needed to assist the student during transportation; (iv) amount of time involved in transporting the student; and (v) Distance the student will be transported.

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

Transportation for Homeless Students with Disabilities

Depending on the circumstances, both McKinney-Vento Act and IDEA Part B funds can be used to transport homeless children with disabilities to their school of origin. Transportation for a child with a disability who is homeless may include transportation to the child’s school of origin if attending the school of origin is determined to be in the child’s best interest.

34 CFR §300.34(c)(16) and 42 U.S.C. 11432(g)(1)(J)(iii)
Chapter 15

Transition Services

IDEA/COMAR REQUIREMENTS:

*Transition Services* - means a coordinated set of activities for a student with a disability that:

- Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’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; and
- Is based on the child’s needs, taking into account the student’s strengths, preferences and interests; and includes:
  - Instruction;
  - Related services;
  - Community experiences;
  - The development of employment and other post-school adult living objectives; and
  - If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

34 CFR § 300.43(a)

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

34 CFR § 300.43(b)

*Maryland Exit Document*

For a child whose eligibility under special education terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility, a public agency “must 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)
Chapter 16

Placement Determination/Least Restrictive Environment

Decision Making

IDEA/COMAR REQUIREMENTS:

Definition of Placement Determination

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:

- The placement decision—
  - Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
  - Is made in conformity with the LRE provisions of this subpart;
- The child’s placement—
  - Is determined at least annually;
  - Is based on the child’s IEP; and
  - Is as close as possible to the child’s home;
- Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

34 CFR § 300.116

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 IDEA requires students with disabilities to receive their education to the maximum extent appropriate with children who are nondisabled.

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(a)(2)(i) and (ii)

Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. This continuum must include instruction in regular classes, instruction in special classes, special schools, home instruction and instruction in hospitals and institutions; and must also make the provision of supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

COMAR 13A.05.01.10B and 34 CFR § 300.115

Parental Consent under Maryland Law

In addition to the actions for which the IDEA requires parental consent, Maryland law now requires that an IEP team must obtain the written consent of a parent if the team proposes to … enroll the child in an alternative education program that does not issue or provide credits towards a Maryland High School Diploma.

Md. Code Ann., Educ. §8-405(f)(1)

If the parent does not provide written consent …, the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the IEP team meeting informing them that:

1) the parent has the right to either consent to or refuse to consent to the action proposed; and
2) if the parent does not provide written consent or a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action.

Md. Code Ann., Educ. §8-405(f)(2)

If the parent refuses to consent to one of the actions proposed, the IEP team may use the dispute resolution options listed in Education Article §8-413 (mediation or due process) to resolve the matter.

Who Makes the LRE Placement Determination?

The educational placement decision of a student with a disability is made by the IEP Team.

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

How Is a Placement Determination Made?

The child’s placement is based on the child’s IEP.

34 CFR § 300.116(b)(2)

A child cannot be removed from the regular education classroom solely due to needed modifications in the general education curriculum.

34 CFR § 300.116(e)

Placement Decision

The child’s placement decision must be made at least annually.

34 CFR § 300.116(b)(1)

The child’s placement is as close as possible to the-child’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 typical early childhood setting that the student would attend if, not disabled, the IEP shall document the specialized transportation needs of the student including consideration of the effect transportation may have on the student in relation to the:

- 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)
Chapter 17

Home and Hospital Teaching and Students with Disabilities

IDEA/COMAR REQUIREMENTS:

**Definition of Home and Hospital Instruction**

Home and Hospital teaching is the provision of instructional services to public school students who are unable to participate in their school of enrollment due to a physical or emotional condition.

COMAR 13A.03.05.01

Educational placement is the home, for a student in emotional crisis, may not exceed sixty (60) consecutive school days.

