
DORCHESTER COUNTY PUBLIC SCHOOLS



“Every Child a Success!”

Special Education Department Handbook

Revised August 2022

The Board of Education of Dorchester County
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The Board of Education of Dorchester County does not discriminate in admissions, access, treatment, or employment in its programs and activities on the basis of race, color, age, sex, national origin, religion, disability, sexual orientation or other basis prohibited by law.

Appropriate accommodations for individuals with disabilities will be provided upon request. The information in this announcement is available in alternative formats upon request.

Concerns regarding the above are directed to Dr. Michael Collins, Director of Operations, Dorchester County Public Schools, 700 Glasgow Street, Cambridge, Maryland, 21613, or by phone at 410-228-4747, extension 1015.

DORCHESTER COUNTY PUBLIC SCHOOLS



“Every Child A Success”

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PHILOSOPHY

We believe that every staff member is accountable for the learning of all children, including those with and without disabilities. All students are entitled to every facet of the educational process and to the respect that comes from successful interaction in a school system with high expectations.

We believe that all students can learn and have the right to an education. We accept each student as an individual, yet work to realize the universal goals of education. As a department, we are committed to universal design for learning, thereby utilizing instructional methods that meet every child's unique learning style so they may become lifelong learners and valued members of their communities. Patience, compassion, and knowledge of each individual student, combined with academic competence, instructional know-how, and commitment to the field of Special Education are the bed rock upon which our mission is built.

We believe a child-centered service delivery system will result from coordination and innovative use of present resources and support for evolving programs. Communication and collaboration between staff, students, families and community will empower all students to reach his or her maximum potential. As this effort is accomplished, the entire school population will realize the benefits of an improved education setting.

MISSION

Our mission is to make accessible through our best individual and collective efforts, the curricula as they have been set forth by the Federal and State governments as well as Dorchester County Public Schools to all students. In so doing, it is our intent to progress each student, with their individual educational needs, towards the universal goal of becoming independent, lifelong learners.

FORWARD

The Dorchester County Public School System is committed to providing quality educational experiences to all students. Therefore the Board of Education of Dorchester County assures that all students with disabilities will have available free, appropriate public education programs and services. These programs shall be provided in the most appropriate, least restrictive environment based on the needs of the student.

This Special Education Department Handbook supersedes all previously issued copies. It provides both administrative information and procedures for the Individual Education Program (IEP) Committee. It contains all procedures and guidelines for special education and related services. The procedures and guidelines continued herein supersede all other special education procedures and guidelines.

It is intended to assist administrators, special educators, and related services personnel in carrying out the responsibilities in regard to the provision of a free and appropriate public education for all students with a disability.

The enclosed document is condensed to include information that you will need, and is organized for ease of use. Please feel free to send feedback to the Special Education Department so that we may update and improve this document. All sections are referred to in the Table of Contents and pages are numbered to reflect their location.

Should you have specific procedural questions, please contact the Supervisor of Special Education at the Dorchester County Board of Education.

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PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION

SECTION 1 - REFERRAL

Referral to an IEP team

For students enrolled in Dorchester County Public Schools (DCPS), the referral process is begun through completion of a written referral form by a teacher, state educational agency, other state agency, physician/health provider, or DCPS /or parent / guardian / parent surrogate. If a parent/guardian/parent surrogate makes an oral request for assessment or and IEP, a form will be completed by DCPS personnel to complete that request. This form is submitted to the Student Services Team (SST) of the school the student attends. For any student with a suspected disability who may need special education, the DCPS SST Consideration for Referral to Special Education Form ([See Appendix DCPS Consideration for Referral to Special Education or Section 504 Form](#)) must be completed at the SST meeting. The original form is given to the special education case manager by the school principal or designee. The special education case manager is responsible for filing the original form in the student's special education file (Section #2) and a copy is sent to the school psychologist. The special education case manager will schedule an IEP meeting upon receipt of the referral form.

An IEP team shall complete an initial evaluation of a student within (a) 60 days of parental consent for assessments and (b) 90 days of receiving a written referral.

The IEP team will review existing assessment data, information from the parent / guardian / parent surrogate, response to instructional interventions and strategies, current classroom-based assessments and observations by teachers and related service providers.

If not enrolled in public school, all students with a suspected disability who may need special education are referred to the Child Find Coordinator. DCPS shall ensure that all students with disabilities, three years old to the end of the school year in which the student turns twenty-one, residing within Dorchester County are located, identified, evaluated, and provided services consistent with State and Federal laws. The Child Find Coordinator will forward the DCPS Child Find Referral Form ([See Appendix DCPS Child Find Referral Form](#)) to the IEP team at the appropriate public school.

If a parent of a student who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the

parent fails to respond to a request to provide consent, the DCPS may not use the consent override procedures and the DCPS is not required to consider the student as eligible for services consistent with 34 CFR §300.300(d)(4)(i,ii).

Determination of Need for Assessment

Once a referral has been made to an IEP team for a student with a suspected disability, the designated special education case manager will schedule a meeting with appropriate participants to review:

- existing assessment data,
- information from the parent / guardian / parent surrogate,
- response to instructional interventions and strategies,
- current classroom-based assessments,
- observations by teachers and related service providers,
- relevant health/medical information,
- other relevant data.

The parent will receive written notice of all assessment procedures that the IEP team proposes or refuses as the result of the meeting. The special education case manager is responsible for obtaining parent / guardian / parent surrogate permission for assessment in the areas identified by the IEP team for which additional data is needed. Students will be assessed in all areas related to the suspected disability determined by the IEP team.

If the IEP team decides that sufficient information has been collected, and that no assessments are needed, then the student's parent / guardian / parent surrogate will receive written notice of the DCPS IEP team's decision not to conduct an evaluation. If the parent / guardian / parent surrogate disagrees, then the parent / guardian / parent surrogate will be informed by the special education case manager of their right to appeal that decision. The parent / guardian / parent surrogate may also appeal the decision if the IEP team does not suspect a disability and the parent / guardian / parent surrogate disagrees.

SECTION 2 - ASSESSMENT

Assessment Procedures

Areas of Assessment

The IEP team will ensure that a student suspected of having a disability shall be assessed in all areas related to the suspected disability, a variety of assessment tools and strategies shall be used to gather sufficient relevant functional, cognitive, developmental, behavioral, and physical information, academic information, and information provided by the parent / guardian / parent surrogate to enable the IEP team to determine:

- if the student is a student with a disability,
- the student's education needs; and
- the content of a student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum, or, for preschool student, 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.

A single procedure or assessment may not be used as the sole criterion for determining if a student is a student with a disability and an appropriate educational program for a student. An educational assessment and at least one other assessment will be completed by personnel from different disciplines. Data will be obtained in all areas identified for assessment by the IEP team. An appropriate educational program will be determined by the IEP team after consideration of all assessment data.

Initial Assessment

Initial assessments for students with disabilities who transfer from one public agency to another in the same school year shall be expeditiously coordinated by DCPS with the student's prior and subsequent public agency to ensure prompt completion of an initial evaluation. The special education case manager is responsible for ensuring initial assessments are conducted in a timely manner.

If a student is suspected of being a student with a Specific Learning Disability (SLD), or is a student with a SLD, at least one member of the IEP team, other than the student's general education teacher, shall observe the student and the learning

environment, including the general classroom setting to document academic performance and behavior in the areas of difficulty. If a student is younger than school age or not in school, an IEP team member shall observe the student in an environment appropriate for a student of that age. (Note: The DCPS and other Maryland school systems use the term SLD to include students with learning disabilities, including students medically diagnosed with “dyslexia”)

Testing and assessment materials and procedures used for the purposes of evaluation and placement and used to assess a student’s need for special education and related services are selected and administered so as not to be racially or culturally discriminatory.

Assessment Materials

DCPS personnel responsible for assessing students to determine eligibility for special education and related services will use only testing and assessment materials and procedures that are not racially or culturally discriminatory. All testing and assessment materials utilized will have been reviewed and approved for use through the Special Education Central Office of DCPS. Personnel using the testing and assessment materials will have received in-service training on the materials.

The IEP team ordering assessments will arrange for the student to be assessed in all areas, as appropriate, related to the suspected disability. *At a minimum, an educational assessment and one other assessment will be completed by personnel from different disciplines.* Assessments will be administered by trained and knowledgeable personnel using a variety of assessment tools and strategies that are technically sound. A standardized test administered to a student shall be valid for the specific purpose for which it is used and administered by trained and knowledgeable personnel in conformance with the instructions provided by the producer of the test.

Assessments will be provided and administered in the student’s native language and form most likely to yield accurate information. Should there be a possibility that the student to be evaluated requires a bilingual evaluation; the Special Education Department shall be contacted so a determination may be made if such an evaluation is required. If so, arrangements shall be made for a bilingual evaluation. Assessment materials are not limited to procedures designed to provide a single general intelligence quotient and include procedures tailored to assess specific areas of educational need rather than measuring the student’s English language skills.

The results of assessment procedures selected for use with a student with impaired sensory, manual, or speaking skills shall accurately reflect the student's aptitude or achievement level rather than the student's impaired sensory, manual, or speaking skills, except when those skills are the factors that procedures purport to measure.

When using standardized tests or any evaluation procedure given to assess students, DCPS personnel will only use those tests that have been validated for the specific purpose for which they are used.

The IEP team will use assessment information to determine if the student has a disability. If the student is found to have a disability and in need of special education and related services, the IEP team will develop an IEP to address the student's needs. The IEP team will rely on assessment information to determine the content of the IEP, including enabling the student to be involved in and progress in the general education curriculum. For preschoolers, the focus of the IEP will be enabling students to participate in appropriate activities.

Reports of Assessments

When the IEP team convenes for an evaluation meeting, reports will be available for all assessment procedures administered to a student in each area of suspected disability. Each report of assessment procedures must be written, dated and signed by the examiner who conducted the assessment. One of the required components of each assessment report is a description of the student's performance in each area of suspected disability. Also included in the report is relevant information, instructional implications for the student's participation in the general education curriculum or, for a preschool student, participation in appropriate activities, and a description of the extent to which assessment procedures were not conducted under standard conditions.

Assessment reports are to be sent to parents/guardians/parent surrogates at least 5 business days in advance of the Assessment Review meeting.

SECTION 3 - EVALUATION AND ELIGIBILITY

Initial Evaluation

An IEP team will meet to conduct a full and individual evaluation of a student within sixty (60) days of receipt of written parent / guardian / parent surrogate consent for assessments. Exception to the timeline for completion of the initial evaluation shall apply if the parent / guardian / parent surrogate of the student repeatedly fails or refuses to produce the student for assessments or a student enrolls in a different school system prior to the completion of the initial evaluation.

The special education case manager will be responsible for scheduling the IEP meeting to review the completed assessment information with the appropriate participants within the timeline. The purposes of the meeting will be to determine if the student has a disability and needs special education and related services.

At the initial evaluation meeting (IFSP or IEP), parents shall be provided with written information that the parents may use to contact early intervention and special education family support services staff members within DCPS and a brief description of the services provided by the staff members. If the parent's native language is not English, then this information has to be provided to the parent in the parent's native language.

Students with Disabilities Transferring Into Dorchester County From Another Maryland County

The general education policies must be followed in regard to enrollment. Students must be properly enrolled and legal parent / guardian / parent surrogate identified and documented prior to an IEP meeting being conducted.

The DCPS shall consult with the student's parents and provide FAPE to the student, including services comparable (similar or equivalent) to those identified in the former school system's IEP, until the DCPS IEP team:

- (a) adopts the student's IEP from the former school system; or
- (b) develops, adopts, and implements a new IEP.

At the initial evaluation meeting (IFSP or IEP), parents shall be provided with written information that the parents may use to contact early intervention and special education family support services staff members within DCPS and a brief description

of the services provided by the staff members. If the parent's native language is not English, then this information has to be provided to the parent in the parent's native language.

An IEP meeting shall be scheduled within thirty (30) days of enrollment. At the IEP team meeting, the IEP team shall determine if new assessments are required. If the IEP team recommends new assessments, they shall be obtained consistent with the DCPS assessment procedures. The results of the assessment procedures shall be used by the IEP team in reviewing, and as appropriate, revising the student's IEP within ninety (90) days of the IEP team meeting. If the IEP team and the parents concur, the IEP may be amended during the assessment period.

If new assessments are not recommended by the IEP team, and the IEP team proposes changes to the IEP, and the IEP is amended, the new IEP shall be implemented as soon as possible. The parents may file for mediation or a due process hearing if they disagree with the decision(s) of the IEP team. Prior Written Notice shall be provided to the parents.

Students' special education records must be quickly transferred to DCPS. A record request must be made within two school days for children in State supervised care, including those in foster care placements as well as in Juvenile Services Administration Facilities.

To access a student's IEP from a LSS or Public Agency utilizing the Maryland Online Individual Education Program (MOIEP), transferring staff contacts resident county to inform them that a student from that resident county is in their school/facility. In the Maryland Online IEP, the transferring resident county changes the resident county and resident school on the "Edit Demographics Page" to those of the receiving school/facility. To access a student's IEP from a LSS or Public Agency that does not utilize the MOIEP, transferring staff make the request to the person(s) noted on the *Maryland IEP Access Contact List* either for read only access to the LSS IEP vendor tool or to request a paper copy version (either by fax, PDF, or as an email attachment) of the student's IEP record.

If the student's special education record is not available, the DCPS shall contact the prior school to request records. Written consent from the parent is not required to obtain records from the sending school. Verbal reports of needs and placement should be documented in the Communication Log. In cases where the alleged most current IEP is provided to the DCPS, but the student's records have otherwise not been provided, the oral information provided may be deemed sufficient in determining a temporary placement until an IEP meeting is scheduled to determine the need for assessment based on a suspected disability. If the DCPS is not provided with an IEP, but the parent states an IEP exists, the alleged IEP does not have to be implemented. However, an IEP team meeting shall be scheduled to determine eligibility and if eligible, the need for an IEP.

If the needed services of a transfer student are determined to require special education for more than sixty percent (60%) of the student's school program then the Supervisor of Special Education shall be notified to review the record. This review shall not delay the implementation of the IEP.

If the student is residing in Dorchester County due to a foster placement by a private or public agency, the above procedures apply. In addition, the receiving school shall determine the need for a parent surrogate. The case manager shall ask the sending school if the student currently has a parent surrogate. If so, the parent surrogate shall be invited to all IEP meetings. If the student does not have a parent surrogate, the case manager shall contact the students' social worker and/or the juvenile justice worker to determine the need for a parent surrogate and request the Court Order assigning parental rights. The special education case manager shall request a copy of the guardianship decree from the courts when available from the social worker. The special education case manager shall complete the appropriate form and contact the assigned CORE Team member who will identify and train the parent surrogate as soon as possible.

Students with Disabilities Transferring Into Dorchester County From Another State

When a student transfers to the DCPS from another State, the DCPS, in consultation with the parents, shall provide the child with FAPE, including services comparable (similar or equivalent) to those in the IEP from the previous State, until such time as the DCPS IEP team conducts an evaluation (if determined to be necessary), and adopts a new IEP. If a parent disagrees with the DCPS about the comparability of services, *stay-put does not apply*.

At the initial evaluation meeting (IFSP or IEP), parents shall be provided with written information that the parents may use to contact early intervention and special education family support services staff members within DCPS and a brief description of the services provided by the staff members. If the parent's native language is not English, then this information has to be provided to the parent in the parent's native language.

The DCPS shall hold an IEP team meeting within thirty (30) days of enrollment. If the DCPS IEP team determines that an evaluation of the student is necessary to determine whether the student is an individual with a disability under DCPS' criteria, the IEP team must conduct the evaluation. Until the evaluation is conducted, the DCPS, in consultation with the parent, shall provide the student with FAPE, including services comparable (similar or equivalent) to those described in the IEP from the previous school system. This evaluation is considered an *initial* evaluation by the DCPS and requires parental consent. The evaluation must be completed within sixty (60) days of parental consent.

If a parent refuses consent, the DCPS may not file for due process or mediation. The student shall not be eligible for an IEP and a FAPE need not be provided to the student when parental consent is not provided.

The DCPS IEP team shall develop a DCPS IEP for the student. This IEP shall be considered an *initial* IEP and shall require parental consent for implementation. If the parent refuses to provide consent, the DCPS may not file for due process or mediation. The student shall not be eligible for an IEP and FAPE need not be provided.

Infants and Toddlers in Transition

An IEP team meeting will be convened to determine if a child in transition from a local infants and toddlers program has a disability that requires the provision of special education and related services

***Refer to Section 17 of this handbook for additional information.**

Review of Assessment Information

When conducting an evaluation, the IEP team shall draw upon information from a variety of sources, including: existing data, current classroom-based, local and statewide assessment, parent / guardian / parent surrogate input, as well as observations by teachers and related service providers. The IEP team will carefully consider and document information used as a basis of the team's decision. The written decision shall include information provided by the parent / guardian / parent surrogate, results of assessment procedures used as a basis for determination, a statement as to whether the assessment procedures were valid for the purposes intended and valid for the student, and whether the student is a student with a disability.

The IEP team may not determine that a student is a student with a disability if the determinant factor for the decision is a lack of reading instruction. The lack of systematic instruction in reading means the student has not received explicit and systematic instruction in: phonemic awareness, phonics, vocabulary development, reading fluency and oral reading skills, and reading comprehension strategies. The IEP team may not determine that a student is a student with a disability if the determinant factor for the decision is a lack of math instruction or limited English proficiency.

Screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

The special education case manager is responsible for providing the parent / guardian / parent surrogate with a copy of the IEP team decision.

Procedures for Determining Eligibility

When completing an evaluation, the IEP team will consider information from a variety of sources. In determining whether a student has a disability requiring the provision of special education, the special education case manager will document the information used as a basis for the IEP team's decision in the notes of the IEP team meeting. The determination of eligibility must include identification of the disability based upon DCPS criteria:

A. *Intellectual Disability (01)**

The term "Intellectual Disability" means significantly sub-average general intellectual function existing concurrently with deficits in adaptive behavior and manifested during the developmental period (birth to age eighteen (18)), which adversely affects a student's educational performance.

Criteria:

1. Sub-average intellectual functioning.
2. Deficits in adaptive behavior. Assessment of the student's adaptive functioning shall be obtained from the school and home settings whenever possible

An educational assessment will determine the adverse effect of the disability on the student's educational performance.

B. *Hearing Impairment (02)**

The term "hearing impairment" means an impairment in hearing, whether permanent or fluctuating, which adversely affects a student's educational performance, but which is not included under the definition of deafness.

Criteria:

Certification of the area of disability and the extent of the hearing loss must be determined by an audiologist.

The adverse effect of the hearing loss on educational performance must be assessed by a teacher of the deaf and hard of hearing or a special education teacher.

*C. Deafness (03)**

The term “deafness” means a hearing impairment so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

Criteria:

Certification of the area of disability and the extent of the hearing loss must be determined by an audiologist.

The adverse effect of the hearing loss on educational performance must be assessed by a teacher of the deaf and hard of hearing or a special education teacher.

*D. Speech or Language Impairment (04)**

The term “speech or language impairment” means a communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, which adversely affects a student's educational performance.

The speech / language pathologist (SLP) serves as the assessor for the determination of a speech / language disability that is interfering with the child's school performance.

Criteria:

- A speech (fluency / articulation) impairment must be certified by a speech/language pathologist.
- A language impairment must be certified by a SLP.
- For a voice disorder, a medical clearance must be received prior to therapy.
- For a hearing disorder, an audiological assessment must be received prior to therapy.

A disability may be identified in one or more of the following areas of speech/language skills.

Articulation:

Speech Assessment

Two (2) or more phonemic errors below the appropriate developmental level or a combination of errors that substantially impairs intelligibility must be identified. The IEP team must determine that the student's articulation errors negatively impact his / her educational performance via formal or informal measures (i.e. standardized assessment results, play-based assessments, curriculum-based assessment, teacher and parent interviews/questionnaires, observation, language sample (intelligibility, grammar, syntax, sentence length, organization, vocabulary/concepts, and the functional use of language (pragmatics)).

Educational Assessment

Documentation that the articulation disorder interferes with educational performance is needed. In addition, the educational assessment report must include examiner comments regarding the effect of the articulation disorder during testing.

Voice:

Voice Assessment

DCPS requires medical clearance from a medical practitioner prior to a speech language pathologist performing a voice assessment or providing treatment. A voice assessment should include all components of a comprehensive speech and language assessment, however further delineation of assessment procedures related to respiration, phonation, pitch, resonance, rate, in addition to, consideration of high risk and interpersonal factors.

Documentation by an SLP, using formal and / or informal procedures, must indicate the presence of abnormal voice production in order for therapy to be recommended. It is important that the SLP consider the voice assessment results in concert with information gathered from medical reports, a case history, and teacher and parent input regarding the student's vocal functioning in both the classroom and home settings.

Documentation must indicate that the voice disorder adversely affects the student's performance in the educational setting in areas such as, oral participation, oral presentations, discussions, and communication apprehension, etc.

After reviewing the information from all sources, the IEP team members will then determine if the student qualifies as a student with a speech and language disability.

Educational Assessment

Documentation that the voice disorder interferes with educational performance is needed. In addition, the educational assessment report must include examiner comments regarding the effect of the voice disorder during testing.

Fluency:

Speech / Fluency Assessment

A comprehensive assessment should be conducted by a certified SLP that may include standardized assessment results, teacher and parent interviews / questionnaires, observation, and a speech sample, etc. A mild to very severe rating on an appropriate measure of fluency is required. If a fluency disorder is suspected, the IEP team will determine if the disorder is an educational disability that hinders the student's ability to access the curriculum and / or ability to communicate effectively in the school environment.

Educational Assessment

Documentation that the fluency disorder interferes with educational performance is needed. In addition, the educational assessment report must include examiner comments regarding the effect of the fluency disorder during testing.

Language:

Students with Autism Spectrum Disorders

A thorough language assessment should be conducted and shared with the IEP team members by a certified SLP.

DCPS follows the American Speech-Language-Hearing Association's (ASHA) guidelines stating that a student's diagnosis and eligibility for services must be determined by a team rather than a single individual. Formal assessment tools may not accurately detect problems in the social use of language and communication for individuals with ASD; hence eligibility for special education services may need to be based on clinical judgment and more informal / observational measures by the IEP team members. Individuals with ASD may be eligible for speech-language pathology services due to the pervasive nature of the social communication impairment, regardless of:

- age,

- cognitive abilities, or
- performance on standardized testing of formal language skills.

These procedures also apply to individuals who receive, or are being evaluated for multiple disabilities, where one of the multiple disabilities is an Autism Spectrum Disorder.

Student with Intellectual Disabilities:

A thorough language assessment should be conducted and shared with the IEP team members by a certified SLP.

Individuals with Intellectual Disabilities or Developmental Disabilities of all ages are eligible for SLP services when enhancement of communication skills is needed for them to function effectively in their everyday lives, regardless of age or cognitive level relative to communication abilities.

For students with intellectual disabilities that also have a speech and language disability, speech language pathologists should use a collaborative model in ensuring that appropriate goals pertinent to that student's success are being targeted to allow that student to reach his / her long-term goals and promote carryover of targeted language skills.

Specific Language Impairment:

Language Assessment

After completion of a language assessment (completed by a SLP) a deficit of at least one and a half (1.5) standard deviations below the mean of the assessment instrument in the area of expressive or receptive language skills is needed in order to qualify for speech therapy services. *However, the one and a half (1.5) deviation criterion is not to be used for individuals with intellectual disabilities or individuals with autism spectrum disorders.*

These procedures also apply to individuals who receive, or are being evaluated for multiple disabilities, where one of the multiple disabilities is an Intellectual Disability.

Educational Assessment

The educational assessment is completed by a special education teacher. A deficit of at least one and a half (1.5) standard deviations below the mean of the assessment instrument in an area of educational performance is needed. Students in kindergarten or 1st grade may not show a discrepancy this large on the education assessment. If a deficit of only one (1) standard deviation is identified, then documentation from the teacher that language problems interfere with classroom performance is also necessary.

Cognitive Assessment

In regard to cognitive assessment, the role of the psychologist is to determine the student's cognitive potential. The psychologist identifies the cognitive score that is most representative of the student's intellectual functioning. In making the determination, the psychologist must consider all areas of the cognitive assessment and explain any discrepancies which might be influenced by a potential language disability.

After all assessments are reviewed by the IEP team members, the IEP team will determine if a student qualifies as a student with a disability. When the utilization of a discrepancy model is appropriate (not with students with autism or students with intellectual disabilities that have communication impairments), a discrepancy of at least one and a half (1.5) standard deviations between the scores for cognitive potential and expressive or receptive language would indicate the existence of a disability. If a discrepancy of only one (1) standard deviation is identified, then documentation from the teacher that language problems interfere with classroom performance is also necessary. Even if the results of the assessments do not meet the numerical guidelines for identifying a language disability, the IEP team may rely on professional judgment and supportive classroom data to make the decision about the existence of a disability.

This discrepancy standard will not apply to students six years of age or younger. A language disability for preschool children is determined through the results of the speech pathologist using standardized assessments with scores two (2) standard deviations below the mean.

