



Frederick County Public Schools Special Education Handbook

The following Special Education eHandbook is intended for parents/guardians, the community, and the FCPS staff. The handbook outlines all topics in special education as set forth in the following laws and regulations: The Individuals with Disabilities Education Act (IDEA), the Code of Maryland Annotated Regulations (COMAR), and FCPS policies and regulations related to the special education process.

Use of the Frederick County Public School (FCPS) Special Education eHandbook

In order to facilitate the implementation of the objectives and accomplish the goals set forth in special education law; this eHandbook delineates procedures and responsibilities relative to special education. Compliance with federal and state regulations will be accomplished when the procedures in this eHandbook are appropriately implemented.

This eHandbook is intended as the first reference when questions arise regarding students with disabilities, or students with suspected disabilities. Personnel in the FCPS Office of Special Education can provide additional clarification or assistance.

Terms are referenced in chapters or appendices the first time they appear. Likewise, terms are identified by applicable acronyms or abbreviations the first time they appear in a chapter. Thereafter, only the acronym or abbreviation is regularly used in that chapter (i.e. "Individualized Education Program (IEP)" becomes "IEP"). Links within the eHandbook and outside the eHandbook are indicated by "underlined blue font".

If questions arise please contact the Compliance and Legal Issues personnel, in the Department of Special Education, as soon as possible. It is expected that this eHandbook will be revised on an on-going basis, in response to new or revised requirements by the Maryland State Department of Education (MSDE) and/or the federal government.

Questions concerning the content and/or functionality of the eHandbook should be directed to: Denise Flora, Special Education Supervisor of Compliance and Student Supports, email denise.flora@fcps.org.

Family Resources

Frederick County Public Schools welcomes family collaboration and participation in the special education and early intervention process. The following resources are available to assist families in navigating the FCPS system: Partners for Success, Cara Phillips, cara.phillips@fcps.org, 240-236-8744, and the Frederick County Special Education Citizens Advisory Committee, SECAC, secacinformation@gmail.com. The Frederick County Office of Special Education is another resource for parents. Parents can call the office at 301-644-5281 or email specialeducation@fcps.org. The parent resource outlining parental rights of students with disabilities under the IDEA, the [Parental Rights/Procedural Safeguards Notice](#), are linked here in multiple languages.

Table of Contents	Topics Covered
Introduction	<ul style="list-style-type: none"> I. Introduction to Special Education II. Philosophy III. Vision IV. FCPS Goals and Objectives V. FCPS Master Plan and Aspirational Goals VI. Monitoring for Continuous Improvement and Results VII. COMAR/ FCPS BOE Policies and Procedures
Section 2: Identification, Evaluation, and Eligibility	<ul style="list-style-type: none"> I. Child Identification II. Child Find <ul style="list-style-type: none"> A. Birth to Three B. Ages Three to Five C. The Extended Option (Part 3) III. Student Service Team (SST) and Response to Intervention (RTI) <ul style="list-style-type: none"> A. Student Service Team (SST) B. Multi-Tiered System of Supports (MTSS) IV. Screening Process <ul style="list-style-type: none"> A. Eligibility Flowchart V. Assessment and Evaluation Process <ul style="list-style-type: none"> Assessment and Evaluation Step-by-Step Process A. Initial Evaluation B. Reevaluation C. Eligibility (Graduation or Exit from FCPS) D. Maryland Summary of Performance E. Private Evaluations F. Independent Education Evaluations (IEE) VI. Eligibility <ul style="list-style-type: none"> A. Disability Categories and Eligibility Criteria VII. Parent Notification <ul style="list-style-type: none"> A. Notification of an IEP Team Meeting B. Prior Written Notice C. Consent for Evaluation/Reevaluation Procedures D. Parent Refuses Consent for Initial Evaluation/ Reevaluation E. Consent for Special Education Services F. Parent Refuses Consent for Special Education Services
Section 3: IEP	<ul style="list-style-type: none"> I. IEP Team Meetings <ul style="list-style-type: none"> A. Membership

	<ul style="list-style-type: none"> B. IEP Team Meeting Attendance C. Timelines for Procedures D. Alternate Means of Meeting Participation II. Reference Guide for IEP Meetings <ul style="list-style-type: none"> A. Screening Meeting B. Eligibility/ Evaluation Meeting C. Develop IEP Meeting D. Review and/or Revise Meeting <ul style="list-style-type: none"> 1. Articulation/ Move-up Meeting E. Extended School Year Meeting F. FBA-BIP Meeting G. Manifestation Determination III. Procedural Safeguards IV. IEP Content and Development <ul style="list-style-type: none"> Overview of Services V. Required Parent Authorizations VI. Required Documentation VII. Least Restrictive Environment (LRE) VIII. Multi-State Alternate Assessment (MSAA) IX. Medical Assistance X. Autism Waiver XI. Special Education Instructional Assistant Support/ Encouraging Student Independence XII. Special Transportation XIII. Transfer of Students into FCPS XIV. Parent Surrogates XV. Miscellaneous Factors/ Considerations Impacting IEP Implementation <ul style="list-style-type: none"> A. Compensatory Services B. Home Hospital Teaching (HHT) C. Twice Exceptional Students D. Homeschooling E. Parentally Placed Private School Students 400-69 F. Incarcerated Youth XVI. Exiting a Student from Special Education <ul style="list-style-type: none"> A. Standard Operating Procedure for Exiting a Student from Special Education
Section 4: County IEP Process	I. County IEP Process
Section 5: Transition Services	I. Transition Services
Section 6: Discipline	I. Suspension Overview

	<ul style="list-style-type: none"> II. Requirement to Convene an IEP Team Meeting <ul style="list-style-type: none"> A. Short Term Removals B. Extended Removal C. Services Beginning on the Eleventh Day of Removal D. Right to Appeal E. Disciplinary Removal from Bus F. In School Disciplinary Removals G. In School Intervention III. 45 Day Removals IV. Referral to Law Enforcement V. Protections for Students not yet Eligible <ul style="list-style-type: none"> A. Having Knowledge by School Personnel of a Suspected Disability B. Not Having Knowledge by School Personnel of a Suspected Disability C. Requests for Evaluation and Assessments
<p>Section 7: Programs, Resources, and Services</p>	<ul style="list-style-type: none"> I. FCPS Specialized Programs <ul style="list-style-type: none"> A. Expressions B. Learning for Life C. Pyramid D. Special Education Pre-K E. SUCCESS F. Rock Creek School G. Heather Ridge School H. Infant and Toddlers I. Home and Hospital Teaching II. Non-public Placement
<p>Section 8: Confidentiality and Educational Records</p>	<ul style="list-style-type: none"> I. Confidentiality and Record Management <ul style="list-style-type: none"> A. Public Documents B. Protection of Personally Identifiable Information C. Persons who are not required to sign the "Record of Access" D. Annual Notice of FERPA Requirements E. Educational Records II. Inspection and Review of Education Records <ul style="list-style-type: none"> A. Parent Rights and Timelines B. Copies of Records C. Amendment of Records D. Destruction of Obsolete Information E. Release of Records: With/Without Parent Consent
<p>Section 9: The Grievance Process</p>	<ul style="list-style-type: none"> I. Informal Review Process

	<ul style="list-style-type: none"> II. Facilitated IEP Meetings III. Resolving Issues IV. State Complaints V. Statewide Mediation Procedures VI. Due Process Hearings VII. Unilateral Removal of Students with Disabilities
Appendices	<p>Appendix A</p> <ul style="list-style-type: none"> I. Abbreviations and Definitions II. Suggested Guidelines for Addressing the Educational Needs of English Learners III. State Reporting IV. Notice of Low Cost Legal and Other Relevant Services V. Partners for Success <p>Appendix B: Citizens Advisory Committee Bylaws</p>
Additional Resources	<p>Educational Assessments Transition/Vocational Assessments Speech/Language Tests Psychological Assessments</p>

Section 1: Introduction

I. Introduction to Special Education

This Special Education Handbook includes standards, policies, procedures and guidelines, which establish a system to provide free and appropriate public education (FAPE) services to students with disabilities as mandated by federal, State and local legislation – Public Law 108-446, the Individuals with Disabilities Education Act (IDEA 300.1), and the Code of Maryland Regulations (COMAR 13A.05.01), for Students with Disabilities; and the Frederick County Public Schools (FCPS) Code of Policies and Procedures.

II. Philosophy

FCPS is committed to provide effective special education programs and services for students with disabilities. It is the responsibility of the central office and school-based personnel of FCPS to implement these requirements. FCPS has written policies and procedures which ensure compliance with these laws and regulations. The policies and procedures are on file in the FCPS office of the Director of Special Education. With the Local Application for Federal Funds, FCPS staff review and revise the existing Policies and Procedures. FCPS documents with the Maryland State Department of Education (MSDE) that these Policies and Procedures are on file in the FCPS Special Education Office and are available for review by parents, administrators, and staff.

III. Vision Statement

The primary mission of Frederick County Public Schools is for all staff to work together collaboratively, in order to educate each child and promote success. The mission of special education is to meet the unique needs of children with disabilities. Through ongoing collaboration with our local and state stakeholders, including parents, staff and students, the Office of Special Education serves FCPS by supporting systemic instructional programming focusing on eliminating the achievement gap, developing social competencies, nurturing independence, and preparing students with disabilities to become contributing members of a global society. We will ensure that all students have available to them a free, appropriate public education (FAPE) in the least restrictive environment (LRE) designed to meet their needs in order to make progress toward achieving the goals and objectives on their Individualized Education Programs (IEP) resulting in enrollment in post-secondary education and/or attainment of full time paid employment with clear career objectives.

IV. Goals & Objectives

A. Goals

The direction and challenges of special education in FCPS are to:

- Ensure that all students with disabilities have available to them a FAPE, which includes special education and related services to meet their unique needs;
- Provide a full range of educational opportunities that are offered in the least restrictive environment (LRE) for each student;
- Ensure that the rights of students with disabilities and their parents' rights are protected;
- Assess and ensure the effectiveness of efforts to provide an appropriate educational program for all students with disabilities;
- Improve understanding and communication among special educators, related service providers, general educators, families, and community agencies;
- Respond to the growing needs of an increasingly more diverse society;
- Document student's achievement in response to interventions and IEP goals to enhance their opportunities for success;
- Provide support for students as they transition to post-secondary education and effective career opportunities.

B. Objectives to assist in obtaining our goals:

- Provide continuous "child find" procedure designed to identify students from birth through age 21 who have a disability and are in need of special education and related services;
- Provide an effective "pre-referral" process in each school to ensure that the needs of students are addressed through general education resources and supports; provide an effective in-school screening program;
- Develop and implement an IEP based upon assessed needs for each student who is identified as having an educational disability;
- Work cooperatively with the parents of students who are identified as needing special education and related services;
- Establish and maintain ongoing communication with parents so they may better function as IEP Team members and equal partners in the special education decision-making process;

- Ensure that the confidentiality of information and all due process protections are maintained;
- Provide FAPE to students with disabilities residing in the FCPS jurisdiction that are enrolled in FCPS from birth through the end of the school year the student turns 21 or upon graduation;
- Provide for the successful transition of students with disabilities from school into the adult world of post-secondary education or satisfying paid employment;
- Provide ongoing staff development to enhance the instructional skills of special and general educators. Provide co-teaching professional development opportunities.

V. FCPS Master Plan for the Education of All Students

Aspirational Goals FCPS Master Plan – [Bridge to Excellence]:

[FCPS Goals and Strategic Plan](#)

[FCPS Master Plan and Annual Progress Reports](#)

A. Master Plan

Access to general education instruction and materials; Achievement as measured by the State Standardized Assessments; Collaboration between special education and general education; Ongoing professional development; Expansion of intervention programs to support the needs of struggling learners.

B. Aspirational Goals

1. Aspirational Goal 1: FCPS will equip each and every student to be an empowered learner and an engaged citizen to achieve a positive impact in the local and global community.
2. Aspirational Goal 2: FCPS will hire, support, and retain staff who champion individual, professional, and student excellence.
3. Aspirational Goal 3: FCPS will pursue and utilize all resources strategically and responsibly to achieve identified outcomes and inspire public confidence.
4. Aspirational Goal 4: FCPS will nurture relationships with families and the entire community, sharing responsibility for student success and demonstrating pride in all aspects of our school system.
5. Aspirational Goal 5: FCPS will promote a culture fostering wellness and civility for students and staff.

VI. Monitoring for Continuous Improvement and Results (MCIR)

The Federal Office of Special Education (OSEP) requires states to report on indicators that measure compliance with federal and State regulations. The Maryland State Department of Education (MSDE) has developed a State Performance Plan (SPP) that includes twenty indicators, which measure compliance with regulations in special education. Fourteen of these indicators are targeted for data collection at the local level. FCPS is required to gather, analyze, and interpret data for each indicator (COMAR 13A.05.02.07) which is submitted to MSDE, compiled and forwarded to OSEP for ratings: Meets Requirements Needs Improvement Needs Intervention Needs Substantial Intervention The MSDE looks to FCPS to show improved outcomes for students with disabilities. The SPP is a vehicle by which FCPS measures the strengths and needs within the

school system. FCPS takes many steps to ensure accuracy and compliance with these regulations. Current ratings for all State Performance Plans (SPP) are on the Maryland State Department of Education (MSDE) website at www.marylandpublicschools.org.

VII. COMAR Listings

- COMAR 13A.05.01.01 – 13A.05.01.16 FREE APPROPRIATE PUBLIC EDUCATION
- COMAR 13A.05.02.01 – 13A.05.01.14 ADMINISTRATION OF SERVICES
- COMAR 13A.08.03.01 – 13A.08.03.11 DISCIPLINE OF STUDENTS WITH DISABILITIES
- COMAR 13A.09.09.01 – 13A.09.09.13 EDUCATIONAL PROGRAMS IN NONPUBLIC SCHOOLS
- COMAR 13A.10.01.01 – 13A.10.01.05 HOME INSTRUCTION
- COMAR 13A.13.01.01 – 13A.13.01.13 INFANTS AND TODDLERS
- COMAR 13A.09.09.08 – 13A.05.01.16 NONPUBLIC PRIVATE SCHOOLS
- COMAR 13A.12.01.02 – 13A.12.01.05 TEACHER CERTIFICATION

VIII. FCPS Board Policies and Procedures Regarding Special Education

FCPS Policies and Regulations

- 400 – 4 SUSPENSION and EXPULSION
- 400 – 7 ENROLLMENT
- 400 – 9 CHILD FIND AND CIEP TEAM
- 400 – 17 SUSPENSION/EXPULSION STUDENTS WITH DISABILITIES
- 400 – 19 SPECIAL SITUATIONS SCHOOL PLACEMENTS
- 400 – 20 STUDENT RECORDS
- 400 – 22 INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM
- 400 – 37 HOME and HOSPITAL INSTRUCTION
- 400 – 44 RESTRAINT, SECLUSION, AND EXCLUSION
- 400 – 69 SPECIAL EDUCATION and RELATED SERVICES
- 400 – 71 MEDICAL ASSISTANCE REIMBURSEMENT
- 400 – 84 CHARTER SCHOOLS
- 400 – 92 PHYSICAL EDUCATION AND ATHLETIC PROGRAMS FOR STUDENTS WITH DISABILITIES
- 400 – 93 INCARCERATED YOUTH WITH DISABILITIES-EDUCATIONAL SERVICES

IX. Free and Appropriate Public Education (FAPE)

The purpose of this handbook is to facilitate the implementation of Part B of the Individuals with Disabilities Education Act (IDEA 2007 – 300.1) and the Code of Maryland Regulations (COMAR - 13A.05.01) which assure FAPE for all students with disabilities.

“FAPE” means special education and related services that are provided:

- at public expense with no cost to the parents, under public supervision and direction;
- with compliance to the standards of the Maryland State Department of Education (MSDE);
- at the preschool, elementary, and secondary education;

- and through an Individualized Education Program (IEP).

A. Provision of FAPE

FCPS Board Policy 508 ensures that FAPE is provided to all students with disabilities, age three through the end of the year the student reaches 21 years of age or upon graduation. The principal of each Frederick County public school, along with the IEP Team, must ensure that students with disabilities have available:

- access to a continuum of special educational programs and related services to meet their unique needs;
- participation in general education services and activities in their home school to the extent appropriate;
- non-academic and extracurricular services and activities as determined by the IEP Team to provide students with disabilities opportunities for participation in those services and activities as students without disabilities.

Section 2: Identification, Evaluation, and Eligibility

[Maryland State Department of Education: A Parent's Guide to Understanding Your Individualized Education Program \(IEP\) Rights and Responsibilities in Maryland](#)

I. Child Identification

Prior to the identification of a disability, a student may be referred for initial evaluation by a parent, a state agency, the local school system, and other concerned individuals. "Early Identification" means the implementation of a formal process for identifying a disability as early as possible in a child's life.