COMAR 13A.05.01.10C(5)(d)
Chapter 18

Evaluation, IEP Development &
Transition from the Infants and Toddlers Program

IDEA/COMAR REQUIREMENTS:

The Individuals with Disabilities Education Act of 2004 (IDEA 2004) allows states the flexibility to make Part C services available to children after age three (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 Extended IFSP Option, early intervention services shall also include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills.

Once a child’s parent makes the choice to terminate early intervention services through an Extended IFSP and pursue services through an IEP, through written notification to the local lead agency the parent cannot continue services through an Extended IFSP beyond the date that IEP services are to begin; or the beginning of the school year following the child’s fourth birthday, whichever occurs sooner.

COMAR 13A.13.01.09

Children Affected

Under IDEA, “infants and toddlers with disabilities” are defined as children from birth through age two (2) 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; and
- Have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

34 CFR § 303.21

Transition

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

A Transition Planning meeting is conducted between three (3) and nine (9) months prior to the child’s third birthday. At this meeting, representatives from the local MITP and the local school system review the transition process with the parents and clearly explain the differences in service delivery models between the Extended IFSP Option through the IFSP and special education preschool services through an IEP. The following participants must attend the Transition Planning meeting, either by phone or in person:

- Parent;
- Service Coordinator; and
- Representative of the local school system.

If the Service Coordinator determines that additional assessments are needed for Part B eligibility, he/she will order the assessments at the time of the meeting and obtain parent permission at the meeting if the parent is present.
Chapter 19

IEP Implementation

IDEA/COMAR REQUIREMENTS:

Timeline for Implementing an IEP after It Is Developed

A public agency shall implement an IEP as soon as possible after the meeting where the IEP is developed or revised, except:

- When the meeting occurs during the summer or a vacation period; or,
- When there are circumstances that require a short delay, such as working out arranging transportation.

COMAR 13A.05.01.09D(3) and (4)

Access to the IEP

Each public agency must ensure that:

- The child’s IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- Each teacher and provider is 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.

34 CFR § 300.323(d)

When a Student’s IEP Must Be in Effect

At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP.

34 CFR § 300.323(a)
**Prior Written Notice**

A public agency shall provide written notice to the parent of a student with a disability before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student.

COMAR 13A.05.01.12A(1)

**Parental Revoke of Consent**

If, at any time subsequent to the initial provision of special education and related services, the parent revokes consent in writing for the continued provision of special education and related services, the public agency:

- Shall provide the parent prior written notice in accordance with 34 CFR § 300.503 and Regulation 12 of this chapter before ceasing the provision of special education and related services;
- May not continue to provide special education and related services to the student;
- May not use the procedures described in Regulation 15B of this chapter to obtain agreement or a ruling that the services may be provided to the child; and
- Is not required to amend the student's education records to remove any references to the student's receipt of special education and related services, in accordance with 34 CFR § 300.9(c)(3).

COMAR 13A.05.01.13B(5)
Chapter 20

Reporting Progress

IDEA/COMAR REQUIREMENTS:

Reporting Progress on IEP Goals

The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting and that must include:

- How the child’s progress toward meeting the annual goals will be measured; and
- When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

34 CFR § 300.320(a)(3)
Chapter 21  
IEP Review and Revision  
IDEA/COMAR REQUIREMENTS:  

Review and Revision of IEPs  
Each public agency must ensure that the IEP Team:  

- Reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and  
- Revises the IEP, as appropriate.  

34 CFR § 300.324(b)(1)(i) and (ii)  

At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP.  

34 CFR § 300.323(a)  

Information Considered at an IEP Review Meeting  
The IEP Team revises the IEP, as appropriate, to address:  

- Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;  
- The results of any reevaluation;  
- Information about the child provided to, or by the parent;  
- The child’s anticipated needs; or  
- Other matters.  

34 CFR § 300.324(b)(1)(ii)  

Changes to an IEP Outside of an IEP Team meeting (Amending the IEP)  
In making changes to a child’s IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team
meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child’s current IEP.

34 CFR § 300.324(a)(4)(i)

If changes are made to the child’s IEP the public agency must ensure that the child’s IEP Team is informed of those changes.