E. Visual Impairment including blindness (05)*

The term “visual impairment” including blindness means an impairment in vision, which, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

Criteria:

The degree of visual impairment must be certified by an ophthalmologist or optometrist.

Legally Blind

A person whose visual acuity is 20/200 or less, in the better eye, after correction.

An educational assessment must be completed to determine the effect of the visual loss on educational performance.

Partially Sighted

A person whose visual acuity is 20/70 or less in the better eye, after correction.

An educational assessment must be completed to determine the effect of the visual loss on educational performance.

F. Emotional Disability (06)*

The term “emotional disability” describes a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance:

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

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

Criteria:

Certification of the disability must be made by at least one of the following:

1. A licensed psychiatrist.
2. A licensed psychologist.
3. A certified school psychologist, who certifies and states the implication for the disability.

An educational assessment is completed to measure the extent to which the inability to learn has affected educational performance.

G. Orthopedic Impairment (07)*

The term “orthopedic impairment” means an orthopedic impairment, which adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly, (e.g., clubfoot, absence of some limb(s), etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

Criteria:

The orthopedic impairment must be certified and a specific treatment must be prescribed by an appropriate physician on the DCPS Physician’s Letter and Assessment Report (**See Appendix DCPS [Physician’s Letter and Assessment Report Form](#)**).

The physical therapy necessary must be determined by a licensed physical therapist.

An educational assessment must be completed to determine the adverse effects of the orthopedic impairment on the student's educational performance.

H. *Other Health Impairment (08)**

The term “Other Health Impairment”, means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment due to chronic or acute health problems (such as asthma, types of attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette’s Syndrome) which adversely affects a student's educational performance.

Criteria:

A physician must certify, and state the medical implications for the specific impairment in writing and on the DCPS Physician’s Letter and Assessment Report (**See Appendix DCPS [Physician’s Letter and Assessment Report Form](#)**).

An educational assessment must be completed to determine the adverse effects of the other health impairment on the student's educational performance.

I. *Specific Learning Disability (09)**

The term “specific learning disability” refers to a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dysgraphia, dyscalculia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional disability, or environmental, cultural, or economic disadvantage.

In determining whether a student has a SLD, DCPS will ascertain whether a student:

1. does not make sufficient progress to meet age or state approved grade-level standards in one or more of the 8 academic areas using a process based on the student’s response to evidenced-based intervention or
2. exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development

The IEP team may, in conjunction with one of the two options above, also look for a severe discrepancy between intellectual ability and achievement.

A student may not be identified as a student with a disability if the determinant factor is lack of appropriate instruction in reading or math.

The determination of the IEP team concerning the effects of environmental, economic, and/or cultural disadvantage will be documented. Each IEP team member will also provide written certification as to whether the written report reflects the member's conclusion.

The determination of a SLD shall be made by an IEP team and include individuals collectively qualified to conduct individual diagnostic assessments of students.

Procedures for Determining Eligibility

When completing an evaluation, the IEP team will consider information from a variety of sources. In determining whether a student has a disability requiring the provision of special education, the special education case manager will document the information used as a basis for the IEP team's decision in the notes of the IEP team meeting. The determination of eligibility must include identification of the disability based upon DCPS criteria:

Evaluation Team: In evaluating a student suspected of having a specific learning disability, the team must include:

- Psychologist
- Special Education Teacher
- IEP Administrative Designee
- Speech/Language Pathologist, when appropriate.
- One of the student's General Education Teacher(s)
- Parent / guardian / parent surrogate

Criteria:

1. Psychological Assessment: It is the psychologist's responsibility to administer and interpret an individual psychological assessment and report the results to the IEP committee. The purpose of the assessment is to determine cognitive potential and address psychological processing.
2. Educational Assessment: This assessment is to be completed by a certified evaluator such as a special education teacher to determine the actual educational achievement level of the student.

2. Language Assessment: This assessment, when appropriate, is administered by a Speech Language Pathologist to pinpoint strengths and weaknesses in the language areas. When appropriate this assessment may be used to determine the existence of a severe discrepancy between cognitive ability and language development.
4. Observation: At least one team member, other than the student's general teacher, shall observe and record the student's academic performance in the general classroom setting in one or more areas of suspected difficulty.
5. Written Reports: Each evaluator will submit a written report for the IEP team's review. The multidisciplinary team shall prepare a written report summarizing the results of the assessments of the student to include a statement of:
 - a. whether the student has a specific learning disability,
 - b. the basis for making the determination,
 - c. the relevant behavior noted during the observation of the student,
 - d. the relationship of that behavior to the student's academic functioning,
 - e. the educationally relevant medical findings, if any,
 - f. the determination of the team concerning the effects of visual, hearing, or motor disability, intellectual disability, environmental or economic disadvantage or limited English proficiency on the student's achievement and/or cultural disadvantage will be documented
 - g. If the student participated in a process to assess the student's response to scientific, research-based intervention: instructional strategies used and the student-centered data collected; strategies for the student's rate of learning; documentation that the student's parents were notified of DCPS policies regarding the amount and nature of student performance data that would be collected and general education services that would be provided; and parent's right to request an evaluation

Each team member shall certify in writing whether the report reflects his or her conclusion. If the written report does not reflect an IEP team member's conclusion, the team member must submit a separate statement presenting the team member's conclusion.

Criteria of Identification

Identification of a specific learning disability will usually be determined by applying a pattern of strengths and weaknesses or predicted difference model. If the previous methodologies are not appropriate, a simple difference method will otherwise be

used. When implementing the simple difference method, a difference of approximately 1.5 standard deviations will constitute a severe discrepancy.

If a significant discrepancy is not documented through a standard score comparison, verification of a significant discrepancy should then be made by the multidisciplinary team and sufficient data presented to demonstrate the presence of a specific learning disability. Assessment data that demonstrates that the significant discrepancy criterion level was not met and information used to override the criteria must be included. This may include results of structured clinical tasks, work samples, a significant number and range of behaviors related to psychological processing deficit(s), etc.

J. Multiple Disabilities (10)*

The term, multiple disabilities, means concomitant impairments (such as Intellectual Disability / Blindness; Intellectual Disability / Orthopedic Impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf / blindness.

Criteria:

Certification of each area of disability must be made by appropriate professionals in each of the respective areas.

If an individual is diagnosed with, or is suspected of having an Autism Spectrum Diagnosis (ASD) as one of the multiple disabilities, DCPS mandates that when the individual is evaluated, the area of pragmatic language will be assessed by a speech / language pathologist (SLP) using formal and / or informal assessments.

K. Deaf/Blindness (12)*

The term “deaf/blindness” is concomitant hearing and visual impairments. The combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students who are deaf or blind.

Criteria:

The combined disabilities must be certified by appropriate professionals in each of the two areas.

L. Traumatic Brain Injury (13)*

An acquired injury to the brain, caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student’s educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as: cognition; language; memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Criteria:

Assessment must include a medical report that indicates that the student has had a traumatic brain injury. The DCPS Physician’s Letter and Assessment Report (**See Appendix DCPS [Physician’s Letter and Assessment Report Form](#)**) must be completed. An educational assessment must be completed to determine the adverse effects of the traumatic brain injury on the student’s educational performance.

M. Autism (14)*

Autism is a developmental disability significantly affecting verbal and nonverbal communication and social interaction generally evident before age three (3) that adversely affects a student’s educational performance. Other characteristics often associated with autism are: engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if the student has an emotional disability.

Criteria:

Assessment must be completed by a psychologist or physician, as well as the required educational assessment.

DCPS mandates that when assessing an individual with, or is suspected to have, an Autism Spectrum Diagnosis (ASD), the area of pragmatic language will be assessed by a speech / language pathologist (SLP) using formal and / or informal assessments.

N. *Developmental Delay (15)**

“Developmental Delay” is a categorical option available for local school systems to use for students ages three (3) to seven (7). To qualify as having a Developmental Delay, the child must meet one (1) or more of the following criteria:

1. Is experiencing at least a twenty-five percent (25%) delay, as measured and verified by appropriate diagnostic instruments and procedures, in one (1) or more of the following areas:
 - a. cognitive development
 - b. physical development, including vision and hearing
 - c. communication development
 - d. social or emotional development
 - e. adaptive development; or
2. Manifests atypical development or behavior, which is demonstrated by abnormal quality of performance and function in one (1) or more of the above specified development areas, which interferes with current development, and which is likely to result in subsequent delay (even when diagnostic instruments and procedures do not document a twenty-five percent (25%) delay); or
3. Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay (e.g. children with sensory impairments, inborn errors of metabolism, microcephaly, fetal alcohol syndrome, epilepsy, Down Syndrome and/or chromosomal abnormalities).
 - Existing categorical options, as defined in the Code of Maryland Regulations, should be used when a student is eligible under an existing category, and the IEP Team chooses to have the student identified solely by that category.

- The categorical option of Developmental Delay may be used when a student is eligible for Part B under an existing categorical option, but the IEP Team prefers to have the student identified under the Developmental Delay category.
- All students being considered for the Developmental Delay classification must have an educational assessment administered for eligibility determination. Students with concerns in the area of communication may have language testing completed with assessment measures deemed appropriate by the speech and language pathologist.
- By age seven (7), the IEP team must identify one (1) of the other Part B disabilities categories as the basis for the student's continuing eligibility under Part B.

***Federal Census Code for inclusion on the student's IEP**

Evaluation Report

When completing an evaluation, the IEP Team must generate a written evaluation report to document its determination of eligibility. Each evaluator will be responsible for completion of their report. Assessment Reports must be made available to parents/guardians/parent surrogates at least five (5) business days prior to the Assessment Meeting. The written evaluation reports must include information provided by the parent / guardian / parent surrogate and results of assessment procedure used as a basis for eligibility determination. The report must include a statement as to whether the assessment procedures were valid for the purpose intended and valid for the student.

SECTION 4 - REEVALUATION

Reevaluation

DCPS shall ensure that a reevaluation of each student with a disability is conducted if the IEP team determines that it is necessary. The IEP team will review the educational and related services needs of the student, including improved academic achievement and functional performance that warrant reevaluation. Other reasons include the parent / guardian / parent surrogate or teacher requesting a reevaluation, or before determining a student is no longer a student with a disability.

Consideration for reevaluation shall occur at least once every three (3) years. Reevaluation need not occur more frequently than once a year, unless the parent / guardian / parent surrogate and the IEP team agree otherwise.

The IEP team shall review existing assessment data and on the basis of the review and input from the student's parent / guardian / parent surrogates, the IEP team shall identify what additional data 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 education curriculum, and
- whether the student continues to need special education and related services.

If the IEP team determines the need for additional data, an assessment will be conducted. The results of the assessment(s) shall be used by the IEP team in reviewing, and, as appropriate, revising the student's IEP within ninety (90) days of the Consideration of Reevaluation meeting.

The IEP team shall notify the parent / guardian / parent surrogates if the IEP team determines that no additional data is needed to determine whether the student with a disability continues to be a student with a disability or additional data is not needed to determine the student's educational needs. The notification shall include the decision of the IEP team and the basis of the determination and the right of the parent / guardian / parent surrogates to request that DCPS conduct assessment procedures

to determine whether their child continues to be a student with a disability and their child's education needs.

The IEP team will conduct assessment procedures before determining a student is no longer a student with a disability. Before the termination of a student's eligibility due to graduation from secondary school with a regular high school diploma, or exceeding the age of eligibility for FAPE, a public agency is not required to conduct assessment procedures unless requested to do so by the student's parent / guardian / parent surrogate in writing,

Upon termination of a student's eligibility for services due to graduation from secondary school with a regular high school diploma, the IEP team shall provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals. The special education case manager is responsible for ensuring the student has this information. The summary is included within the Maryland Summary of Performance.

When possible, IEP teams are encouraged to consolidate reevaluation meetings with other IEP meetings.

SECTION 5 - INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM

IEP Team Members

The IEP team members include:

- the parent / guardian / parent surrogate of the student;
- not less than one (1) general education teacher of the student, if the student is, or may be participating in the general education environment;
- not less than one (1) special education provider of the student;
- a representative of DCPS who is:
 - qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, and
 - knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the public agency (i.e. the building administrator), and
 - approved by the Superintendent to serve as the IEP Designee.
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team;
- other individuals, at the discretion of the parent / guardian / parent surrogate or the IEP team, who have knowledge or special expertise regarding the student, including related service personnel, as appropriate; and
- the student, if appropriate.

If a student does not have a general education teacher, or is younger than school age, the general educator shall be an individual qualified to teach a student of the student's age.

When the purpose of the IEP team meeting is to consider transition services, the DCPS shall ensure that the IEP team invites:

- the student; and
- with consent, a representative of any other agency (i.e., Division of Rehabilitation Services (DORS)) that is likely to be responsible for providing or paying for transition services. In the event that consent is not obtained, documentation shall be made of the refusal.

If the student does not attend the meeting, the DCPS shall take other steps to ensure that the student's preferences and interests are considered. If the student is unable to attend, the special education case manager will be responsible for interviewing the

student and other persons knowledgeable of the student's interests and ability for the purpose of sharing information at the annual transition IEP meeting. This information shall address the following areas: training, education, employment and independent living skills, where appropriate. This information will be recorded by the special education case manager prior to the presentation at the IEP meeting.

If an invited representative of a participating agency does not attend the meeting, the DCPS shall take other steps to obtain the involvement of the agency in the planning and provision of transition services. If the invited agencies do not attend the meeting, the Transition Specialist will contact those agencies after receiving consent from the parent/guardian/parent surrogate to inform them of all recommendations made by the IEP team which would require their agencies involvement in the student's transition from school to the appropriate adult activity.

If a student with a disability attends a nonpublic school and is receiving, or may receive, special education and related services from a public agency, the DCPS shall invite a representative of the nonpublic school. If a representative of the nonpublic school does not attend the meeting, the DCPS shall take other steps to obtain the involvement of the nonpublic school, including individual or conference telephone calls and written communications of the IEP meeting results.

The IEP Chairperson is designated by the superintendent, and is qualified to provide, or supervise the provision of specially designed instruction, as well as being knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the DCPS.

SECTION 6 - INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM MEETINGS

IEP Team Meetings

The special education case manager will schedule IEP team meetings. These meetings shall be held for numerous purposes, including recommending assessment, to develop, review, and/or revise, as appropriate, a students' IEP, determine placement, and to determine the least restrictive environment (LRE). The special education case manager will also convene IEP team meetings early enough in the school year to discuss the need for Extended School Year (ESY) services. The eligibility determination for ESY services should be made annually but no later than April 15th of each school year.

IEP Team Attendance

At all IEP Team meetings, IEP Team members shall sign the standard DCPS Attendance Sheet to document who was in attendance. (See [Appendix DCPS Attendance Form](#)).

A member of the IEP Team shall not be required to attend an IEP Team meeting, in whole or in part, if the parent / guardian / parent surrogate of a student with a disability and the DCPS agree in writing that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed.

A member of the IEP Team meeting may be excused from attending the meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's areas of the curriculum or related service, if prior to the IEP Team meeting:

- the parent / guardian / parent surrogate and the public agency consent to the excusal of the IEP Team member and the required online IEP Consent Agreement to Excuse Team Member Form is completed; and
- the member submits a written summary of input into the development of the IEP to the student's parent / guardian / parent surrogate and the IEP Team.

Parent / Guardian / Parent Surrogate Participation

DCPS shall take steps to ensure that one or both of the parent / guardian / parent surrogates of the student with a disability are present or are afforded an opportunity to attend and participate at meetings of the IEP Team. IEP Team meetings are scheduled by the special education case manager. The parent / guardian / parent surrogate of a student with a disability shall be provided with written notice in advance of the meeting.

Reasonable notice shall be at least ten (10) days in advance of the meeting, unless an expedited meeting is being conducted to:

- address disciplinary issues;
- determine the placement of the student with a disability not currently receiving education services; or
- meet other urgent needs of the student to ensure the provision of FAPE.

Efforts to obtain the participation of the parent / guardian / parent surrogate include scheduling the IEP meeting at a mutually agreed on time and place and indicating, as part of the written notice:

- the purpose, time, date, and location of the meeting,
- who will be in attendance,
- that parent / guardian / parent surrogates may invite other individuals to attend and participate as a member of an IEP team, and
- that the determination of the knowledge or special expertise of an individual is made by the party who invited the individual.

For a student with a disability who is fourteen (14) years old, or younger if appropriate, the written notice shall indicate that a purpose of the meeting will be the consideration of post-secondary goals and transition services for the student. The special education case manager is responsible for inviting the student. The written notice shall include the information in this regulation and shall identify any other agencies that may be invited to send a representative, with parent/guardian consent.

If neither parent / guardian / parent surrogate can attend, the DCPS shall use other methods to ensure parent / guardian / parent surrogate participation, including individual or conference telephone calls.

A meeting may be conducted without a parent / guardian / parent surrogate in attendance if the special education case manager is unable to convince the parent / guardian / parent surrogate to attend and has a record of attempts to arrange a mutually agreed on time and place, such as:

- detailed records of telephone calls made or attempted and the result of those attempts,
- copies of correspondence sent to the parent / guardian / parent surrogate and any responses received, or detailed records of visits made to the parent / guardian / parent surrogate's home or place of employment and the result of those visits.

DCPS, through the special education case manager, shall take whatever action is necessary to ensure that the parent / guardian / parent surrogate understands the proceeding at a meeting, including arranging for an interpreter for a parent / guardian / parent surrogate with deafness or whose native language is other than English.

The parent / guardian / parent surrogate shall be provided a copy of the IEP or draft IEP within five (5) business days of the IEP Team meeting.

Procedures for Use of Recording Devices by Parents at their Child' IEP Meeting

Parents should make prior arrangements with the school principal if they would like to record their child's IEP Meeting. The principal will then inform the special education case manager of this request. If the parent records the IEP Meeting, DCPS will also record the IEP Meeting. The recorded information must be maintained by DCPS and becomes a part of the student's education record and therefore subject to the confidentiality requirement of the both FERPA and IDEA.

Any audio recording must be conducted with the knowledge of the persons being recorded. During meeting breaks and at the conclusion of the meeting the recording device must be turned off. The DCPS will not transcript audio recordings. Video recordings are prohibited.

SECTION 7 - INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM RESPONSIBILITIES

IEP Development

An IEP team meets to develop an IEP for a student with a disability within thirty (30) days of the evaluation (the date the IEP team meets to review assessments.)

Five (5) Day Rule

Before an IEP Team meeting:

- At least five (5) business days before a scheduled IEP meeting, the parent / guardian / parent surrogate(s) are to receive an accessible copy of each assessment, report, data chart(s), draft IEP, or other document that the team plans to discuss at the meeting. All documents provided to the parent / guardian / parent surrogate will be accompanied by the appropriate five (5) day notification cover letter (**See Appendix DCPS [Five \(5\) Day Cover Letter forms](#)**). A “business day” is defined as Monday through Friday, except for federal or State holidays, when the DCPS is open for business whether or not students are required to be in attendance for instruction.
- An assessment, report, data chart, or other document prepared by a school psychologist or other medical professional that either team plans to discuss at the meeting may be provided to the parent(s) orally and in writing prior to the meeting.
- If school personnel are unable to provide an accessible copy of the materials at least five (5) business days before the scheduled meeting because of extenuating circumstance, school personnel are to contact the parent(s) and document the nature of the extenuating circumstance that prevented school personnel from providing accessible copies of the materials.
- In the case of an expedited meeting, where materials were not available five (5) days in advance, the Waiver of Five (5) – Day Notification Form will be completed by the special education case manager and signed by the parent / guardian / parent surrogate (**See Appendix [Waiver of Five \(5\) - Day Notification Form](#)**).

After an IEP Team meeting:

- No later than five (5) business days after a scheduled IEP, appropriate school personnel are to provide the parent(s) an accessible copy of the completed or draft IEP.

IEP Team Considerations

The IEP team will consider and document for all students with disabilities:

- The student's strengths.
- Parent / guardian / parent surrogate input including concerns for enhancements of their child's program. Any parent / guardian / parent surrogate concerns will be considered and documented in the minutes of the IEP meeting.
- Initial or most recent evaluation data including a review of the observed needs of the child resulting from the evaluation.
- Academic, developmental and functional needs of the student.
- The communication needs of the child, and in the case of a child who is deaf or hard of hearing, opportunities for direct communications with peers and professional personnel in the child's language and communication mode.
- Whether the child requires assistive technology devices and services. All students with disabilities must be considered for assistive technology on an individual basis.

If a student's behavior impedes the student's learning or the learning of others, the IEP team shall consider strategies, including positive behavioral interventions and supports to address that behavior as appropriate.

Mediation Information

If, during an IEP meeting, a parent disagrees with the child's IEP or the special education services provided to the child, the IEP team shall provide the parent with, 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. If the native language, spoken by the parent who requests this information, is spoken by more than 1% of the DCPS student population, the parent may request the information be translated into the parent's native language and the IEP team shall provide the parent with the translated document within 30 days of the requested document. A DCPS staff member shall be available to assist the parent to understand the mediation process. The parent should be referred to the DCPS Special Education Office at the Board of Education.

English Learners

If a student is an English learner, the IEP team shall consider the language needs of the student as these needs relate to the student's IEP. Consideration will be given to how the student's level of English language proficiency affects the special education and related services that a student needs in order to receive FAPE and to participate in the general education curriculum.

Blind or Visually Impaired

If a student is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille, including textbooks in Braille, unless the IEP team determines that instruction in Braille is not appropriate for the student. Students who are legally blind, or who have deteriorating eye conditions must have Braille instruction discussed at every IEP team meeting. It is assumed that every such student will use Braille, unless the IEP includes justification for another medium for reading.

The IEP team must provide instruction in Orientation and Mobility unless the IEP team determines that instruction in this area is not appropriate after an assessment is conducted that includes input from the student's parent or guardian, classroom teacher and takes into consideration the student's age, current and future needs, ability to function in familiar and unfamiliar areas and the ability to function under various lighting conditions.

Deaf or Hard of Hearing

If a student is deaf or hard of hearing, the IEP team shall consider the student's:

- language and communication needs,
- opportunities for direct communication with peers and professional personnel in the student's language and mode of communication, and
- the academic level and full range of needs, including opportunities for direct instruction in the student's language and mode of communication.

Any student with a hearing impairment who uses a hearing aid or auditory trainer should have that equipment checked periodically for proper functioning in school. Teachers, speech/language pathologists and other professionals who work directly with the student should regularly check to ensure that the equipment is working properly. The following procedures apply:

- The special education case manager should be notified if any student in special education requires a hearing aid or other amplification device such as an auditory trainer. The special education case manager will notify a central office special education staff person.
- Technical assistance will be provided as needed to teachers and other staff who routinely work with the student.
- Daily, the teacher, other staff members, or the student (based on the IEP) should informally check devices for proper functioning. Typically, this check would only take a few seconds. If the device is found not to be working and the problem cannot be corrected, the Special Education Department at the central office should be contacted. The parent / guardian / parent surrogate should also be alerted at this time.
- Not less than one (1) time per year the special education case manager in conjunction with the Teacher of the Hearing Impaired or the Audiologist will insure that any devices used are functioning properly.

If a student is identified at any point in the process of identification, evaluation and the provision of a free, appropriate public education (FAPE) as having a hearing impairment, the parent / guardian / parent surrogate shall be informed about services available from the Maryland School for the Deaf (MSD).

Assistive Technology

If the IEP team determines that a student with a disability needs a particular device or service, including intervention, accommodations, or other program modifications, to receive FAPE, the student's IEP shall include a statement to that effect. "Assistive Technology Service" means any service that directly assists a student with a disability in the selection, acquisition, or use of an Assistive Technology device, and includes:

- the evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of Assistive Technology devices by students with disabilities;
- selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing Assistive Technology devices;
- coordinating and using other therapies, interventions, or services with Assistive Technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals who provide service, employ, or are otherwise substantially involved in the major life functions of students with disabilities.

A request for an Assistive Technology evaluation (**See Appendix [Assistive Technology Referral Form](#)**) may be initiated by teachers or parent / guardian / parent surrogates and should be addressed at an IEP team meeting. The Assistive Technology Specialist will be invited to the meeting. The IEP team shall take into consideration concerns regarding the need for Assistive Technology. The IEP team should consider the implications of the Assistive Technology in regard to both instruction and assessment.

If needed, the Assistive Technology Specialist will provide a variety of Assistive Technology devices for trial periods to determine the effectiveness of the device(s). Devices may be borrowed through the Assistive Technology Resource Center to determine their effectiveness for the student.

In determining the need for Assistive Technology, the IEP team must determine that the child needs the Assistive Technology in order to benefit from their special education program. Conversely stated, the student could not benefit (increase, maintain or improve) in an identified academic and/or functional area identified without this technology.

Once a device is determined to be appropriate, Ongoing monitoring of the Assistive Technology device should be provided to address any unanticipated problems. On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE. If the device is provided for use outside of the school setting, the parent / guardian / parent surrogate is required to sign the DCPS A.T. Lending Agreement (**See Appendix [Assistive Technology Lending Agreement Form](#)**).