II. Child Find

"Child Find" - FCPS ensures that all children (age 3-21) with disabilities, including those who are homeless or wards of the State and children with disabilities attending private schools, home-schooled children, children enrolled in charter schools, and children placed in correctional facilities, regardless of the severity of their disability, and who are in need of special education and related services, are located, identified, and evaluated.

A. Birth to Three:

Infants & Toddlers: P.L. 108-446, IDEA 2007 CFR 300.320, Part C, and COMAR 13A.13.01.01

The Frederick County Infants and Toddlers Program (FCITP) fulfills this role in Frederick County. The lead agency for FCITP is Frederick County Health Department.

For Infants and Toddlers with disabilities, a multi-agency approach to the planning and dialogue that is necessary to implement the early intervention process must exist. It is directed to the needs of children, birth through age three and their families because they are experiencing:

- A 25% delay in one or more of the following areas: cognition, communication, social emotional development, gross motor development, fine motor and adaptive skills
- Atypical development in one or more of the above areas.
- A diagnosed condition that has a high probability of resulting in delay (e.g. Down Syndrome)

Any eligible child must have a transition-planning meeting to consider Part B services and any other available community resources between the ages of 2 years, 3 months and 2 years, 9 months. FCPS Child Find staff, in collaboration with staff from FCITP, facilitate this process.

B. Ages Three Through Five:

Child Find provides screening, assessment, and evaluation services to children from three through five years of age and are not yet enrolled in an FCPS school, who may have special needs, a developmental delay, and/or disabling condition(s).

Parents, health care providers, or other concerned individuals may contact the coordinator of Child Find to obtain information regarding Child Find services for preschool children. Parents may contact the Child Find office to schedule an IEP Team screening meeting to determine the need for assessments (301.644.5292).

For each child needing an evaluation, the Child Find IEP Team obtains permission from the parent(s) and completes the recommended assessments, as appropriate. These assessments may include audiological assessments, developmental assessments, occupational therapy assessments, physical therapy assessments, psychological assessments, speech/language assessments, and/or functional hearing or vision assessments.

The timeline to complete initial assessments is 60 days from the date of parental consent and 90 days from the date of the screening referral, whichever comes first. [[See Timelines for Procedures Chart](#)] If a parent has submitted a request for testing the official legal timeline begins the date the school receives the request. This date is the referral date and the IEP Team must complete the evaluation process within 90 calendar days of the referral date.

C. The Extended Option (Part C):

The Maryland Extended IFSP Option allows children receiving services through FCITP and found eligible as a child with an educational disability prior to age 3, to continue to receive services through FCITP until the start of the school year after the child's fourth birthday.

III. Student Service Team (SST) & Multi-Tiered System of Supports (MTSS)

A. Student Service Team (SST):

A student with a suspected disability, who has not responded to previous interventions and who may need special education will be referred, in writing, to the IEP Team, using the Child Find Referral

(found on OIEP), or through a parent letter. All schools are expected to implement the “pre-referral” process and document the results prior to referring a student to the IEP Team. In Frederick County, the student services team model is utilized. (13A.05.01.06).

Prior to referral to the school IEP team, it is expected that all students have access to an appropriate tiered level of interventions in general education. The Student Service Team (SST) is responsible for initiating monitoring and evaluating the student’s response to intervention(s). Following an appropriate period of time, based on the documentation of the multi-tiered system of support, the student services team may then refer to the IEP team for review. This RTI cannot delay screening or the obligation to respond to the written parental request for evaluation.

B. Multi-Tiered System of Supports (MTSS)
[FCPS Multi-Tiered System of Supports Model](#)

Beyond the regular day-to-day teaching at each grade level, FCPS offers intervention programs for students who need help in specific academic areas. The goal of these programs is to provide short-term, intensive teaching to help students meet grade-level standards as quickly as possible. Frederick County Public Schools utilizes multiple assessment components of universal screening and local assessments for progress monitoring, which drive the decisions about students’ academic success who are identified as being at some level of risk for not meeting grade level expectations.

“Multi-Tiered System of Supports (MTSS) is a multi-tier approach to the early identification and support of students with learning and behavior needs. The MTSS process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning.” (RTI Action Network, <http://www.rtinetwork.org/learn/what/whatisrti>)

MTSS is a process which includes the provision of systematic, evidence or research-based instruction and interventions to struggling learners. It assumes that the instruction/interventions are matched to student needs and that the monitoring of progress is continuous. Furthermore, MTSS is designed as an early intervention to prevent long-term academic failure

Essential components of Maryland’s Multi-Tiered System of Supports framework include:

- Universal screening
- Problem-solving/decision-making
- Universal screening
- Problem-solving/decision-making practices
- Tiered levels of implementation of high-quality instruction/intervention
- Progress monitoring
- Fidelity of implementation
- Family involvement
- Considerations for English Language Learners

The Individuals with Disabilities Education Act allows local school systems to use a student's response to scientific, research-based intervention for the purpose of identification of students with specific learning disabilities. Although a student's response to scientific, research-based intervention is included within the Individuals with Disabilities Education Act statute and regulations in the section regarding the identification of specific learning disabilities, it is an optional process for which data collected within the Multi-Tiered System of Supports framework can be used as one component of a comprehensive evaluation to determine special education eligibility (34 CFR 300 and 301). At this time, Maryland is not requiring, but is permitting, local systems to use the option of identifying a specific learning disability based upon a child's response to intervention. In addition, Maryland is not requiring the use of the IQ-discrepancy model of identification.

"Intervention" is a designed change in the manner and/or degree in which a student is being instructed. An intervention can address academic and/or behavioral needs.

Key Features:

- RTI is primarily a general education initiative designed to address the needs of struggling learners early in their educational experience.
- RTI is based on problem-solving or standard protocol models that utilize data to inform decision making.
- RTI interventions are derived from evidence or research-based practices and are applied with fidelity.
- RTI utilizes universal screening to identify students performing at, below, or above standard.
- RTI is highly dependent on progress monitoring and data collection.
- RTI intervention plans are designed, implemented, and monitored by a multidisciplinary team of professionals.

Tiered Interventions:

There are many different applications of the RTI process. Frederick County has developed a three-tiered model for reading and math teaching interventions.

A. Overview of the Tiers of Reading Intervention Programs:

- Tier I: Interventions provided by the general educator for Language Arts during class time devoted to the English/LA essential curriculum
- Tier II: Interventions that students complete in fewer than 18 weeks (requiring additional resources over and above the general education program for English/LA)
- Tier III: Interventions reserved for use in response to specified goals on an Individualized Education Plan or for intensive need general education students

B. Overview of the Tiers of Mathematics Intervention Programs:

- Tier I: Interventions provided by the general educator for Mathematics during class time devoted to the essential curriculum.
- Tier II: Interventions which students complete in fewer than 18 weeks that require additional resources over and above the general education program for Mathematics. Pull-out/Tutoring.
- Tier III: Interventions reserved for use in response to specified goals on an Individualized Education Plan or for intensive need general education students

Accountability for Results

Several fundamental elements contribute to a child's success in school:

- High quality research-based or evidence-based core instructional approaches and curriculum aligned with state and local standards and research proven best practices.
- Evidence or research-based interventions and resources accompany core instructional programs. Based on data that indicates substantial lack of progress after implementation of classroom/Tier I interventions, schools provide additional intensive instruction in more substantial blocks of time, using interventions that match the specific skill deficit.
- Universal screening of academics and behavior is implemented school-wide or district-wide in order to determine which students need closer monitoring or additional interventions.
- Continuous progress monitoring utilizes valid, reliable measures that are quick and easy to administer to identify the student's current levels of performance, establish educational goals for improving learning outcomes, and measure the student's academic performance on a regular basis.
- Early intervention services are provided for children in grades K-12 who are not currently identified as needing special education or related services, but who need additional academic and/or behavioral support to succeed in a general education environment.

Resources

- National Professional Resources, Inc
25 South Regent Street Port Chester, New York 10573 800.453.7461 www.NPRinc.com
- Maryland State Department of Education (MSDE) www.marylandpublicschools.org

IV. Screening Process

The IEP Team will hold a screening meeting to review the following: existing data, evaluations and information from the parent; instructional interventions and strategies; current classroom- based, county, and state assessments; and observations by teachers and related service providers. [13A.05.01.04A(1- 4);34 CFR 300.301(b); 20 USC 1414(a)(1)(B)and (D)]

Based upon consideration of all information presented, the IEP Team may:

- Gather additional data prior to determining the need for assessment. This data collection may involve administration of individual measures that are used to gain information regarding a student's current

level of performance in targeted areas. The gathering of additional data will be completed in an expedited manner and a subsequent IEP Team meeting will be scheduled.

- Recommend assessments as a part of a comprehensive evaluation that will address all areas related to the suspected disability, as appropriate.
- Determine that the student's program is appropriate and further evaluation is not needed.

[Eligibility Flowchart](#)

V. Assessment and Evaluation Process

[Assessment and Evaluation Step-By-Step Process](#)

[Evaluation Explanations](#)

A. Initial Evaluation

Comprehensive Initial Assessments As indicated in COMAR, 34 CRF300.304c.4. A student shall be assessed in all areas related to the suspected disability.

A variety of assessment tools and strategies shall be used to gather sufficient data relevant to the suspected disability and may include 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.

With this in mind please follow these guidelines:

1. All IEP meetings require a duly constituted IEP team consisting of members relevant to the suspected disability.
2. During the screening IEP meeting, ensure that all areas of suspected disability are discussed using supporting data.
3. If the assessor in the area of a suspected disability (special education teacher or school psychologist, etc.) is not able to attend the meeting, they should provide written information to the team to be shared at the meeting. (Keep in mind that if a member of the IEP Team does not attend the meeting, an SE: 6B Excusal from an IEP Team Meeting must be completed.)
4. Document clearly in the Prior Written Notice (PWN) of the meeting notes why the team determined to assess in the areas documented. When the IEP team is considering initial assessments, an educational and psychological assessment will be recommended if relevant to the suspected disability.

When the IEP team is considering initial assessments, an educational and psychological assessment will be recommended if relevant to the suspected disability.

Initial Eligibility Timeline

The IEP Team must review assessments within 60 days of written parental consent (completion of the Notice and Consent of Assessment) or within 90 days of the recommendation to refer the student to a Screening meeting OR the parent request to hold a Screening meeting, whichever date occurs first.

B. Reevaluation

In accordance with 20 U.S.C. §1414(a)(2)(B) a reevaluation shall occur:

- Not more frequently than once a year, unless the parent and public agency agree otherwise; and
- At least once every three years, unless the parent and public agency agree that a reevaluation is not necessary.

The IEP team shall review existing assessment data. On the basis of the review, and input from the student's parents, the IEP team shall identify what additional data, if any, is needed, to determine:

- Whether the student continues to be a student with a disability;
- The educational needs of the student;
- The present levels of academic achievement and related developmental needs of the student;
- Whether additions or modifications to special education and related services are needed to enable the student to meet the measurable annual goals in the student's IEP and to participate in the general curriculum; and
- Whether the student continues to need special education and related services.

Reevaluation Timeline

Classroom based assessments and progress must be reviewed at the IEP meeting to discuss the need for additional assessments for continued eligibility. The team must obtain parental consent for additional assessment 90 days before the meeting. At the IEP team meeting, the IEP team will review formal assessments and determine continued eligibility of the student for special education services.

The IEP Team must reevaluate a student before determining that the student no longer requires special education services.

C. Eligibility (Graduation or Exit from FCPS)

This reevaluation is not required before the termination of a student's eligibility due to graduation from FCPS with a Maryland High School Diploma or when the student exceeds the age of eligibility (by the end of the school year the student turns 21 years old). If a student exits the school system prior to age 21 with a Certificate of Completion, reevaluation is required. Graduation with a Maryland High School diploma constitutes termination of services (change in placement). Course grades and the Maryland State tests can be used as a form of evaluation. The school must have an IEP Team meeting (annual review) in the student's senior year or the year the student turns 21, and agree to completion of service because of graduation (termination of eligibility).

D. Maryland Summary of Performance

Students who exit special education services due to graduation with a Maryland High School diploma or exceeding the age eligibility will receive a written summary of their academic achievement and functional performance, including recommendations on how to meet post-secondary goals, in the form of a Summary of Performance.

1. Maryland Summary of Performance (MSOP)

Maryland provides students with IEPs a Maryland Summary of Performance (MSOP) before they transition from school to post school activities. The MSOP is required under the reauthorization of the Individuals with Disabilities Education Act of 2004. In Maryland, this document is given to all students with IEPs before they exit with a Maryland High School Diploma or Maryland High School Certificate of Program Completion (See COMAR 13A.03.02.09E (2)).

2. Why is the Maryland Summary of Performance (MSOP) important?

The Maryland Summary of Performance provides exiting students with IEPs important information that they may use as they transition from school to postsecondary activities. These activities may include employment, postsecondary education, supported employment, or independent living provided by community rehabilitation providers. The MSOP will be generated as part of the student's IEP, and the information that is gathered is based on input from the student, the family, and the IEP team.

The MSOP may provide potential employers, postsecondary education institutions, and adult service provider's meaningful information about the young adult's skills, strengths, and any support that he/she may need to be successful. There are four parts to the Maryland Summary of Performance:

- Part 1- Background Information
- Part 2- Student's Postsecondary Goals
- Part 3- Summary of Performance (Academic, Cognitive, and Functional Levels)
- Part 4- Recommendations in Meeting Postsecondary Goals

E. Private Evaluations

Parents/guardians have the right to obtain a private evaluation from qualified professionals of their own choice, at their own expense. The IEP team must consider the information from a parent-initiated evaluation during an IEP team meeting. The IEP team must determine if the evaluation meets FCPS criteria when making any decisions with respect to the provision of FAPE.

NOTE: The IEP team will consider any private evaluations that parents provide, however, the team may or may not agree with the interpretation of data and/or recommendations made by the private evaluator.

F. Independent Educational Evaluations (IEE)

If a parent disagrees with an evaluation completed by the FCPS, the parent has the right to have the child evaluated by someone who does not work for the FCPS.

- Independent educational evaluation means tests and assessment procedures conducted by appropriately qualified personnel not employed by FCPS or responsible for the education of the child; and
- Public expense means that the FCPS either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents. Parents have the right to obtain an independent educational evaluation of their child under the IDEA subject to the procedures provided below. FCPS shall provide parents, upon request for an independent educational evaluation, information about:
- Where an independent educational evaluation may be obtained; and FCPS's criteria applicable for an independent educational evaluation.

[What to do if a parent requests an IEE?](#)

FCPS Agency Criteria

[The FCPS Standard Operating Procedure in Determining IEE](#)

When an independent educational evaluation is at public expense, the criteria under which the independent educational evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that a public agency uses when it initiates an evaluation, to the extent those criteria are consistent with a parent's right to an independent educational evaluation. Except for the criteria described above, FCPS may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Parent Initiated Evaluation

Parents always have the right to obtain an independent educational evaluation from qualified professionals of their choice, at their own expense. The IFSP/IEP team must consider the information from a parent-initiated evaluation at private expense, if it meets public agency criteria, when making any decisions with respect to the provision of FAPE to the child. The results of parent-initiated private evaluation may also be presented as evidence at a due process hearing regarding the child.

Request for an Evaluation by an Administrative Law Judge (ALJ)

If an Administrative Law Judge (ALJ) with the Office of Administrative Hearings (OAH) requests an independent educational evaluation as a part of a due process hearing, the cost of the evaluation must be at the public expense.

VI. Eligibility

A. Disability Categories

Federal Census Coding and Eligibility Criteria by Disability

Federal Census Coding	Disability Category and Definition/ Eligibility Criteria	Eligibility Worksheet to be Completed
01	Intellectual Disability	SE:17
02	Hearing Impairment	
03	Deafness	
04	Speech/Language Impairment	SE:3
05	Visual Impairment/Blindness	
06	Emotional Disability	SE:12A
07	Orthopedic Impairment	
08	Other Health Impairment	SE:31
09	Specific Learning Disability	SE:5B and SE:4 (Student Observation)
10	Multiple Disabilities	Complete required form for each identified disability, as appropriate
12	Deaf/Blindness	
13	Traumatic Brain Injury	
14	Autism	SE:16
15	Developmental Delay	SE:18

VII. Parent Notification

A. Notification of an IEP Team Meeting

It is the responsibility of the IEP Team Chairperson or designee to ensure that parents of students with disabilities or suspected disabilities are provided with prior written notice at least ten calendar days prior to any IEP meeting. Parents have the right to waive their ten-day notice, but formal documentation must be made by the school team.