34 CFR § 300.324(a)(4)(ii)

Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

34 CFR § 300.324(a)(6)
Chapter 22
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 service plan.

Timeline for Reevaluation
A public agency must ensure that a reevaluation of each child with a disability is conducted:

- If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or
  
  34 CFR § 300.303(a)(1)

- If the child’s parent or teacher requests a reevaluation.
  
  34 CFR § 300.305(a)(2)

A public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.

  34 CFR § 300.305(e)(1)

The evaluation is not required before the termination of a child’s eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law. For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of 34 CFR § 300.305, a public agency must 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)(2) and (3)

A reevaluation:

- May occur not more than once a year, unless the parent and the public agency agree otherwise; and
• Must occur at least once every three (3) years, unless the parent and the public agency agree that a reevaluation is unnecessary.

34 CFR § 300.303(b)

At least five (5) business days before a scheduled IEP Team meeting or other multidisciplinary education team for any purpose for a child with a disability, appropriate school personnel shall provide the parents of the child with an accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either plans to discuss at the meeting.


Review of Existing Evaluation Data

As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data, including:

• Evaluations and information provided by the parents of the child;
• Current classroom-based, local, or State assessments and classroom-based observations; and
• Observations by teachers and related service providers.

34 CFR § 300.305(a)(1)

On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine:

• Whether the child is a student with a disability;
• The educational needs of the student;
• The present levels of academic achievement and related developmental needs of the child;
• Whether the child needs special education and related services; or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
• 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)
**Requirements if additional data are not needed**

If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs, the public agency must notify the child’s parents of (i) That determination and the reasons for the determination; and (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs.

34 CFR § 300.305(d)

**If Additional Data Is Requested by the IEP Team**

If the IEP Team determines the need for additional data the public agency shall conduct assessment procedures, must order appropriate assessments, and secure parental consent.

COMAR 13A.05.01.06E(5)

**Reevaluation Meeting to Review Assessments**

After ordered assessments are completed, the IEP Team must reconvene within ninety (90) calendar days to:

Determine whether a child is a child with a disability and the educational needs of the child.

COMAR 13A.05.01.06A(1)(b)

Not later than five (5) business days after a scheduled meeting of the individualized education program team or other multi-disciplinary team for a child with a disability the appropriate school personnel shall provide the parents of the child with a copy of the completed individualized education program. If the individualized education program has not been completed by the fifth business day after the meeting, the parents shall be provided with the draft copy of the individualized education program.

Md.Code.Ann.Ed.Art. § 8-405(e)(1) and (2)
Chapter 23

Discipline Procedures

IDEA/COMAR REQUIREMENTS:

Disciplinary Removal of Students with Disabilities

School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 34 CFR § 300.536).

34 CFR § 300.530(b)(1)

Suspension and Expulsion for Prekindergarten – Grade 2 Students

Except as noted below, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade, may not be suspended or expelled from school.

Md. Code Ann., Educ. §7-305.1(b)

A student enrolled in a prekindergarten program, kindergarten, first grade, or second grade may only be:

- Expelled from school if required by federal law; or
- Suspended for not more than 5 school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
- The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled.


When Does a Disciplinary Removal Trigger the Procedural Requirements of IDEA?

A child with a disability who is removed from the child’s current placement must continue to receive educational services so as 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 child’s IEP.

34 CFR § 300.530(d)(1)(i)
**Notification**

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice.

34 CFR § 300.530(h)

**Manifestation determination**

Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents.

34 CFR § 300.530(e)(1)

**Change of Placement**

A change in placement occurs:

- If the removal is for more than ten (10) consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern.

**Pattern of Removal**

A pattern of removal is demonstrated if:

- The series of removals total more than ten (10) school days in a school year;
- The child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and
- 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 public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

34 CFR § 300.536
Manifestation Determination Meeting

The IEP Team must review all relevant information in the student’s file, including the child’s IEP, teachers’ observations, and relevant information provided by the parents to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
- If the conduct in question was a direct result of the LEA’s failure to implement the IEP.