Parents are responsible for damage to assistive technology devices caused by their child except for reasonable wear and tear

Adapted Physical Education

Adaptive physical education refers to a specially designed physical education service for a student with a disability. It is the responsibility of the IEP Team to determine if a student with a disability requires specialized instruction in physical education to meet his or her unique needs.

Most students with disabilities will be able to participate in the general physical education curriculum with modifications as appropriate. Those students unable to participate in the general physical education curriculum need adaptive physical education services documented on their IEP and corresponding goals and objectives.

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The Adapted Physical Education Specialist will collaborate/consult with General Education Physical Education Teacher to ensure the success of the students through progress monitoring.

A student:

- can be eligible for an IEP under academics with an area of concern in Adapted Physical Education.
- IEP can stand alone with only Adapted Physical Education. Students may also qualify for Physical Therapy services in addition to Adapted Physical Education.
- When screening for Physical Therapy, the Adapted Physical Education Specialist should be considered for attendance to address concerns regarding the need for a Gross Motor Evaluation.

General Education Participation

As a member of the IEP team, a general education teacher of the student shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP. Participation includes assisting in the determination of appropriate positive behavioral interventions and strategies for the student and supplementary aids and services, program modifications, and supports for school personnel.

Transportation

The IEP team shall consider if a student required specialized transportation to benefit from special education. If Special Transportation is required, the special education case manager will complete the DCPS Special Transportation Form ([See Appendix Special Transportation Form](#)).

Amendments

The child's parent / guardian / parent surrogate and DCPS (with the authorization of the Supervisor of Special Education) may mutually agree not to convene an IEP team meeting to make changes to the IEP. In making changes to a child's IEP after the annual IEP meeting for a school year, the parent / guardian / parent surrogate of a child with a disability and DCPS may agree to develop a written document to amend or modify the child's current IEP. DCPS will ensure that all of the student's service providers have access to the amended IEP. Upon request, a parent / guardian / parent surrogate shall be provided a revised copy of the IEP with the amendments incorporated.

Statewide Assessments

Currently, students participate in the following statewide assessments:

- Early Learning Assessment (ELA) - Students in preschool
- Ready for Kindergarten (R4K) - Administered to all incoming kindergarten students
- Maryland Comprehensive Assessment Program (MCAP)-Students grades 3-8 for Reading and Math. Students in high school will participate in English and Math MCAP Assessments.
- Maryland Integrated Science Assessment (MISA) (Science) – Students grade 5, 8, and High School.

- High School Assessments (HSA) (Government) - Students must pass the test as part of their graduation requirements
- Maryland Alternate Assessments – The Multi-State Alternate Assessment assesses reading, writing, and math in grades 3-8 and 11. The Alternate Maryland Integrate Science Assessment assesses science in grades 5, 8, and 11. The IEP Team must complete the required Alternate Assessment eligibility tool as part of the IEP process. Annually, the IEP team must obtain the written consent of a parent if the team proposes to identify the child for the alternative education assessment aligned with the State’s alternative curriculum.
- Bridge Plans for Academic Validation – for students that have passed the course but are unable to pass the H.S.A or PARCC. The student will be assigned one or more rigorous project modules. The number of project modules assigned in a HSA or PARCC content area is dependent on the student’s highest score earned on the specific H.S.A. and PARCC tests. Students should be identified during their IEP annual review and placed in the correct assessment program as soon as possible.
- The decision to award a student with a Maryland High School Certificate of Program Completion will not be made until the four years beyond 8th grade at the beginning of the student’s last year in high school unless the student is participating in the Alternate Assessment.

Service Learning

All students are required to complete service-learning hours before exiting DCPS. A graduation requirement of Maryland Public Schools is seventy-five (75) hours of service-learning. While all students are expected to participate in service-learning, students with more significant disabilities who participate in the Alternate Assessment may be unable to meet the seventy-five (75) hour requirement. Those students will still participate in service-learning but the IEP Team will meet and document the necessary minimum number of hours for each student. The team discussion and hours will be documented on the student’s IEP.

Emergency and Evacuation Plans

DCPS must ensure that emergency evacuation plans are revised to be consistent with the MSDE guidelines and regulations and document the accommodations needed in the student’s IEP to address the student’s needs. This must be discussed at the IEP meeting and documented.

SECTION 8 - INDIVIDUALIZED EDUCATION PROGRAM (IEP) DOCUMENT

IEP Review

DCPS shall ensure that the IEP team meets periodically, but not less than annually, to review and revise the IEP as appropriate. The IEP Team will:

- determine whether the annual goals for the student are being achieved,
- address any lack of expected progress in the annual goals or in the general education curriculum,
- review data and information from assessment procedures conducted as part of the reevaluation,
- address any information about the student provided to or by the parent / guardian / parent surrogate,
- address the student's anticipated needs and discuss other matters, as identified on the notice of the IEP team meeting.

The IEP shall be made available to the parent / guardian / parent surrogate within five (5) business days after the review is completed. Parent / guardian / parent surrogates or DCPS staff may request an IEP Meeting at any time to review, and as appropriate, revise the student's IEP.

Native Language IEP

If the native language spoken by the parents of a child with a completed IEP or a completed IFSP is spoken by more than 1% of the DCPS student population, the parents may request the document to be translated into the parents' native language. In such case, the IEP team shall provide the parents with the translated IEP or IFSP within 30 calendar days after the date of the request.

Extended School Year Services

The IEP team shall meet at least annually to determine whether the student requires the provision of Extended School Year (ESY) Services. Consideration shall be given to:

- whether the student's IEP includes annual goals related to critical life skills;

- whether there is a likelihood of substantial regression of critical life skills caused by the normal school break in the regular school year and a failure to recover those lost skills in a reasonable time;
- the student's degree of progress toward mastery of IEP goals related to critical life skills;
- the presence of emerging skills or breakthrough opportunities;
- interfering behaviors;
- the nature and severity of the disability, and
- special circumstances.

Based on the IEP team's consideration of the factors listed above in relation to the student's IEP and progress, the IEP team shall determine whether the student's benefits and gains during the regular school year will be significantly jeopardized if that student is not provided with an educational program during a normal break in the regular school year.

The IEP goals will be identified and addressed through ESY services and delivered through a properly developed IEP. Decisions regarding services will be based on the student's individual need and will not be dependent on existing programs. ESY is a service, not a program.

The discussion of ESY services shall be documented and will include the IEP team decision regarding the provision of ESY services and the basis for the decision. If a student requires extended school year services, the IEP shall include the specific special education and related services to be provided.

The parent / guardian / parent surrogate shall be notified in writing of the IEP team decision regarding ESY services and due process rights. All procedural safeguards, including due process rights are applicable to the provision of ESY services.

DCPS shall ensure that parent / guardian / parent surrogates of students with disabilities are notified at least annually of the availability of extended school year services.

IEP Content

The Individualized Education Program is a written comprehensive outline of a student's total special education services. The IEP outlines the special education needs and the services to be provided to meet those needs. The chairperson shall answer any questions and note that the parent / guardian / parent surrogate(s) indicated an understanding of their due process rights on the Receipt of Procedural Safeguards/Parental Rights Document and the Parent's Guide to Habilitative Services Document (See Appendix [Receipt of Procedural Safeguards Form](#) for each of these documents).

An IEP for a student with a disability shall include:

- A statement of the student's present levels of academic achievement and functional performance including how the student's disability affects the student's involvement and progress in the general education curriculum. For a preschool student, as appropriate, how the disability affects the student's participation in appropriate activities.
- Measurable academic and functional annual goals including: benchmarks or short-term instructional objectives related to meeting the student's needs. The goals should meet each of the student's other educational needs that result from the student's disability or for a preschool student, as appropriate, to participate in appropriate activities.
- The special education and related services and supplementary aids and services should be based on peer-reviewed research to the extent practicable, including staffing support to be provided to the student, or on behalf of the student.
- Program modifications or supports for school personnel that will be provided for the student to enable the student to:
 - advance appropriately toward attaining the annual goals,
 - be involved in and make progress in the general education curriculum,
 - participate in extracurricular and other nonacademic activities and,
 - 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 the regular class and in the activities.

- A statement of any individual accommodations that are needed to measure the student's academic achievement and functional performance on statewide or district wide assessments.
- If the IEP team determines that a student will not participate in a particular Statewide or district-wide assessment, documentation by the team will be made using the Alternate Assessment decision making tools. The data collected will include:
 - why the assessment or part of an assessment is not appropriate for the student,
 - how the student will be assessed and,
- why a particular alternate assessment is appropriate and the projected dates for initiation of services and modifications including the anticipated frequency, location and duration.

Transition Services

DCPS formally begins the transition process for students who have an IEP during the school year in which the student is fourteen (14) or younger when appropriate. The transition plan is developed in conjunction with the IEP and reviewed annually. Transition services activities address each student's needs based upon his or her adult plans.

For a student who is age fourteen (14) years old, or younger if determined appropriate by the IEP team, the IEP team shall include a statement of needed transition services, including if appropriate, a statement of DCPS' and a participating agency's responsibilities or linkages, or both, before the student leaves the secondary school setting. Also, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and the transition services, including courses of study needed to assist the child in reaching those goals.

If a participating agency fails to provide agreed-on transition services contained in a student's IEP, DCPS shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objective and if necessary, revising the student's IEP.

The DCPS shall provide the student with a summary of academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals, in the Exit Document upon termination of a student's eligibility for services consistent with 34 CFR §300.305(e)(3) COMAR

13A.05.01.06E(11).

Transition service needs are listed in the IEP. The team determines the need for instructional activities in these categories:

- 1) Academic
- 2) Employment Training
- 3) Activities of Daily Living
- 4) Independent Living
- 5) Transportation

No later than the first IEP to be in effect when the student is fourteen (14), the IEP shall include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to:

- Training;
- Education;
- Employment;
- Independent living skills, where appropriate; and
- The transition services (including course of study) needed to assist the student in reaching those goals.

If a participating agency fails to provide agreed upon transition services contained in the student's IEP, the Transition Specialist will contact that agency. If this does not result in IEP implementation by the participating agency, the Transition Specialist will request an IEP meeting. The special education case manager will arrange for the IEP meeting to identify alternative strategies to meet the transition objectives and, if necessary, revise the student's IEP.

Transfer of Rights at Age of Majority

In limited circumstances, all rights accorded to the parents/guardians of students with disabilities, are transferred to the student with the disability. This transfer occurs when the student reaches the age of eighteen (18) years, if the student has not been adjudged incompetent under state law and there is documentation that:

- The parents/guardians are unavailable or unknown, and the student requests that the parental rights be transferred to the student rather than have a parent surrogate appointed,

- The parents/guardians have not participated in the special education decision making process for the student after repeated attempts by the public agency to involve their parents over the previous year,
- The parents/guardians/guardians have affirmatively rejected participation in the special education decision making process,
- The parents/guardians cannot participate in the special education decision making process due to prolonged hospitalization, institutionalization, or serious illness or infirmity of one or both parents and the parents have consented to the transfer of rights to the student,
- The parents/guardians cannot participate in the special education decision making process due to extraordinary circumstances beyond their control, and the parents have consented to the transfers of right to the student, or
- The student is living outside of the parents/guardian's home and is not in the custody of another public agency.

If the parents/guardians of a student with a disability, with whom the student resides, does not consent to the transfer of rights to the student at the age of eighteen (18), and the student has not been adjudged incompetent under state law, either party may file a due process complaint to determine whether the rights should be transferred.

If a student with a disability has been represented by a parent surrogate in accordance with federal and state laws and regulations, the public agency shall provide any written notice required under federal and state laws and regulations to both the student and parent surrogate. All other rights afforded the parent surrogate under IDEA shall transfer to the student if the student has not been adjudged incompetent under state law and the student requests that the rights transfer.

Report of Progress

The IEP shall include how a parent / guardian / parent surrogate is to be regularly informed of the student's progress toward the annual goal and the extent to which the progress is sufficient to enable the student to achieve the goals within a year. A parent / guardian / parent surrogate of a student with a disability shall be informed of the student's progress at least as often as a parent / guardian / parent surrogate is informed of nondisabled student's progress. DCPS will make a good faith effort to achieve the goals of a student's IEP. DCPS, its teachers, or other individuals shall not be held accountable if a student does not achieve the growth projected in the IEP.

IEP in Effect

DCPS shall ensure that an IEP is in effect before special education and related services are provided to a student with a disability. This includes students with disabilities that are placed in or referred to a nonpublic school by DCPS or incarcerated in an adult correctional facility and in need of special education or related services from DCPS.

DCPS shall have an IEP in effect for a student with a disability at the beginning of a school year. DCPS shall also implement an IEP as soon as possible after the meeting where the IEP is developed or revised.

Each service provider, responsible for the implementation of the IEP for a student with a disability, shall have access to the IEP and be informed of the service provider's specific responsibilities, accommodations, modifications, and supports that must be provided for the student in accordance with the student's IEP. The special education case manager is responsible for distributing the copies of the IEP to each teacher and related service provider working with students on his/her caseload.

Missed Related Services

At various time throughout the school year, opportunities may arise when a student misses their related services in any given week or month. The following procedures should be followed in regard to missed related services. Related services that are missed for the following reasons are not required to be made up: the student is absent from school, school is not in session due to a scheduled closure or inclement weather, the student refuses the service, and/or the student is in crisis and not available for service. Related services missed for any of the following reasons must be made up: the service provider is absent, the staff member is not available to provide the services during the student's scheduled time but is still working that day, the student is absent or unavailable due to a school-sponsored activity such as field trips or assemblies, when related services are missed repeatedly due to a pattern of the child being in crisis, student refusal of services, or extended leave of a related service provider, and an IEP meeting must be held to address these concerns.

Unless extenuating circumstances prevail, all related services requiring make-up should be provided within six (6) weeks of the missed services. These services may be provided by adding additional time onto other scheduled sessions until the total missed time is made up or by adding another session(s). When this is not possible, or the school year is ending, the Supervisor of Special Education should be notified and an IEP meeting scheduled to address the missed services. If the total missed time requiring make-up meets or exceeds five (5) sessions or (5) hours, the related service provider must notify the Supervisor of Special Education to determine the most appropriate plan to have the services made up or determine if an IEP meeting is needed.

Additionally, when a related services provider will be out on an extended leave totaling more than two weeks, the Supervisor of Special Education must be notified. The Supervisor of Special Education will then meet with affected personnel to determine a plan of action.

Program for Students Who Transfer School Districts

Transfers within the State

When a student with a disability with an IEP in effect transfers from one school system to DCPS, DCPS in consultation with the student's parent / guardian / parent surrogate, shall provide FAPE to the student, including services comparable to those identified in the former school's IEP, until the DCPS IEP team determines to adopt the student's IEP from the former school system or develops, adopts, and implements a new IEP. See Section three (3) of this handbook for specific guidance.

Transfer from Outside the State

When a student with a disability transfers from another state to DCPS, DCPS in consultation with the parent / guardian / parent surrogates, shall provide FAPE to the student including services comparable to those identified in the former school system's IEP, until DCPS can conduct an evaluation or develop a new IEP, if appropriate. See Section 3 of this handbook for specific guidance.

Uniform IEP

DCPS shall use the Maryland Online IEP.

SECTION 9 - LEAST RESTRICTIVE ENVIRONMENT (LRE)

Least Restrictive Environment (LRE)

DCPS shall ensure that 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. Special classes, separate schooling, or other removal of students with disabilities from the general educational environment will occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Continuum of Alternative Placements

DCPS shall ensure that a continuum of alternative placements is available to the extent necessary to implement the IEP, and to meet the needs of students with disabilities for special education and related services. Alternative placements and provisions for supplementary services, such as resource rooms and itinerant instruction, are available in conjunction with regular class placement.

Placements

DCPS shall ensure that:

- the educational placement decision of a student with a disability is made by the IEP team,
- the IEP team determines the LRE, and
- it is decided at least annually based on the student's IEP.

The placement will be as close as possible to the student's home.

In selecting the LRE, the IEP team shall consider the potential harmful effect on the student or on the quality of services that the student needs. A student with a disability may not be removed from his or her education in an age-appropriate regular classroom or typical early childhood setting solely because of needed modifications in the general education curriculum. If the IEP team determines a student with a disability cannot be educated in the school or typical early childhood setting the student would attend if not disabled, the IEP shall document the specialized transportation needs of the student including the consideration of the effect transportation may have upon the student in relationship to the:

- student's age and disability,
- specialized equipment needs of the student,
- personnel needed to assist the student during transportation,
- amount of time involved in transporting the student, and
- distance the student will be transported.

Home and Hospital

The Student Services Department oversees the provision of Home and Hospital services, including the verification process, the location of the services, and the assignment of the Home and Hospital teacher. No student shall receive Home and Hospital instruction until the Home and Hospital form is filled out, verified by the physician, psychiatrist, psychologist, or nurse practitioner and approved by the Student Services Department.

If a student is unable to participate in the student's school of enrollment and is provided instruction at home because of a physical or an emotional condition, the IEP team shall meet to review and revise the student's IEP. The IEP Team shall determine the instructional services to be provided to the student as long as the medical restrictions apply. The IEP team shall consult with parent/guardian, student, psychologist and physician as appropriate. Home and Hospital instruction may be denied if the parent/guardian refuses to consent to such consultation. The school psychologist shall attend every IEP meeting where the student with a disability is receiving Home and Hospital instruction. At that meeting, the IEP Team will develop an action plan for the student's return to school. The plan will be documented on the Home and Hospital Action Plan Form ([See Appendix Home and Hospital Action Plan Form](#)). The physician, psychiatrist, psychologist, or nurse practitioner shall personally sign the Home and Hospital form, stamped signatures will not suffice. As part of the action plan, the IEP Team will select a date to review the student's progress no later than fourteen (14) calendar days prior to the student's anticipated re-entry date. No later than fourteen (14) days prior to the period of treatment or convalescence ending, the IEP team shall review and revise the IEP, and determine the appropriate placement in the LRE. Educational placement in the home, for a student with an emotional condition, may not exceed 60 consecutive school days.

Home and Hospital instruction shall not exceed sixty (60) calendar days (minimum of six (6) hours/week) for students in a physical or emotional crisis pending placement in an established education program, unless pursuant to an approved individualized education program. Provision of this service constitutes a change of placement. An IEP meeting for review/revision of the student's IEP is required. Service need is subject to review 60 calendar days after the initial determination of eligibility; or

sooner at the request of the parent, guardian, or local school system. Continuation of this service beyond 60 calendar days requires re-verification consistent with COMAR 13A.03.05.04B and .04C.

Home and Hospital instruction is designed to provide short term itinerant instructional services to students with physical or emotional concerns as certified by a certificated school psychologist, licensed psychologist, a licensed physician, or nurse practitioner. Instructional service is provided to a student who is being maintained at home or in a hospital for the purposes of convalescence or treatment, and who is restricted by a physician for reasons of physical health or a psychiatrist/psychologist for reasons of an emotional condition from attending a school-based program. The period of time services is to be provided will vary with the severity of the medical restrictions. Instructional services will be provided for as long as the medical restrictions apply.

A student's home may not be used as an instructional setting for a student with a disability waiting for a placement in a nonpublic special school, or, a change of placement consistent with COMAR 13A.05.01.10C(5)(d)(i) and COMAR 13A.05.01.10C(5)(d)(ii).

The instructional service shall begin as soon as possible, but not later than 10 school calendar days following the: (a) Notification to the local school system of the inability of the student to attend the school of enrollment; and (b) Receipt of the verification of the need for services as provided in Regulation .04 of this chapter consistent with COMAR13A.03.05.03.D(4).

The IEP team will develop a plan for returning the student to the school-based program. When the period of convalescence ends, the IEP team will review and revise this IEP and determine the appropriate placement in LRE. Documentation of the home and hospital instruction will be maintained in the student's special education file by the special education case manager.

SECTION 10 - STUDENTS IN NONPUBLIC SCHOOLS

Students Placed in a Nonpublic School by DCPS

If a student's IEP cannot be implemented in a public school program, the DCPS shall ensure that the student is provided FAPE.

Before the DCPS proposes a placement of a student with a disability in a nonpublic school, the DCPS shall ensure that an IEP has been developed for the student.

If the nonpublic school initiates and conducts meetings to review the student's IEP, the DCPS shall ensure that the parent / guardian / parent surrogates and a representative of the DCPS are invited to the IEP meetings.

Students with Disabilities Enrolled in a Private School by Parent / Guardian / Parent Surrogate

DCPS shall make provision for the participation of students with disabilities enrolled by a parent/guardian in a private school located within Dorchester County. DCPS may provide services to students with disabilities who are parentally placed in accordance with the DCPS Private School Agreement and through a Service Plan.

Unilateral Placement in a Nonpublic School by a Parent / Guardian / Parent Surrogate

If a local school system has made FAPE available to a student with a disability, and the parent/guardian chooses to place the student in a nonpublic school, the DCPS is not required to pay for the student's education at the nonpublic school. Before removing a student from the DCPS, a parent/guardian shall notify the DCPS of the parent/guardian decision to reject the proposed placement of the DCPS; concerns leading to the decision to remove the student from the DCPS and intentions to enroll the student in a nonpublic school at DCPS expense. The parent/guardian shall:

- provide notice by informing the IEP team at the most recent meeting the parent/guardian attended before the removal of the student; or
- provide the DCPS with written notice at least ten (10) business days, including holidays that occur on business days, before the removal of the student.

If the parent/guardian decides to enroll the student, who was eligible for special education and related services in DCPS, in a nonpublic school without the consent or referral of the DCPS but wants DCPS to pay for the placement, the parent may file for a due process hearing. In such case, an impartial hearing officer or a court may require the DCPS to reimburse the parent/guardian for the reasonable costs of the placement. In order for a funding decision to be made, a hearing officer or court must determine that the DCPS had not made FAPE available to the student in a timely manner before the parent/guardian enrolled the student in the nonpublic school. Reimbursement may be reduced or denied by the hearing officer or court if:

- the parent / guardian failed to notify the local school system of the decision,
- the parent / guardian's actions were unreasonable, or
- the parent / guardian failed to make the student available for assessment, before the student's removal, after the DCPS provided the parent / guardian with written notice of its intention to assess the student.

An impartial hearing officer or court may not reduce or deny reimbursement for failure to provide notice if:

- the parent / guardian is illiterate and cannot write in English;
- providing notice would likely result in physical or serious emotional harm to the student;
- the DCPS prevented the parent / guardian from providing notice; or
- the parent / guardian was not provided with a copy of the *Parental Rights, Maryland Procedural Safeguards Notice*.

A unilateral placement in a nonpublic school by a parent / guardian may be found to be appropriate by an impartial hearing officer or court even if the placement does not meet State standards that apply to education provided by the DCPS or MSDE.

Nonpublic Placements by DCPS – MSDE Contributions for In-State Nonpublic Placements and Out-of-State Placements

The IEP team will notify MSDE of all nonpublic residential placements. DCPS Central Office staff will gather the appropriate documentation and complete the required MSDE or State Coordinating Council forms. Records pertaining to this referral will be retained at the DCPS Central Office.

Federal and state laws require that students with disabilities receive special education services in the least restrictive environment. Nonpublic school programs are recognized as a viable option in the continuum of programs for students with disabilities if the public school system or state-operated facilities are unable to provide appropriate special education services in the least restrictive environment. Nonpublic placement for students with services at a day or residential placement can be proposed only when there is support from comprehensive assessment information and when all other program options in DCPS have been considered. Students who qualify for a nonpublic day or residential placement must be determined to be making no progress in a less restrictive placement prior to consideration of a more restrictive placement. Or, it must be determined there is no public placement in the DCPS that can provide FAPE to the student. Any nonpublic placement recommended must be approved by MSDE and will be provided at no cost to the parent / guardian / parent surrogate. The student in nonpublic placement has the rights of a student with disability who is served by DCPS.

SECTION 11 - PROCEDURAL SAFEGUARDS

Procedural Safeguards Notice

DCPS shall provide copies of the *Parental Rights, Maryland Procedural Safeguards Notice and Parent's Guide to Habilitative Services* to the parent / guardian / parent surrogates of a student with a disability at minimum once a year, and including at every IEP meeting. A copy of the *Parental Rights, Maryland Procedural Safeguards Notice* shall also be given to the parent / guardian / parent surrogates upon:

- initial referral;
- parent / guardian / parent surrogate request for evaluation;
- upon receipt of the first request for a due process hearing;
- upon parent / guardian / parent surrogate request;
- upon parent / guardian / parent surrogate first State complaint; and
- upon removal of student from the student's current placement for a violation of the Code of Student Conduct.

Graduation Requirements

DCPS shall annually inform the parent / guardian / parent surrogate of state graduation requirements and the student's progress toward meeting the requirements.

An IEP team must obtain the written consent of a parent if the team proposes to enroll the child in an alternative education program that does not issue or provide credits towards a Maryland High School Diploma.

Low Cost Legal and Other Relevant Services

On request, parent / guardian / parent surrogates shall be informed of any free or low cost legal and other relevant services available in the area. The Supervisor of Special Education will provide this list upon request.