The IEP Team Chairperson, or designee, provides the Notice of IEP Team Meeting (SE: 6) to the parents and other non-FCPS personnel at least ten calendar days in advance of the scheduled meeting date, unless a parent waives the right to a ten-day notice, or 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 the requests of a parent/guardian;
- Meet other urgent needs of the student to ensure the provision of a FAPE.

B. Prior Written Notice (PWN)

Prior written notice must include:

- A description of the action(s) the IEP Team is proposing or refusing to do;
- Why the IEP Team is proposing or refusing to take the action;
- A description of any options the IEP Team considered and why these options were rejected;
- A description of each evaluation procedure, test, record, or report the IEP Team used as a basis for the action proposed or refused
- A description of any other relevant factors used by the IEP Team in making their proposal or refusal;

The notice will be written in language that is understandable to the general public, and provided in the native language of the parent, unless it is clearly not feasible to do so. Information concerning the availability of the Procedural Safeguards: Parental Rights booklet in languages other than English and Spanish is available from the Office of Special Education. If the native language used by the parent is not a written language, the IEP Team Chairperson will ensure that the notice is translated orally or by other means to the parent, and that the parent understands the content of the notice.

Implementation of the above procedures must be documented on the Individualized Education Program (IEP) Team Meeting Notes. (SE:7).

C. Consent for Evaluation/Reevaluation Procedures

“Informed Parental Consent” means the parent:

- Has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language or other mode of communication;
- Understands and agrees in writing to the carrying out of the activity for which the parent’s consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom; and
- Understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

The IEP Team Chairperson is responsible for ensuring that each examiner obtains written parental consent before conducting assessment procedures for an initial evaluation or as part of a reevaluation. At the IEP Team meeting, when student progress and data is reviewed and a decision about the need for assessment is made, the IEP Team Chairperson ensures that the parent has been fully informed of all information relevant to the assessments, and that this information has been provided in the parent’s native language or other mode of communication.

When all assessment procedures have been identified for an initial evaluation/reevaluation, the IEP Team Chairperson or designee obtains written consent from the parent on the Parental Consent for Evaluation and State Reporting (SE:2).

D. Parent Refuses Consent for Initial Evaluation/Reevaluation

If a parent refuses consent for initial evaluation procedures or reevaluation procedures, or the parent does not respond to a written request to conduct an initial evaluation or reevaluation, documentation should be included on the Contact Log or the Individualized Education Program (IEP) Team Meeting Notes (SE: 7). The IEP Team Chairperson or building administrator contacts the parent in an attempt to identify the reason(s) for the refusal of consent. Every attempt should be made to resolve the issues with the parent by identifying the parent's concern and exploring possible solutions.

If all attempts to resolve the issues are unsuccessful, the IEP Team Chairperson will contact the Supervisor of Special Education. The supervisor will contact the parent and make further attempts to resolve concerns and obtain written consent. If all attempts to obtain written consent are unsuccessful, the Supervisor of Special Education may notify the parent of FCPS' intent to initiate mediation and/or due process in order to obtain consent to conduct the assessment.

The IEP Team or individual examiners are not required to obtain parental consent for assessment procedures as part of reevaluation if the IEP Team can demonstrate that reasonable measures have been taken to obtain consent, and the parent has failed to respond. To meet reasonable measures, the IEP Team Chairperson or designee must maintain a record of attempts to obtain parental consent, such as

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

The IEP Team Chairperson or designee must document the reasonable measures that were used in attempting to obtain parental consent on the Parental Consent for Evaluation and State Reporting (SE:2) and/or the Contact Log.

E. Consent for Special Education Services

The IEP Team Chairperson ensures that the initial IEP is reviewed and approved by parents and that signed consent is obtained for placement prior to the initial provision of special education and related services to a student with a disability. Parents must sign the last page of the IEP to initiate services within 30 days of the IEP meeting proposing the implementation of the IEP. If the IEP Team is unable to get a signature within 30 days, the case manager needs to ensure that the Contact Log documents all attempts to communicate with the family. The team should reach out to Special Education Central Office staff for next steps.

F. Parent Refuses Consent for Special Education Services

Under the IDEA 2004, local school systems may not initiate mediation or a due process hearing if a parent of a student with a disability refuses to provide consent for the initial provision of special education and related services. Parents' refusal of initial services should be documented in the IEP Team Meeting Notes. Parents should be informed that their refusal to provide consent for the initiation of special education services is also a refusal of the benefits of a Free, Appropriate Public Education (FAPE), including an Individualized Education Program (IEP), educational placement, and the protections of the IDEA for that child, including the federal regulations on the discipline of students with disabilities. If, however, the parents of that child request the initiation of special education services at a later time, it is the responsibility of the IEP Team to review the existing data and consider whether additional data is necessary prior to development and implementation of services in accordance with the student's IEP.

If the parent does not give consent, FCPS is not in violation of FAPE and is not required to develop an IEP for the student.

If the parent does not approve a revised or annual IEP, the IEP Team will document on the IEP and the Individualized Education Program (IEP) Team Meeting Notes (SE: 7) the areas of agreement and disagreement in the IEP and the steps to be initiated to resolve the disagreement. The student's current IEP will continue to be implemented until an agreement can be reached on the revised or new IEP.

If the areas of disagreement remain unresolved, the IEP Team Chairperson will inform the parent, in writing, of the parent's right to an informal review of the IEP Team decision to the Supervisor of Special Education and/or request a formal mediation and/or due process hearing. The IEP Team Chairperson further informs the parent that the proposed IEP will be implemented unless the parent initiates an informal review or a formal mediation or due process request. During an informal review, mediation, or due process, the student's last agreed upon IEP remains in effect, including program and placement.

Section 3: IEP

I. IEP Team Meetings:

A. Membership

- An IEP team must include:
- The parent/guardian 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 of the student or where appropriate, not less than one special education provider of the student;
- A representative of the public agency (Administrator or Designee) who;

- Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of student with disabilities;
- Is knowledgeable about the general education curriculum; and ○ Is knowledgeable about the availability of resources of the public agency;
- An individual who can interpret the instructional implications of evaluation results;
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
- Whenever appropriate, the student with a disability.

B. IEP Team Meeting Attendance

- A member of the IEP Team is not required to attend all or part of the IEP meeting if you (in writing) and the school agree the team member's attendance is not necessary because the member's area of curriculum is not being modified or discussed in the meeting.
- If due to unforeseen circumstances the attendance of a required team member is prevented, the school team needs to secure another individual of the same profession or the invited member needs to be available through teleconference. Parents should be made aware that the substitute member of the team may not have worked with their child.

C. Timelines for Procedures

[Special Education Timelines for Procedures](#)

For IEP Meeting requirements relating to discipline and suspensions, refer to [Section 6: Discipline](#).

D. Alternative means of meeting participation

When conducting IEP team meetings and placement meetings pursuant to this section, section 1415(e) of this title, and section 1415(f)(1)(B) of this title, and carrying out administrative matters under section 1415 of this title (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

Virtual IEP Team Meetings, if required, will be held via Google Meet platform to ensure the safety and confidentiality of all stakeholders and student information.

E. Native Language

Native Language means the language or mode of communication used by the student and/or used by the parent of the student in the home environment.

In recognition of the need for meaningful participation for non- or limited-English-speaking parent(s)/guardians(s) at IEP team meetings, the school must have access to an interpreter or interpreting service, if requested by the parent.

In addition, the Special education Department provides written translation of vital IEP documents into the parent(s)/guardian(s)' primary language for review. Our goal is to ensure that parents/guardians have access to timely and accurate translation services.

Parents may make a request to the IEP case manager or IEP Chairperson/designee for translations of the IEP documents and/or interpretation of the IEP team meeting into their primary language.

At this time, FCPS provides translation in Spanish.

II. Reference Guides for IEP Meetings

Meeting Type	Process Guides	Sample Agenda
Screening	Screening Process Checklist	Screening Meeting Agenda
Eligibility/Re-evaluation	Eligibility Process Checklist	Eligibility Meeting Agenda
Develop IEP	Develop IEP Process Checklist	Develop IEP Meeting Agenda
Review, and/or Revise	Review, and/or Revise Process Checklist	Review, and/or Revise Meeting Agenda
	Articulation / Move Up Meeting Processes	Articulation / Move Up Meeting Agenda
Extended School Year (ESY)	ESY Process Guide and Checklist	ESY Meeting Agenda
Functional Behavior Assessment (FBA)/Behavior Intervention Plan (BIP)	FBA/BIP Process Checklist	Team Agenda for FBAs, Step 1 Team Agenda for FBA/BIP, Step 2 Team Agenda for FBA/BIP, Step 3
Manifestation Determination	Manifestation Determination Process Guide	

III. Procedural Safeguards

A copy of Procedural Safeguards: Parental Rights (OR:10) must be given to the parents of a student with a disability:

- When the notification of a screening IEP Team meeting notice is sent;
- One time per year;
- Upon filing for a due process hearing;
- Upon parent request;
- Upon receipt of a parent's complaint to the state;
- When a decision is made to take disciplinary action.

The parent signature page should be returned to the school by the parent or obtained from the parent at the IEP Team screening meeting. It is necessary to obtain a parent signature on the Receipt of Parental Rights Document, (last page of OR:10) when the booklet is first offered. Additional copies should be offered at future meetings, with the option for parents to decline the document by signing the signature page. Updated

versions of the booklet also require parent signatures. If parents cannot attend a meeting, the booklet should be sent home to the parent.

The contents of the procedural safeguards notice can be found:

- Online on the FCPS Website for all Stakeholders
- Parents can request additional hard copies from the school

IV. IEP Content and Development

An Individualized Education Program is a written description of the special education and related services needed by the student (COMAR 13A.05.01.07-.09; IDEA 300.324).

A. Sections of the IEP

Student Information

- Student, Parent/Guardian and School Information
- Exit Information
- IEP Team Participants
- Initial Evaluation Eligibility Data [for student's initial evaluation to determine eligibility; indicate primary disability(ies)]
- Continued Eligibility Data (for reevaluation at least once every three years)
- Student Participation on District/Statewide Assessments and Graduation Information

Present Levels of Academic Achievement and Functional Performance

[Guidelines for Documenting Areas Assessed and Area Discussion Section in the IEP](#)

- The areas listed below, if applicable, must contain multiple data points that demonstrate the student's current level of performance. Data can be informal and formal data points to support the student's grade-level/range of performance.
 - Academic
 - Health
 - Physical
 - Behavioral
- Area Discussion
 - parental input, student's strengths, interest areas, personal attributes, personal accomplishments. Information related to how the student's disability affects their involvement in the general education curriculum or activities for pre-kindergarten or school aged students.

Special Considerations and Accommodations

[Guidelines for Documenting Instructional and Assessment Accommodations on the IEP](#)

- Communication special needs
- Assistive Technology (AT) – devices and/or services
- Service for Students who are Blind or Visually Impaired

- Service for Students who are Deaf or Hard of Hearing
- BIP; Behavioral Intervention Plan with aligned strategies to support
- Service for Students with Limited English Proficiency (Appendix R)
- Instructional and Testing Accommodations
- Supplementary Aids, Services, Program Modifications and Supports
- Extended School Year (ESY)
- Transition – to postsecondary educational placements and/or employment
- Transition Activities
- Anticipated Services for transition – rehabilitation, educational, living

Goals:

- Standards Aligned IEP Goals and updated quarterly progress toward goal
- Goals need to be aligned to the Common Core State’s Standards and they must be specific/descriptive/measurable/attainable/relevant/and time relevant; in order to include learner performance, quality, criteria and conditions.
- Report Progress on each goal on a quarterly basis to include content areas, attention, organization, daily work, homework assignments, and social/emotional areas. All progress should include specific data points and should refrain from the use of anecdotal records and course grades.
- Utilize the Evaluation Methods listed in this section of the IEP document and the suggested progress report form which is sent home to the parents quarterly.

Services:

[Overview of Services](#)

- Special Education Services in General Education or outside General Education:
 - Documentation in the IEP must include: type of service, location, duration, provider, description of service, Extended School Year Services
- Related Services:
 - Documentation in the IEP must include: type of service, location, duration, provider, description of service, ESY component
 - Related Services available:
 - Audiological Services
 - Psychological Services
 - Occupational Therapy
 - Physical Therapy
 - Early Identification and Assessment
 - Counseling Services
 - Medical Services (Diagnostic & Evaluation)
 - School Health Services
 - Social Work Services
 - Parent Counseling and Training
 - Rehabilitative Counseling

- Orientation and Mobility Training
- Interpreting Services
- Speech Language Therapy
- Assistive Technology Services
- Nursing Services
- Special Transportation
- Music Therapy
- Art Therapy
- Career and Technology Education Services:
 - Documentation in the IEP must include: type of service, location, duration, provider, description of service, ESY component.
 - High school-based options that meet MSDE Career & Technology Program graduation completion requirements.

B. Placement Data

Least Restrictive Environment (LRE) Decision Making & Placement Summary (Section VIII)

Preschool Age 3-5

- The typical student day is 2.5 hours.

Preschool Age 3-5 Special Education Placement

- Attending a Regular Early Childhood Program at least 10 hours per week: Majority of services in Early Childhood setting
- Attending a Regular Early Childhood Program at least 10 hours per week: Majority of Services in Other Location
- Attending a Regular Early Childhood Program < 10 hours per week: Majority of services in Early Childhood setting
- Attending a Regular Early Childhood Program < 10 hours per week: Majority of services in Other Location
- Service Provider Location
- Home
- Separate Class
- Public Separate Day School
- Private Separate Day School
- Public Residential Facility
- Private Residential Facility

School Age K-21

- The typical student day is 32.5 hours.
- The total time outside of General Education is calculated by the amount of minutes the student receives services outside of the general education setting.
- The total time in General Education is calculated by the amount of time the student spends in the General Education setting.

School Age K-21 Special Education Placement

- Inside General Education 80% or more

- Inside General Education 40% - 79%
- Inside General Education less than 40%
- Public Separate Day School
- Private Separate Day School
- Public Residential Facility
- Private Residential Facility
- Homebound
- Hospital
- Correctional Facilities
- Parentally Placed in Private Schools

Child Count Eligibility Codes (1-4)

1. Eligible student with a disability served in a public school or placed in a nonpublic school by the public agency to receive FAPE.
2. Eligible parentally placed private school student with a disability receiving special education and/or related service through a service plan from the public agency.
3. Eligible parentally placed private school student with a disability NOT receiving service from the public agency.
4. Eligible public school student with a disability not receiving services due to parent refusal of initial services.

V. Required Parent/Guardian Authorizations

1. Consent for Initiation of Services (initial IEP only)
2. Medical Assistance (annually)
3. Alternate Appendix A (Participation Criteria and Checklist for Alternate Standards and Assessment), Alternate Appendix B (Decision Flowchart for Participation in Alternate Standards and Curriculum), and Appendix C (Parental Consent Form) for students who qualify for alternate standards/curriculum (annually)
4. Parent Consent - Restraint/Seclusion as an intervention in the BIP/IEP (annually)

VI. Required Documentation

1. Description of the student's present levels of academic achievement and functional performance including:
 - a) how the student's education disability affects the student's involvement and progress in the student's grade-level curriculum.
 - b) how the disability for a preschool student affects the student's participation in appropriate age-level activities;
 - c) how needs identified by assessments and classroom performance are addressed.
- There should be a present level of performance paragraph for each area of need listed on the IEP. The Present Levels of Academic Achievement and Functional Performance (PLAAFP) statement is

the foundation of a standards-aligned IEP for individuals with disabilities. The PLAAFP statement describes the abilities, performance, strengths, and unique needs of the learner. Each present level of performance should contain the following:

- Multiple data points to demonstrate present level of performance:
 - informal and formal assessment data taken on the IEP goals, as well as classroom data and standardized testing data to support the specific areas of need and the specific areas of strength for the student.
 - Progress towards the Common Core State Standards and Priority Standards for the specific areas of need and the specific areas of strength for the student.
 - All data documented in the PLAAFP will drive the development of the IEP goals and objectives.
- B. Goals and Objectives that are measurable standards aligned annual goals, including academic and functional goals designed to:
- a) meet the student's needs that will enable the student to be involved in and progress in the essential grade level curriculum;
 - b) meet each of the student's other educational needs that result from the student's educational disability.

Benchmarks or short-term objectives that build up to the achievement of the IEP goals and/or back map to fill in achievement gaps.

Goals that can reasonably be accomplished within one academic year and align with priority grade level standards.