34 CFR § 300.530(e)(1)

The conduct must be determined to be a manifestation of the child’s disability if the LEA, the parent, and relevant members of the child’s IEP Team determine that a condition in either of the above was met.

34 CFR § 300.530(e)(2)

Determination that a behavior was a manifestation

If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child’s disability, the IEP Team must:

- Either:
  - Conduct a functional behavior assessment unless the LEA had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
  - If a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior; Immediately return the child to his educational placement, unless the parent and the IEP Team;
- Except as provided in paragraph (g) [Special circumstances] of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

34 CFR § 300.530(f)(1) and (2)

If the LEA, the parent, and relevant members of the child’s IEP Team determine the conduct in question was the direct result of the LEA’s failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

34 CFR § 300.530(e)(3)
**Special circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is a manifestation of the student’s disability if the child:

- Carries or possesses a weapon in school, on school premises, or at a school function under the jurisdiction of an SEA or LEA;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises or at a school function under the jurisdiction of an SEA or LEA; or
- Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of an SEA or LEA.

34 CFR § 300.530(g)

The IEP Team determines the interim alternative educational setting for services 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

**Additional Authority**

For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except a child with a disability who is removed from the child’s current placement must:

- Continue to receive educational services so as 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 child’s IEP; and
- Receive, as appropriate, a functional behavior assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

34 CFR § 300.530(c) and (d)

**Appeal**

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination or an LEA that believes that maintaining the current placement...
of the child is substantially likely to result in injury to the child or others may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to 34 CFR 34 §§ 300.507 and 300.508(a) and (b).

34 CFR § 300.532(a)

**Protections for children not determined eligible for special education and related services**

A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

34 CFR § 300.534(a)

**Basis of knowledge**

A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

- The parent of the child expressed a concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the-child that the child is in need of special education and related services;
- The parent of the child has requested an evaluation of the-child; or
- The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the-child directly to the director of special education of the agency or other supervisory personnel of the agency.

34 CFR § 300.534(b)

A **public agency would not be deemed to have knowledge if:**

- The parent of the child has not allowed an evaluation of the-child;
- The parent has refused services; or
- The student has been evaluated and determined not to be a child with a disability.

34 CFR § 300.534(c)
Conditions that apply if no basis of knowledge

If a public agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors.

34 CFR § 300.534(d)(1)

Request for an Evaluation While the Student is disciplinarily removed from School

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures the evaluation must be conducted in an expedited manner:

- Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services; and
- If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related service.

34 CFR § 300.534(d)(2)

Referral to and action by law enforcement and judicial authorities

Rule of construction

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

34 CFR § 300.535

Transmittal of records

- An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.
- An agency reporting a crime under this section may transmit copies of the child’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.
**Use of Exclusion, Restraint or Seclusion**

**Parental Consent under Maryland Law**

In addition to the actions for which the IDEA requires parental consent, Maryland law now requires that an IEP team must obtain the written consent of a parent if the team proposes to ... include restraint and/or seclusion in the IEP to address the child's behavior as described in COMAR 13A.08.04.05 (Md. Code Ann., Educ. §8-405(f)(1)).

Md. Code Ann., Educ. §8-405(f)(1)

If the parent does not provide written consent ..., the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the IEP team meeting informing them that:

1) the parent has the right to either consent to or refuse to consent to the action proposed; and
2) if the parent does not provide written consent or a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action.

Md. Code Ann., Educ. §8-405(f)(2)

If the parent refuses to consent to one of the actions proposed, the IEP team may use the dispute resolution options listed in Education Article §8-413 (mediation or due process) to resolve the matter.