Opportunity to Examine Records

In accordance with the confidentiality procedures the parent / guardian / parent surrogate of a student with a disability shall be given the opportunity to inspect and review all of the student's records relating to the identification, evaluation, and educational placement, and the provision of FAPE.

Confidentiality of Information

DCPS shall ensure the confidentiality of personally identifiable information.

Procedural Safeguards - Prior Written Notice

DCPS shall provide written notice to the parent / guardian / parent surrogate of a student with a disability before the IEP team proposes or refuses to initiate or change the identification, evaluation, educational placement of the student, or the provision of FAPE to the student. A parent / guardian / parent surrogate of a student with a disability may elect to receive written notice by an electronic mail communication, when DCPS makes that option available. The notice shall include:

- A description of the action proposed or refused.
- An explanation of why DCPS proposes or refuses to take the action.
- A description of the options the IEP team considered.
- The reason the options were rejected.
- A description of each assessment procedure, test, record, or report DCPS uses as a basis for the proposal or refusal.
- A description of any other factors relevant to the proposed or refused action.
- A statement that the parent / guardian / parent surrogate has protections under the *Parental Rights, Maryland Procedural Safeguards Notice* and the manner in which the parent / guardian / parent surrogate may obtain a copy of the *Parental Rights, Maryland Procedural Safeguards Notice*.
- A list of sources a parent / guardian / parent surrogate may contact to obtain assistance in understanding their *Parental Rights, Maryland Procedural Safeguards Notice*.
- A statement informing a parent / guardian / parent surrogate of the state written complaint procedures.
- If an action proposed by DCPS also requires parent / guardian / parent surrogate consent, DCPS may provide notice at the same time it requests consent.

Native Language

DCPS shall provide notice to the parent / guardian / parent surrogate written in a language that is understandable to the general public, and provided in the native language of the parent / guardian / parent surrogate, unless it is clearly not feasible to do so. If the native language used by the parent / guardian / parent surrogate is not a written language, DCPS shall ensure that the notice is translated orally or by other

means to the parent / guardian / parent surrogate, and the parent / guardian / parent surrogate understands the content of the notice. DCPS shall maintain written documentation that the notice was translated orally or by other means to the parent / guardian / parent surrogate.

At the initial evaluation meeting (IFSP or IEP), parents shall be provided with written information that the parents may use to contact early intervention and special education family support services staff members within DCPS and a brief description of the services provided by the staff members. If the parent's native language is not English, then this information has to be provided to the parent in the parent's native language.

If the native language, spoken by a parent, who requests information regarding the mediation process, is spoken by more than one percent of the DCPS student population, the parent may request that the information be translated into the parent's native language. The IEP team shall have 30 days after the date of the request to provide the parent with the translated document.

Procedural Safeguards – Consent

***See section 12 "Consent" for a more complete explanation.**

Complaints to the Maryland State Department of Education (MSDE)

An organization or individual may file a signed written complaint with Maryland State Department of Education (MSDE) regarding an alleged violation regarding the education of students with disabilities by DCPS. DCPS shall provide the parent / guardian / parent surrogate and other interested parties with information regarding the procedures for filing a complaint. The signed written complaint shall include a statement that DCPS has violated a federal or State law or regulation regarding the provision of FAPE to a student with a disability and the facts on which the complaint is based. The complaint shall allege a violation that occurred less than one (1) year before the date the complaint is received. Either party to the complaint shall be given the opportunity to submit additional information and documentation about the allegations in the complaint, which will be considered in making the final decision. Following the receipt of the complaint, MDSE will conduct an investigation, consistent with guidelines and procedures established by MSDE. MSDE shall issue a written decision within sixty (60) days to the complainant that addresses each allegation and contains findings of facts and conclusions, the reasons for the final decision, and procedures for effective implementation of the final decision including, as appropriate:

- technical assistance,
- negotiations, and
- corrective actions required to achieve compliance.

MSDE may extend the sixty (60) day timeline if:

- exceptional circumstances exist regarding a particular complaint, or
- the parent and public agency voluntarily agree to extend the time to try to mediate or use an alternate means of dispute resolution.
-

Mediation

A parent / guardian / parent surrogate of a student or DCPS may request mediation when there is a dispute about any matter related to the identification, evaluation, or educational placement, or the provision of FAPE to a student. *Mediation is voluntary* on the part of the parties. Mediation may not be used to deny or delay a parent / guardian / parent surrogate's right to a due process hearing or to deny any other rights afforded the parent / guardian / parent surrogate. A party to the mediation has the right to be accompanied or advised by counsel. A party requesting mediation shall make the request in writing to the other party and the Office of Administrative Hearings. Reasonable efforts shall be made to schedule a mediation session within twenty (20) calendar days of the receipt of a written request and shall be held in a location that is convenient to the parties of the dispute. Mediation sessions are closed proceedings. An agreement reached by the parties to the dispute in the mediation shall be set forth in a written mediation agreement. Discussions that occur during mediation shall be confidential and may not be used in evidence in any subsequent due process hearings or civil proceedings. The mediation agreement is legally binding.

If, during an IEP meeting, a parent disagrees with the child's IEP or the special education services provided to the child, the IEP team shall provide the parent with, 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. If the native language, spoken by the parent who requests this information, is spoken by more than 1% of the DCPS student population, the parent may request the information be translated into the parent's native language and the IEP team shall provide the parent with the translated document within 30 days of the requested document. A DCPS staff member shall be available to assist the parent to understand the mediation process. The parent should be referred to the DCPS Special Education Office at the Board of Education.

Hearing

A parent / guardian / parent surrogate of a student or DCPS has the opportunity for an impartial due process hearing when there is a dispute about the identification, evaluation, or educational placement, or the provision of FAPE to a student with a disability. A request to initiate a due process hearing shall be made in writing to the other party and the Office of Administrative Hearings. The request shall allege a violation that occurred not more than two (2) years before the date the parent / guardian / parent surrogate or public agency knew or should have known about the alleged action that forms the basis of the due process complaint. The timeline does not apply if the parent / guardian / parent surrogate was prevented from requesting a due process hearing because DCPS made specific misrepresentations that the problem forming the basis of the due process hearing complaint was resolved, or DCPS withheld information from the parent / guardian / parent surrogate that DCPS is required to provide the parent / guardian / parent surrogate. When an impartial due process hearing is requested, DCPS shall inform the parent / guardian / parent surrogate of free or low cost legal and other relevant services available and the availability of mediation. The Office of Administrative Hearings shall appoint a qualified impartial hearing officer to conduct a due process hearing.

Resolution Session

Within fifteen (15) days after receiving the written notice of the request for a Due Process Hearing the DCPS shall convene a meeting with the parent / guardian / parent surrogates and members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. If the issues are not resolved to the satisfaction of either party, the due process hearing may occur within thirty (30) calendar days of the receipt of the complaint.

No due process hearing may occur unless:

- the parties attend a resolution session,
- agree in writing, to waive the resolution session, or
- attend mediation to resolve the issues identified in the due process hearing request.

If a resolution is reached, the parties shall execute a legally binding agreement. A party may void the agreement within three (3) business days of the agreement's execution.

If a party requests mediation and a due process hearing, the issue will proceed directly to mediation if the non-complaining party agrees to mediate.

An impartial hearing officer shall conduct a due process hearing and provide a written decision to each of the parties.

An expedited due process hearing shall occur within twenty (20) school days of the date the hearing is requested and shall result in a decision within ten (10) school days of the hearing if at the time of the hearing request the student is not enrolled and attending an approved educational program or if the due process hearing request concerns the placement or manifestation determination of a student due to a violation of the rules of conduct. If at the time of the hearing request, the student has been removed from the student's current education program for disciplinary reasons, the due process hearing shall be expedited.

A party to a due process hearing has the right to:

- be accompanied and advised by counsel and individuals with special knowledge or training with respect to the problems of students with disabilities,

- present evidence and confront, cross-examine, and compel the attendance of witnesses,
- prohibit the introduction of evidence at the hearing that has not been disclosed to all parties at least five (5) business days before the hearing,
- obtain a written or electronic verbatim transcript of the hearing; and
- obtain written or electronic findings of fact and decisions.

At least five (5) business days before the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. An impartial hearing officer may bar a party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party. A parent / guardian / parent surrogate has the right to have the child who is the subject of the hearing present; and open the hearing to the public.

Student's Status During Proceedings

Unless the parent / guardian / parent surrogate and the public agency agree on an alternative placement, the student shall remain in the present educational placement during the pendency of an administrative or judicial proceeding.

If the matter involves an application for *initial admission* to public school, the student, with the consent of the parent / guardian / parent surrogate, shall be placed in a public school program until the completion of all proceedings, unless the parent / guardian / parent surrogate and DCPS agree otherwise.

If the matter involves a dispute about the placement of a student with a disability in an interim alternative educational setting (IAES) for *disciplinary* action, the student shall remain in the IAES during the pendency of an administrative or judicial proceeding, or until the expiration of the time limit for an IAES.

If a student with a disability is placed in an IAES as a result of disciplinary action, and DCPS personnel propose to change the student's placement after the expiration of the IAES, the student shall return to the student's placement before the IAES during the pendency of any administrative or judicial proceeding to challenge the proposed change in placement.

If the decision of the impartial hearing officer agrees with the student's parent / guardian / parent surrogate that a change of placement is appropriate, that placement

shall be treated as an agreement between DCPS and the parent / guardian / parent surrogate.

Attorneys' Fees

Courts may award reasonable attorneys' fees to:

- the parent / guardian / parent surrogate of a student who is the prevailing party,
- to the DCPS against the attorney of a parent / guardian / parent surrogate who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent / guardian / parent surrogate who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation, or
- to the DCPS against the attorney of a parent / guardian / parent surrogate, or against the parent / guardian / parent surrogate, if the parent / guardian / parent surrogate's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

SECTION 12 - CONSENT

Consent for an Initial Evaluation

DCPS shall obtain written parent / guardian / parent surrogate consent before conducting an initial assessment. If a parent / guardian / parent surrogate *refuses* consent for initial assessment procedures, the DCPS may not pursue assessment through a hearing / due process.

Consent for Reevaluation

If a parent / guardian / parent surrogate refuses consent for a Reevaluation or assessment procedures, as part of a reevaluation, and if DCPS has demonstrated reasonable efforts to procure permission to re-evaluate, DCPS may pursue assessment through mediation / due process. DCPS is *not required* to obtain parent / guardian / parent surrogate consent before reviewing existing data, before administering a test or other procedure that is administered to all students unless, before administration of that test or procedure, consent is required of the parent / guardian / parent surrogates of all students. DCPS is also *not required* to obtain parent / guardian / parent surrogate consent for assessment procedures that are part of Reevaluation, if the DCPS can show that reasonable measures have been taken to obtain consent and the parent / guardian / parent surrogate has failed to respond.

DCPS shall maintain a record of its attempts to obtain parent / guardian / parent surrogate consent. If a student is a ward of the State, DCPS shall make reasonable efforts to obtain informed parent / guardian / parent surrogate consent from the student's parent / guardian / parent surrogate for assessments.

Consent for Initial Special Education Services

DCPS shall obtain written parent/guardian consent before the initial provision of special education and related services to a student with a disability. DCPS shall not provide special education and related services if a student's parent / guardian / parent surrogate refuses to provide DCPS *consent for the initiation* of special education and related services or fails to respond to a request by the IEP team to provide *consent for the initiation* of special education and related services. If a parent / guardian / parent surrogate refuses to provide consent for the initiation of special education and related services, DCPS shall not provide special education and related services to the student and may not pursue due process.

If a parent / guardian / parent surrogate of a student with a disability refuses to provide the initial consent, DCPS shall not be considered to be in violation of the requirement to make Free and Appropriate Public Education (FAPE) available to the student. In cases in which initial consent by the parent / guardian / parent surrogate is denied, DCPS shall not be required to convene an IEP team meeting or develop an IEP for the student for the special education and related services.

After the initiation of the student's first IEP and related services, parent / guardian / parent surrogate consent is not required to implement the student's subsequent IEPs.

Consent for an initial evaluation may not be construed as consent for the student's first IEP.

If a parent / guardian / parent surrogate wishes to eliminate an individual service from a student's IEP, and DCPS does not agree, the individual service may only be removed as a result of the parent filing for, and prevailing in mediation and/or a due process hearing.

Parental Revocation of Consent for Continued Special Education Services

Parental revocation of consent for the continued provision of special education and related services must be in writing. Upon revocation of consent, DCPS must provide the parent with Prior Written Notice before the services are discontinued. Prior Written Notice should be sent to parents within five (5) days following the IEP Meeting that discusses the parents request for revocation of services.

Consent – Alternative Education Program/Alternative Education Assessment/Restraint or Seclusion in IEP

An IEP team must obtain the written consent of a parent if the team proposes to:

- Enroll the child in an alternative education program that does not issue or provide credits towards a Maryland High School Diploma;
- Identify the child for the alternative education assessment aligned with the State's alternative curriculum; or
- Include restraint or seclusion in the IEP to address the child' behavior as described in COMAR 13A.08.04.05.

If the parent does not provide written consent to any of the proposed actions listed above, (See Appendix [DCPS Parental Consent Form](#)) the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the IEP team meeting informing them that:

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

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

Medical Assistance

DCPS shall obtain written consent annually to access medical assistance for service coordination and health-related services.

SECTION 13 - INDEPENDENT EDUCATIONAL EVALUATION

Procedural Safeguards - Independent Educational Evaluation

A parent / guardian / parent surrogate of a student with a disability may obtain an independent educational evaluation. On request, DCPS shall provide the parent / guardian / parent surrogate with information about where an independent educational evaluation may be obtained and DCPS criteria applicable for independent educational evaluations. The DCPS shall provide a written response approving or denying the request within 30 days of the date that the request was made. If the request is approved, the written response shall advise the parent of the process for arranging the evaluation at DCPS expense. If the request is denied, the DCPS shall file a due process complaint within 30 days of the date of the denial.

Criteria for Independent Educational Evaluations

The Dorchester County Public Schools (DCPS) maintains the following criteria for Independent Educational Evaluations (IEE):

- Assessment requires first-hand contact with the student. If someone other than the independent examiner conducts the IEE, this fact must be stated in the report.
- Personnel responsible for assessing students to determine eligibility for special education and related services will use only testing and assessment materials and procedures that are not racially or culturally discriminatory.
- No single procedure will be the sole criterion for determining an appropriate educational program for a student in DCPS.
- Personnel responsible for assessing students will provide appropriate testing and assessment materials and administer them in the student's native language or mode of communication. When a student has been identified as having limited English proficiency, assessment materials and procedures will be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills. The provision of an interpreter during assessments will be arranged when the student's native language or mode of communication necessitates it.
- Assessment for the purpose of determining the eligibility for special education and / or determining the disability of a student must be conducted at a minimum, by trained / certified personnel from different disciplines who will complete an educational assessment and one other assessment. Assessments

will be administered by trained and knowledgeable personnel using a variety of assessment tools and strategies that are technically sound, valid for the purpose and valid for the student. Assessment tools used will assess specific areas of educational need and not merely a single general intelligence quotient. Assessments may include functional, cognitive, developmental, behavioral, and physical information.

- When using standardized tests to assess students, personnel will only use those tests that have been validated for the specific purpose for which they are used. Personnel using the tests will have received training regarding the instructions provided by the producer of the tests. If an assessment is conducted under nonstandard conditions, a description of the extent to which it varied from the standard conditions will be included in the evaluation report.
- If a student with impaired sensory, manual, or speaking skills is assessed, tests will be selected and administered so that the results accurately reflect the student's aptitude or achievement level or other factors the tests purport to measure.
- For a student suspected of having a specific learning disability, or previously determined by the DCPS IEP team of having a specific learning disability, an observation of the student's academic performance in the regular classroom must be completed. Someone other than the student's general education teacher is to complete this observation. If a student is less than school age or not in school, the observation will be done in an environment appropriate for a student of that age.
- Reports will be available for all assessment procedures administered to a student in each area of suspected disability. Each report of assessment procedures must be written, dated and signed by the examiner who conducted the assessment. Relevant findings regarding functional, cognitive, developmental, behavioral and physical information must also be included in each report. Each examiner must also address the instructional implications for the student's participation in the general curriculum when writing the assessment report. For preschool students, the instructional implications focus on participation in appropriate activities.
- DCPS shall have access to all IEE protocols used by the independent examiner.
- The IEP team shall consider the information from any IEE, if it meets agency criteria, when making any decisions with respect to the provision of a free appropriate public education.
- Cost limitations for IEE for which DCPS pays will be based upon the average prevailing costs of the different tests within the geographic area.

- Payment to the IEE provider or parent shall not be made by the DCPS until the written report is provided to the DCPS. Additionally, the full report must be provided to the DCPS in order for the payment to be made.
- The independent examiner may not share a draft report with the parent, the parent's attorney, advocate, educational consultant, or other representative prior to providing the final IEE report to the DCPS.
- If a parent requests an independent educational evaluation, the DCPS may ask for the parent's reason why he or she objects to the public evaluation. However, the DCPS may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation consistent with COMAR 300.502(b)(4).

Procedures for Classroom Observation by Non-School Board Personnel

Parents should make prior arrangements with the school principal to observe their child. The principal will schedule an appropriate time for the observation.

Individuals other than parents wishing to observe a student in educational settings must first secure written parental permission and submit a written request to the principal stating the purpose of the observation. The request should be directed to the principal and should include the name(s) of the observers. The principal will review the request and if the observation is permitted, schedule as appropriate. For instance, if the decision of the principal is that the classroom instruction will be interrupted by the presence of an observer, or if testing is occurring, the observation will not be allowed.

Observations will be held to a maximum of forty-five (45) minutes per school quarter per child. Specific requests for extended time will be considered. Appropriate school staff should make arrangements to be present during the observation.

Instruction may not be interrupted during observations. Observations must be silent and no conversations are permitted during the observation. A conference between the observer and the principal or teacher may be arranged at a mutually convenient time. The administrator will determine when a meeting involving the teaching staff is necessary and will arrange such a meeting.

Parent / Guardian Right to Independent Educational Evaluation at Public Expense

If a parent / guardian / parent surrogate disagrees with the evaluation obtained by the IEP team, the parent / guardian / parent surrogate may request an independent educational evaluation at public expense. When a parent / guardian / parent surrogate requests an independent educational evaluation at public expense, the DCPS will provide an independent educational evaluation; or initiate a due process hearing to demonstrate that the IEP team's evaluation is appropriate.

Decision of the Impartial Hearing Officer Involving IEE'S

If an impartial hearing officer determines that the evaluation obtained by the IEP team is appropriate, the parent / guardian / parent surrogate may not obtain an independent educational evaluation of the student at public expense. If an impartial hearing officer determines that the evaluation obtained by the IEP team is not appropriate, DCPS shall provide an independent evaluation of the student at public expense. If an impartial hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the independent educational evaluation shall be at public expense. When an independent educational evaluation is provided at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria used by DCPS when it initiates an assessment, to the extent those criteria are consistent with the parent / guardian / parent surrogate's right to an independent educational evaluation. The results of an independent educational evaluation obtained at public or private expense shall be *considered* by an IEP team in making any decision regarding the provision of FAPE for the student; and may be presented as evidence at a due process hearing. DCPS may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

SECTION 14 - DISCIPLINE OF STUDENTS WITH DISABILITIES

Students sent home by the School Administration

If a student is sent home by the school administration for disciplinary reasons for part of a school day, that partial day is considered a suspension. If the school administration calls the parent to pick up the child due to the child's behavior and the child misses instruction that is considered a suspension. There can be no undocumented disciplinary removals. All suspensions from the educational setting must be documented and count as either a half day or a full day of suspension and count toward the ten (10) cumulative days.

Documentation will include:

- the reason for the early dismissal, and
- the time of the early dismissal.

The parent / guardian is required to sign the student out when the student leaves school early.

Removal of Preschool Special Education Students

Preschool special education programs are prohibited from suspending or expelling prekindergarten, kindergarten, first grade or second grade students from DCPS. This practice specifies that an exception can be made only for an expulsion required by federal law or a suspension for not more than 5 days, if there is serious harm to others or staff.

Removal of a Student with a Disability for Not More than 10 Consecutive School Days

A student with a disability may be removed from the student's current placement for not more than ten (10) school days per school year for any violation of school rules to the same extent removal is applied to students without disabilities.

DCPS procedure recommends that a Functional Behavioral Assessment (FBA) be conducted at the onset of a 2nd suspension, or five (5) days of suspension for students with disabilities.

***Refer to the DCPS Functional Behavioral Assessment Manual for more information. (In addition, refer to Appendix for the Functional Behavioral Intervention / Behavior Intervention Plan Flowchart).**

Removal of a Student with a Disability for More than 10 School Days

A student with a disability may be removed from the student's current placement for up to ten (10) consecutive school days for each incident of misconduct in a school year if the cumulative effect of such removals does not constitute a change of placement. However, administrator must comply with COMAR 13A.08.01.11 when disciplining students. This section of COMAR places restrictions on suspension and expulsion of all students, including disabled students.

Change of Placement

When a child is removed for more than ten (10) days, that results in a change in placement, whether or not the behavior is a manifestation of the disability, or when a child is removed to Interim Alternative Educational Setting (IAES) for drugs, weapons or serious bodily injury, the child should continue to receive services to enable him/her to continue to participate in the general education curriculum although in another setting and to progress toward meeting the goals set out in his/her IEP. The child must also receive a functional behavioral assessment and if appropriate, behavior intervention services and modifications designed to address the behavioral violation so that it does not recur. The IEP team determines appropriate services and the location in which to services will be provided.

A removal constitutes a change of placement if the student is

- (1) removed from the student's current placement for more than ten (10) consecutive school days; or
- (2) subjected to a series of removals that constitutes a pattern of removal that accumulates to more than ten (10) school days in a school year.

To determine if the removal constitutes a pattern of removals, the IEP team shall consider:

- (1) the length of each removal
- (2) the total amount of time the student is removed; and
- (3) the proximity of the removals to one another.

Example: If a student with a disability is suspended for eleven (11) consecutive school days, that is a change in placement and not allowed.

Example: If a student is suspended for two (2) days per month for six (6) months, that is a change in placement and not allowed.

Example: If a student is suspended for ten (10) days in September for fighting and for 3 days in February for fighting, that is a change in placement and not allowed.

School personnel may consider any unusual circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a student with a disability who violates a school rule.

For each period of removal after a student with a disability has been removed for the cumulative equivalent of ten (10) school days in a school year, the principal shall consult with the student's special education teacher to determine what services to provide to enable the student to appropriately:

- progress in the general education curriculum; and
- advance toward achieving the goals of the student's IEP.

If a student with a disability is removed for more than ten (10) consecutive school days for a violation of school rules, the student's IEP Team must determine whether the behavior subject to the removal is or is not a manifestation of the student's disability. If the IEP Team determines that the behavior is not a manifestation of the disability, then the student with a disability may still be suspended but shall:

- continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and
- to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a Functional Behavioral Assessment (FBA), behavioral intervention services and modifications, designed to address the behavior violation should be initiated to prevent its recurrence.

Parent / Guardian / Parent Surrogate Notification

On the date, the administrator decides to remove a student with a disability from the student's current placement for a violation of a school rule, the administrator shall:

- notify the parent / guardian / parent surrogates of the decision; and
- provide the parent / guardian / parent surrogates with the *Parental Rights, Maryland Procedural Safeguards Notice* and the Community Resource Guide.

Interim Alternative Educational Setting (IAES)

DCPS may remove a student with a disability for up to forty-five (45) school days to an IAES if, while at school, on school premises or a school function, the student:

- carries or possesses a weapon*,
- knowingly possesses or uses an illegal drug*,
- sells or solicits the sale of a controlled substance*, or
- inflicts serious bodily injury upon another person*.

Such removal must also be consistent with the discipline regulations applicable to non-disabled students, which means the placement in the IAES should be for the shortest period practical.

***See Section 27 of this handbook for definition**

The IEP team shall determine the IAES. An IAES shall enable the student with a disability to:

- progress in the general education curriculum;
- receive the services and modifications included in the student's IEP;
- meet the goals of the student's IEP; and
- receive services and modifications designed to address the behavior to prevent its recurrence.

A student with a disability removed from the student's current placement, shall:

- continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and

- receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, designed to address the behavior violation to prevent its recurrence.

If DCPS believes the behavior of a student with a disability is likely to result in injury to the student or others, an IEP meeting shall be conducted to determine the appropriate services to be provided to the student, amend the IEP if necessary and change the student placement if appropriate. A parent may request a due process hearing and contest changes to the IEP, including the change in placement. In such case, the student's prior placement is to the "stay put" placement.

If DCPS maintains that it is dangerous for the student with a disability to be in the current placement during the pendency of the due process hearing, DCPS may request that the due process hearing be expedited unless the parent agrees to an IAES during the pendency of the due process hearing. DCPS may seek a Temporary Restraining Order in Circuit or Federal Court.

An administrative law judge may order a change in placement to an IAES for not more than forty-five (45) school days if the administrative law judge determines that DCPS has demonstrated, by a preponderance of the evidence that maintaining the current placement of the student with a disability is substantially likely to result in injury to the student or others.