Appropriate objective criteria and evaluation procedures for determining whether the annual goals are being achieved.

Criteria should be as specific as possible for the objective. It should be stated in terms of specific percentages, trials, frequency counts, or other objective measures.

Procedures for evaluation should be appropriate for the objective and be designed to determine if the mastery and retention criteria have been met. "Teacher observation" is only an appropriate procedure if coupled with an objective data measure.

- A statement of how the student's progress toward the annual goals will be measured and how the parents will be regularly informed (i.e. periodic report cards) at least as often as parents are informed of their non-disabled student's progress (quarterly). These reports will include the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

- The schedule for review of progress should be periodic (quarterly report as a minimum). Data will be collected at least quarterly on each student's IEP throughout the school year through written documentation. Progress should be reported on each IEP goal/objective and should include the input of all service providers. All written documentation from the IEP will be sent home with each student's report card. At each of these data reviews, the following types of data may be recorded:
 - Scores on teacher-generated assessments;
 - Teacher observation (with percentages and frequencies);
 - Individual and group assessment results;
 - classroom-based assessments;
 - County-based assessments;
 - Progress reports from the classroom teacher;
 - Student progress charts (daily records of progress);
 - Data collection sheets specific to each IEP goal/objectives.

- The special education and related services and supplementary aids and services to be provided to the student and the extent to which the student will participate in general education programs.

- Special education services, along with the month, day, and year of initiation of the services and projected duration of the services must be addressed, keeping in mind the IEP is an annual document. Services must be provided based on the needs of the student and not upon availability of services within an individual building nor can services be based upon scheduling considerations;
 - Statement of the specific related services to be provided to the student. Each service to be provided must include the month, day, and year of initiation of the service as well as the anticipated duration of each service, keeping in mind the IEP is an annual document.
 - The extent to which the student will participate in general education programs may be indicated in a variety of ways. The IEP must include the amount of time (based on the length of the school day) the student will spend in general education programs. The IEP Team may also choose to delineate specific programs, curriculum areas, subject areas, or other information, which clarifies the student's participation. Reflection of participation in the general education setting should be indicated through the services provided as well as the Present Levels of Academic Achievement and Functional Performance (Area Discussion).

- C. Program modifications or supports for school personnel that will be provided for the student to enable the student to:
 - a) Advance appropriately toward attaining the annual standards aligned IEP goals;
 - b) Be involved in and make progress in the essential curriculum and priority standards;
 - c) Participate in extracurricular and other nonacademic activities; and
 - d) To be educated and participate with other students with disabilities and students without disabilities.

- An explanation of the extent, if any, to which the student will not participate with students without disabilities in general education.

- D. A statement of any individual accommodations that are needed for the student to participate in state-wide or county-wide assessments. Any modifications to assessments must be part of the student's testing accommodations.
 - a) Human Reader or Signer Accommodation requires Appendix D completion annually to determine if the student qualifies.
- Supplementary aids and services required to facilitate participation in general education programs (i.e. art, physical education, music, vocational education, etc.) should be included, if appropriate.
- E. If the IEP Team determines that a student will not participate in a particular state-wide, or county-wide assessment, the IEP Team will document:
 - a) Why the assessment, or part of an assessment, is not appropriate for the student; and
 - b) How the student will be assessed.
- The projected dates for initiation of services, including the anticipated frequency, location, and duration.
- F. Transition Services are a coordinated set of activities for a student with a disability, designed within an outcome-oriented process that is focused on improving the academic and functional achievement of a student with a disability. See Section 5 for additional transition information.
 - a) Transition activities and services are based on the student's needs, taking into account the student's preferences and interests. Activities may include:
 - (1) Post-secondary education
 - (2) Career and technology education
 - (3) Supported employment/work study
 - (4) Continuing and adult education
 - (5) Adult services
 - (6) Independent living
 - (7) Community participation
 - (8) External agencies
 - (9) Needed activities in the areas of instruction, related services, community experiences, development of employment, or other post-school adult-living objectives;
 - (10) Acquisition of daily living skills; and
 - (11) Functional vocational evaluation, if appropriate;
 - (12) Maryland Summary of Performance
 - b) The IEP must include appropriate measurable postsecondary goals related:
 - (1) training
 - (2) education
 - (3) employment
 - (4) independent living skills, where appropriate, and

- (5) interviews with the student to gather information regarding interests, strengths, needs, and goals.

The student should be invited to the IEP Team meeting where the Transition Plan is developed or discussed (SE:6A, Student Notification of IEP Team Transition Meeting).

Meetings with outside agencies with some students (i.e. Department of Rehabilitative Services, DORS). SE:6C (Documentation of Student/Agency Input Transition for Individualized Education Program)

G. Notice of Graduation Requirements

Parents will receive notification of the student's pending graduation from high school with a Maryland High School diploma, since graduation with a Maryland High School diploma constitutes a change in placement and terminates the student's right to a FAPE. FCPS will inform the parent of the graduation requirements and the student's progress toward meeting those requirements at each annual IEP team meeting, and more frequently, if necessary. The FCPS Calendar Handbook provides all parents with information regarding graduation requirements.

VII. Least Restrictive Environment

A public agency shall ensure that:

1. To the maximum extent appropriate, students with disabilities, including students in public or private institutions, or other care facilities, are educated with students who are not disabled; and
2. Special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services as described in 13A.05.01.09A(1)(d) and (e) cannot be achieved satisfactorily.

The IEP Team will consider Least Restrictive Environment (LRE) factors and options only after the IEP goals and objectives have been developed by the school and the parents (COMAR 13A.05.01.10). It is clear that the intent of the Individuals with Disabilities Education Act (IDEA 300.115) is to foster the inclusion of students with disabilities in the general education environment. Under the concept of least restrictive environment (LRE), a determination is made as to the extent students with disabilities will participate in general education environments.

Free Appropriate Public Education (FAPE) means that special education and related services are provided at public expense under public supervision and direction; and to the maximum extent appropriate students with disabilities, including students in public or private institutions or other care facilities are educated with students who are not disabled. Removal from the general education environment occurs only when the nature or severity of the disability is such that progress in general education classes cannot be achieved satisfactorily even with ongoing implementation of research-based and evidence-based interventions and supplemental aids and services. Inclusive educational programming means bringing support services, where appropriate, to the student rather than moving the student to the services.

VIII. Multi-State Alternate Assessment (MSAA)

A. Philosophy

Through ongoing collaboration with our local and state stakeholders, including parents, staff and students, the Department of Special Education & Psychological Services serves FCPS by supporting systemic instructional programming focusing on eliminating the achievement gap, developing social competencies, nurturing independence, and preparing students with disabilities to become contributing members of a global society. To achieve this goal, instruction must be provided to students with disabilities so that their education is academically, socially, and functionally meaningful. Educational experiences include direct preparation for independent living. Student performance will be assessed at the county and state levels.

B. What are Alternate Assessments?

An alternate assessment is an assessment designed for students with disabilities who are unable to participate in a general education assessment, even when accommodations are provided. Alternate assessments are a way for all students with disabilities to participate in and benefit from assessment systems. An alternate assessment must be aligned to the State's content and student achievement standards, must report student achievement with the same frequency and level of detail as the state's general education assessment, and must serve the same purpose as the assessment for which it is an alternate. The Individuals with Disabilities Education Act (IDEA) 1997, as well as The No Child Left Behind Act of 2001 (NCLB), mandate that states provide an alternate assessment when implementing statewide accountability systems.

C. Alternate Assessment in Maryland

Since 1995, students with disabilities who did not participate in the general education assessment participated in an alternative assessment.

New federal mandates in the revised Elementary and Secondary Education Act, known as The No Child Left Behind Act (NCLB) 2001, prompted a revision of IMAP because NCLB mandates that:

- Students receive an individual score in reading and mathematics, and, by 2007, science;
- Students are assessed in grades 3-8 and in one high school grade.

As a result of these new mandates, the general education assessment was revised. The Maryland School Assessment (MSA) was administered to students in grades 3-8 and 10 and tests students' attainment of grade level objectives in reading and math. The state of Maryland voluntarily signed on to the Common Core State Standards (CCSS) and in 2013, the CCSS were being implemented across the state of Maryland. The development of the CCSS was prompted by the consensus of many stakeholders agreeing that students needed a set of standards that provided them with the readiness skills needed for college and careers. The State of Maryland uses The Maryland Comprehensive Assessment Program (MCAP) assessments of Maryland College and Career Ready Standards (MCCRS) as a standardized assessments to assess student progress towards grade-level standards.

The use will build a pathway to college and career readiness by the end of high school, mark students' progress toward this goal from grade 3 through high school, and provide teachers with timely information to inform instruction and provide student support.

The Maryland Comprehensive Assessment Program (MCAP) is a standardized assessment that is aligned to the CCSS. Students in grades 3-8 and high school participate in MCAP. However, there is a small group of students with disabilities, who cannot participate in the MCAP assessment even with accommodations. The individual student's IEP team determines this annually. When students are working towards a certificate of completion and have been identified as a student who will participate in the alternate assessment, these students' educational focus is on the Essential Elements (EEs), which are aligned to the Common Core State Standards. The assessment that is aligned to the Essential Elements is the Multi State Alternate Assessment (MSAA). Students in grades 3-8 and high school who have been identified as participants in this alternate assessment are expected to participate in this assessment in order to demonstrate their knowledge acquired from learning the Essential Elements. The Essential Elements and MSAA were designed with this special population of students in mind. See your school Test Coordinator or Case Manager for additional information.

IX. Medical Assistance (MA)

Medical Assistance is a payment for public and private providers of assessment, evaluation, and health related services that are available to public school systems for eligible students with disabilities. The purpose of the program is to obtain reimbursement for eligible services provided by FCPS. This funding source is critical to the special education budget. (See Regulation 400-71 for additional information.)

Medical Assistance eligibility must be determined at a student's initial IEP Team meeting and verified at each annual IEP Team meeting thereafter. Once eligibility has been determined, the case manager should then obtain parental consent on the MA permission form (found on OIEP) signed by the parent or guardian during the IEP Team meeting. This form must be submitted annually to the Medical Assistance Specialist and a copy should be retained in the student's Blue Folder.

For each month that the student has received service from the eligible service provider, an MA:1 and MA:3 form must be completed and submitted to the Medical Assistance Specialist. Separate MA:1 and MA:3 forms should be completed for each eligible service provider. The forms must be sent to the Medical Assistance Specialist monthly and a copy should be retained in the student's Blue Folder

Medical Assistance Flowchart:

Ask Parents at the Screening IEP Team Meeting if their child has medical assistance.		
If no, stop the process.	If yes, have the parent sign the MA page of OIEP with designated Service Coordinators.	If the parent refuses to sign for MA services, you may not collect for Special Education Services. Please inform the MA Specialist when/if a parent refuses to sign.

Ask to make a copy off the MA card or record MA# or SS#.

Make a copy of the signed MA page with the MA# and send the original copy to MA Specialist. File the copy in the blue folder.

Each month, the Service Coordinator completes the MA:3 with attached documentation. Make a copy of these documents for the blue folder and send the original to MA Specialist.

If/Then

Student has private insurance and Medication Assistance	Submit printed OIEP Medical Assistance Page to MA Specialist for verification
No response to letter for Service Coordination	Cannot bill; pursue signature for service coordination
Student has medical assistance number	Complete all applicable forms monthly. Receive updated permission to bill for MA annually.
More forms are needed or if additional training or support is necessary	Call the MA Specialist at 301-644-5302
Student has REM (Rare and Expensive Medical Care)	Do not bill for anything

X. Autism Waiver

The Autism Waiver through Medical Assistance is responsible for coordinating services for eligible children with Autism Spectrum Disorder to support them in their homes and communities. In Frederick County MD, the service coordinator of the ARC of Frederick County will contact the Special Education case manager to initiate an Autism Waiver eligibility/re- determination meeting. Questions concerning this process should be directed to the Autism Waiver Teacher Specialist in the Department of Special Education.

XI. Special Education Instructional Assistant Support/Encouraging Student Independence

Special Education Instructional Assistants

- A. Special Education Instructional Assistant (SEIA) Support: FCPS and the Department of Special Education and Psychological Services believes in providing students' educational programming in

their least restrictive environment. It is our belief that having an adult support in place for a student is one of the most restrictive placements available. However, at times, we know this is necessary. When such supports are approved, these supports will always be transitional in nature as our ultimate goal is to move students to higher levels of independence. Any student who is provided with this level of support will be reviewed for continuation of this support on a quarterly basis, at minimum.

Considerations for this level of support will occur for areas related to:

- Student Health
- Student Safety
- Navigation and Mobility
- Communication Deficits
- Reciprocal Placements

If the IEP Team feels that additional adult support is necessary to support a student, the case manager(s) should refer to the Special Education Website, SEIA Request Process Guide for examples of SAS that could be placed on a student's IEP to document the need for additional support.

- The decision to assign additional support staff will be approved by the supervisor, who will notify the school and the Human Resources Department.
- If additional staffing is not approved, the special education department will make other recommendations to assist the school in problem solving.
- The principal, in collaboration with the school-based special education team, will determine the schedule and specific responsibilities of SEIAs assigned to their school.

Reflecting Support on a Student's IEP:

- The term 'adult support' should not be used on an IEP or 504 Plan.
- If support is approved for a student, the nature of service should be documented as 'Other' in the Supplementary Aid and Service (SAS) section of the IEP.
- Multiple SAS may be required to adequately describe the student's needs.
- An Instructional Assistant should **NEVER** be listed as a primary provider of any SAS but could be identified as an 'other' provider.

Encouraging Student Independence

By law, special education and related services to students with disabilities must be provided in the "least restrictive environment." When an IEP Team is considering adult support for a student, all aspects of the student's program must be considered, with the intent of maximizing student independence. The IEP Team is responsible for the design of the student's program and allocating school based staff to implement the program.

A student's educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to provide access in the least restrictive environment. If not carefully monitored and evaluated, additional adult support for a student may unintentionally foster dependence.

It is not always feasible to determine a student's potential for learning and self-sufficiency with any precision, particularly where the student's disability significantly impacts his or her capacity for communication. In that situation, even without a complete understanding of the student's abilities, there can still be an assessment of the likelihood that the IEP will confer a meaningful educational benefit by measurably advancing the student toward the goal of increased learning and independence.

Documentation of Encouraging Student Independence:

- The IEP must contain goal(s) identified to develop functional independence aligned to area of need within the Present Levels of Academic and Functional Performance
- Progress on the goal(s) must be documented quarterly

Communication of Encouraging Student Independence

- The SEIA must be provided with:
 - A student portfolio:
 - Copy of the IEP Snapshot
 - Protocols for health, mobility, BIP, etc., if applicable
 - Data sheet(s)
 - the student's most current schedule
 - the student's information (student's disability, background, etc.)
 - an opportunity to review the IEP and BIP
 - training and support on the data collection method outlined in the goal(s)
 - monitoring and observations of the SEIA to assess need for additional support
 - additional training, if necessary

XII. Special Transportation

Procedures and Guidelines

Transportation is a related service for special education when it is required in order for a student with disabilities to benefit from special education services. The Individualized Education (IEP) Team makes decisions about transportation during the process of developing the IEP and determining placement. All specialized transportation and specific requirements are to be recorded on the IEP. Transportation is to be reviewed, along with the IEP and placement, on an annual basis or more often, if needed.

The Special Transportation Referral form must be completed and submitted ASAP after the IEP Team Meeting. Special Transportation can take up to 5 days to route the student.

- **Definition of Special Transportation**

Students who attend their home school use special transportation when the student requires an:

1. adapted bus, such as a lift
2. safety vest

3. bus attendant
4. a stop other than their community stop Students with an IEP that requires services in a school other than their home school always access special transportation as a related service.

- **Duties and Responsibilities of the IEP Team**

The IEP Team has primary responsibility for determining a student's need for special transportation.

The IEP Team, when considering transportation as a related service, is responsible for:

1. determining a need for special transportation and reflecting that need in the student's IEP
2. reviewing the student's transportation needs at any IEP review, no less than annually
3. inviting a representative from the Department of Transportation, if the student has a medical need to be addressed
4. determining the need for a Nursing Assessment

If a student has a medical condition which may be impacting education or access to education, the IEP team must recommend that a Nursing Assessment be conducted. The IEP team will review the Nursing Assessment and determine whether the medical condition impacts education or access to education to require related services, including special transportation.