**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.

COMAR 13A.08.04.04

**Physical 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.

COMAR 13A.08.04.05

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. 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 a student’s airway or otherwise impair a student’s ability to breathe, obstruct a staff member’s vision of student’s face, restrict a student’s ability to communicate distress, or place pressure on a student’s head, neck, or torso; or
• Straddle a student’s torso.

COMAR 13.08.04.05

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 request a due process hearing if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

34 CFR § 300.532(a)
Chapter 24

Extended School Year (ESY) Services

IDEA/COMAR REQUIREMENTS:

Extended School Year (ESY) services - means special education and related services that are:

- Provided to a child with a disability beyond the normal school year;
- In accordance with the child’s IEP;
- At no cost to the parents of the child; and
- Meet the standards of the SEA.

34 CFR § 300.106(b)

Extended School Year Services

At least annually, the IEP Team shall determine whether the student requires the provision of extended school year services. The IEP Team shall consider:

- 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;

COMAR 13A.05.01.03B(15)

- Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break in the regular school year and a failure 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.

Following the consideration of the factors described above, the IEP Team shall determine whether the benefits the student with a disability 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 13A.05.01.08B(2)
Extended school year services must be provided only if a child’s IEP Team determines, on an individual basis that the services are necessary for the provision of FAPE to the child. In implementing the requirements of this section, a public agency may not:

- Limit extended school year services to particular categories of disability; or
- Unilaterally limit the type, amount, or duration of those services.

34 CFR § 300.106(a)(3)

IEP Team decisions may not be made solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of service delivery system, availability of space, or administrative convenience, but must be based on the student’s individualized needs.

Chapter 25
Parentally-Placed Private School Students

IDEA/COMAR REQUIREMENTS:

**Definition of Parentally Placed Private School Students**

*Parentally-placed private school children with disabilities* - means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary schools or secondary schools located in the school district served by the LEA.

34 CFR § 300.131(a)

**Provision of services for parentally-placed private school children with disabilities—basic requirement**

A services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part.

34 CFR § 300.132(b)

**Consent**

Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

34 CFR § 300.622(b)(3)

**Due process Not Applicable, Except for Child Find**

Except as provided in paragraph (b) of this section, the procedures in [34 CFR] §§ 300.504 through 300.519 do not apply to complaints that an LEA has failed to meet the requirements of [35 CFR] §§ 300.132 through 300.139, including the provision of services indicated on the child’s services plan.

34 CFR § 300.140(a)
**Child Find Complaints—to be filed with the LEA in which the private school is located**

The procedures in [34 CFR] §§ 300.504 through 300.519 apply to complaints that an LEA has failed to meet the child find requirements in [34 CFR] § 300.131, including the requirements in [34 CFR] §§ 300.300 through 300.311. Any due process complaint regarding the child find requirements must be filed with the LEA in which the private school is located and a copy must be forwarded to the SEA.

34 CFR § 300.140(b)

**State complaints**

Any complaint that an SEA or LEA has failed to meet the requirements in [34 CFR] §§ 300.132 through 300.135 and 300.137 through 300.144 must be filed in accordance with the procedures described in [34 CFR] §§ 300.151 through 300.153.

34 CFR § 300.140(c)
Chapter 26

Independent Educational Evaluation (IEE)

IDEA/COMAR REQUIREMENTS:

*Independent educational evaluation*

*Independent educational evaluation (IEE)* - means assessment procedures conducted by a qualified individual who is not employed by the public agency responsible for the education of the student.

COMAR 13A.05.01.03B(33)

*Parent’s Right to an IEE at Public Expense*

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either-

- File a due process complaint, to request a hearing to show that its evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to [34 CFR] §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

If a parent requests an independent educational evaluation, the public agency may ask for the parent’s reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

*Parent-initiated evaluations*

If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation:

- Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and
- May be presented by any party as evidence at a hearing on a due process complaint regarding that child.