In making the determination, an administrative law judge shall consider whether:

- the student's current placement is appropriate,
- DCPS has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services, and
- the IAES proposed by DCPS in consultation with the student's special education teacher is appropriate.

A student with a disability may be removed to an IAES without regard to whether the behavior is determined to be a manifestation of the student's disability.

Reportable Offenses

The law enforcement agency is required to notify the Superintendent when a student is arrested for a reportable offense. State law lists the reportable offenses, which include criminal acts such as armed robbery and rape. The Superintendent or designee then notifies the principal of the school in which the student enrolled with

the arrest information, including the charges. Once notified, the following procedure shall be followed:

- (1) The principal/designee, with appropriate staff members, should develop a safety plan that addresses appropriate educational programming and related services and that maintains a safe and secure environment for all students and staff.
- (2) The plan should be implemented within five (5) days after receipt of the arrest information.
- (3) If the plan results in a change to the student's educational program, the school principal or designee shall promptly schedule a conference to inform the parent or guardian of the plan.
- (4) The school principal or designee and appropriate staff shall review the plan and the student's status and make adjustments as appropriate.
- (5) Appropriate educational programming and related services shall be provided to a student with disabilities and an IEP team meeting held.
- (6) The plan should be reviewed quarterly by the school principal/designee and appropriate staff, pending notification from the State's attorney about the Reportable Offense case.
- (7) The plan should be reviewed by the school principal/designee and appropriate staff immediately upon notification from the State's attorney of the disposition of the Reportable Offense.
- (8) The reportable arrest information may not be made part of the student's permanent educational record except by order of a juvenile court or other court.
- (9) If the student transfers to another school system, the DCPS Superintendent may transmit information to the receiving Superintendent about the disposition of the Reportable Offense conviction, an adjudication of delinquency or the criminal charge or delinquency petition that is pending. As part of the transmission, the DCPS Superintendent shall include information about the student's DCPS educational programming and related services.

Responsibilities of the IEP team

While a Functional Behavioral Assessment and Behavior Intervention Plan are only required under State regulation when discipline results in a change of placement (i.e., removal of student for more than ten (10) school days), a proactive approach should be undertaken in many cases prior to the removal of students for ten (10) school days.

As soon as possible after the completion of the assessments determined appropriate by the IEP team, the IEP team shall meet to:

- develop appropriate behavioral interventions to address the behavior; and
- implement the behavioral intervention plan.

If the student with a disability has a behavioral intervention plan, the IEP team shall meet within ten (10) business days of the removal to review the behavioral intervention plan to address the behavior that resulted in the removal, and determine if:

- the behavioral intervention plan needs to be modified; or
- the implementation of the behavioral intervention plan needs to be modified to address the behavior.

For subsequent disciplinary removals of the student beyond the first ten (10) school days the student is removed during the school year, the IEP team shall meet to review the student's behavioral intervention plan.

The IEP team shall modify the behavioral intervention plan and its implementation to the extent the IEP team determines necessary.

The IEP team may meet to develop an assessment plan, and to determine whether the student's conduct was a manifestation of his disability, and to determine services at the same IEP team meeting.

Determination of Whether a Behavior is a Manifestation of a Student's Disability

The IEP team shall meet to determine whether a student's behavior that resulted in a disciplinary removal is a manifestation of the student's disability each time the student is subject to a removal:

- that is more than ten (10) school days;
- that constitutes a change of placement; or

- to an IAES.

During the manifestation IEP team meeting, the IEP team shall determine whether the behavior was:

- (1) caused by or had a direct and substantial relationship to the student's disability; or
- (2) the direct result of DCPS' failure to implement the student's IEP.

In determining whether the student's behavior was a manifestation of the student's disability, the IEP team shall review:

- all relevant information in the student's file;
- any teacher observations,
- any relevant information supplied by the parent / guardian / parent surrogates; and
- the student's IEP.

If the IEP team determines that the behavior was not a manifestation of the student's disability, and that the student may be removed, then the IEP team shall determine the services to be provided during the removal to ensure the provision of FAPE.

If the IEP team determines that the student's behavior is a manifestation of the student's disability, the IEP team shall, as appropriate:

- conduct a Functional Behavioral Assessment and implement a Behavioral Intervention Plan if the DCPS had not conducted such assessments prior to a disciplinary removal,
- review the student's behavioral intervention plan and modify it, if necessary, and
- return the student to the student's placement from which the student was removed unless the parent / guardian / parent surrogate and DCPS agree to a change of placement as part of a modification of the student's behavioral intervention plan.

If the IEP team determines the behavior is not a manifestation of the student's disability:

- the student may be disciplined in the same manner as students without disabilities, including a period of suspension or expulsion, and

- the IEP team shall determine the extent to which services are necessary during the period of suspension or expulsion to enable the student to appropriately:
 - progress in the general education curriculum; and
 - advance toward achieving the goals of the student's IEP.

Upon initiation of disciplinary actions in cases where the IEP team determines that the behavior is not a manifestation of the student's disability, the principal shall transmit the student's special education and disciplinary records to the local superintendent.

Parent/Guardian/Parent Surrogate's Right to Appeal and Student Placement

The parent / guardian / parent surrogates of the student may request a due process hearing if the parent / guardian / parent surrogates disagree with DCPS regarding:

- disciplinary removals
- the determination of whether the student's behavior is a manifestation of the student's disability, or
- interim alternative educational setting (IAES).

If the parent / guardian / parent surrogate requests a due process hearing in the above situation, DCPS shall arrange for an expedited due process hearing. The student shall remain in the IAES pending the decision of the administrative law judge or until the expiration of the IAES, whichever occurs first. This will occur unless the parent / guardian / parent surrogate and DCPS agree on another course of action, or the DCPS files for injunctive relief. If the DCPS proposes to change the student's current educational placement after the expiration of the student's placement in an IAES, and the parent / guardian / parent surrogate requests a due process hearing to challenge the proposed change of placement, the student shall return to the student's educational placement prior to the removal to an IAES.

At an expedited due process hearing on disciplinary actions, the administrative law judge may:

- return the student with a disability to the placement from which the student was removed; or

- order a change in placement of a student with a disability to an IAES for not more than forty-five (45) school days if the administrative law judge determines that maintaining the current placement is substantially likely to result in injury to the student or others.

DCPS may repeat the procedures if DCPS believes that:

- the student continues to be dangerous;
- returning the student to the student's placement before placement in an interim setting is likely to result in injury to the student or others;
- the student should remain in an IAES.

Students Not Yet Eligible for Special Education and Related Services

If a student who has not been identified as a student with a disability engages in behavior that violates any rule or code of conduct of DCPS, the student may assert protection under the IDEA if DCPS had knowledge that the student was a student with a disability before the student engaged in the behavior that precipitated the disciplinary action. DCPS shall be deemed to have knowledge that a student is a student with a disability if:

- The parent / guardian / parent surrogate of the student expressed concern in writing to supervisory or administrative personnel of DCPS, or a DCPS teacher.
- The parent / guardian / parent surrogate is requesting an evaluation.
- The student's teacher or other personnel of DCPS have expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Supervisor of Special Education or other supervisory personnel.

Parent / guardian / parent surrogate may express their concerns orally, if a parent / guardian / parent surrogate:

- does not know how to write; or
- has a disability that prevents a written statement.

DCPS is not deemed to have knowledge if the parent / guardian / parent surrogate of the student:

- did not allow DCPS to conduct assessments, or
- refused consent for services or

- the DCPS conducted an evaluation and determined the student was not a student with a disability, or determined an evaluation was not necessary, and provided the student's parent / guardian / parent surrogate with written notice of the decision.

If DCPS does not have knowledge that a student is a student with a disability before taking disciplinary action, the student may be subject to the same disciplinary measures applied to students without disabilities who engage in comparable behaviors.

If DCPS receives a written referral, during the time that the student is subject to disciplinary measures, DCPS shall evaluate the student in an expedited manner. The student shall remain in the educational placement determined appropriate by DCPS personnel, including suspension or expulsion without educational services, until the evaluation is completed.

If because of the evaluation, the IEP team determines the student is a student with a disability, DCPS shall provide special education and related services.

Reporting Delinquent Acts

Delinquent acts are offenses committed by a person who is under 18 years old which would be crimes if committed by an adult. School officials shall promptly report to the responsible law enforcement agencies all delinquent acts coming to their attention whether occurring on or away from the school premises which involve students attending the particular school.

Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.

Functional Behavior Assessment

Functional Behavior Assessment (FBA) includes the:

- identification of the functions of the problem behavior for the student;
- description of the problem behavior exhibited in the educational setting; and

- identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.

Student Behavior Interventions

School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors. DCPS personnel shall only use exclusion or restraint after less restrictive or alternative approaches have been considered, and:

- attempted; or
- determined to be inappropriate.

Exclusion and restraint shall only be used in a humane, safe, and effective manner, without intent to harm or create undue discomfort and consistent with known medical or psychological limitations and the student's behavioral intervention plan.

Law enforcement, judicial authorities, or school security personnel may also exercise their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, or procedures.

Use of Exclusion

DCPS may use exclusion to address a student's behavior if the student's behavior:

- unreasonably interferes with the student's learning or the learning of others; or
- constitutes an emergency and exclusion is necessary to protect a student, or other person from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or been determined inappropriate.
- if exclusion is requested by the student; or
- if supported by the student's behavior intervention plan.

A setting used for exclusion shall:

- provide school personnel with the ability to see the student at all times;
- provide adequate lighting, ventilation, and furnishings; and
- be unlocked and free of barriers to prevent egress.

DCPS personnel shall monitor a student placed in exclusion and provide a student in exclusion with:

- an explanation of the behavior that resulted in the removal; and
- instructions on the behavior required to return to the learning environment.

DCPS personnel shall ensure that each period of exclusion:

- is appropriate to the developmental level of the student and the severity of the behavior; and
- does not exceed thirty (30) minutes.

Parent / guardian / parent surrogates and school personnel may at any time request a meeting to address the use of exclusion and to:

- conduct a functional behavioral assessment; and
- develop, review, or revise a student's behavioral intervention plan.

School personnel shall consider the need to initiate a referral to a student services or IEP team if a nondisabled student has experienced excessive exclusion, to determine if the student has a disability that may require the provision of special education and related services. DCPS personnel shall ensure the implementation of appropriate procedures when a student with a disability has experienced an excessive period of exclusion that may result in a change of placement.

The Use of Restraint

Physical Restraint

Physical restraint means a personal restriction that immobilizes a student or reduces the ability of a student to move the student's torso, arms, legs, or head freely that occurs during school hours.

Physical restraint does not include:

- Briefly holding a student in order to calm or comfort the student;
- Holding a student's hand or arm to escort the student safely from one area to another;
- Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
- Breaking up a fight in the school building or on school grounds.

The use of physical restraint is prohibited in DCPS and nonpublic schools, unless:

- less restrictive interventions have been determined to be ineffective to protect the students or others from harm;
- the type or techniques used are the least restrictive interventions that will be effective;
- contraindications to the use of physical restraint based on medical history or past trauma are reviewed with consultation with medical or mental health professionals as appropriate;
- implemented by trained personnel in accordance with local written procedures;
- using safe and appropriate techniques;
- discontinued at the earliest possible time, regardless of the length of time identified in the behavior intervention plan;
- there is an emergency and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or been determined inappropriate;
- the student's behavioral intervention plan or IEP describes the specific behaviors and circumstances in which physical restraint may be used; or
- the parent / guardian / parent surrogates of a nondisabled student have otherwise provided written consent to the use of physical restraints while a behavior intervention plan is being developed.

An IEP team must obtain the written consent of a parent if the team proposes to include restraint in the IEP to address the child' behavior as described in COMAR 13A.08.04.05.

Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint. In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.

The parent / guardian / parent surrogate of any student in the DCPS who has restraint listed as an intervention on his or her behavior intervention plan shall be provided with a copy of the DCPS procedures for the use of restraint.

The physical restraint will be:

- removed when the student is calm; and

- may not exceed thirty (30) minutes.

When applying a physical restraint, school personnel may not:

- place a student in a face down position;
- place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct a staff member's view of the student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso; or
- straddle a student's torso.

Mechanical Restraint

The use of mechanical restraint is prohibited in DCPS.

Documentation of the Use of Restraint

Each time a student is in a restraint, DCPS personnel shall document:

- other less intrusive interventions that have failed or been determined inappropriate;
- the precipitating event immediately preceding the behavior that prompted the use of restraint;
- the behavior that prompted the use of a restraint;
- the names of the school personnel who observed the behavior that prompted the use of restraint;
- the names and signatures of the staff members implementing and monitoring the use of restraint;
- the documentation shall include a description of the restraint event, including:
 - the type of restraint;
 - the length of time in restraint;
 - the student's behavior and reaction during the restraint, and
 - the name and signature of the administrator informed of the use of restraint.

The documentation shall be maintained in the student's special educational file and available for inspection by the student's parent / guardian / parent surrogate or legal guardian. Each time restraint is used; parent / guardian / parent surrogates shall be provided oral or written notification within twenty-four (24) hours, unless otherwise provided for in a student's behavior intervention plan or IEP. (See **Appendix DCPS Restraint Documentation Form**)

Seclusion

The use of seclusion is prohibited in DCPS.

Seclusion and Students Enrolled in a Non-Public School

A non-public school may not use seclusion as a behavioral health intervention unless:

- Seclusion is necessary to protect the student or another individual from imminent serious physical harm;
- Other, less intrusive interventions have failed or been determined to be inappropriate for the student;
- A health care practitioner who qualifies under is onsite and is directly observing the student during the seclusion;
- The health care practitioner determines that seclusion is not contraindicated for the physical, psychological or psychosocial health of the student;
- If the door to the room in which the student is being secluded has a locking mechanism, the locking mechanism is engaged only if held in place by an individual or, if operated electronically, automatically releases in the case of an active fire alarm; and
- The period of seclusion lasts the lesser of:
 - 30 minutes; or
 - point in time during which the student no longer poses a threat of imminent serious physical harm.

For a student who has an individualized education program and is placed in seclusion, the individualized education program team, in consultation with the health care practitioner who observed the seclusion, shall review the student's physical, psychological and psychosocial health history to determine whether seclusion is contraindicated for the student. A determination will be made:

- at each annual review of the student's individualized education program; and
- Within 10 days of a student's placement being changed.

If a student's behavior is adversely affected after being placed in seclusion, the non-public school shall convene a pupil personnel meeting on an expedited basis or at the earliest opportunity to discuss alternative behavior health treatments

If the behavior of a student with an individualized education program is adversely affected after being placed in seclusion, the student's individualized education program team shall convene a meeting on an expedited basis at the earliest opportunity to discuss alternative behavioral health treatments

Before a health care practitioner may use seclusion as a behavioral health intervention for a student in a non-public school, the health care practitioner shall:

- Be a physician, licensed to practice under Title 14 of the health occupations article;
- Be a psychologist, licensed to practice under Title 18 of the Health Occupations Article;
- Be a clinical social worker licensed to practice under Title 19 of the Health Occupations Article;
- Be a registered nurse, licensed to practice under Title 8 of the Health Occupations Article;
- Have received training in all topics required under COMAR 13A.08.04.06 in effect June 30, 2022; and
- Be clinically familiar with the student.

Each incident during a behavior health intervention in which a student is enclosed in a room, enclosure or other space and prevented from leaving, shall be counted as a separate incident of seclusion regardless of the duration of the incident.

Referral to the Student Services or IEP Team

If restraint is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's student services team or an IEP team. If restraint or seclusion is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint or seclusion, the IEP team shall meet within ten (10) business days of the incident to consider:

- the need for a functional behavioral assessment,
- developing appropriate behavioral interventions; and
- implementing a behavioral intervention plan.

If restraint is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint or seclusion, the student's IEP or behavior intervention plan shall specify how often the IEP team will meet to review or revise, as appropriate, the student's IEP or behavior intervention plan. When an IEP team meets to review or revise a student's IEP or behavior intervention plan, the IEP team shall consider:

- existing health, physical, psychological, and psychosocial information;
- information provided by the parent / guardian / parent surrogate;
- observations by teachers and related service providers; and
- the student's current placement.

DCPS or the nonpublic school shall provide the parent / guardian / parent surrogate of the student with written notice when an IEP team proposes or refuses to initiate or change the student's IEP or behavior intervention plan that includes the use of restraint or seclusion. A parent / guardian / parent surrogate may request mediation or a due process hearing if the parent / guardian / parent surrogate disagrees with the IEP team decision to or refuse to initiate or change:

- the student's IEP;
- the student's behavior intervention plan to use restraint, or
- the student's placement.

DCPS and the nonpublic school shall annually review policies and procedures and provide them to school personnel, and parent / guardian / parent surrogates.

Reporting of Restraint to MSDE

DCPS is required to report to MSDE if a student has been restrained 10 times or more within a school year. This report must be filed at the earliest opportunity but no longer than four business days after the student's tenth incident of restraint.

SECTION 15 - DCPS ADMINISTRATION

Child Find

DCPS shall ensure that all students with disabilities birth to the end of the school year in which the student turns twenty-one (21), residing within Dorchester County are located, identified, evaluated, and provided services consistent with State and Federal laws. Students include:

- students with disabilities attending private schools,
- highly mobile students,
- migrant students,
- homeless students,
- wards of the State, and
- students who are suspected of being a student with a disability and in need of special education, even though they are advancing from grade to grade.

***See section 17 “Child Find” for a more complete explanation.**

Interagency Collaboration

DCPS shall establish and maintain interagency planning and program implementation agreements for students with disabilities.

Local Application for Federal Funds

DCPS shall submit a local application for Part B Funds annually, in the manner specified by MSDE, including:

- grant budgets;
- policies and procedures for the implementation of FAPE for students with disabilities, consistent with federal and State laws and regulations, and
- a special education staffing plan.

MSDE shall review the local application and issue a written decision to the DCPS. MSDE shall prohibit DCPS from reducing maintenance of effort for any fiscal year, if MSDE determines that DCPS is not meeting the:

- requirements of the Act, and
- targets in the State Performance Plan.

Early Intervening Services

DCPS is precluded by law from using more than fifteen (15) percent of its Federal IDEA funds to develop and implement coordinated, early intervening services.

Disproportionality

DCPS shall reserve fifteen percent (15%) of the federal funds to provide comprehensive, coordinated early intervening services to serve students identified in those groups where significant disproportionality exists.

Staffing Plan

DCPS shall submit a staffing plan consistent with the procedures provided by MSDE to ensure that personnel and other resources are available to provide FAPE to each student with a disability in the least restrictive environment as determined by an IEP team. The staffing plan shall include:

- evidence of maintenance of effort,
- staffing patterns of service providers used by the public agency for the provision of special education and related services to students with disabilities,
- number and type of service providers needed, and
- a description of how the staffing plan meets the requirements of this regulation.

The Dorchester County Board of Education shall approve the staffing plan. It is also reviewed by the Special Education Citizen's Advisory Council (SECAC).

Procedural Safeguards

DCPS shall establish and maintain procedures to ensure that students with disabilities and their parent / guardian / parent surrogates are guaranteed procedural safeguards with the respect to the provision of a FAPE. The *Parental Rights, Maryland Procedural Safeguards Notice* and the *Parent's Guide to Habilitative Services* documents, prepared by MSDE, shall be provided to parent / guardian / parent surrogates of eligible students.

Technology-Based Instructional Products

DCPS shall ensure that technology-based instructional products, (i.e., adapted keyboard) provide students with disabilities equivalent access unless doing so would:

- fundamentally alter the nature of the instructional activity;
- result in undue financial and administrative burdens on DCPS.

If a technology-based instructional product meets the above criteria, DCPS shall implement an alternative method of instruction designed to enable a student with disability to access the general education curriculum and meet the student's IEP goals and objectives.

Special Education Citizens Advisory Committee (SECAC)

DCPS shall establish a SECAC to advise DCPS on the needs of students with disabilities within Dorchester County. MSDE will annually allocate federal funds to DCPS to support the activities of SECAC. DCPS shall submit a budget for the use of federal funds.

Charter Schools

DCPS shall serve students with disabilities attending charter schools in the same manner as DCPS serves students with disabilities in its other schools.

Medications

DCPS shall not require a student with a disability to obtain a prescription for a substance covered by the Controlled Substances Act, as a condition of:

- attending school,
- receiving an evaluation, or
- receiving special education and related services.

Purchase of Instructional Materials

DCPS may coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials.

Nonpublic Placements by DCPS

DCPS shall consider the placement of a student with a disability in a nonpublic program when:

- DCPS cannot implement the student's IEP in a public placement; and
- the nonpublic school program to which the student has been referred:
 - has been approved by MSDE,
 - can implement the student's IEP, and
 - is the least restrictive environment.

State Contributions for Funding In-State Nonpublic Placements

MSDE will contribute funding for the costs of a placement for a student with a disability in an approved nonpublic school program. If DCPS is requesting a State funding contribution, it shall apply to MSDE for approval of the funding contribution for the placement of the student at the time and in the manner specified by MSDE. DCPS shall provide written notice to the parent / guardian / parent surrogates of a student with a disability when an application for a State contribution for funding a nonpublic school placement is submitted to MSDE. If MSDE disapproves a request for State funding of a nonpublic school placement recommended by DCPS for a student with a disability, MSDE shall identify an available appropriate alternative placement.

State Contribution for Funding an In-State Residential Placement

DCPS shall obtain approval from the Local Care Team (LCT) before DCPS requests a State funding contribution of an in-State residential placement for a student with a disability. DCPS shall notify MSDE of the LCT approval when the request for a State funding contribution is submitted to MSDE.

State Contribution for Funding Out-of-State Nonpublic Placements

DCPS shall participate as a member of the LCT and the Local Management Board (LMB). DCPS shall obtain approval from the LCT to request a State contribution for funding an out-of-State nonpublic placement for a student with a disability whose educational needs cannot be met in an in-State nonpublic placement. The LCT shall review the funding request for an out-of-State nonpublic placement. If the LCT approves the out-of-State nonpublic placement funding request, DCPS shall forward the funding request and supporting documentation at the time and in the manner

specified by the State Coordinating Council (SCC). On approval of the State contribution for funding the out-of-State residential nonpublic placement, the SCC shall notify the MSDE and DCPS.

Limitations on Local School System and State Funding Contributions to Nonpublic Placements

If the LCT determines that a student with a disability requires a nonpublic placement for non-educational reasons, DCPS may agree to be responsible for the educational cost not to exceed the local share of the basic cost of the DCPS education program. DCPS is not responsible for the cost of the educational component of a nonpublic placement if the placement:

- is not required to provide a student FAPE, and
- is made by another agency without DCPS approval for funding.

In accordance with the fiduciary responsibilities for public funds, MSDE may audit the records of nonpublic schools to which MSDE has contributed funding for placements.

DCPS is not responsible for funding the residential portion of a student's non-public placement unless the student requires a residential placement in order to receive FAPE.

DCPS Eligibility, General

DCPS has in effect policies, procedures, and programs consistent with federal and state policies and procedures. To ensure MSDE approval of DCPS' policies, procedures and programs, the Supervisor of Special Education will maintain a copy of all updated policies, procedures, and program descriptions with MSDE, submitting any suggested changes to MSDE. The Supervisor of Special Education will collaborate with MSDE' staff, as needed, to evaluate whether the documentation and data satisfies MSDE for DCPS to be eligible for financial assistance.

Ensure Free and Appropriate Public Education (FAPE)

DCPS has a Board and State approved policy that provides and operates a system to ensure the right to a FAPE for all students with disabilities, birth to twenty-one (21), residing within the jurisdiction of DCPS or living in a state operated program; suspended or expelled from school for more than ten (10) days; attending nonpublic

schools; living in state-operated schools regardless of the severity of the disability, and who are in need of special education and related services, and placed in a nonpublic school by the parent / guardian / parent surrogate, which is within the jurisdiction of the DCPS.

The IEP Team is responsible for:

- receiving referrals for assessment;
- providing assessment to determine eligibility for special education and related services;
- developing and approving each student's IEP; and,
- determining the educational placement of all students with disabilities.

Development and Implementations of Policies and Procedures

DCPS has written policies and procedures that ensure that local policies and procedures are developed in accordance with the Public Agency Standards Submission (PASS) and ensure the provision of FAPE for students with disabilities residing within the DCPS jurisdiction, including students in nonpublic schools. DCPS develops, maintains, and measures implementation of written policies and / or procedures that are consistent with state and federal laws and regulations. This handbook serves as the DCPS PASS document.

Local Application for Federal Funds (LAFF)

DCPS, through the Special Education Central Office, annually updates its Local Application for Federal Funds (LAFF) by involving citizens, parent / guardian / parent surrogates and private school personnel in the development of plans. Budgets included in the LAFF are contained within the annual school system budget and are subject to a scheduled set of public meetings.

DCPS' Special Education Department at the Central Office prepares, submits, and negotiates approval of an application for federal funds for students with disabilities that addresses all federal and state requirements and includes local policies and procedures that address all standards in PASS.