- **Suspension from Transportation Services:**

When a student is suspended from transportation services due to disciplinary infractions, determination must be made among the Divisions of Special Education and Transportation and the building administrator whether such suspension results in preventing the student from access to his/her special education services. The result of this determination will have an impact on decisions made under guidelines established in Chapter 5 of the Handbook for Special Education. See Chapter 5 for further procedures regarding this issue. NOTE: Additional requirements and provisions regarding transportation are included in the annual "Parent Handbook" and "Student Handbook"

XIII. Transfer of Students into FCPS

1. Transfer Students Receiving Special Education Services

FCPS will implement procedures for the initiation of special education and related services for students who transfer within the state and students who transfer from another state into Frederick County. Students must first be enrolled in a Frederick County school before IEP services are determined and initiated. When the student's existing IEP calls for services within the continuum of services provided at the home school, the home school must enroll the student immediately, implement the existing IEP, and schedule an IEP meeting within a reasonable time to adopt the current IEP or approve a new IEP. When the student's existing IEP calls for services beyond the continuum of services provided at the home school, the home school must contact the appropriate special education coordinator to facilitate the placement-the coordinator should be contacted as soon as possible. The IEP meeting will occur at the proposed site, with the appropriate members in attendance, including staff from the home school. The existing IEP will be implemented as a reciprocal placement and the student will enroll immediately at the alternative site. The IEP team will schedule an

IEP meeting within a reasonable time to adopt the existing IEP or approve a new IEP. In-state transfers will receive FAPE comparable to the previous IEP through consultation with the parent. The IEP team may choose to adopt the previous IEP or develop a new one, if appropriate.

2. Out of State Transfers:

Please note the following process update outlined in the directions below with regard to students with IEPs who transfer to FCPS from out of state. This process should be followed for students with special needs enrolling from out of state from today moving forward. It is not necessary to correct past records.

- FCPS must provide FAPE including services described in the student's IEP from out of state immediately upon enrollment.
- The eligibility page must be documented as an Initial Eligibility for all out-of-state transfer students.
- Should you have a question about implementing the IEP received from out of state in your school, consult with your Central Office Special Education Coordinator.

3. Transmittal of Records

The new school in which the student enrolls will be responsible for obtaining the student's records within a reasonable time. Central office staff is available to help facilitate this process.

4. Temporary Service Plan

FCPS will temporarily place an eligible student with disabilities transferring to FCPS in a program as part of the evaluation process. The temporary placement is in effect before the IEP is finalized to aid in determining the most appropriate placement for the student. To ensure that the temporary placement does not become the permanent placement before the IEP is finalized, the procedures must include:

- Development and approval of a Temporary Service Plan, which includes specific conditions and time lines (e.g., 30 days) for completing the evaluation and making a decision about the most appropriate program and placement for the student;
- Obtaining written agreement from the parents to the interim placement; and · Conducting an IEP Team meeting at the end of the temporary placement in order to finalize the IEP.

XIV. Parent Surrogates

The Individuals with Disabilities Education Improvement Act (IDEA 2004) requires that state and local education agencies involve parents in the decisions regarding the special education needs of their children.

In cases where a parent is not available, a parent surrogate must be appointed by the FCPS school superintendent or designee to represent the student and protect the student's rights in matters relating to the identification, evaluation, placement, and provision of a free, appropriate public education to the student.

A parent surrogate will be appointed when a student is under the age of 18 if the student has not been determined incompetent and

- Parents, as defined by Federal and Maryland State law, are unavailable or unidentified
- FCPS, after reasonable efforts, cannot locate the parent.
- The student is a ward of the state (i.e. a state or county agency or official has been appointed legal guardian by the court), or
- The student is an unaccompanied homeless youth, as defined by the McKinney-Vento Homeless Assistance Act

Note: The “ward of the State” definition does not include all certain children. If the child lives with a foster parent who has been granted limited guardianship by the court for early intervention/special educational decision-making purposes, then the child does not need a parent surrogate. The student’s biological or adopted parents will continue to represent the student and protect the student’s rights in matters relating to the identification, evaluation, placement, and provision of a free, appropriate public education to the student.

The public agencies with the duty to request a parent surrogate include:

- Maryland State Department of Education (MSDE);
- Local Infants and Toddlers Programs;
- Local school systems; and
- Other agencies responsible for providing early intervention/special education to a child with a disability.

Public agencies who may be assigned the duty of requesting a parent surrogate include:

- Department of Health and Mental Hygiene (DHMH);
- Department of Labor, Licensing and Regulations (DLLR);
- Department of Public Safety and Correctional Services;
- Maryland School for the Blind (MSB);
- Maryland School for the Deaf (MSD); and
- Maryland State Department of Education (MSDE).

The Superintendent of FCPS (or designee) will appoint a parent surrogate not more than 30 days after receipt of the request. Documentation of parent surrogate appointments will be maintained in the confidential special education record of the student and at the FCPS Office of Special Education.

If the Superintendent of FCPS (or designee) finds that the student is not eligible for the appointment of a parent surrogate, written notice will be provided to the public agency requesting a parent surrogate.

If the public agency requesting a parent surrogate proposes a specific person to act as the surrogate, and FCPS determines that the proposed parent surrogate is not qualified to represent the student in the educational decision-making process, written notice will be provided to the agency requesting a parent surrogate. The notice will include:

- A request that FCPS propose another parent surrogate who is qualified; or
- A statement that the Superintendent of FCPS (or designee) has selected and appointed a parent surrogate who is qualified.

- **Students Represented by Parent Surrogates:**

When a student represented by a parent surrogate reaches age 18, any notice regarding special education shall be provided to the student and the parent surrogate. If the student has not been judged incompetent at the age of 18, and the student requests that the rights transfer to the student, then all rights provided to the parent surrogate will transfer to the student.

Each of the following elements must be present before a transfer of rights from the parent surrogate to the student may be considered. The public agency must document that:

1. The student is over the age of eighteen;
2. The student is represented by a parent surrogate;
3. The student has not been adjudged incompetent under State law;
4. The student requests that the parental rights be transferred; and
5. The student and the parent surrogate received notice of the transfer.

- **Training for Parent Surrogate:**

The Supervisor of Special Education will provide training, as needed, for all potential parent surrogates. This training may be provided annually, but can be provided individually in order to ensure the timely appointment of a parent surrogate. It will include:

- Orientation to the various disabilities;
- Instruction in the process of identification, evaluation, and placement of a student in special education in FCPS;
- Instruction in procedural safeguards and parental rights and responsibilities;
- Information regarding confidentiality and records management; and · Information regarding the guidelines for appointment, duties, and termination of parent surrogates.

- **Identification of Parent Surrogates:**

The Supervisor of Special Education will identify individuals to serve as parent surrogates. Methods used to locate qualified adults who may be interested in becoming parent surrogates include:

- Contacts made through the Partners for Success office;
- Contacts with the Department of Social Services foster care program;
- Personal referrals;
- Public advertisement.

The Supervisor of Special Education determines, through completion of an application form process, that the parent surrogate applicant:

- Is at least 21 years old;
- Has no interests which conflict with the interests of the student being represented;
- Is able to adequately represent the student;
- Is not an employee of any public agency involved in the education or care and custody of the student (foster parents may serve as surrogate parents);

- Represents the student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a free, appropriate public education to the student;
- Has the knowledge and skills to ensure adequate representation of the child.

- **Application for Appointment of a Parent Surrogate:**

The Supervisor of Special Education, having determined that a student is in need of a parent surrogate, will prepare and submit a letter of appointment of a parent surrogate. The letter will include:

- The name, date of birth, gender, legal domicile, and present residence of the student;
- A statement that the student is eligible for the appointment of a parent surrogate based on approved eligibility-determination procedures;
- Documentation, as applicable, of the efforts made to identify the parent, if unknown, or to locate the parent, if unavailable, or guardianship or custody decree; and
- The name and qualifications of the proposed parent surrogate who FCPS considers to be qualified to represent the student in the special education decision-making process.

- **Request for Termination of Appointment of a Parent Surrogate:**

The IEP Team Chairperson will notify the Supervisor of Special Education if it is felt that any parent surrogate appointment should be terminated. Such a request is appropriate if the parent surrogate:

- Is not properly performing the duties of a parent surrogate (i.e., not attending meetings, not participating as an equal partner in the process, not seeking and utilizing current information in the performance of his/her duties); or
- Has an interest that conflicts with the interests of the student entrusted to the parent surrogate; or
- If the student is no longer receiving special education services from FCPS.

The Supervisor of Special Education will conduct an investigation to determine whether or not the duties of the parent surrogate are being adequately performed and collect documentation to support the allegation. If it is found that the parent surrogate is not performing the required duties, the supervisor will forward a request for the termination of the appointment to the Superintendent of FCPS (or designee), including the following information:

- The name and birthdate of the student;
- The name of the parent surrogate who was discharged and the date of termination;
- The reasons for requesting termination;
- The name and qualifications of another individual proposed as a new parent surrogate

XV. Miscellaneous Factors/Considerations Impacting IEP Implementation

A. Compensatory Services

As an expectation in both IDEA 2004 and COMAR; Free and Appropriate Public Education (FAPE) must be afforded to students with Individual Education Programs (IEP).

If a student with services and/or related services on their IEP have not been afforded those services due to a denial of FAPE on the school's part, compensatory services must be considered by the IEP team through an IEP team process. Short term student absences are not considered a denial of FAPE.

Examples of FAPE Denial (not an exhaustive list):

1. a pattern of related services missed due to related service provider being absent
2. student excluded from education and all services on the IEP for discipline purposes beyond 10 cumulative days
3. special education services not implemented for a month after prior written notice of service was provided to parents
4. documented pattern of excessive student absence with relation to student's disabling condition

IEP Team Considerations and Documentation

1. If FAPE is denied and services are missed, the duly constituted IEP team should convene and document the missed services and develop a plan for makeup (compensation) of those services. The IEP team will provide ALL recommendations/refusals related to FAPE considerations and compensatory services in Prior Written Notice (PWN).
2. The service provider consequently should document compensatory services recommended on a service log as services are made up. The service providers are responsible for compensatory services and current services allocated on a student's Active IEP.
3. The duly constituted IEP team should reconvene after completion of compensatory services to document completion of compensatory services as evidenced by service provider logs and documentation in the IEP team meeting Prior Written Notice, as well as ALL recommendations/refusals related to FAPE considerations and compensatory services.

B. Home and Hospital Teaching

1. Students Receiving Home/Hospital Teaching Services (H/HTS) are regulated by FCPS Regulation 400-37.

[IEP Team Process for Homebound/Hospital Teaching Services.](#)

In order to be eligible for H/HTS, there must be written verification of the physical condition, including drug and alcohol dependency, by a licensed physician, or verification of an emotional condition by a certified school or licensed psychologist or licensed psychiatrist that prevents the student from participating in the student's school of enrollment. Written verification is documented on the application for Home/Hospital Teaching Services.

Once the application is approved, the appropriate pupil personnel worker (PPW) will contact the student's school to schedule an expedited IEP Team meeting. The IEP Team will meet to review and revise the student's IEP, as appropriate, and to determine the instructional services to be provided. The IEP Team meeting must be held to reflect the provision of H/HTS before that service can begin.

When reviewing and revising the IEP, as appropriate, the IEP Team Meeting Notes (SE:7) should document that consideration was given to the following:

- Expected duration of H/HTS
- Methods for school-home communication
- Periodic reporting from the H/HTS teacher regarding the student's progress
- A plan outlining the student's return to school.

The IEP Team determines the instructional services to be provided to the student and develops a plan for returning the student to a school-based program. A copy of the student's IEP must be given to the H/HTS teacher. An IEP Team meeting must be held to reflect the end of H/HTS and to document the student's return to the school-based program. Parents may appeal an IEP Team recommendation to the supervisor of special education.

Review of the need for H/HTS must occur within 60 calendar days after the initial determination of eligibility or sooner at the request of the parent, guardian, or school IEP Team. In addition, an educational placement in the home for a student in emotional crisis may not exceed 60 calendar days. For all other health-related circumstances, continuation of H/HTS beyond 60 calendar days requires reverification of the student's health condition through the H/HTS process. In the event that a student with disabilities is hospitalized beyond ten consecutive school days, and unable to access his/her educational program at school, an IEP Team meeting must be held to document this change in placement. It is the case manager's responsibility to continue to monitor the student's IEP during the hospitalization placement. When the hospital placement ends, the IEP Team will review and revise the IEP, as appropriate, and determine the student's placement in the LRE.

For students with long-term illnesses who may be eligible to receive H/HTS, but who are unable to access that service, consult your school's PPW and the elementary or secondary special education coordinator for direction. Certainly we can have an understanding with the parents that, though by law we must send them notification and conduct an IEP Team meeting every 60 calendar days and adjust the IEP as needed, it is not necessary for them to be present, if they prefer not to attend. In addition, we will send parents a copy of the IEP Team Meeting Notes.

2. Terminally Ill Students Receiving H/HTS

The above information applies, except that verification of the condition is only required at the IEP Team Meeting where the approved application for H/HTS is presented. Students who are enrolled full time should have no less than six hours of H/HTS per week. For students with special needs, the IEP Team determines the educational program. Students who have less than 3.5 hours of academic programming per day should have no less than three hours of H/HTS per week. Again, the IEP Team determines the educational program.

3. Non-identified Students Returning from H/HTS

Some students returning from a home or hospital treatment program may not have been previously identified as eligible to receive special education services. In some cases, the student's insurance

money is depleted and the mental health professionals are recommending to parents that they seek long term care through special education placement. The following procedures apply in these cases:

1. Conduct an IEP Team screening meeting and based on a review of student information, including the hospital discharge summary, determine the need for evaluation.
2. The Team will identify assessments that may be required and obtain written parental consent to conduct the evaluation.
3. Appropriate school staff completes the assessments.
4. The student's case manager completes a CIEP Team referral and submits it to the appropriate special education coordinator.
5. A CIEP Team meeting will be held to conduct the student's evaluation and determine his/her eligibility for special education services.

4. H/HTS Procedures

These procedures apply to the provision of instructional services to all students enrolled in Frederick County Public Schools who are eligible for H/HTS and to incarcerated students who are eligible to receive special education services.

H/HTS will be available to all students during convalescence or treatment time in a medical institution, day or residential therapeutic or drug treatment center, or a student's place of residence.

H/HTS are provided to students identified with disabilities in accordance with federal and state special education law and regulations, including COMAR 13A.05.01. The students and parents will be involved in the process/procedures included within these laws and regulations.

H/HTS are not intended for brief, consecutive absences or as a long-term placement. The services are intended to be of three-to nine-week duration and will attempt to keep the student apprised of his/her courses so that upon the student's return to school he/she will be able to make a smooth transition to his/her mainstream courses. It is available for:

- Any eligible high school student who cannot attend their home school for a minimum of ten consecutive school days (for high schools with a 4 – period school day); and
- Any eligible students at all other schools who cannot attend their home school for twenty consecutive days.

Students who are pregnant will receive H/HTS prior to delivery date only when a doctor determines that attendance in school would be detrimental to the student or her unborn child. The student is entitled to six weeks of H/HTS after the delivery date. Extension of H/HTS beyond the six weeks after delivery requires a physician's signed request.

High school students may receive H/HTS for a maximum of two academic courses. For students with special needs, the IEP Team determines the educational program. If a documented need is submitted for consideration, the superintendent or his designee may adjust the service accordingly.

H/HTS teachers must have a bachelor's degree from an institution of higher education as defined in COMAR 13A.12.01.02B. This requirement does not apply to H/HTS teachers who demonstrated satisfactory performance in FCPS before July 1, 2001.

5. Location of Services

Generally, H/HTS is provided in the student's home. Arrangements must be made by the parent to be present or to have a trusted adult present during the instructional period. H/HTS may also be provided in a public setting conducive to teaching and learning, e.g., public library.

6. Scheduling of Services

- H/HTS teachers will work cooperatively with parents/guardians to arrange sessions for instruction at mutually agreeable times.
- School holidays will not be instructional days except in unusual circumstances. H/HTS teachers must have the approval of the Supervisor of Pupil Personnel to teach on school holidays. Saturday instruction is appropriate if parents agree.

7. Instructional Programs and Materials

- The H/HTS teacher should coordinate the H/HTS with the student's in-school teachers/school counselor.
- The student's home school should provide the instructional materials. The H/HTS teacher should use materials approved by FCPS.
- The Pupil Personnel Department has a library of supplementary materials to assist H/HTS teachers.

8. Arranging for H/HTS

- H/HTS may be arranged, approved, and supervised only by a pupil personnel worker, the supervisor of pupil personnel, or the associate superintendent for curriculum, administration, and school improvement or his designee.
- Parents/guardians should contact the pupil personnel worker, who is the liaison to the student's home school, to request any information regarding H/HTS.

9. Communications to/from H/HTS Teachers

- The H/HTS teacher and the pupil personnel worker who assigned the teacher will discuss all questions, problems, etc.
- Each year, a copy of the current regulation (400-37) should be distributed to each person who is providing or receiving H/HTS.