34 CFR § 300.502(a-c)
Chapter 27

Student Records

IDEA/COMAR REQUIREMENTS:

Opportunity to examine records

The parents of a child with a disability must be afforded an opportunity to inspect and review all education records with respect to:

- The identification, evaluation, and educational placement of the child; and
- The provision of FAPE to the child.

34 CFR § 300.501(a)

Timeline to Comply with a Request to Review

Access Rights

Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing or resolution session pursuant and in no case more than forty-five (45) days after the request has been made.

34 CFR § 300.613(a)

Access Rights of Parent Representative

The parent can have a representative inspect and review the records.

34 CFR § 300.613(b)(3)


**Fees**

Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

34 CFR § 300.617(a)

**Amendment of records at parent’s request**

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

34 CFR § 300.618(a)

The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing.

34 CFR § 300.618(b) and (c)
Chapter 28
Transferring of Students with a Disability

IDEA/COMAR REQUIREMENTS:

**IEPs for children who transfer public agencies in the same State**

If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child’s IEP from the previous public agency), until the new public agency either:

- Adopts the child’s IEP from the previous public agency; or
- Develops, adopts, and implements a new IEP that meets the applicable requirements in [34 CFR] §§ 300.320 through 300.324.

34 CFR § 300.323(e)

**IEPs for children who transfer from another State**

If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child’s IEP from the previous public agency), until the new public agency either:

- Conducts an evaluation if determined necessary by the new public agency; or
- Develops, adopts and implements a new IEP, if appropriate.

34 CFR § 300.323(f)
Chapter 29

Transfer of Parental Rights at Age of Majority

IDEA/COMAR REQUIREMENTS:

Parental Rights at Age of Majority

A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law):

- The public agency must provide any notice required by this part to both the child and the parents; and
- All rights accorded to parents under Part B of the Act transfer to the child.

34 CFR § 300.520(a)(1)

Do Parental rights transfer to incarcerated youth who reach the age of majority?

All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution.

34 CFR § 300.520(a)(2)

Transfer of Rights at Age of Majority

(a) In general. -- When a child with a disability reaches the age of 18 years, all rights accorded to parents under the federal Individuals with Disabilities Education Act shall transfer to the child if the child has not been adjudged incompetent under State law and if there is documentation that:

(1) The parents are unavailable or unknown as defined in § 8-412 of this subtitle, the child would be eligible for a parent surrogate, and the child requests that the parental rights be transferred to the child;
(2) The parents have not participated in the special education decision making process for the child after repeated attempts by the local school system to involve the parents over the previous year as described in COMAR 13A.05.01.07C(7);
(3) The parents have affirmatively rejected participation in the special education decision making process;
(4) 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 of the parents and the parents have consented to the transfer of rights to the child; (5) The parents cannot participate in the special education decision making process due to extraordinary circumstances beyond the control of the parents and the parents have consented to the transfer of rights to the child; or (6) The child is living outside of the parents' home and is not in the care or custody of another public agency as defined in § 8-412 of this subtitle.

(b) Due process -- A child with disabilities who reaches the age of 18 years and is living at home with the child's parents and whose parents do not consent to the transfer of rights to the child may file for due process in accordance with § 8-413 of this subtitle to determine whether the rights should be transferred to the child.

(c) Notice required by federal law. -- If a child with disabilities who has reached the age of 18 years has been represented by a parent surrogate as defined in § 8-412 of this subtitle, any notice required by the federal Individuals with Disabilities Education Act shall be provided to both the child and to the parent surrogate and all other rights accorded to the parent surrogate under that Act shall transfer to the child if the child has not been adjudged incompetent under State law and the child requests that the rights transfer to the child.

Md. Code Ann., Educ., § 8-412.1
Chapter 30
Parental Disagreement with the IEP or Placement Determination

IDEA/COMAR REQUIREMENTS:

Adoption of State complaint procedures

Each SEA must adopt written procedures for:

- Resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of 34 CFR § 300.153 by:
  - Providing for the filing of a complaint with the SEA; and
  - At the SEA’s discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency’s decision on the complaint; and
- Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the State procedures under 34 CFR §§ 300.151 through 300.153.