Informal public meetings and / or work sessions are provided monthly for the public to review any county program with the DCPS. Parent / guardian / parent surrogates and the public are invited to participate in development of programs. Open for the public are routinely scheduled meetings. Documentation of the meetings is maintained in the office of the Superintendent and on the DCPS Website.

DCPS' Special Education Central Office makes available to parent / guardian / parent surrogates and concerned citizens, public documents dealing with special education including:

- Local Application, under current special education laws;
- evaluations;
- program plans; and
- reports.

All documents are maintained within the Office of Special Education and made available to concerned citizens on request.

The IEPs for students enrolled in private schools will be developed in consultation with appropriate representatives of the student and will be kept in the school where the staff delivering the services are located or in the Central Office of DCPS if the student is in a residential non-public placement.

DCPS maintains a system for gathering data necessary for generating reports. Reports are generated in accordance with federal and state law. The Finance Department and the Special Education Department work closely to assure accurate and timely generation of all fiscal reports. The Special Education Department completes all reports pertinent to federal and state requirements under the direction of the Assistant Superintendent for Instruction.

Modification of Application

DCPS will modify its local application for federal funds in accordance with IDEA, State law, and State regulations, as required by MSDE. The Supervisor of Special Education will consult with MSDE to facilitate this process.

Amendments to Local Application for Federal Funds

DCPS expends Part B funds according to the Maryland Financial Reporting Manual and federal guidelines for special education fiscal account and reporting by annually developing, submitting and maintaining Budgets for Part B funds. DCPS submits budget amendments when:

- a grant is canceled in its entirety and no expenditures have been made;
- the grant period has been changed;
- a grant budget has been reallocated among different categories/ objectives;
- the amount of a grant has been increased/decreased;

- an objective changes;
- a line item increases 10% or more;
- a change occurs in account code structures; or
- other specified changes are required.

DCPS Control of Funds

The Office of Special Education of DCPS will provide continuing administration, direction and control over funds and property that benefit students enrolled in private schools by the standard fiscal and inventory procedures employed by DCPS.

DCPS operates a system ensuring that all Part B funds are appropriately administered. The Finance Office monitors and maintains these separate accounts.

A list of all purchases made with the use of these federal funds is maintained as part of the central office inventory control. All such purchases are permanently labeled. Principals at the local school level follow the procedure described below.

DCPS ensures the maintenance of records of equipment, supplies and materials by fiscal year and funding source purchased with Part B funds. At the time of delivery, such equipment, supplies and materials are inventoried, indicating date of acquisition, labeled at the time, and all invoices for those purchases are retained.

DCPS' records are kept and maintained for a six (6)-year period unless specific records require a longer maintenance to meet federal and state requirements, including:

- expenditures by object and category line items maintained in the business office;
- records on contracted services maintained in the Special Education Central Office;
- records on equipment inventories or materials, and equipment invoices maintained in the business office;
- SSIS data maintained in the Special Education Central Office;
- Medical Assistance Billing Documentation.

Excess Cost

DCPS operates a system that ensures that federal funds are expended according to state and federal guidelines for special education fiscal accounting and reporting. This system involves ongoing monitoring by the Finance Department in cooperation with the Office of Special Education.

As part of the Federal Application process DCPS assures the state that federal funds are used only after DCPS maintains its Special Education costs. Periodic internal auditing procedures assure the process.

Nonsupplanting

DCPS ensures the annual development and maintenance of, by fiscal year and funding source, a list of personnel paid out of Part B funds. This list includes for each person:

- name;
- position;
- Full Time Equivalent (FTE);
- school assignment; and
- funding source(s) (including fiscal year).

As part of its annual independent audit process, DCPS reviews expenditures of funds from the previous year. The total amount or average per capita amount of state and local school funds budgeted by the local educational agency for expenditures in the current fiscal year for the education of students with disabilities shall be maintained. Allowances may be made for decreases in enrollment of students with disabilities and unusually large expenditures for such long-term purposes as the acquisition of equipment or the construction of school facilities. If necessary, a third test would compare the average state and local per pupil cost and compare it to previous years if the state and local allocation were reduced.

At all times, the system in place in DCPS has assured that Part B funds are used to supplement and increase special education services to students with disabilities and are not used to displace state or local funds.

Fiscal Accountability – Financial Reports

No later than ninety (90) calendar days after the grant ending date, the Finance Department submits a Final Annual Financial Report (AFR) as defined in the grant award. Reports are maintained in the business office.

Annual Evaluation

Specific monitoring and/or auditing information are maintained in the Central Office of DCPS. The Supervisor of Special Education works in cooperation with appropriate evaluators.

DCPS follows established procedures for the annual review of each special education student.

Child Count of Students with Disabilities Attending Private Schools

DCPS will consult with representatives of private schools regarding the annual count of the number of private school students with disabilities. This child count information will be collected by the Child Find Coordinator as of the last Friday in October, annually. Data will be submitted to MSDE through the Special Services Information System (SSIS) according to state timelines. Data submitted will include students with disabilities unilaterally removed by their parent / guardian / parent surrogates when FAPE is at issue. The child count will include both students who are provided special education and related services by DCPS and those who are not.

Time and Effort Certification

As required by the United States Office of Management and Budget (OMB) Circular A-87, DCPS in all school-wide programs that consolidate federal funds with State and local funds, employees are required to sign semi-annual certification that he/she has been engaged solely in activities that support the applicable source. All documentation is maintained in the Special Education Department and overseen by the Supervisor of Special Education.

Debarment and Suspension Procedure

No purchase or award is to be made from a vendor using federal funds until the debarment status has been reviewed. The following are the procedures for determining debarment:

Definitions

Debarment Certification: A statement from a vendor or service provider that its company and principals, have not been debarred, suspended, proposed for debarment, declared ineligible, are not in the process of being debarred, or are

voluntarily excluded from conducting business with a federal department or agency of the federal government. This certification can take the form of a signed letter, or a signature block within a procurement document.

Checking Debarment Status on the Web

A buyer must check the Excluded Parties List System (EPLS) federal website, www.epls.gov, to determine if a vendor is on the government list of debarred vendors. Being on the list means the vendor is debarred; being absent from the list indicates a vendor is not debarred from receiving federal contracts.

SECTION 16 - STUDENTS WITH DISABILITIES ATTENDING PRIVATE SCHOOLS

Child Count of Students with Disabilities Attending Private Schools

DCPS will consult with representatives of private schools regarding the annual count of the number of private school students with disabilities each year. Private schools include parochial schools and other religiously affiliated schools. This child count information will be collected by the Child Find Coordinator as of the last Friday in October, annually. Data will be submitted to MSDE through the Special Services Information System (SSIS) according to state timelines. Data submitted will include students with disabilities unilaterally removed by their parent / guardian / parent surrogates when FAPE is at issue. The child count will include both students who are provided special education and related services by DCPS and those who are not.

DCPS will ensure that all students, birth through twenty-one (21) years old, including private school students, who reside in the county suspected of having a disability are located, identified and evaluated. These activities are comparable to activities undertaken for students with disabilities enrolled in the public schools.

An eligible private school student with a disability means a student with a disability, residing within the jurisdiction of the public agency who was placed in a private school by the parent / guardian / parent surrogate. This includes: students with disabilities placed by their parent / guardian / parent surrogate in private schools, including religiously affiliated schools, outside the jurisdiction of the public agency and students placed in private school by their parent / guardian / parent surrogate, but not receiving services from the public agency. Children, ages three (3) - five (5), participating in a private nursery school, kindergarten, or child care center with an approved educational program may also be identified as a student with a disability. These students may be eligible to receive public preschool special education services, including related services, as determined by an Individualized Education Program (IEP) team.

These procedures, however, are not applicable to: students to be placed in or referred to a private school by a local school system; students with a disability placed by their parent / guardian / parent surrogates in a private school when a free appropriate public education (FAPE) is at issue; or students with disabilities placed in a program that does not meet the State definition of a private (nonpublic) school.

Annually, appropriate representatives of private school students with disabilities are asked to consult with DCPS representatives about available services prior to making decisions that would affect the opportunities of parentally - placed private school students with disabilities to participate in these services. The purpose of the consultation is to receive input from representatives of private school students with disabilities on how DCPS shall implement Child Find activities, determine the number of students with disabilities currently attending private schools, and determine the number of students suspected of having a disability and in the need of assessment and evaluation.

Child Find annual activities include, but are not limited to: distributing informational brochures, public service announcements, notices to local media and community newsletters, letters to private schools, establishing direct liaisons with private schools and when appropriate, exhibits at health fairs and other community activities.

Referrals are made to the DCPS Child Find Office. Upon receipt of a referral, an IEP team meeting is scheduled and data is reviewed to determine the need to conduct an assessment. Appropriate public school qualifying assessors and a special educator are invited to attend as well as the appropriate private school staff. If the student is suspected of having a disability, appropriate assessments will be conducted with an evaluation meeting planned within the sixty (60) - day timeline. The parent / guardian / parent surrogate, prior to any assessments being conducted, must sign informed consent. Following the initial evaluation, the IEP team must determine a student's eligibility as a student with a disability and provide the parent / guardian / parent surrogates with a copy of the evaluation report and documentation of the eligibility determination. Assessment and evaluation are provided at no cost to the parent / guardian / parent surrogates. If the IEP team does not suspect a disabling condition, public school personnel may offer intervention strategies to the parent / guardian / parent surrogate and private school staff.

Once the initial IEP meeting is scheduled, the IEP team will follow all county policies and procedures for screening, evaluation and determination of eligibility. DCPS special education forms will be used. All IEP team meetings will be held at the public school the student would normally attend. Representatives from the private schools as well as parent / guardian / parent surrogates are invited to all IEP team meetings by written invitation. The *Parental Rights, Maryland Procedural Safeguards Notice* and the *Parent's Guide to Habilitative Services* will be shared with the parent / guardian / parent surrogate and a receipt will be signed documenting the parent / guardian / parent surrogate's understanding of its content.

Data is maintained within the Office of Special Education regarding the number of referrals and the number and types of evaluations conducted for private school students.

If an IEP team determines a student, placed in a private school by the student's parent / guardian / parent surrogate is a student with a disability and needs special education and related services, DCPS will develop an IEP. The IEP must document the full range of specialized instruction and services the IEP team believes the student needs to be ensured a FAPE within the public school system.

Parent / guardian / parent surrogates will be informed that the IEP may be implemented in its entirety, if the student enrolls in the public school. They will be informed of the limited scope of services outlined above, if they elect to continue the student's enrollment in the private school the IEP team will document, in the IEP narrative, the parent / guardian / parent surrogate's acceptance or rejection of the provision of services, including their acceptance or rejection of enrollment in the school system.

If the parent / guardian / parent surrogate reject enrollment in the public school, the IEP team will modify the IEP and develop a Service Plan to include services as described in the Private School Agreement. A Service Plan would include only the services offered to a parentally-placed private school student with a disability designated to receive services. To the extent appropriate, the Service Plan must meet the IEP content requirements. Dorchester County Public Schools shall obtain written informed parent / guardian / parent surrogate consent before the initial provision of special education and related services through a Service Plan to a parentally-placed private school student with a disability. If parent / guardian / parent surrogate disagrees with the services recommended, the parent / guardian / parent surrogate may refuse the services offered.

DCPS makes the final determination with respect to the services to be provided to private school student with disabilities after consultation with appropriate representatives of private school students with disabilities. The Dorchester County Public School plan will address: which private school students with disabilities will receive services, what services will be provided, how and where the services will be provided and how the provision of services will be evaluated.

Reevaluation

Dorchester County Public Schools will conduct Reevaluations of all private school students with disabilities at least once every three (3) years or more frequently if requested by the student's parent / guardian / parent surrogate or teacher, or if conditions warrant a reevaluation even if the student is not receiving services on a Service Plan. A reevaluation must also be conducted before determining that a student is no longer eligible for services under Part B of IDEA and services are terminated. Reevaluation is conducted at no cost to parent / guardian / parent surrogate and expenditures for reevaluations are not considered as part of the proportionate share. Reevaluation is a meeting of the IEP team to review information from parent / guardian / parent surrogate and existing data used to determine whether the student continues to have a disability, additional data is needed and/or the student needs special education and related services. Before assessments are conducted, informed parent / guardian / parent surrogate consent must be obtained.

Annual Count

The Child Find Coordinator of Special Education will contact each private school administrator annually by phone call, letter or conference. During this contact, the Child Find Coordinator will collect, track, and maintain data on the number of all eligible private school students with disabilities residing within Dorchester County whether or not the students receive services. From this count, the minimum amount of funds to be spent on services to private school students with disabilities in the subsequent fiscal year is determined.

All eligible students with disabilities will be reported annually through the Student Services Information System (SSIS) in the October report. The October child count of parent / guardian / parent surrogate-placed private school students with disabilities is used to determine the amount Dorchester County Public Schools shall spend on providing special education and related services to private school students with disabilities in the subsequent fiscal year.

The minimum amount of Part B Passthrough and Part B Preschool Passthrough funds Dorchester County Public Schools must expend is called the "proportionate share" and is based on the total number of eligible students with disabilities residing in the jurisdiction of the public agency.

Rights of Parent / Guardian / Parent Surrogate and Students Enrolled in Private Schools

Private school students with disabilities do not have an individual entitlement to services under Part B of IDEA and therefore the rights of parents/guardian/parent surrogates and students with disabilities enrolled in private schools are limited to the following areas:

- child find activities
- identification
- evaluation/reevaluation
- eligibility for special education or related services
- refusal by the public agency to conduct an evaluation or reevaluation.

Parents/guardian/parent surrogates of private school students with disabilities may also file a written complaint with MSDE regarding alleged violations of the school system's failure to meet requirements related to child find, evaluation/reevaluation, determination and/or provision of services, location of services, transportation, use of private and public school personnel, expenditure of funds and the provision of supplies, materials or equipment required to implement the student's service plan.

If the parent / guardian / parent surrogate that enroll their child in a private elementary or secondary school, the parents/guardian/parent surrogate' rights to file for a due process hearing apply only to child find issues. An individual may file a written complaint with MSDE concerning students with disabilities enrolled by their parent / guardian / parent surrogates in private schools when the individual believes DCPS has failed to meet the federal regulations for child find under IDEA. A private school official shall have the right to submit a complaint with MSDE that DCPS did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

Placement of Children by Parents/Guardian/Parent Surrogates when FAPE is at Issue

The IDEA does not require DCPS to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if DCPS made FAPE available to the child and the parents/guardian/parent surrogates elected to place the child in a private school or facility. However, DCPS shall include the child in the population count whose needs are addressed with regards to services provided to students with disabilities placed in private schools by

their parent / guardian / parent surrogate, in accordance with the federal regulations. Disagreements between parent / guardian / parent surrogate and public agencies regarding the availability of FAPE and financial responsibility are subject to due process hearing procedures under the IDEA.

If the parent / guardian / parent surrogate of a student with a disability, who previously received special education and related services under the authority of DCPS, enroll the child in a private preschool, elementary, or secondary school without the consent or referral of DCPS, an Administrative Law Judge (ALJ) or a court, may require DCPS to reimburse the parent / guardian / parent surrogate for the cost of that enrollment if an ALJ or a court finds that DCPS had not made FAPE available to the child in a timely manner prior to that enrollment, and that the private placement is appropriate. A parent / guardian / parent surrogate placement may be found to be appropriate by an ALJ or a court even if it does not meet the State standards that apply to education provided by public agencies.

Limitation on Reimbursement

Reimbursement may be reduced or denied by an ALJ or a court if:

- at the most recent IEP team meeting that the parent / guardian / parent surrogate attended prior to removal of the child from the public school, the parent / guardian / parent surrogate did not inform the IEP team that they were rejecting the placement proposed by DCPS to provide FAPE, including stating their concerns and their intent to enroll their child in a private school at public expense; or
- ten (10) business days (including any business days that occur on a holiday) prior to the removal of the child from the public school, the parent / guardian / parent surrogate did not give DCPS written notice of their intent to remove the child, including their concerns regarding their child's public placement; or
- if prior to the parent / guardian / parent surrogate's removal of the child from the public school, DCPS informed the parent / guardian / parent surrogate, through the prior notice requirements of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent / guardian / parent surrogate did not make the child available for the evaluation; or
- upon a judicial finding of unreasonableness with respect to actions taken by the parent / guardian / parent surrogate.

Notwithstanding the notice requirements described above, the cost of reimbursement:

- shall not be reduced or denied for failure of the parent / guardian / parent surrogate to provide such notice, if:
 - the school prevented the parent / guardian / parent surrogate from providing the notice,
 - the parent / guardian / parent surrogate had not received notice, under the IDEA notice requirements described above,
 - compliance with the notice as described above would likely result in physical harm to the child, and
- may, at the discretion of a court or a hearing officer, not be reduced or denied for failure to provide such notice if:
 - the parent / guardian / parent surrogate is illiterate and cannot write in English, or
 - compliance with the notice as described above would likely result in serious emotional harm to the child.

SECTION 17 - CHILD FIND

Child Find – General

DCPS operates a system for identifying, locating, and evaluation all students in the county with disabilities who are in need of special education and related services. The focus of Child Find is students birth through twenty-one (21). The program includes students attending private schools and children with disabilities who are homeless children or Wards of the State.

Child Find is available in each of the public schools for students enrolled in those schools. Referrals for students who are enrolled in a public school and suspected of having a disability are submitted in writing to the IEP team in that particular school.

Each year, the Special Education Office consults with representatives of private schools, regarding efforts to identify, locate and evaluate students with disabilities attending those schools. After consultation has been completed the Special Education Office will obtain a written affirmation signed by the representatives of participating private schools. Brochures about the Child Find Program are provided to the staffs of private schools in Dorchester County. The brochures include the name, address, and telephone number of the Supervisor of Special Education, who is responsible for the Child Find Program. The supervisor is designated as the sole person in DCPS to receive referrals for students attending private schools.

The Special Education Office also receives referrals for students not enrolled in public or nonpublic schools (such as preschoolers and home-schooled students). Brochures about the Child Find Program are disseminated each year to private preschools, daycare providers, physicians, libraries, the Dorchester County Health Department, and the Dorchester County Department of Social Services. The brochures include the name, address and telephone number of the Special Education Supervisor.

Besides the distribution of brochures, the Supervisor of Special Education also carries out other outreach and public awareness efforts. Each year, information about the Child Find Program is included in the calendar distributed by DCPS. Written announcements are submitted to the local newspaper. Presentations are made to local parent / guardian / parent surrogate groups, service providers, and community groups.

Transition from Infants & Toddlers Program to Special Education Services

A transition planning meeting will be scheduled by the Dorchester County Infants and Toddlers Program for children who may be eligible for Part B special education services. The transition planning meeting will be held at least ninety (90) days, but not more than nine (9) months, prior to the third birthday of the child. The meeting participants will include the family, the staff of the Dorchester County Infants and Toddlers Program, a representative of the Dorchester County Public Schools and any local daycare or preschool providers that the family would like invited to the meeting.

The primary purpose of the Transition Planning Meeting is to consider program options and services for the child after his third birthday. This is done by reviewing existing information about the child's present levels of development, strengths, needs and progress toward achieving the transition outcomes on the Individualized Family Service Plan (IFSP). The need to revise and/or update transition outcomes is reviewed. The team must also consider program options until and after the child's third birthday including consideration of Part B and other community-based services unless the parent / guardian / parent surrogate does not want to consider participation in these services. If parent / guardian / parent surrogates have declined to consider participation in Part B, the decision is documented on the IFSP.

With written parent/guardian/parental surrogate consent, the Dorchester County Infants and Toddlers Program may provide copies of existing information to DCPS representative and to and from community-based services that may be considered by the family.

During the Transition Planning Meeting, the Dorchester County Infants and Toddlers Program service coordinator is responsible for informing parent / guardian / parent surrogates of the Part C parent / guardian / parent surrogate rights and procedural safeguards.

At the initial evaluation meeting (IEP), parents shall be provided with written information that the parents may use to contact early intervention and special education family support services staff members within DCPS and a brief description of the services provided by the staff members. If the parent's native language is not English, then this information must be provided to the parent in the parent's native language.

If the family wishes to consider Part B eligibility, DCPS must convene an IEP team meeting prior to the child's third birthday. Participants in the IEP team meeting include the family and required DCPS staff. A Dorchester County Infants and Toddlers Program representative is also invited to participate. Parent / guardian / parent surrogates must be afforded all Part B parent / guardian / parent surrogate rights and procedural safeguards.

During the IEP team meeting the IEP team reviews existing information provided by the Dorchester County Infants and Toddlers Program and any other sources and determines if additional information is needed to determine eligibility for Part B Special Education services. DCPS are responsible for completing any additional formal and informal assessments. The need for additional assessments must be based on the child's needs as necessary for the determination of eligibility and services. The DCPS may not have procedures that require specific assessments or practice for all children. All decisions are documented on IEP Team Meeting minutes, according to DCPS practice.

The Special Education Services Team meeting must be held within sufficient time to have an IEP in effect by the child's third birthday for children determined to be eligible for Part B should the parent opt for the provision of Part B services. The meeting must occur soon enough to allow the parent / guardian / parent surrogate to file for due process should they disagree with the findings of the IEP team.

Before the age of three (3), if a child with a current IFSP is determined eligible for special education and related services, the parents will be offered the choice of:

- the Maryland Extended IFSP Option -The child would continue to receive early intervention services with an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills through an IFSP until beginning of the school year following the child's fourth (4th) birthday; or
- special education preschool services through an Individualized Education Program (IEP) as a student with a disability.

For children exiting Part C at age three (3) who are determined to be eligible for Part B Services and whose parents choose special education preschool services, the IEP team, including the parent / guardian / parent surrogate, develops the IEP and determines the services needed by the child. The IEP team, including the parent / guardian / parent surrogate, also determines the settings in which the services will be provided. Extended School Year services must be considered for children transitioning to Part B whose third birthday falls after the end of one school year and before the beginning of the next school year. All decisions are documented in IEP team meeting minutes, according to DCPS practice.

The IEP must be developed by the IEP team and approved or declined by the parent / guardian / parent surrogates sufficiently ahead of the child's third birthday to allow time for the parent / guardian / parent surrogates to request mediation/due process if they disagree with the proposed IEP and so that no gap in service occurs for the child. The IEP must be in effect on the child's third birthday.

NOTE: The IEP may be developed as part of the IEP meeting to determine eligibility for Part B Special Education services. Children of families that have chosen to remain in the Infants and Toddlers Program (I & T) under the Extended IFSP Option can continue to receive I & T services until beginning of the school year following the child's fourth (4th) birthday. The same procedures and timelines for transition planning and IEP development applies for children on the Extended IFSP option prior to age four.

SECTION 18 - FACILITIES, PERSONNEL, SERVICES AND TRANSPORTATION

Facilities

DCPS operates a system to assure facilities, personnel and services are available in a variety of ways. Administrator and Supervisors meet frequently and address issues related to personnel and services. The Superintendent's school construction long-range plan incorporates special education representation in the committee planning and implementation of facility construction and renovation.

Personnel

DCPS, through its Office of Human Resources, ensures that all personnel involved in the provision of special education and related services are qualified. All personnel hold the required certificates, licensures, or training as required in COMAR. Records to substantiate this are maintained by that office.

Staffing Plan

Each year as part of the budget cycle, principals complete a form provided in their budget package, showing an estimate of the number and needs of special education students which is used to calculate staffing requirements for the subsequent school year.

DCPS ensures the provision of a continuum of services to students with disabilities. The needs for all students with disabilities are used to establish caseloads, student to staff ratios and class sizes for the professions who provide these services. DCPS ensures that a student may receive a variety of services in a variety of settings. SSIS documentation reflects the individual students for whom these services are necessary, based on the IEP.

An annual staffing plan is developed according to the data collected and public input and submitted to MSDE for review. The staffing plan is reviewed with the Special Education Citizens Advisory Committee and approved by the Board of Education of Dorchester County.

Comprehensive System of Personnel Development

DCPS records and reviews the needs of special and general instructional staff, instructional and related services, administrative, and support personnel by position, need for training, and type of training to help determine who are to receive in-services. This information is located in the Local Application for Federal Funds (LAFF), which is reviewed and adopted every year by the Board of Education of Dorchester County in public session.

The needs assessments are conducted via the Special Education Department on at least an annual basis. In addition, the Supervisor of Special Education collaborates with the general education administrators to plan and implement staff development. The annual professional development plan includes the training areas to be addressed, the resources available, the evaluation procedures to be used and the linkages with general education and general educators.

All personnel who work with students with disabilities participate in countywide and school based professional development to have the skills and knowledge necessary to meet the needs of all students. In addition, attending state and national professional development opportunities is provided according to interest and need. It is the expectation that upon completion of professional development opportunities, attending staff will share significant knowledge acquired with other staff.

When changes in instructional programs are undertaken, DCPS will provide such in-service training as it deems necessary to promote the success of such programs. In addition, in-services will be provided to disseminate significant knowledge derived from educational research and for adopting, when appropriate, promising practices, materials, and technology. Tuition reimbursement is provided by DCPS for eligible staff in accordance with the negotiated agreement.