10. Attendance Procedures

- Students will be counted present at their home schools for attendance at H/HTS sessions. When the student is not available for instruction, the H/HTS teacher will notify the school and the student will be counted absent.

C. Twice Exceptional Students

The twice exceptional population refers to students who have been identified as advanced learners (gifted and talented), and as having an educational disability (IDEA or 504). Twice exceptional students may demonstrate exceptional strengths in any area and may be identified as having one or more of a variety of disabilities. "Twice Exceptional" is NOT an IDEA category; no federal mandate exists to identify or provide services to this population.

D. Homeschooling

Home schooling is regulated by Maryland law and there is a system-wide coordinator for parents interested in providing a home school for their children: information is located on the MSDE Website: [Home Instruction](#) (COMAR 13A.10.01.01).

Parents interested in providing home-schooling for their child must notify the home-schooling Coordinator in the Student Services Division.

[13A.10.01](#) State Bd. of Education, General Regulations, Annotated Code of Maryland

A. Home Instruction Program

Purpose: The purpose of this regulation is to establish a procedure to be used by the superintendent of each local school system to determine if a child participating in a home instruction program is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.

1. Written Agreement

A parent or guardian who chooses to teach his or her child at home shall initially sign a statement on a form prescribed by the State Department of Education which:

1. Indicates consent to the requirements set forth in §§C, D, and E of this regulation; and
 - a. Shall be submitted to the local superintendent at least 15 days before the beginning of a home instruction program.

2. Annual Verification

Annually thereafter, before the beginning of the school year, a parent or guardian shall verify the continuation of homeschooling for his or her child with the local school superintendent or with the supervising nonpublic school or institution described in Regulation 400- 49.

3. Change in Status

A parent or guardian shall notify the local school superintendent or the supervising nonpublic school or institution described in Regulation .05 of this chapter if a change occurs in the home school status of a child during the school year.

● Instruction Program

The home instruction program shall:

1. Provide regular, thorough instruction in the studies usually taught in the public schools to children of the same age;
2. Include instruction in English, mathematics, science, social studies, art, music, health, and physical education; and
3. Take place on a regular basis during the school year and be of sufficient duration to implement the instruction program.

- **Educational Materials**

A parent or guardian who chooses to teach a child at home shall maintain a portfolio of materials which:

1. Demonstrates the parent or guardian is providing regular, thorough instruction during the school year in the areas specified;
2. Includes relevant materials, such as instructional materials, reading materials, and examples of the child's writings, worksheets, workbooks, creative materials, and tests;
3. Shall be reviewed by the local superintendent or the superintendent's designee at the conclusion of each semester of the local school system at such times as are mutually agreeable to the local superintendent or designee and the parent or guardian.
 - a. A parent or guardian shall agree to permit a representative of a local school system to review the portfolio of educational materials, discuss the instructional program, and observe instruction provided that all of the following requirements are met:
 - i. The review is at a time and place mutually agreeable to the representative of the local school system and the parent or guardian;
 - ii. The purpose of the review is to ensure that the child is receiving regular, thorough instruction as set forth in §C;
 - iii. There are not more than three reviews during a school year.

- **Additional Requirements**

A local school system may not impose additional requirements for home instruction programs other than those in these regulations.

- **Voluntary Participation in Standardized Testing**

Upon request of a parent or guardian, a child receiving home instruction may participate in the regularly scheduled standardized testing programs that are administered in the public school the child is eligible to attend.

- **Noncompliance with Requirements**

- A. **Failure to Consent.**

If a parent or guardian does not agree to the requirements of Regulation .01B, C, and D, above, a child shall be enrolled promptly in a public school or nonpublic school as defined in COMAR 13A.09.09.02B(9).

B. Deficiencies in the Program.

If a local superintendent determines on the review of the home instruction program or inspection of the portfolio that a child is not receiving a regular, thorough instruction program in conformity with Regulation .01C and D, the local superintendent shall notify the parent or guardian in writing of any deficiencies in the program. The following apply:

1. Within 30 days of receipt of notification of any deficiencies, the parent or guardian shall provide evidence to the local superintendent that the deficiency has been or is being corrected.
 2. If a local superintendent determines there is not a satisfactory plan to correct a deficiency or if a deficiency is not corrected, a child shall be enrolled promptly in a public school or a nonpublic school as defined in COMAR 13A.09.09.02B(4)(a).
- Placement in Public School Upon application of a child for admission to a public school from a home instruction program, the local superintendent shall determine by an evaluation the placement of the child and any credits to be awarded toward high school graduation. The evaluation may include administration of standardized tests and examinations and interviews with the child.

B. Home Instruction Under Supervision of Nonpublic School

- A. A parent or guardian may provide instruction for a child at home without compliance with the requirements of this regulation, other than the requirements of Regulations .01B(1)(b) and .04, if that instruction is offered through correspondence courses and is under the supervision of a:
1. School or institution offering an educational program operated by a bona fide church organization, and the supervision includes at a minimum all of the following components:
 - a. Pre-enrollment conferences with parents or guardians,
 - b. Textbooks, lesson materials, and other instructional materials or equipment designed to be used independently by the pupil at a site other than a school,
 - c. Annual visits by supervisory personnel to the site where the pupil is receiving instruction, and
 - d. Conferences with parents or guardians at appropriate intervals during the period of enrollment; or
 2. Nonpublic school with a certificate of approval from the State Board of Education, and the supervision includes at a minimum all of the following components:
 - a. Textbooks, lesson materials, and other instructional materials or equipment designed to be used independently by the pupil at a site other than a school, and
 - b. Assignment of a school-based teacher to assist the home teacher in using the correspondence courses and to assist the pupil by issuing progress reports, marking papers, and grading tests.

B. Annual Verification

The supervising nonpublic school or institution described in §A of this regulation annually shall:

1. Verify with the local school superintendent the identification of home schooled students whose instruction is continuing under its supervision;
2. Notify the local school superintendent of the identification of home schooled students whose instruction is newly added to its supervision; and
3. Provide the local school superintendent with the identification of homeschooled students whose instruction is no longer under its supervision.

C. Change in Status

The supervising nonpublic school or institution described in §A of this regulation shall notify the local school superintendent if a change occurs in the status of a homeschooled student whose instruction was under its supervision during the school year.

E. Parentally Placed Private School Students

In alignment with regulation 400-69, Special Education and Related Services for Students Enrolled by their Parents in Private Schools, Frederick County Public Schools (FCPS) will provide Child Find services, which include location, identification, and evaluation of students attending private schools within Frederick County. FCPS will inform private schools annually of any significant changes in the assessment materials and/or procedures.

FCPS will make available special education and related services to eligible private school students with disabilities in a proportionate amount of FCPS' total subgrant under Section 612(a)(10)(A) of IDEA 2004. An individualized service plan (ISP) will be developed for eligible students that will document recommended services. ISPs will be reviewed at least annually.

F. Incarcerated Youth

Students eligible for special education services who are incarcerated in an adult detention center or correctional facility are entitled to receive special education services at that facility. If the facility does not provide an educational program, the following procedures apply:

- Detention facility notifies the student's school of a student's incarceration. The pupil personnel worker assigned to that school is contacted.
- School IEP team meets to document the provision of special education services and provides a copy of the student's current IEP to the pupil personnel worker.
- Student's school provides instructional information/material to the pupil personnel worker. Pupil personnel worker assigns an H/HTS teacher.
- H/HTS teacher contacts the detention facility to arrange the teaching schedule.
- All other components of the H/HTS regulation will apply to incarcerated students who receive special education services.

If the correctional facility has educational services as part of that program, FCPS will provide that facility a copy of the student's IEP.

XVI. Exiting a Student from Special Education

It is a Federal and State requirement that a public agency must **evaluate** a child with a disability before determining that the child is no longer a student with a disability. **Evaluation** is defined as using a variety of evaluation **and/or** assessment tools and strategies to gather relevant and current functional, developmental, and academic information for decision-making.

Multiple data sources and not one single measure or assessment can be used as the sole criterion for determining the exit of a student from special education. Multiple data sources can include, but are not limited to: existing data of present levels of performance, current classroom-based, local and Statewide assessments, classroom observations, assessment outcomes current within the past 12 months, and parental input.

In order for IEP Teams to make the determination that the student is no longer a student with a disability, and the student no longer requires specially designed instruction or special education and related services, the IEP team must have adequate data to explain the student's present levels of academic achievement and functional performance.

Review the [Standard Operating Procedures for Exiting a Student from Special Education](#).

Section 4: County IEP

In accordance with [Regulation 400-09](#), FCPS makes every effort to educate students with disabilities in their home school or within a specialized program in FCPS. Therefore, IEP teams have a duty to ensure that school staff have implemented strategies and interventions to address educational and/or behavioral challenges before a referral to a County IEP (CIEP) is made. Data collection of strategies and interventions must be documented to ensure that schools teams have exhausted all available resources at the school level in an effort to educate the student in the least restrictive environment.

A. CIEP Referral Process

[CIEP Referral Process Flowchart](#)

Instructional Framework to Support Struggling Students: [Struggling Students](#)

1. Contact Central Office Special Education Coordinator/Teacher Specialist to discuss student needs and set up an observation.
2. Review instructional practices, collect data, and determine appropriateness in consultation with Central Office Special Education Coordinator/Teacher Specialist.
3. Review academic interventions, collect data, and determine appropriateness in consultation with a Central Office Special Education Coordinator/Teacher Specialist.
4. Ensure the IEP is up to date with present levels of academic and functional performance, accommodations, supplemental aids and services, and goals to address students' areas of weakness.
5. If there are behavioral concerns, a BIP is in place and being implemented.

6. Recommendations from school based and/or central office staff have been implemented.

If the above steps have occurred and the student does not make progress on IEP goals and objectives, a referral to CIEP is recommended. A Central Office Special Education Coordinator/Teacher Specialist must be in attendance at the school IEP meeting where this referral is made. Please note, incomplete packets will be returned to the school for completion. Please reach out to the Central Office Special Education Coordinator/Teacher Specialist for additional support. The Case Manager must complete and submit the County IEP Referral packet in its entirety.

Section 5: Transition Services

I. Transition Services For Students

A. What Are Transition Services?

The Maryland State Department of Education, Division of Early Intervention/Special Education Services Secondary Transition Planning Guide for Individuals with Disabilities focuses on the movement of individuals with disabilities from school to postsecondary outcomes. A major component of secondary transition planning is that the sequential transition activities and services are person-centered and drive the Individual Education Program (IEP). For students to successfully exit high school prepared for college, career, and community, early planning is crucial. In Maryland, transition planning and the delivery of transition services begins during the IEP year in which the student turns 14 years of age. The Individuals with Disabilities Education Act (IDEA) states that the purpose of the legislation is “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further employment and independent living.” The law stresses the need for educators, parents, and community agencies to work together to support the student as he or she works toward postsecondary goals and outcomes. Transition services must be provided to assist the student in the attainment of skills necessary to reach his or her postsecondary goals.

IDEA 2004 defines transition services as a coordinated set of activities for a student with a disability that are:

- designed to be within a results-oriented process, focused on improving the academic and functional achievement of an individual with a disability to facilitate their movement from school to post-school activities, including postsecondary education; vocational education; integrated employment; continuing and adult education; adult services; independent living or community participation;
- based on the individual's needs, taking into account their strengths, preferences, and interests; and;
- designed to include instruction, related services, community experiences, the development of employment and other post-school adult living objectives and when appropriate, acquisition of daily living skills and functional vocational evaluation.

B. Helpful References and Resources

Please refer to the Secondary Transition Planning Guide for Individuals with Disabilities, which is offered at every annual IEP meeting beginning at age 14, or earlier as appropriate.

The Guide for Implementing the Secondary Transition Process supports the process of creating Secondary Transition Plans that are part of the Individualized Education Programs that meet the needs of youth with disabilities.

Section 6: Discipline

Discipline (FCPS BOE 400-17)- Please refer to FCPS Regulation 400-17 for detailed procedures when removing a student with disabilities from school for disciplinary reasons.

I. Suspension Overview

It is the goal of FCPS for all students to remain in school and engaged in instruction. In some cases, however, a student may engage in behavior that is disruptive and detrimental to the operation of the school, and disciplinary removal may be appropriate.

Students receiving special education services have significant procedural safeguards when they receive disciplinary sanctions. A student receiving special education services who violates a code of student conduct may be disciplinarily removed from his/her current educational placement by the school administrator. During the first ten days of disciplinary removal, students receiving special education services may be treated as other students with respect to services, avenues for appeal, notice to parents, and all other areas. In cases when a student receiving special education services is disciplinarily removed from their current education setting for over 10 days in one school year (one extended removal or cumulative days of removal), significant procedural safeguards apply.

II. Requirement to Convene an IEP Team Meeting

A. Short Term Removals

If the student has a series of short term removals that will accumulate to over ten school days in a given year, the IEP team must convene to determine the following:

- Whether there has been a series of short term removals that constitute a pattern, creating a change in the student's placement. (The team will consider the behaviors that resulted in the removals, the distance between removals, and length of the removals.)

If the team finds there has been a pattern of removals that result in a change of placement, the team must discuss whether the behavior that resulted in the disciplinary removal was a manifestation of the student's disability. The team will consider:

- Was there a direct and substantial connection between the incident and the student's disability?

- Was there a direct and substantial connection between the incident and the lack of implementation (if any) of the student's IEP?

If the answer to either of these questions is yes, the student will return to school and the disciplinary removal will be over. If the answer to both of these questions is no, the student's disciplinary removal may continue.

B. Extended Removals

A recommendation for an extended removal is automatically a change of placement. Appropriate behavioral supports must have been in place to determine whether the behavior is a result of the disability or not. Prior to removal of a student beyond ten days of suspension, the IEP Team must conduct a Functional Behavior Assessment (FBA). Either before or no later than ten business days after the removal of the student beyond ten days, if the school system has not conducted a Functional Behavioral Assessment and implemented a functional behavioral intervention plan (FBIP), the school must convene an IEP Team meeting to develop a plan for assessing the student's behavior and to determine appropriate intervention to address the behaviors that resulted in disciplinary action. If a Functional Behavioral Assessment has previously been completed, the IEP Team should review existing data, determine if there is a need for another assessment, review the status of the implementation of the current behavioral intervention plan, and modify the plan, as necessary.

If there is a disciplinary removal for over ten days (ten days suspension with a recommendation for expulsion or a 45 day removal), the IEP team will consider the two questions below.

- Was there a direct and substantial connection between the incident and the student's disability?
- Was there a direct and substantial connection between the incident and the lack of implementation (if any) of the student's IEP?

C. Services Beginning on the Eleventh Day of Removal

All students receiving special education services MUST have services beginning on the 11th day of a disciplinary removal. The IEP team determines what services will be needed for the student to progress on his/her IEP goals and objectives, as well as in the curriculum. Decisions about what services will be provided are made during the manifestation IEP team meeting. It is not required that students receive all the services on their IEP, or have access to all their current classes, while they remain in the disciplinary process.

D. Right to Appeal

Parents have a right to appeal the decisions of the manifestation IEP team meeting. Parents can request mediation and/or a due process hearing to resolve their concerns. These appeals are scheduled on an expedited timeline.

E. Disciplinary Removal from Bus

Safety on our school buses is of paramount importance for all FCPS students, community members, and other drivers. If your child engages in an infraction that creates an unsafe situation on a FCPS bus, they may receive a bus suspension. If your child receives a bus suspension, you are encouraged to find alternative transportation, however, if your child is unable to attend school due to a bus suspension, this may count as a full day of disciplinary removal.

F. In School Disciplinary Removals

In some cases where a disciplinary removal is appropriate, a school administrator may determine that the student may remain in the school building in an alternative location, but not attend their regularly scheduled class. A student in this situation may be provided classwork or other tasks to complete independently, however, instruction is not provided.

G. In School Intervention

FCPS is committed to providing alternatives to removal from the school setting in order for the student to keep current with his/her work, as well as providing support for the behavior that resulted in the removal to prevent it from recurring. With this in mind, in some cases a student who has engaged in behavior that results in a disciplinary sanction, may be provided with instruction and services that enable them to continue to make progress in the curriculum and on their IEP goals and objectives but in another setting. In these cases, the removal from class is not considered a “suspension.”