Remedies for denial of appropriate services

In resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address:

- The failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and
- Appropriate future provision of services for all children with disabilities.

34 CFR § 300.151
CHAPTER 31
Data Monitoring and Compliance

IDEA/COMAR REQUIREMENTS:

The reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004 added a new requirement for Maryland to develop and submit a State Performance Plan (SPP) for IDEA Part C (Services for children, birth through age two (2) years old, and their families) and IDEA Part B (Services to children with disabilities, ages three (3) through twenty-one (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 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. Maryland State Department of Education established measurable and rigorous targets for 20 indicators.

20 U.S.C. § 1416(a)(1)(A) and (B), 34 CFR §§§ 300.600 and 300.601 and 300.602(b)(2)

As part of the State performance plan, each State must establish measurable and rigorous targets for the indicators. Each State must collect valid and reliable information as needed to report annually on the indicators for the State performance plans.

Child Outcomes Summary

The OSEP began requiring State Early Intervention and Preschool Special Education programs to report on child outcomes, beginning in 2005, as a means of measuring program effectiveness. The Child Outcome Summary (COS) process is used in Maryland for measuring child outcomes to meet federal accountability reporting requirements for all children receiving services through an IFSP or a preschool IEP. This process also drives State and local-based decision-making.

Three outcomes are considered critical to children becoming active and successful participants across a variety of settings:

1. Positive social-emotional skills (including social relationships);
2. Acquisition and use of knowledge and skills; and
3. Use of appropriate behaviors to meet their needs.

All states are required to report on five progress categories and the percent of infants and toddlers with IFSPs or preschool children with IEPs who demonstrate improvement in each of the outcomes. The five progress categories include:

a. Infants/toddlers/preschoolers who did not improve functioning
b. Infants/toddlers/preschoolers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers
c. Infants/toddlers/preschoolers who improved functioning to a level nearer to same-aged peers but did not reach it

d. Infants/toddlers/preschoolers who improved functioning to reach a level comparable to same-aged peers

e. Infants/toddlers/preschoolers who maintained functioning at a level comparable to same-aged peers

States must set targets on the SPP/APR indicators and annually measure State performance compared to the set targets. The summary statements for each of the three outcomes for Part C (indicator 3) and 619 (Indicator 7) are the following:

- Summary Statement 1: Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they exited the program.
- Summary Statement 2: The percent of children who were functioning within age expectations in each Outcome by the time they exited the program.

The Maryland Online IFSP and IEP databases calculate the State Summary Statements used for federal reporting based on data input at the jurisdictional level. All children who have an entry and exit rating are used in the calculations.

Maryland State Department of Education Technical Assistance Bulletin 16-02
Chapter 32

Additional Resources

1. The Office of Special Education Programs (OSEP)
   http://www2.ed.gov/about/offices/list/osers/osep/index.html

2. IDEA 2004 – Public Law 108-446

3. IDEA
   http://idea.ed.gov/explore

4. Maryland Department of Education
   http://www.marylandpublicschools.org/MSDE

5. Maryland Department of Education
   The Division of Special Education/Early Intervention Services
   Resources and Publications
   http://marylandpublicschools.org/MSDE/divisions/earlyinterv/index.html

6. Maryland Department of Education
   Division of Special Education/Early Intervention Services
   http://www.marylandpublicschools.org/MSDE/divisions/earlyinterv/

7. COMAR Online
   http://www.dsd.state.md.us/COMAR/ComarHome.html

8. National Association of Special Education Teachers
   http://www.naset.org/

   http://nichcy.org/laws/idea

10. Council for Exceptional Children
    http://www.cec.sped.org

11. Maryland Department of Education
    Division of Special Education/Early Intervention Services Technical Assistance Bulletin

12. Maryland Department of Education
    Division of Special Education/Early Intervention Services Technical Assistance Bulletin