Services

A Child Find staff member provides coordination of an extensive awareness and identification program for Dorchester County. DCPS collects, maintains, reports and reviews the number of students with disabilities to MSDE through SSIS and data requirements. DCPS develops staffing plans annually to ensure the provision of a full educational opportunity for all students with disabilities, birth through the school year the student turns twenty-one (21).

Transportation

If DCPS places twenty-five (25) or more students with disabilities in nonpublic education facilities for the purposes of receiving special education services, the DCPS will submit required reports to MSDE by July 1 of each year. This detailed report would include the rules and regulations the DCPS has adopted since the submission of its last report, which outline the public agency's compliance with MSDE adopted regulations for the transportation of students with disabilities to nonpublic special education facilities for receiving special education services.

SECTION 19 - SURROGATE PARENT

Recruitment and Training of Surrogate Parent

DCPS shall ensure an individual is assigned to act as a surrogate for the parent / guardian of a student when:

- the student is under the age of twenty-one (21);
- the student's special education rights have not been transferred to the child;
- the child's parents are unavailable or unknown;
- the child is an unaccompanied homeless youth;
- the child is a ward of the state.

The special education case manager will determine when a student needs a parent surrogate using these aforementioned criteria. The special education case manager will call the Office of Special Education to alert them to the need for a parent surrogate and forward a copy of the court order that assigns guardianship or custody to the State along with the DCPS Parent Surrogate Referral Form (**See Appendix DCPS [Parent Surrogate Referral Form](#)**). The Office of Special Education staff will secure a parent surrogate.

A parent surrogate is a person appointed by the local school superintendent to represent the student as a parent / guardian would in the educational decision-making process. The parent surrogate may represent the student in all matters relating to the identification, evaluation, and the educational placement of the student, and the provision of a free appropriate public education to the student, including the appeal process.

In Maryland, "parent" includes a student's natural parent, adoptive parent, a guardian, a person acting as a parent, or any other individual who is legally responsible for a child's welfare.

A person selected as a surrogate:

- cannot be an employee of a public agency that is involved in the education or care of the student;
- must have no interest that conflicts with the interest of the student he or she represents; and
- is to have knowledge and skills that ensure adequate representation of the student.

DCPS may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the student, who has no interest that conflicts with the interest of the student he or she represents, and who has knowledge and skills that ensure adequate representation of the student. An individual is not considered an agency employee solely because he or she may be paid by an agency to serve as a foster parent or a parent surrogate.

Determination of Need for a Parent Surrogate

The special education case manager will determine if a student needs a parent surrogate through ongoing case management when:

- the student is under the age of twenty-one (21),
- the student is believed to be, or determined to need special education services, and
- a parent/guardian cannot be identified or located.

If the student is a new referral for special education services, the special education case manager will determine the need for a parent surrogate before the initial IEP meeting is held. For students receiving special education services, the special education case manager will monitor through ongoing case management the student's need for a parent surrogate and before any IEP meeting is scheduled.

The special education case manager will contact the DCPS Special Education Central Office and forward a copy of the court order that assigns custody or guardianship.

The DCPS Special Education Central Office staff will locate a trained parent surrogate, or train an appropriate candidate, and recommend in writing the name of the parent surrogate to the DCPS Superintendent of Schools.

The DCPS Superintendent of Schools will appoint the parent surrogate not more than 30 days after a determination of need.

Eligibility Determination of a Parent Surrogate

The DCPS Office of Special Education will notify the parent surrogate when the DCPS Superintendent of Schools has selected and appointed him/her as a parent surrogate for an eligible student.

The DCPS Superintendent will notify the Office of Special Education if it is found that a student is not eligible for a parent surrogate and the procedure will be discontinued. The DCPS Superintendent will notify the Office of Special Education if the proposed parent surrogate is not eligible and a new parent surrogate will be selected. The Office of Special Education will notify the selected parent surrogate and the special education case manager of the student's school with the decision of the parent surrogate selection.

Application for the Appointment of a Parent Surrogate

The Special Education Central Office staff will complete the Request for Parent Surrogate application and attach the completed Parent Surrogate application and a copy of the court order documenting guardianship or custody.

Termination of a Parent Surrogate

The Special Education Central Office staff will collaborate with the student's local school special education case manager to determine if:

- the parent surrogate is not properly performing the duties of a parent surrogate, or
- the parent surrogate is exhibiting interest that conflicts with the interest of the student entrusted to the parent surrogate, or
- the parent surrogate does not evidence knowledge and skills that ensure adequate representation of the student, or
- the parent surrogate has requested termination of the appointment as parent surrogate.

The Special Education Central Office staff will request in writing to the DCPS Superintendent, termination of the appointment of a previously assigned parent surrogate.

The DCPS Superintendent will notify in writing the Special Education Central Office of the termination of the parent surrogate appointment and will also notify the State Superintendent within thirty (30) days of the action. This includes resignation of the parent surrogate or the student's dismissal from special education services.

SECTION 20 - TRANSFER OF RIGHTS AT THE AGE OF MAJORITY

Beginning not later than one (1) year before the student reaches the age of eighteen (18), the IEP must include a statement that the student has been informed of the student's rights under the IDEA, if any, that will transfer to the student on reaching the age of eighteen (18). A copy of the *Parental Rights, Maryland Procedural Safeguards Notice* will be provided to the student.

When a student with a disability reaches the age of eighteen (18), all rights accorded to parents under the transfer to the child if the child has not been adjudged incompetent under Maryland law and if there is documentation that:

- the parents are unavailable or unknown, the child would be eligible for a parent surrogate, and the child requests that the parental rights transferred to their child;
- the parents have not participated in the special education decision making process for the child after repeated attempts by the local school system to involve the parents over the previous year;
- the parents have affirmatively rejected participation in the special education decision making process;
- the parents cannot participate in the special education decision making process due to prolonged hospitalization, institutionalization, or serious illness or infirmity of one or both of the parents and the parents have consented to the transfer of rights to the child;
- the parents cannot participate in the special education decision making process due to extraordinary circumstances beyond the control of the parent and the parents have consented to the transfer of rights to the child; or
- the child is living outside of the parents' home and is no in the care or custody of another public agency.

The student with disabilities who reaches the age of eighteen (18) years and is living at home with the student's parents, and whose parents do not consent to the transfer of rights to the student, may file for due process to determine whether the rights should be transferred to the student.

If a student with disabilities who has reached the age of eighteen (18) years has been represented by a parent surrogate, any notice required by the IDEA shall be provided

to the student and to the parent surrogate. All other rights accorded to the parent surrogate under IDEA shall transfer to the student if the student has not been adjudged incompetent under Maryland law and the student requests that the rights transfer to them.

SECTION 21 - STUDENTS IN ADULT CORRECTIONAL FACILITIES

Students in Adult Correctional Facilities

DCPS will provide FAPE to all students birth through twenty-one (21) years of age with the exception of students with disabilities who are incarcerated in an adult correctional facility.

The DCPS will provide special education and related services to students with disabilities incarcerated in local adult correctional facilities in Dorchester County. This does not include those adult correctional institutions under the jurisdiction of the Maryland Department of Public Safety and Correctional Services. Transition services are not required for incarcerated students whose special education eligibility will end before the student is eligible for release, based on consideration of the sentence and eligibility for early release.

The student's placement, as determined by the IEP team, may be modified by the IEP team if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

Scope of Services for Eligible Students Detained in the Dorchester County Detention Center

All eligible students between the ages of fourteen (14) and twenty-one (21) who have a current Individualized Education Program (IEP) will receive special education instruction at the Dorchester County Detention Center in accordance with their current IEP. Students must be verified as eligible for services through the Special Education Department and must be detained for over five (5) days in order to receive services. When a student with special education needs is detained, a referral form will be completed by the designated contact person at the detention center (**See Appendix DCPS [Out of School Referral Form](#)**). The referral forms along with a copy of the court order for detainment will be forwarded to the school last attended by the student to arrange for an emergency IEP review. Appropriate persons will be notified of this meeting following guidelines outlined in federal and state laws. Determination of the student's availability to attend this meeting will be made by supervisory personnel at the Detention Center in consultation with the courts. Parent / guardian / parent surrogates will be invited. All procedural safeguards and due process rights under IDEA and COMAR will be provided to the parent / guardian / parent surrogate at the time of the invitation to the IEP meeting.

Following a review of the student's IEP, course assignments and graduation status, a teacher will be assigned to provide services to the student as delineated by the IEP team and reflected in the student's IEP. A copy of the student's IEP and appropriate instructional material to address goals and objectives will be provided for the teacher within three (3) working days of the meeting. Services will be provided only on days on which the school system is in session. Each teacher will have the authority to determine if services should be delivered in a group or on an individual basis as well as the time of service delivery. This is unless there are specific restrictions imposed on the student by the Detention Center. Services will be initiated within five (5) school days of notification that the student is in an adult correctional facility. The home school will be responsible for monitoring student progress and completing appropriate reviews while the student is being detained. An IEP meeting will be arranged by the teacher ten (10) days prior to the student's projected discharge from the Detention Center and return to the public school system.

All services will be provided at the Dorchester County Detention Center in a location designated by Dorchester County Detention Center supervisory personnel. Teachers assigned to provide services at the Detention Center will need to undergo a security check and participate in an orientation meeting at the Detention Center prior to beginning teaching students. A secure storage space for instructional material will be provided by the Detention Center so that books and material do not have to be transported to and from the Detention Center on a daily basis by the teacher. DCPS will annually correspond to the Local Adult Correctional Facility, reminding them of the above process. The referral form and this policy will be attached to such correspondence.

Contact persons will be identified by both the Department of Special Education and the Detention Center to oversee the services being provided and to monitor the process described above.

SECTION 22 - PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Responsible Official

The building principal will assume responsibility for ensuring the confidentiality of any personally identifiable information at the local building level and the Supervisor of Student Services is responsible for the school district. DCPS ensures that the confidentiality of personally identifiable information is protected at the collection, storage, disclosure, and destruction stages by assigning one official this responsibility.

Confidentiality

DCPS will ensure the confidentiality of personally identifiable student information. Dorchester County Public Schools will maintain a record of parties obtaining access to a student's educational records.

Opportunity to Inspect and Review Educational Records

The parent / guardian / parent surrogates of a student with disabilities are afforded an opportunity to inspect and review all education records which are collected, maintained or used by the agency with respect to the identification, evaluation and educational placement of the student, and the provision of a free appropriate public education to the student.

These records will be kept in the student's home school and if the student is in a non-public school the records will be kept in the central office. The responsibility for maintaining and making available these records belongs to the building principal or his / her designee.

Representatives of the parent / guardian / parent surrogates are afforded the right to inspect and review records. A parent / guardian / parent surrogate has authority to inspect and review records relating to his or her child unless the DCPS has been provided with a Court Order stating that the parent / guardian / parent surrogate does not have the authority to inspect or review the records.

Access to Educational Records

DCPS staff will comply with a request for records without unnecessary delay and before any meeting regarding an individualized educational program or hearing relating to the identification, evaluation, or placement of the student and in no case more than forty-five (45) calendar days after the request has been made.

DCPS staff, who is qualified to interpret specific records, will respond to a parent / guardian / parent surrogate's reasonable request for explanations and interpretations of the records.

Copies of Records

The building administrator must provide a copy of a student's educational record to the parent / guardian / parent surrogates or eligible student, upon request.

A twenty-five (25) cent fee per page is charged for copying all, or any portion, of a student's educational record. This fee is waived if it would effectively prevent a parent / guardian / parent surrogate or eligible student from exercising the right to inspect and review the record. In addition, the fee must be waived if, for example:

- the family is receiving public assistance;
- participating in the reduced or free lunch program: or,
- otherwise demonstrates financial hardship.

Certain documents may not be copied due to copyright laws. These include test protocols; however, parents may come to the school to review these documents.

Annual Notice

Dorchester County Public Schools will provide parent / guardian / parent surrogates or eligible students annual notice of their rights under FERPA. This information is annually published and distributed in the DCPS Calendar. Special education case managers will give all parent / guardian / parent surrogates or eligible students a copy of the *MSDE Parental Rights, Maryland Procedural Safeguards Notice* and *Parent's Guide to Habilitative Services* for Special Education prior to initial placement, prior to each IEP meeting, and upon request. These rights will be reviewed at least annually with the parent / guardian / parent surrogate or eligible student at IEP meetings.

The special education case manager will coordinate with the Special Education Department Central Office so that parent / guardian / parent surrogates of students identified as having a primary or home language other than English may be effectively notified. Notification may be in oral as well as written form and may utilize the services of translator / interpreter.

Opportunity to Request an Amendment of Information in the Educational Record

When a parent / guardian / parent surrogate believes that information in education records collected, maintained, or used by the agency for the identification, evaluation, or educational placement or provision of a free appropriate public education to a student with disabilities is inaccurate or misleading or violates the privacy or other rights of their child, the parent / guardian / parent surrogate may request that the school which maintains the information amend the information. This request is to be made directly to the principal of the school the student is attending or last attended in cases where a student has withdrawn or graduated from high school.

The principal's decision whether to amend the information in accordance with the request is made within a reasonable period after receipt of the request. If the principal declines to amend the information in accordance with the request, he / she will inform the parent / guardian / parent surrogate of their right to appeal to the Superintendent of the DCPS.

Agency Hearing Regarding a Request for Amendment

Should the parent disagree with the Superintendent's decision, the parent / guardian / parent surrogate can request a hearing before the Board of Education of Dorchester County to challenge the information in education records he believes is not accurate, is misleading, or otherwise in violation of the privacy or other rights of the student. A hearing will be held within a reasonable period from the receipt of the request.

Results of the Hearing

If the result of the hearing is that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the information will be amended accordingly and the parent / guardian / parent surrogate will be informed in writing.

If the result of the hearing is that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the parent / guardian / parent surrogate will be informed of the right to place in the records the school maintains on the student, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

Any explanation placed in the records of the student will be maintained by the Board of Education of Dorchester County as part of the records of the student if the record or contested portion is maintained by the Board of Education of Dorchester County and, if the records of the student or the contested portion is disclosed by the agency to any party, the explanation is also to be disclosed to the party.

Destruction of Obsolete Information

The IEP Chairperson will inform parent / guardian / parent surrogates when personally identifiable information is collected, maintained, or used by the agency for identification, evaluation, educational placement or the provision of a free appropriate public education is no longer needed to provide educational services to their student. Before records are destroyed parent / guardian / parent surrogates will have the right to review the records and to decide which documents they wish to copy for their own use. These records may be needed to meet requirements at a later date peculiar to:

- eligibility of Supplemental Security Income,
- vocational rehabilitation services,
- compensatory special education services, etc.

Records will be retained for six (6) years prior to destruction.

Medical Assistance

DCPS has written procedures for notifying the parent / guardian / parent surrogates or the eligible student when personally identifiable information collected, maintained, or used by the agency for medical assistance purposes is no longer needed by the agency. The following records are retained for this purpose for six (6) years prior to destruction:

- all Individualized Education Programs (IEPs) documenting services which are eligible for medical assistance reimbursement;
- IEP team summary sheets and notes containing documentation of the need for services which are eligible for medical assistance reimbursement;

- all documentation of services provided (logs, etc.);
- on-going service coordination notes demonstrating eligibility for medical assistance reimbursement; and
- all applications for medical assistance reimbursement.

SECTION 23 - INTERAGENCY COLLABORATION

Interagency Participation and Interagency Agreements

DCPS collaborates with local and state agencies and other private and public resources, to establish, implement and maintain local interagency planning and implementation of programs for students with disabilities. Agreements established as a result of this collaboration include identification of agencies participating in agreements and identification of current services provided and their funding sources, special education staff, as designated by the Superintendent of Schools or his designee, will participate in the Local Coordinating Council and interact with other agencies working with the Dorchester County Infants and Toddlers Program through the Local Interagency Coordinating Council. DCPS currently serves as the lead agency for the Dorchester County Infants and Toddlers Program. All interagency agreements will:

- define the programmatic responsibility of each agency for providing students and youth with disabilities a free appropriate public education,
- define the financial responsibility of each agency for providing students with disabilities a free appropriate public education, and
- identify procedures for the resolution of interagency disputes.

Participating agencies included but are not limited to, Dorchester County Department of Social Services, Dorchester County Health Department, Developmental Disabilities Administration, Department of Juvenile Services and the Division of Rehabilitation Services.

Prior to the disclosure of personally identifiable information about a student to a local or state agency, DCPS shall secure a consent from parent / guardian / parent surrogate.

SECTION 24 - NONPUBLIC PLACEMENTS BY LOCAL SCHOOL SYSTEM

Nonpublic Placements by DCPS

Federal and state laws require that students with disabilities receive special education services based on the IEP, in the least restrictive environment. Nonpublic school programs are recognized as a viable option in the continuum of programs for students with disabilities if the public school system or state-operated facilities are unable to provide appropriate special education services in a less restrictive environment. Nonpublic placement for students will occur only when there is support from comprehensive assessment information and when all other program options in DCPS have been considered. Any nonpublic placement recommended by the IEP team will be provided at no cost to the parent / guardian / parent surrogate(s). The student in the nonpublic placement has all the rights of a student with disabilities who is served by a public agency.

DCPS shall consider the placement of a student with a disability in a nonpublic program when:

- DCPS cannot implement the student's IEP; and
- the nonpublic school program to which the student has been referred:
 - has been approved by MSDE,
 - can implement the student's IEP, and
 - is the least restrictive environment.

Nonpublic School IEP Meetings

Following the placement of a student in a nonpublic facility, all DCPS IEP procedures shall be implemented. DCPS Office of Special Education will be responsible for the case management of all students placed in programs outside the school system by an IEP team where DCPS has been in attendance. Any meetings to review and revise the IEP of a student are initiated and conducted by the nonpublic school or facility at the discretion of DCPS. IEP meetings shall be coordinated through the DCPS Office of Special Education.

State Contributions for Funding In-State Nonpublic Placements

MSDE will contribute funding for the costs of a placement for a student with a disability in an approved nonpublic school program. If DCPS is requesting a State

funding contribution, it shall apply to MSDE for approval of the funding contribution for the placement of the student at the time and in the manner specified by MSDE.

Limitations on DCPS and State Funding Contributions to Nonpublic Placements

If it is determined that a student with a disability requires a nonpublic placement for non-educational reasons, DCPS may agree to be responsible for the educational cost not to exceed the local share of the basic cost of the local school system educational program. DCPS is not responsible for the cost of the educational component of a nonpublic placement if the placement:

- is not required to provide a student FAPE, and
- is made by another agency without DCPS approval for funding.

In accordance with the fiduciary responsibilities for public funds, MSDE may audit the records of nonpublic schools to which MSDE has contributed funding for placements.

SECTION 25 - SERVICE ANIMALS

DCPS acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act subject to the following:

- All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to:
The Superintendent of Schools at Dorchester County Public Schools,
700 Glasgow Street, Cambridge, Maryland 21613.
The request must contain required documentation of vaccinations. This written request must be delivered to the Superintendent of Schools' Office at least ten (10) business days prior to bringing the service animal to school or a school function.
- Owners of a service dog must provide annual proof of the following vaccinations:
 - DHLPPC (Distemper, Hepatitis, Leptospirosis, Paroinfluenza, Parvovirus, Coronavirus),
 - Bordetella, and
 - Rabies.
- Owners of service miniature horses must provide annual proof of the following vaccinations:
 - Equine Infectious Amemia (Coggins Test),
 - Rabies,
 - Tetanus,
 - Encephelomyelitis, Rhinoneumonitis,
 - Influenza, and
 - Strangles.
- All service dogs must be spayed or neutered.
- All service animals must be treated for, and kept free of, fleas and ticks.
- All service animals must be kept clean and groomed to avoid shedding and dander.

- Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
- The animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in schools as a "service animal."
- The animal must be "required" for the individual with a disability.
- The animal must be "individually trained" to do work or a task for the individual with a disability.
- Special Provisions / Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classroom, or at school functions, will be handled on a case-by-case basis, considering:
 - The type, size, and weight of the miniature horse and whether the facility can accommodate these features.
 - Whether the handler has sufficient control of the miniature horse.
 - Whether the miniature horse is housebroken.
 - Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- Removal of a Service Animal: A school administrator may ask an individual with a disability or his parents to remove a service animal from a school building, a classroom, or from a school function if anyone of the following circumstances occurs:
 - The animal is out of control and the animal's handler does not take effective action to control it.
 - The animal is not housebroken.
 - The animal's presence would "fundamentally alter" the nature of the service, program, or activity.
- A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service

animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

- The school system is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.
 - The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
 - Students with service animals are expected to care and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.

SECTION 26 - PROCEDURAL SAFEGUARDS

Parental Rights, Maryland Procedural Safeguards Notice

DCPS shall provide copies of the *Parental Rights, Maryland Procedural Safeguards Notice* and the *Parent's Guide to Habilitative Services* to the parent / guardian / parent surrogates of a student with a disability at minimum of once a year including at every IEP meeting. A copy of the *Parental Rights, Maryland Procedural Safeguards Notice* shall also be given to the parent / guardian / parent surrogates upon:

- initial referral;
- parent / guardian / parent surrogate request for evaluation;
- upon receipt of the first request for a due process hearing; and
- upon parent / guardian / parent surrogate request.

At a child's initial evaluation meeting, DCPS will provide the child's parents with a verbal and written explanation of their rights and responsibilities in the Individualized Education Program (IEP) process and a copy of the Parental Rights: Maryland Procedural Safeguards notice document. Parents may also require a verbal summary of their parental rights at any subsequent IEP team meeting. A DCPS document *Parental Rights & Special Education Process Summary* is located in the Appendix of this handbook and can be used by the IEP team. Also available to parents is the *A Parent's Guide to Understanding Your Individualized Education Program Rights and Responsibilities* document that is produced by MSDE and in the Appendix of this document.

A copy of the *Parental Rights, Maryland Procedural Safeguards Notice*, the *Parent's Guide to Habilitative Services*, and *A Parent's Guide to Understanding Your Individualized Education Program Rights and Responsibilities* is posted on the DCPS Website in the parent section.

SECTION 27- DEFINITIONS

Adaptive Physical Education: Adaptive physical education refers to a specially designed physical education service for a student with a disability.

Accommodation: Accommodation means practices and procedures that provide students with disabilities equitable access during instruction and assessments in the areas of: Presentation, Response, Setting, and Scheduling.

Assessment: Assessment means the process of collecting data to be used by the IEP team to determine a student's need for special education and related services.

Assistive Technology Device: An Assistive Technology Device means an item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. An Assistive Technology Device does not include a medical device that is implanted, or the replacement of such a device.

Assistive Technology Service: Assistive technology service means a service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

- the evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- training or technical assistance for a student with a disability or, if appropriate, that student's family; and
- training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals who provide services, employ, or are otherwise substantially involved in the major life functions of a student with a disability.

At No Cost: At no cost means the provision of all specially designed instruction, without charge. "At no cost" does not include incidental fees that are typically charged to students without disabilities or to parent / guardian / parent surrogates as a part of the general education program.

Audiology: Audiology means services which include:

- identification of students with hearing loss;
- determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- provision of habilitative activities such as language habilitation, auditory training, speech reading (lip reading), hearing evaluation, and speech conservation;
- creation and administration of programs for the prevention of hearing loss;
- counseling and guidance of students, parent / guardian / parent surrogates, and teachers regarding hearing loss; and
- determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

Autism: Autism means a developmental disability which:

- does not include emotional disability,
- significantly affects verbal and nonverbal communication and social interaction,
- is generally evident before three (3) years old,
- adversely affects a student's educational performance, and
- may be characterized by:
 - engagement in repetitive activities and stereotyped movements,
 - resistance to environmental change or change in daily routines, and
 - unusual responses to sensory experiences.

Behavior Intervention Plan (BIP): Behavior Intervention Plan means a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.

Business Day: Business day means a day when DCPS is open for business whether or not students are required to be in attendance for instruction.

Career and Technology Education: Career and technology education means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

Charter school: Charter school means a school that is under the supervision of the public chartering authority.

Consent: Consent means a parent / guardian / parent surrogate:

- has been informed of information relevant to the activity for which consent is sought, in the parent / guardian / parent surrogate's native language or other mode of communication;
- understands and agrees in writing to the carrying out of the activity for which the parent / guardian / parent surrogate's consent is sought, and 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 / guardian / parent surrogate and may be revoked at any time.

Consultation: Consultation means services provided to a teacher, parent / guardian / parent surrogate, or other service provider, regarding a specific student, designed to support and enhance the implementation of a student's IEP.

Controlled Substance: Controlled substance means a drug or other substance identified under the Controlled Substances Act.

Counseling Services: Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

Critical Life Skill: Critical life skill means a skill determined by the individualized education program (IEP) team to be critical to the student's overall educational progress.

Day: Day means a calendar day unless otherwise indicated as a school day or business day.

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

Deafness: Deafness means a hearing impairment which:

- is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and
- adversely affects the student's educational performance.

Early Identification: Early identification means the implementation of a formal process for identifying a disability as early as possible in a child's life.

Education Record: Educational record means personally identifiable information about a student with a disability maintained by DCPS.

Elementary School: Elementary school means a public day or private school that provides elementary education and programs. Elementary school includes elementary charter schools and preschool programs.