III. 45 Day Removals

The information in this section applies only in situations where a weapon* or illegal drugs are found on or brought on to school grounds, to school functions, or on school-provided transportation (i.e., bus, taxi, etc.), or when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

If a student with a disability, receiving services under an IEP, possesses or brings a weapon or illegal drugs onto school property, to a school function, or school-provided transportation, the building principal may make an immediate placement change for up to 45 school days. If the student's parents or the eligible student appeal the placement change by requesting a due process hearing, the student will remain in the alternative interim placement pending the decision of the Administrative Law Judge or until expiration of the up to 45 school day removal, whichever occurs first, unless the parents and the school can agree on another placement. If appeal proceedings continue beyond the 45-day placement limit, and the school believes that it is dangerous for the student to return to the current placement (i.e., the student's placement prior to the removal), the building principal shall contact the Coordinator of Compliance to discuss obtaining injunctive relief from a court or a hearing officer.

This immediate change of placement may occur prior to determining whether or not the behavior was a manifestation of the student's disability; however, the IEP team must convene to determine the location of the services.

Weapon: device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

IV. Referral to Law Enforcement

If a student is suspected of committing a crime, the building administrator may report the crime to the appropriate authorities as they would if a similar offense were committed by a student without disabilities. Local and state law enforcement officials and judicial authorities may exercise their duties and responsibilities and apply all applicable federal and state laws to crimes, which may have been committed by a student with a disability.

The building administrator reporting the crime should seek written consent from the student's parents (or from the student if aged 18 or older) to provide copies of the student's special education and disciplinary records to the law enforcement authorities. These records may include, but are not necessarily limited to, IEPs, assessments, behavior intervention plans, and discipline paperwork. If consent is not provided, the building administrator should contact the Manager of Compliance and Legal Issues to determine whether the records may be provided without consent. Absent prior written consent or authorization from the Manager of Compliance and Legal Issues, the building administrator reporting the crime should not provide copies of records or disclose that the student is receiving special education services.

V. Protections for Students not yet Eligible for Services

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated any rule or code of conduct of FCPS, (including weapons, illegal drugs, controlled substances, or causing serious bodily injury) may assert any of the protections provided if FCPS had knowledge that the student was a student with a suspected disability before the behavior that precipitated the disciplinary action occurred.

A. Having Knowledge by School Personnel of a Suspected Disability

FCPS is deemed to have knowledge that a student is suspected of having a disability if:

1. The parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of FCPS that the student is in need of special education and related services;
2. The parent of the student has requested an evaluation of the student; or
3. The student's teacher or other school personnel have expressed specific concern about a pattern of behavior demonstrated by the student, directly to supervisory personnel of FCPS.

B. Not Having Knowledge by School Personnel of a Suspected Disability

FCPS would not be deemed to have knowledge that the student is a "student with a suspected disability" if FCPS:

1. conducted an evaluation, determined that the student was not a "student with a disability", and provided notice to the parents of its determination; or

2. determined that an evaluation was not necessary; and provided notice to the parents of its determination.

FCPS would not be deemed to have knowledge that the student is a “student with a suspected disability” if the parent of the child with a disability:

1. has not allowed an evaluation of the student; or
2. has refused special education services.

If FCPS does not have knowledge that a student is a student with a disability prior to taking disciplinary measures, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

C. Requests for Evaluation and Assessments

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation and assessment(s) must be conducted in an expedited manner. Until the evaluation/assessment(s) are completed, the student attends the educational placement determined by school authorities.

If there is reason to believe that the student may be disabled, then the student shall be immediately referred to the IEP team. Within ten days of the incident, the IEP team shall initiate an evaluation to determine which areas additional information is needed to determine if the student is a student with a disability. The disciplinary action can be implemented before the IEP team reaches its decision. If the student is kept out of school, the evaluation process shall be completed within 30 days of the IEP meeting

If, based on FCPS evaluation and information provided by parents, the student is determined eligible for special education, special education and/or related services will be provided and all procedural safeguards regarding discipline will be followed.

Section 7: Programs, Resources, and Services

I. FCPS Specialized Programs

All referrals to Specialized Programs are made through the County IEP process. Refer to [Section 4: County IEP Process](#) for additional information related to the referral process.

A. Expressions

Expressions is a special education program within a comprehensive school providing students with a small structured learning environment, a high staff to student ratio and a focus on developing a functional communication system (including speech and/or augmentative systems), adapted or modified academics, social interaction skills and pre-vocational/vocational training. In third grade, students begin working on the Essential Elements.

B. Learning for Life

Learning for Life (L4L) is a special education program within a comprehensive school providing students with a small structured learning environment, a high staff to student ratio and a focus on the Essential Elements, functional academics and pre-vocational/vocational training.

C. Pyramid

Pyramid is a special education program within a comprehensive school providing students who have significant social and emotional difficulties with a small, structured environment, a high staff to student ratio and a therapeutic component.

D. Special Education Pre-K

Special Education Pre-K is a program within a general education school providing students who have a variety of developmental disabilities with a small, structured environment, receiving instruction on the Pre-K curriculum as well as adaptive skills. Classes are inclusive (up to seven students with IEPs and seven students who are in general education) with the exception of two school locations.

E. SUCCESS

The SUCCESS Program is a secondary transition education program designed for students 18-21 years of age who are pursuing a Maryland State Certificate of Completion and have an IEP. According to the Individuals with Disabilities Education Act (IDEA), students with disabilities are entitled to a free appropriate public education until the end of the school year they turn 21 years of age.

Students placed in the SUCCESS Program have completed at least four years in a comprehensive high school, have work experience, and exhibit the potential for competitive employment.

At SUCCESS, students learn skills for daily independent living, increase their functional academic skills, and are exposed to the world of work by developing vocational skills.

F. Rock Creek School

Rock Creek School's (RCS) mission is to provide a safe, respectful, caring and enjoyable learning environment in which students can develop communication and independent-living skills to achieve their full potential at school, at home and in their communities.

Individualized special education programs are provided for FCPS students with severe intellectual, physical, emotional, hearing, visual and learning disabilities, from age 3 through the school year they reach 21. Students are typically admitted through the County IEP Team meeting process.

RCS offers a life-skills curriculum with emphasis on functional academic skills, social skills training, community-based instruction, personal management and communication skills. Older students participate in vocational training, supported employment and work study programs. Some students are referred to the FCPS Career & Technology Center for consumer education and transition skills classes. Transition planning prepares graduating students for employment or additional training

through adult day placements. Related services include adapted art, music and physical education, swimming, physical and occupational therapy, and speech and language therapy.

To coordinate services for students and their families, RCS works closely with the ARC of Frederick County, Frederick County Developmental Center, Division of Rehabilitative Services, and the Developmental Disabilities Administration.

*Adapted from the RCS website

G. Heather Ridge School

Heather Ridge School (HRS) prepares students to meet the societal and personal demands of the ever-changing 21st century world by teaching social, emotional, and academic skills in an innovative, safe, and supportive personalized learning environment. HRS values responsible decision-making, perseverance, resilience, mutual respect, independence, self-reliance, and self-management.

HRS is a public, alternative school that provides academic, behavioral, and therapeutic support to students who have demonstrated an inability to perform successfully in their home schools, even when provided with the maximum support available through those schools.

The academic program follows the essential curriculum offered throughout FCPS. A structured behavior management system provides feedback to students regarding their ability to be compliant throughout the day. Therapeutic services offer students small group and individual opportunities to learn coping strategies to utilize in the classroom.

HRS has two programs for students. The Day Program offers middle school and high school coursework. The Twilight Program typically offers courses for students in grades 9 - 12, who are 16 or older. However, middle school courses are available for students under the age of 16 years who demonstrate aggressive behaviors or extreme non-compliance over an extended period of time.

*Adapted from the HRS website

H. Infants and Toddlers

This interagency program provides early intervention services for children ages birth to three with developmental delays and disabilities, with an option to stay on an extended IFSP (Individualized Family Services Plan) until the beginning of school following the child's fourth birthday. Services are provided during naturally occurring daily routines. Services address each family's unique priorities for their child in areas such as social relationships; using knowledge and skills (reasoning, problem solving, early literacy, and math skills); and taking action to meet needs (feeding, dressing, self-care, and following health and safety rules).

Early intervention experts assist families in knowing their rights to services, communicating with people who work with the child and family, and helping their child develop and learn. Services are provided at no cost to eligible children and their families. The Frederick County Health Department is the lead agency, working with FCPS, the Frederick County Department of Social Services and

Maryland School for the Deaf. For more information, call the Frederick County Developmental Center, 301-600-1612.

I. Home/Hospital Teaching Services

These services are available to all students during convalescence or treatment time in a medical facility, day or residential therapeutic or drug treatment center, or a student's place of residence. The services are provided to students identified with disabilities in accordance with federal and state special education laws and regulations. Home/Hospital Teaching Services (H/HTS) are not intended for brief, consecutive absences or for long term placement. The services are short-term and provided in an attempt to keep eligible students up to date on class or course work so that upon their return to school they will be able to make a smooth transition.

Concurrent delivery of instructional services can be provided for a student whose physical or emotional condition requires the student to be absent from school on an intermittent basis.

H/HTS are not an IEP Team decision. This decision does not occur at a school based or county IEP. Parents/guardians or school psychologists will contact the pupil personnel worker (PPW), who is the liaison to the student's home school. They will request forms for services, return forms that have been completed and ask questions or clarify information. Once approved, the school-based IEP team must convene an expedited IEP Team Meeting to review and revise the student's IEP to reflect the change in hours of service.

II. Non-Public Placement

This determination is made at a County IEP Team Meeting, not a school-based IEP Team Meeting. Students with special education needs that cannot be met by FCPS are still entitled to a "free appropriate public education (FAPE)."

- A Coordinator of Special Education must attend the school-based IEP Team Meeting where a referral to a County IEP Team Meeting might possibly be discussed.
- Once a referral is made, the school team then completes a referral packet which is sent to the Central Office for review. A County IEP team meeting will be scheduled and held at the Central Office.
- If the County IEP team determines that FCPS does not have an appropriate educational program available, placement in a Non-Public School may be recommended. These schools are typically MSDE approved separate special education schools.
- A specific Non-Public school is not recommended; packets are sent to schools that may be able to meet the student's unique learning needs and the parent and student are invited to take a tour. The student must be accepted by the Non-Public school, FCPS does not determine the final placement.
- Once enrolled in a Non-Public school, the student remains a FCPS student and the Non-Public Coordinator and Teacher Specialist continue to participate in IEP meetings and assist in tracking student progress.

- If parents place their child in a Non-Public school "unilaterally" (meaning without consulting or agreeing with the recommendation of FCPS), FCPS may no longer be required to pay for special education services

Section 8: Confidentiality and Educational Records

I. Confidentiality and Record Management

A. Public Documents

All public documents regarding special education are available to interested parties through the FCPS Office of Special Education during regular business hours. Public documents include:

- Application for federal funds;
- All policies and procedures governing special education and approved by the Maryland State Department of Education (MSDE); and
- All program evaluations, program plans, and reports.

Requests for access should be made to the Supervisor of Special Education. Documentation of any requests received and records of access are maintained in the Office of Special Education (COMAR 13A.08.02.03).

B. Protection of Personally Identifiable Information

FCPS will implement procedures that ensure the protection of confidentiality of all personally identifiable information at the collection, storage, disclosure, and destruction stages. The IEP Team Chairperson will assume the responsibility for ensuring the confidentiality of any personally identifiable information at the school.

Student confidential blue folders are maintained by special education teachers and other school personnel associated with the student's special education program in accordance with federal regulations, the public school laws of Maryland, the rules and regulations of the Maryland State Board of Education, and the policies and regulations of the Frederick County Board of Education. Special education confidential blue folders are maintained for each student who receives special education services. The student's confidential blue folder contains all documents associated with identification, evaluation, placement, and the provision of FAPE. The folder is kept in a secure location in the school that the student attends. Access to the confidential blue folder is limited to FCPS personnel involved in the provision of FAPE to a student, parents, and others as authorized by the parent.

C. Persons who are not required to sign the "Record of Access"

Each public agency shall keep a record of individuals, other than parents and authorized employees of the public agency, obtaining access to education records collected, maintained, or used under Part C or Part B of the IDEA, including the name of the individual, the date access was given, and the purpose for which the individual is authorized to use the records.

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information. Each public agency shall provide parents, on request, a list of the types and locations of education records collected, maintained, or used by the public agency. Each public agency may charge a fee for copies of education records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A public agency may not charge a fee to search for or retrieve information from education records.

D. Annual Notice of FERPA Requirements

FCPS notifies parents and eligible students annually of their rights under the Family Education Rights and Privacy Act (FERPA), including a statement that the parent and/or eligible student has the right to:

- Inspect and review the student's educational records; Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- Consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that regulations authorize disclosure without consent;
- File with the U.S. Department of Education a complaint concerning alleged failures by FCPS to comply with the requirements of the FERPA;
- Obtain a copy of FCPS policies and places where copies of the policies are located.

The notification includes a statement of the intent of FCPS to collect, maintain, and use personally identifiable information which may be transmitted to MSDE in an unidentifiable form.

E. Educational Records

Education records means the type of records covered under the definition of "education records" in 34 C.F.R. part 99 (the regulations implementing the Family Educational Rights and Privacy Act [FERPA] of 1974) including early intervention records.

II. Inspection and Review of Educational Records

A. Parent Rights and Timelines

The "Procedural Safeguards: Parental Rights" booklet given to the parent prior to the IEP Team screening meeting, and offered at least annually thereafter, contains information on FCPS procedures regarding educational records, and outlines the parent or legal guardian's rights with regards to the educational records of their student. This booklet serves as the annual notification to parents and eligible students of their rights.

Parents have the right to review their child's records and ask the public agency to correct their child's record if they think the record is not correct. Parents have the right to consent to release information about their child, yet consent is not required in some circumstances. Parents have the right to expect the public agency to keep their child's early intervention or educational records confidential and ask the public agency to destroy their child's educational information when it is no longer needed.

The public agency must obtain parental consent before personally identifiable information is disclosed to anyone other than officials of participating agencies collecting or using the information under the IDEA, or for any purpose other than meeting the requirements of providing a child with a disability FAPE under the IDEA. Disclosures addressed in referral to and action by law enforcement and judicial authorities regarding reporting a crime committed by a child with a disability does not require parental consent to the extent that the transmission is permitted by FERPA. The public agency may not release information from education records to participating agencies without parental consent unless authorized to do so under FERPA. MSDE has developed policies and procedures for public agencies, including sanctions, which the State uses to ensure that its policies and procedures are followed, and that the requirements for confidentiality, in accordance with IDEA and FERPA are met.

Under the regulations for FERPA, parental rights regarding a child's education records transfer to the child once he/she reaches the age of 18, unless the child's disability makes him/her incompetent under State law. If the parent's rights under Part B of IDEA transfer to the child who reaches the age of majority, the rights regarding educational records must also transfer to the child. However, the public agency must provide the parent and the child any notice required under IDEA. Please refer to "Transfer of Parental Rights at Age of Majority" for more specific information.

B. Copies of Records

Regulation 400-20 allows FCPS to retain a permanent record of the student's name, address, classes attended, grade level completed, and year completed on a permanent basis.

C. Amendment of Records

If a parent believes that information in the education records collected, maintained, or used under the IDEA is inaccurate or misleading or violates the privacy or other rights of their child, the parent may request the public agency that maintains the information, to amend the information. The public agency shall decide whether to amend the information in accordance with the parent request within a reasonable period of time of receiving the request. If the public agency refuses to amend the information in accordance with the request, it shall inform the parent of their refusal and advise the parent of their right to a hearing to challenge the information in educational records. A hearing conducted to challenge information in educational records must be conducted in accordance with FERPA procedures as found in 34 C.F.R. §99.22.

The public agency, upon request, shall provide the parent with an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child. If, as a result of the hearing, the public agency decides that the information is inaccurate or misleading or otherwise in violation of the privacy or other rights of the child, the public agency shall amend the information accordingly and so inform the parent of the amendment in writing. If, as a result of the hearing, the public agency decides that the information is not inaccurate or misleading or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of their right to place in the records it maintains on their child, a

statement commenting on the information or setting forth any reasons for disagreeing with the decision of the public agency

Any explanation placed in the records of your child must:

- Be maintained by the public agency as part of the child's record as long as the record or contested portion is maintained by the public agency; and
- Disclose the explanation to any party requesting a copy of the child's record or the contested portion

D. Destruction of Obsolete Information

The public agency is required to inform parents when personally identifiable information collected, maintained, or used under the IDEA is no longer needed to provide early intervention or educational services to their child. The information must be destroyed at the request of the parents. However, a permanent record of the child's name, address, and phone number, the child's grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

E. Release of Records: With/Without Parent Consent

Any parent or legally aged student who does not want the school to release directory information without the prior written consent of the parent or legally aged student, must notify the school principal in writing by September 30 of each school year. If the student enrolls after the beginning of the school year, the parent or legally aged student must submit this notification within 30 days of the date of enrollment. This notification must be submitted initially and annually in writing. FCPS has the right to release directory information regarding former students who received special education services.

The release of names and addresses of graduating students with special needs may be made by FCPS to:

- The armed services;
- Bona fide educational institutions;
- Members of the State Legislature and members of the Congress of the United States;
- Any person, agency, or department concerned with job placement of graduates who received special education services.

1. Protection of Student Confidentiality of Information

Student confidential blue folders are maintained by special education teachers and other school personnel associated with the student's special education program in accordance with federal regulations, the public school laws of Maryland, the rules and regulations of the Maryland State Board of Education, and the policies and regulations of the Frederick County Board of Education. Special education confidential blue folders are maintained for each student who receives special education services. The student's confidential blue folder contains all documents associated with identification, evaluation, placement, and the provision of FAPE. The folder is kept in a secure location in the school that the student attends. Access

to the confidential blue folder is limited to FCPS personnel involved in the provision of FAPE to a student, parents, and others as authorized by the parent.

2. Opportunity to Inspect and Review Educational Records

“Educational Record” means any personally identifiable information regarding a student with a disability. In accordance with confidentiality procedures, the parent of a student with a disability, or the eligible student, will be given the opportunity to inspect and review all of the student’s records relating to the identification, evaluation, educational placement, and the provision of FAPE.

Students who are 18 years of age or older and have or have had a special education confidential blue folder may review their own folder.

For information regarding student transfers from outside FCPS, see Section VIII, IEP Document. When a student transfers to another school system within Maryland or out of state, copies of the student’s educational record will be transferred and the original records will be placed with the inactive files. As with inactive files of students still enrolled in FCPS, these additional inactive files should be transferred to the Frederick County public school the student would be attending if still enrolled.

The IEP Team Chairperson ensures that, when confidential information is requested by another school, school system, or post-secondary institution, a reasonable attempt is made to notify the parent or legally aged student at the last known address of the parent or student (unless the disclosure is initiated by the parent) and request permission to release the confidential information. FCPS forwards, on request, confidential information to other agencies or institutions in which the student seeks or intends to enroll, or in which the student is enrolled, or from which the student receives services with written consent.

Section 9: The Grievance Process

I. Informal Review Process

The informal review process may be used to resolve disagreements between the parents of a child with a disability and the public agency responsible for the education of the child.

A. Review:

The parent(s) or legal guardian communicates a desire to informal review by email or phone call. An appointment is scheduled with a representative of special education. The appointment is informal and designed to help the parents and public agency responsible for the education of the child work through any concerns through dialogue and to continue to build relationships.

Possible Outcomes:

- What are your concerns?

- Who should I talk to?
- Discuss time frame
- Preferred method of communication

B. Gather Information:

A representative of special education collects information from the public agency responsible for the education of the child.

Possible Outcomes:

- Talk to appropriate school personnel
- Review the most recent IEP/504
- Review confidential records
- May conduct an observation of student/program
- Contact any other outside providers or advocates

C. Respond:

A representative of special education will send a letter to parents and school personnel with recommendations for moving forward.

Possible Outcomes:

- Reconvene an IEP/504 meeting
- Facilitate dialogue with all stakeholders
- Provide community resources

D. Develop:

A representative of special education will provide professional learning to the school based team when deemed necessary.

Possible Outcomes:

- Procedural Safeguard training
- Culturally responsive practices
- Behavior intervention training
- Instructional intervention training

II. Facilitated IEP Meetings

The goal of the facilitated IEP meeting is to help IEP team members communicate effectively and work towards developing an educational program to meet your child's needs. Facilitated meetings may be helpful for any IEP team, and may be particularly helpful when:

- There is a lot of new information to be processed;
- Team members would like to create better understanding;
- Team members want help staying focused on an agenda; or

- There is a particular disagreement that the team wants to make progress on.

The benefits of facilitated IEP meetings include:

- Assistance in the development of a mutually agreed-upon IEP and other team decisions;
- The chance for team members to develop and keep good working relationships;
- Building the foundation for on-going communication and collaboration between the family and the school throughout the year;
- The service is offered at no cost as a service of the local community mediation center; and
- Having someone who is not an advocate for you or FCPS assists with communication.

III. Resolving Issues

When working with parents, each staff member should make every effort to resolve issues regarding the education of the child. If disputes should arise, staff members should strive to keep the lines of communication open and assure the parents that the school wants to reach agreement. If assistance is needed, the appropriate Special Education Coordinator or Teacher Specialist should be contacted.

If parents are in disagreement with recommendations made by the IEP Team, they can appeal the decision(s) to the Supervisor of Special Education. The Supervisor of Special Education will meet with the parents in an attempt to resolve the disagreement.

The parent or organization may also refer to FCPS' Procedural Safeguards/Parental Rights booklet for information regarding the complaint procedure.

IV. State Complaints

If an individual or an organization believes a public agency has violated a federal or State law or regulation concerning an early intervention or special education requirement, or that a public agency has not implemented a due process hearing decision, a State complaint may be filed. The complaint must be filed with the MSDE and should be addressed to the Assistant State Superintendent, Division of Special Education/Early Intervention Services, MSDE, 200 West Baltimore Street, Baltimore, Maryland 21201. The person or organization that files a State complaint with MSDE must also send a copy of the complaint to the public agency at the same time. To assist with filing the complaint, detailed procedures and a form are available on the MSDE website at www.marylandpublicschools.org, or by calling the Division's Complaint Investigation and Due Process Branch at 410-767-7770.

The State complaint must include:

- A statement that the public agency has violated a requirement of federal or State law or regulation;
 - The facts upon which the statement is based;
- The signature and contact information for the person/organization filing the State complaint;
- If the State complaint is alleging a violation with respect to a specific child:
 - The name and address of residence of the child;

- The name of the school the child is attending;
- In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
- A description of the nature of the problem of the child, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time the State complaint is filed.

A State complaint must allege a violation that has occurred not more than one year prior to the State receiving the complaint. MSDE is to issue their findings within 60 calendar days of receipt of the State complaint, and may extend the 60-day timeline if:

- Exceptional circumstances exist regarding a particular complaint; or
- The parent and the public agency involved voluntarily agree to extend the time to try to mediation or alternative means of dispute resolution.

At a minimum, MSDE shall:

- Conduct an independent on-site investigation, if it is determined necessary;
- Provide the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the State complaint;
- Review all relevant information and make an independent determination as to whether a public agency has violated requirements of federal and State laws; and
- Issue a written decision to the complainant and the public agency that addresses each allegation in the complaint and contains findings of fact and conclusions.

The decision will also include the reasons for the final decision and procedures for the effective implementation of the final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance. If MSDE determines a public agency has failed to provide appropriate services, the final written decision shall address how a public agency is to remediate the denial of those services appropriate to the needs of the child, and appropriate future services for all children with disabilities.

V. Resolution Session

Within 15 calendar days of receiving a parent's due process complaint, and before the due process hearing begins, the public agency must hold a meeting with the parent and the relevant member or members of the Individualized Family Service Plan (IFSP) team or Individualized Education Program (IEP) team who have specific knowledge of the facts identified in the parent's due process complaint.

The meeting:

- Must include a representative of the public agency who has decision-making authority on behalf of the public agency; and
- May not include an attorney representing the public agency unless the parent brings an attorney.

The parent and the public agency determine the relevant members of the IFSP or IEP team to attend the meeting. The purpose of the meeting is for the parent to discuss the due process complaint, and the facts that form the basis of the complaint, so that the public agency has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

- The parent and the public agency agree in writing to waive the meeting;
- The parent and the public agency agree to try mediation; or
- The public agency initiated the due process complaint.

If the public agency has not resolved the due process complaint to the parent's satisfaction within 30 calendar days of receiving the complaint (the resolution period), the due process hearing may occur.

VI. Statewide Mediation Procedures

Mediation is a process that may be used to resolve disagreements between the parents of a child with a disability and the public agency responsible for the education of the child. If during an IEP team meeting a parent disagrees with a child's IEP or the special education services provided to the child, the IEP team shall provide the parent, in plain language:

- An oral and written explanation of the parent's right to request mediation;
- Contact information, including a telephone number, that a parent may use to receive more information about the mediation process; and
- Information regarding pro bono representation and other free or low-cost legal and related services available in the area.

Parents may request the information about mediation to be translated into the parent's native language. If the native language spoken by the parents is spoken by more than 1 percent of the student population in the local school system, the IEP team shall provide the parent with the translated document within 30 days after the date of the request.

An employee of the Office of Administrative Hearings (OAH) who is qualified and trained in effective mediation techniques conducts the mediation. The individual selected by OAH will not have a personal or professional conflict of interest.

- Mediation is at no cost to the parent or public agency responsible for the child's early intervention or education, including the cost of a meeting with parents to encourage mediation.
- A request for mediation is made to the public agency responsible for the early intervention or education of the child and the OAH. To assist parents with filing a request for mediation a form is available from the public agency and on the MSDE website at www.marylandpublicschools.org.

For further assistance, contact the public agency's Special Education Office or the MSDE, Division of Special Education/Early Intervention Services, 410- 767-7770.

- Parents or the public agency may be accompanied and advised by counsel during mediation.

- A mediation session will generally occur within 20 days of the receipt of a written request at a location convenient to parents and the public agency.
- Mediation sessions are closed proceedings. Discussions that occur during mediation must be confidential and cannot be used as evidence in any subsequent due process hearing or civil action. Parents or the public agency may be asked to sign a confidentiality pledge before the start of the mediation.
- An agreement reached by the parties in the mediation must be set forth in a written agreement that is enforceable in any State Court that has the authority to hear this type of case or in a federal district court.
- A public agency may not use mediation to deny or delay the parent's right to a hearing on the parent's due process complaint.

VII. Due Process Hearings

The parent or a public agency may file a due process complaint on any matter relating to the identification, evaluation, early intervention services or educational placement, or the provision of a free appropriate public education (FAPE) to a child.

The due process complaint must allege a violation that happened not more than two years before the parent or the public agency knew or should have known about the alleged action that forms the basis of the due process complaint.

This timeline does not apply if the parent could not file a due process complaint within the timeline because the public agency specifically misrepresented that it had resolved the issues identified in the due process complaint, or the public agency withheld information from the parent that it was required to provide under IDEA.

To file a due process complaint, the parent or the public agency (or the parent's attorney or the public agency's attorney) must submit a due process complaint to the other party and the OAH. The complaint must contain all of the content listed below and must be kept confidential.

To assist parents in filing a due process complaint, a Request for Mediation and Due Process Complaint Form is available from the public agency from which the early intervention services are provided, where the child attends school, and on the MSDE website at www.marylandpublicschools.org. For further assistance, contact the public agency's early intervention office, special education office, or the MSDE Division of Special Education and Early Intervention Services at (410) 767-7770.

A. Content of the Due Process Complaint

The due process complaint must include:

- The name of the child;
- Address of the child's residence (or, for a homeless child , available contact information);
- Name of the school the child is attending;

- Name of the public agency responsible for the education of the child (i.e., local school system);
- A description of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time of the complaint.

The parent or the public agency may not have a due process hearing until the parent or the public agency (or the parent's attorney or the public agency's attorney), files a due process complaint that includes this information.

B. Child's Status During Proceedings

During the pendency of any administrative or judicial proceeding (except as provided under the discipline section), unless the parent and public agency agree otherwise, the child must remain in his or her current early intervention or educational placement. If the proceeding involves an initial application for initial admission to public school, the child, with parental consent, must be placed in the public program until the completion of all proceedings. If the decision of the ALJ agrees with the parents that a change of early intervention services or education placement is appropriate, that placement becomes the child's current placement during the pendency of subsequent appeals.

For more information regarding Due Process, please refer to the Procedural Safeguards.

VIII. Unilateral Removal of Students with Disabilities when FAPE is an Issue

IDEA does not require a public agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school if the public agency made a free appropriate public education (FAPE) available and the parents chose to place their child in a private school. However, the public agency shall include the child in the population of children placed in private schools by their parents, in accordance with the federal regulations. Disagreements between the parents and the public agency regarding the availability of FAPE and financial responsibility are subject to due process complaint procedures under IDEA. Please refer to "Resolving Disagreements" for more specific information.

If a child with a disability had previously received special education and related services under the authority of a public agency, and the parents enroll their child in a private preschool, elementary, or secondary school without the consent or referral of the public agency, an ALJ or a court, may require the public agency to reimburse parents for the cost of that enrollment if an ALJ or a court finds that the public agency had not made FAPE available to the child in a timely manner prior to that enrollment, and that the private placement is appropriate. An ALJ or a court may find your parental placement to be appropriate even if it does not meet the State standards that apply to education provided by public agencies.

Appendices

APPENDIX A

I. Abbreviations and Definitions

[Understanding Special Education Commonly Used Terms, Acronyms, Definitions](#)

II. Suggested Guidelines for Addressing the Educational Needs of English Learners (EL)

The Maryland State Department of Education requires that, prior to entrance into an English Learning (EL) program, students with limited English proficiency be screened using the Language Assessment Scale (LAS). This test is also administered again at the end of the school year to evaluate student progress. The EL Registrar administers this screening tool. The EL Registrar also administers a math proficiency test to assess basic math skills for secondary students. In addition, the EL Registrar gathers an extensive family history. A review of all the information gathered from those tests should be shared with appropriate school personnel to serve as a baseline regarding students' academic functioning.

The EL and/or general education teacher identifies a student's needs or concerns. These needs/concerns may reflect one or more of the following areas: lack of gains in English proficiency, inappropriate social interactions, inability to follow established school routines, inappropriate behavior, attentional problems, acculturation and appropriateness of the learning environment.

Every student exhibits a different profile, and therefore each case must be considered individually. The expertise of an ELL staff member is an excellent resource for determining a student's progress.

Collaboration between general education and EL staff to develop appropriate interventions and strategies must occur. Anecdotal records and data collection must be analyzed to determine if interventions are effective and whether changes need to occur. Examples of interventions include:

- Conducting an observation of the student (by an EL representative in both EL classes and general education classes)
- Assigning a "buddy" to assist a student receiving EL services in the general education classroom
- Providing training for staff to familiarize them with the appropriate modifications for EL students (i.e., avoiding multi-part instructions, asking student to repeat or paraphrase instructions)
- Contacting parents to gather information regarding the student's exposure to the English language at home and/or other factors that may be influencing the student's functioning at school. The EL Bilingual Community Liaison is available to help communicate with parents who have limited English proficiency. This communication will also keep the parent apprised of concerns the school may have.

A timeframe should be established for implementation of the interventions and completion of evaluations of student progress. If, after the designated intervention period, concerns remain, the student should be referred to the school's Student Services Team (SST). An EL representative must be invited to this meeting.

At the SST meeting, participants will review the interventions previously implemented, and determine the need for additional information. This may include the administration of the Bilingual Verbal Ability Test, which

assesses the student's verbal abilities in his/her primary and secondary languages. Further interventions and strategies should be identified, and a timeframe established for review. Anecdotal records and data collection need to continue.

III. State Reporting

The state reporting information contains records for all students who have an active IEP. This data is taken directly from the online IEP (OIEP) platform.

Record keeping begins when a student is first identified and found eligible for special education services by the IEP Team. Records are maintained throughout the student's enrollment in special education. IEP Team decisions that change the IEP are reflected in changes made to the OIEP. When a student is no longer receiving special education services from FCPS, they must be exited from the OIEP. Graduating seniors must be exited by June 30th of their graduation year.

Federal appropriation of funds to FCPS' special education program is contingent upon state reporting information. It is imperative that our data in the OIEP accurately reflects every student receiving special education services.

Case managers are expected to update IEPs on a continuing basis throughout the school year. October 31st is the critical date for reporting census data to the Maryland State Department of Education.

IV. Notice of Low Cost Legal and Other Relevant Services

On request, parents are informed of any free or low cost legal and other relevant services available in the area. A list of free or low cost legal services and services for assistance in understanding the special education process is included in the Procedural Safeguards: Parental Rights (OR:10) booklet. Parents may contact the Office of Special Education for additional information.

V. Partners for Success

Partners for Success serves parents and educational professionals of all Frederick County Public School students and youth with disabilities age 3 through 21. Partners for Success is an information and referral service that offers problem-solving assistance, consultation, and training and support for parents. For educators, the program offers information on disabilities and support for making accommodations for students with special needs. For more information, contact the Partners for Success coordinator at 240-236-8430.

Information regarding confidentiality of information and opportunities to examine records can be found in Section 8: Confidentiality and Educational Records

APPENDIX B: [CITIZENS ADVISORY COMMITTEE BYLAWS](#)