Eligible Private School Student with a Disability: Eligible Private School Student with a Disability means a student with a disability, residing within the jurisdiction of the public agency, who was placed in a private school by the parent / guardian / parent surrogate. This includes: students with disabilities placed by their parent / guardian / parent surrogate in private schools, including religiously affiliated schools, outside the jurisdiction of the public agency and students placed in private school by their parent / guardian / parent surrogate, but not receiving services from the public agency.

Emotional Disability: Emotional disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects a student's educational performance:

- an inability to learn that cannot be explained by intellectual, sensory or health factors,
- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,
- inappropriate types of behavior or feelings under normal circumstances,
- a general, pervasive mood of unhappiness or depression; or

- a tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disability includes schizophrenia. Emotional disability does not include a student who is socially maladjusted, unless it is determined that the student has an emotional disability.

English Learner (EL): English Learner (EL) means an individual who does not speak English as his primary language and who has a limited ability to read, speak, write or understand English.

Evaluation: Evaluation means the process of reviewing:

- information from parent / guardian / parent surrogates,
- existing data; and
- results of assessment procedures used to determine whether a student has a disability, and the nature and extent of the special education and related services that the student needs.

Evaluation also means a review at a meeting of the IEP team, and other qualified professionals, as appropriate.

Exclusion: Exclusion means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

Extended School Year Services (ESY): Extended school year services mean the individualized extension of specific special education and related services that:

- are provided to a student with a disability beyond the normal school year for DCPS or nonpublic school the student attends,
- are at no cost to the parent / guardian / parent surrogates of the student, and
- meet the standards of MSDE.

Free Appropriate Public Education (FAPE): Free appropriate public education means special education and related services that:

- are provided at public expense, under DCPS supervision and direction,
- meet the standards of the MSDE,

- include preschool, elementary or secondary education, and
- are provided in conformity with an IEP.

Functional Behavior Assessment (FBA): Functional Behavior Assessment means the systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan for the problem behavior.

General: General means the curricular content adopted by DCPS for students from preschool through secondary education.

Hearing Impairment: Hearing impairment means impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance.

Illegal Drug: Illegal drug means a controlled substance. Illegal drug does not include:

- a substance that is legally possessed or used under the supervision of a licensed health-care professional; or
- a substance that is legally possessed or used under any other authority under the Controlled Substance Act or any other provision of federal law.

Impartial Hearing Officer: Impartial Hearing Officer means an administrative law judge appointed the Office of Administrative Hearings to:

- conduct a due process hearing,
- is not an employee of DCPS that is involved in the education or care of the student; and
- does not have a personal or professional interest that would conflict with the individual's objectivity in the due process hearing.

Independent Educational Evaluation (IEE): Independent Educational Evaluation means assessment procedures conducted by a qualified individual who is not employed by DCPS or responsible for the education of the student.

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

Individualized Family Service Plan (IFSP): An Individualized Family Service Plan means a written statement for a student in the Infants and Toddlers Program with a disability. The plan is developed, reviewed, and revised as necessary.

Individualized Education Plan Team: IEP team means a group of individuals responsible for:

- identifying and evaluating students with disabilities,
- developing, reviewing, or revising an IEP for a student with a disability, and
- determining the placement of a student with a disability in the least restrictive environment.

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

- is significantly sub average;
- exists concurrently with deficits in adaptive behavior; and
- is manifested during the developmental period.

Local Care Team (LCT): Local Care Team means the interagency committee established to:

- identify interagency resources to assist students with special needs; and
- facilitate the provision of interagency services to students with disabilities; and

Local Management Board (LMB): Local Management Board means the entity established or designated to ensure the implementation of a local interagency service delivery system for children, youth, and families in each local jurisdiction.

Local School System (LSS): Local school system means any of the twenty-four (24) public school systems in Maryland responsible for providing a free appropriate public education to students with disabilities.

Maryland Extended IFSP Option: Maryland Extended IFSP Option means the child would continue to receive early intervention services with an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills through an IFSP until the beginning of the school year following the child's fourth birthday.

Mechanical Restraint: Mechanical Restraint means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint does not include a protective or stabilizing device.

Mediator: A Special Education Mediator means a qualified individual:

- selected by the Office of Administrative Hearings to conduct mediation,
- trained in effective mediation techniques.

Meeting: Meeting means a prearranged IEP meeting when personnel of DCPS, a parent / guardian / parent surrogate, and others who have knowledge or special expertise regarding the student, at the discretion of DCPS or the parent / guardian / parent surrogate, come together at the same time and place to discuss matters related to the identification, evaluation, educational placement, and the provision of FAPE for a student with a disability. Meeting does not include informal or unscheduled conversations with DCPS personnel, and conversations on issues of teaching methodology, lesson plans, or coordination of service provision, if these issues are not addressed on the student's IEP; or preparatory activities DCPS personnel necessary to develop a proposal or response to a parent / guardian / parent surrogate proposal that will be discussed at a later meeting.

Modifications: Modifications means practices that change, lower, or alter learning expectations.

Multiple Disabilities: Multiple Disabilities means concomitant impairments, such as Intellectual Disability-Blindness or Intellectual Disability-Orthopedic the combination of which causes such severe educational problems that the student cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include students with deaf-blindness.

Native Language: Native Language means the language normally used by an individual who is limited English proficient, or the language normally used by the parent / guardian / parent surrogate of the student.

Nonpublic School: Nonpublic School means a day or residential educational program that is governed and operated by an individual or entity, excluding the Federal government or any State, county, or governmental entity.

Occupational Therapy: Occupational Therapy means services which include:

- improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
- improving ability to perform tasks for independent functioning when functions are impaired or lost; and
- preventing, through early intervention, initial or further impairment or loss of function.

Orientation and Mobility Services: Orientation and Mobility Services means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and Mobility Services includes travel training instruction, teaching students spatial and environmental concepts and use of information received by the senses, such as sound, temperature, and vibrations, to establish, maintain, or regain orientation and line of travel, teaching students to use the long cane or a service animal, as appropriate, to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision, teaching students to understand and use remaining vision and distance low vision aids, as appropriate; and other concepts, techniques, and tools, as determined appropriate.

Orthopedic Impairment: Orthopedic Impairment means a severe orthopedic impairment that adversely affects a student's educational performance. This may include impairments caused by congenital anomaly, such as clubfoot or absence of some member, caused by disease such as poliomyelitis or bone tuberculosis, and from other causes such as cerebral palsy, amputations, and fractures or burns which cause contractures.

Other Health Impairment: Other Health Impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that result in limited alertness with respect to the educational environment that is adversely affecting a student's educational performance, due to chronic or acute health problems such as:

- Asthma,
- Attention deficit disorder or attention deficit hyperactivity disorder,
- Diabetes,
- Epilepsy,
- A heart condition,

- Hemophilia,
- Lead poisoning,
- Leukemia,
- Nephritis,
- Rheumatic fever,
- Sickle cell anemia, or
- Tourette's syndrome.

Parent: Parent means:

- a natural or adoptive parent,
- a guardian,
- a person acting as a parent of a student, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is responsible for the student's welfare, or
- a foster parent with whom the student lives if the foster parent has been granted limited guardianship for educational decision purposes by the court that has placed the student in foster care, or
- a surrogate parent who has been appointed.

Parent does not include an employee of DCPS responsible for the education or care of the student; or the State if the student is a ward of the State.

Parent Counseling and Training: Parent counseling and training means assisting parents in understanding the special needs of their child, and providing parents with information about child development.

Participating Agency: Participating agency means a public agency, other than the public agency responsible for the student's education, that is financially and legally responsible for providing or paying for the provision of transition services to the student.

Personally Identifiable Information: Personally identifiable information means information that includes:

- the name of the student, the student's parent / guardian / parent surrogate, or other family member,
- the address of the student,
- a personal identifier such as the student's Social Security number or student number,

- a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

Physical Education: Physical education means the development of:

- physical and motor fitness,
- fundamental motor skills and patterns, and
- skills in aquatics, dance, and individual and group games and sports, including intramural and lifetime sports.

Physical education includes:

- special physical education,
- adaptive physical education,
- movement education, and
- motor development.

Physical Restraint: Physical restraint means the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student's body. Physical restraint does not include:

- briefly holding a student to calm or comfort the student;
- holding a student's hand or arm to escort the student safely from one area to another;
- moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
- intervening in a fight.

Physical Therapy: Physical therapy means services provided by a qualified physical therapist or physical therapy assistant.

Positive Behavior Intervention, Strategies, and Supports: Positive behavior interventions, strategies, and supports mean the application of affirmative school-wide and individual student specific actions, instruction, and assistance to encourage educational success.

Private School: Private school means a day or residential educational program which is governed and operated by an individual or entity, excluding the federal government or any State, county, or municipal agency, or division. Private schools include parochial schools and other religiously affiliated schools.

Protective or Stabilizing Device: Protective or stabilizing device means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body for the purpose of enhancing functional skills, preventing self-injurious behavior or ensuring safe positioning of a person. Protective or stabilizing device includes:

- adaptive equipment prescribed by a health professional if used for the purpose for which the device is intended by the manufacturer;
- seat belts; or
- other safety equipment to secure students during transportation in accordance with DCPS' or nonpublic school transportation plan.

Psychological Services: Psychological services means services which include:

- administering psychological and educational tests and other assessment procedures,
- interpreting assessment results,
- obtaining, integrating, and interpreting information about student behavior and conditions relating to learning,
- consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews and behavioral evaluations,
- planning and managing a program of psychological services, including psychological counseling for students and assisting in developing positive behavioral intervention strategies.

Public Agency: Public agency means a state or local governmental or quasi-governmental entity responsible for the provision of a free appropriate public education to students with disabilities. Public agency includes local school systems, MSDE, the Department of Health and Mental Hygiene, the Department of Juvenile Services, the Maryland School for the Blind, the Maryland School for the Deaf, and adult correctional facilities.

Public Expense: Public expense means the cost of services paid or provided by a public agency at no cost to the parent / guardian / parent surrogate.

Qualified: "Qualified" means an individual who has met MSDE approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individual is providing special education or related services.

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

Reevaluation: Reevaluation means an evaluation conducted after the initial evaluation.

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

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

Related services do not include a medical device that is implanted or the maintenance or replacement of such a device.

Restraint: Restraint means the use of a physical or mechanical restraint.

Service provider: Service provider means an individual who provides special education or related services to students with disabilities, including:

- a general educator,
- a special educator,
- a related service provider, or
- another individual, determined appropriate.

School Day: School day means a day, including a partial day, when DCPS is open and students with and without disabilities are required to be in attendance for instruction.

School Health Services: School health services means services provided by a qualified school nurse, or other qualified individual; and to enable a student to receive FAPE as described in the student's IEP.

Secondary School: Secondary school means a public day or residential school, including secondary charter schools that provide secondary education.

Seclusion: Seclusion means the confinement of a student alone in a room from which the student is physically prevented from leaving.

Service Plan: Service Plan means a written statement developed and implemented that describes the special education and related services a local school system shall provide a parent / guardian / parent surrogate placed private school student with a disability designated to receive services. The Service Plan will also include the location of the services and any transportation necessary.

Serious Bodily Injury: Serious bodily injury means an injury inflicted upon another individual that resulted in:

- a substantial risk of death;
- extreme physical pain;
- protracted and obvious disfigurement; or
- protracted loss or impairment of the function of a bodily organ, or mental faculty.

Social Work Services: Social work services means services which include:

- preparing a social or developmental history of a student with a disability,
- group and individual counseling with the student and family,
- working with those problems in a student's living situation, such as home, school, and community, that affect the student's adjustment in school, and
- assisting in the development of positive behavioral intervention strategies,
- mobilizing school and community resources to enable the student to learn as effectively as possible in the student's educational program.

Special Education: Special Education means specially designed instruction, at no cost to the parent / guardian / parent surrogates, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. Special education includes speech-language pathology services, travel training, career and technology education, and instruction in physical education if the service consists of specially designed instruction.

Specially Designed Instruction: Specially designed instruction means the adaptation of content, methodology, or delivery of instruction to address the unique needs of a student with a disability to ensure access to the general education curriculum, so the student can meet the educational standards that apply to each student within DCPS.

Specific Learning Disability (SLD): Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. SLD includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. SLD does not include students who have learning problems which are primarily the result of visual, hearing, or motor impairments, Intellectual Disability, Emotional Disability, environmental, cultural, or economic disadvantage.

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

Speech-Language Pathology: Speech-language pathology means services which include:

- identification of students with speech or language impairments,
- diagnosis and appraisal of specific speech or language impairments,
- referral for medical or other professional attention necessary for the habilitation of speech or language impairments,
- provision of speech and language services for the habilitation or prevention of communicative impairments; and
- counseling and guidance of parent / guardian / parent surrogates, students, and teachers regarding speech and language impairments.

Statewide Assessment: Statewide assessment means the testing procedures adopted by MSDE to measure student or school performance.

Student with a Developmental Delay: A student with a Developmental Delay means a student from three (3) through seven (7) years old assessed and evaluated having:

- a twenty-five percent (25 %) or greater delay in adaptive, cognitive, communicative, emotional, physical, or social development;
- atypical development or behavior, or
- a diagnosed physical or mental condition.

Student with a Disability: A student with a disability means a student, three (3) through the end of the school year in which the student turns twenty-one (21) years old evaluated as having:

- autism,
- deaf-blindness,
- emotional disability,
- hearing impairment, including deafness,
- intellectual disability,
- multiple disability,
- orthopedic impairment,
- other health impairment,
- specific learning disability,
- speech or language impairment,
- traumatic brain injury, or
- visual impairment, including blindness, and

who, because of the impairment needs special education and related services.

Supplementary Aids and Services: Supplementary aids and services means aids and services and other supports that are provided in general education classes, other related settings, and extracurricular, and non-academic settings to enable a student with a disability to be educated with students without disabilities to the maximum extent appropriate.

Technology-based Instructional Product: Technology-based instructional product means instructional software, on-line resources, and computer-based equipment.

Transition Services: Transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process, that is focused

on the academic and functional achievement of a student to facilitate the student's movement from school to post-school activities, including:

- post-secondary education;
- career and technology education;
- integrated employment, including supported employment;
- continuing and adult education,
- adult services,
- independent living, or
- community participation.

Transition services also means activities based on the student's needs, considering the student's strengths, preferences, and interests. Transition services include:

- needed activities in the areas of instruction,
- related services,
- community experiences, of employment or other post-school adult living objectives;
- acquisition of daily living skills; and
- functional vocational evaluation, if appropriate.

Transportation: Transportation means services which include:

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

Traumatic Brain Injury (TBI): Traumatic Brain Injury means an acquired injury to the brain, caused by an external force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. Traumatic brain injury includes open or closed head injuries resulting in impairments in one or more areas such as:

- cognition,
- language,
- memory,
- attention,
- reasoning,
- abstract thinking,

- judgment,
- problem solving,
- sensory, perceptual, and motor abilities,
- psychosocial behavior,
- physical functions,
- information processing, and
- speech.

Traumatic brain injury does not include brain injuries that are congenital or degenerative; or brain injuries induced by birth trauma.

Visual Impairment: Visual impairment means impairment in vision which, even with correction, adversely affects a student's educational performance. Visual impairment includes partial sight and blindness.

Weapon: Weapon means a dangerous weapon as defined under the United States Code.

SECTION 28 - APPENDIX

1. Consideration for Referral to Special Education or Section 504 Form
2. DCPS Child Find Referral Form
3. Physician's Letter and Assessment Report Form
4. DCPS Attendance Form
5. 5 Day Cover Letter (all documents present)
6. 5 Day Cover Letter (document(s) missing)
7. Waiver of 5 Day Notification Form
8. Assistive Technology Referral Form
9. Special Transportation Form
10. Receipt of Procedural Safeguards Form
11. Receipt of Parent's Guide to Habilitative Services
12. Parent Consent Form
13. Home and Hospital Action Plan Form
14. FBA/BIP Flowchart
15. Restraint Documentation Form
16. Parent Surrogate Referral Form
17. Out of School Referral Form: Consortium
18. Parental Rights & Special Education Process Summary

DORCHESTER COUNTY PUBLIC SCHOOLS

Student Name:	School:	Date of Meeting:
Grade:	Date of Birth:	Homeroom Teacher:
List Team Members Present Below Their Title / Position:		
Administrator:	PPW:	Section 504 School Contact:
General Education Teacher:	Special Education Teacher:	Speech/Language Pathologist:
Parent:	School Counselor:	Other
School Psychologist:	Student:	Other



“Every Child a Success!”

Consideration for Referral to Special Education or Section 504

Revised January 2022

Section 1 Background / Concerns and Attendance

Referral Source: MTSS Parent / Guardian Transfer Student IEP Team Child Find
 Other

Reason: _____

List the student's strengths, interest areas, significant personal attributes, and personal accomplishments:

Concerns expressed by Teachers / Other Educators: _____

Concerns expressed by Parent(s) / Student: _____

Describe exceptions to the problem: _____

Is the referral concern primarily the result of cultural, economic, or environmental factors? Yes No

Does the student have, or is suspected of having, Limited English Proficiency? Yes No

If yes, what language or mode of communication should be used for assessments, and why? _____

List any previous schools attended: _____

List attendance history per grade:

Grades from Current School Year: _____

Grades from Previous School Years: _____

Historical State Assessment Results:

Has the student been retained? Yes No

If yes, which year(s) / grade(s): _____

Has the student been previously referred for Special Education or Section 504? Yes No

If yes, which year(s) / grade(s): _____ School: _____

Outcome: _____

Family / Background Information (moves, living situation, etc.) _____

Describe Parental attendance at meetings / participation / support _____

Section 2

Developmental, Medical, & Diagnostic History

Vision Screening Date: ____/____/____ Outcome: Pass Fail Not Tested

Hearing Screening Date: ____/____/____ Outcome: Pass Fail Not Tested

Description of any unusual circumstances or occurrence during the pregnancy or birth of the student:

Premature? (Y/N) _____ If so, how many weeks? _____

Did the student receive Infants & Toddlers services, or Early Intervention?

Yes No

**If yes, ask parent permission for release of information*

Has the student ever been hospitalized or undergone surgery? Yes
No

Indicate nature and date (s) of hospitalization/surgery:

Does the student have a known medical or mental health diagnosis? Yes
No

List Diagnoses _____

Treating physician / psychiatrist _____

Medication / Mitigating Measures:

Yes No

Name of Medication	Length of Use	Strength & Amount	Physician	Date of Last Appointment

**If yes, ask parent permission for release of information*

Is there any reason to believe that medications are not being taken regularly? Yes
No

If yes, describe: _____

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If Mitigating Measures other than medication are being used, describe: _____

Health Plan on file with the School Nurse?

Yes

No

**If yes, be sure to attach a copy of the Health Plan.*

Other treating clinician (i.g. psychologist, social worker, therapist, etc.) _____

Section 3: Reading Achievement

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Sec. 3a. Reading Concerns

1. Basic Reading Skills	Indicate if area of concern: <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected basic reading skill difficulties	
Indicator	Comments
<input type="checkbox"/> Difficulty with single-word decoding	
<input type="checkbox"/> Problems with letter-sound correspondence	
<input type="checkbox"/> Problems naming all letters of the alphabet	
<input type="checkbox"/> Problems blending two or more sounds	
<input type="checkbox"/> Difficulty identifying that two words rhyme	
<input type="checkbox"/> Frequent mispronunciation of age-appropriate words	
<input type="checkbox"/> Failure to identify the starting letters of own name	
<input type="checkbox"/> Failure to identify the initial phoneme of own name	
<input type="checkbox"/> Frequent long pauses between words	
<input type="checkbox"/> Makes wild guesses at unfamiliar words without sounding out	
<input type="checkbox"/> Avoidance or behavior problems when asked to read	
<input type="checkbox"/> Spelling that demonstrates pre-phonetic or no phonetic relationship	
<input type="checkbox"/> Higher skill development in areas that are not dependent on reading	
2. Reading Accuracy	Indicate if area of concern: <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected reading accuracy difficulties	
Indicator	Comments
<input type="checkbox"/> Problems accurately identifying individual letters	
<input type="checkbox"/> Substitution of words	
<input type="checkbox"/> Difficulty using context to correctly identify words	
<input type="checkbox"/> Makes careless errors that omit words or change words with close visual construction	
<input type="checkbox"/> Missing phonemes in the middle or end of words	
<input type="checkbox"/> Problems with reading words in isolation	
3. Reading Fluency	Indicate if area of concern:

	<input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected reading fluency difficulties	
Indicator	Comments
<input type="checkbox"/> Problems quickly associated a letter with a sound	
<input type="checkbox"/> Increased effort when naming letters	
<input type="checkbox"/> Frequent pauses in between words in connected text	
<input type="checkbox"/> Difficulty reading simple connection or function words (i.e. that, an, in, the)	
<input type="checkbox"/> Oral reading is choppy or dysfluent	
<input type="checkbox"/> Inability to finish reading tasks or tests comparable to the average classmate	
4. Reading Comprehension	Indicate if area of concern <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected reading comprehension difficulties	
Indicator	Comments
<input type="checkbox"/> Difficulty understanding oral directions at an age/grade appropriate level	
<input type="checkbox"/> Uses imprecise vocabulary	
<input type="checkbox"/> Trouble remembering what was read	
<input type="checkbox"/> Difficulty retelling a story	
<input type="checkbox"/> Problems defining vocabulary	
<input type="checkbox"/> Trouble recalling relevant detail from a passage	
<input type="checkbox"/> Difficulty retelling a sequence of consecutive actions	
<input type="checkbox"/> Problems drawing an accurate picture from an age-appropriate, orally presented story	
<input type="checkbox"/> Problems with cloze or maze reading tasks	
<input type="checkbox"/> Difficulty providing possible outcomes in a given unfinished story	
<input type="checkbox"/> Problems sorting and sequencing randomized sentences from the same story (story anagram)	
<input type="checkbox"/> Problems identify inconsistencies in a contrived story	
<input type="checkbox"/> Difficulty with inference tasks (providing missed elements, elaboration on detail, etc.)	

Sec. 3b. Evidence of Reading Interventions

All interventions are selected via a collaboration between the Division of Instruction, School Based Coaches, Administration, and General Education Instructors. It is DCPS practice that all instruction is implemented by personnel who meet the “highly qualified” standard.

- Has the student received appropriate instruction in reading? **Yes** **No**
- Was the parent notified about the general education services and strategies that would be provided to the student to increase the student’s rate of learning? **Yes** **No**
 - **If yes, list date:** _____
- Has the student participated in a process to assess his or her response to scientific, research-based intervention? **Yes** **No**
- If yes, was the intervention(s) implemented with fidelity, evaluated, and revised as needed? **Yes** **No**

In the event the team has endorsed the response “No” to any of the abovementioned questions in Sec. 3b., the SST is advised to implement and progress monitor a targeted reading intervention to address the abovementioned area(s) of concern (Sec. 3a.) prior to a referral to the Individualized Education Program (IEP) due to a suspected learning disability.

Enter the appropriate data for each reading intervention the student has participated in.

Intervention / Strategy	Length of time, intervention / strategy provided	Frequency, intervention/strategy provided	Data-based results / outcome of assessment of intervention/strategy	Name and Title of Qualified personnel providing the intervention / strategy

Add additional interventions, length, data, and personnel information as necessary.

What is being done at home to address the concerns? _____

Section 4: Math Achievement

Sec. 4a. Math Concerns

1. Math Calculation: <i>Conceptualization</i>	Indicate if area of concern: <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected math calculation difficulties	
Indicator	Comments
<input type="checkbox"/> Errors in regrouping process	
<input type="checkbox"/> Uses inefficient or ineffective strategies when solving simple problems	
<input type="checkbox"/> Lack of understanding of concepts underlying use of certain procedures	
<input type="checkbox"/> Uses of less mature procedures for computations (finger counting, has marks, etc.)	
<input type="checkbox"/> Problems with sequence or order in computations	
2. Math Calculation: <i>Procedural</i>	Indicate if area of concern: <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected math calculation difficulties	
Indicator	Comments
<input type="checkbox"/> Problems accurately identifying individual numbers	
<input type="checkbox"/> Early delays in counting objects or object sets	
<input type="checkbox"/> Require excessive repetition of math facts for learning	
<input type="checkbox"/> Difficulty retaining instructions for solving math problems	
<input type="checkbox"/> Delayed associates between amounts shown and corresponding number	
<input type="checkbox"/> Makes “careless” errors on computations	
<input type="checkbox"/> Difficulty with comparisons of quantity, volume, or other measures	
<input type="checkbox"/> Delayed response time on simple counting or computations	
<input type="checkbox"/> Delayed reading development or poor phonemic awareness	

3. Math Problem Solving : <i>Conceptualization/</i>	Indicate if area of concern <input type="checkbox"/> Yes
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<i>Systematic Understanding</i>	<input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected math problem solving difficulties	
Indicator	Comments
<input type="checkbox"/> Trouble retaining process for common algorithms	
<input type="checkbox"/> Errors in the order of computations applied to a problem-solving task	
<input type="checkbox"/> Problems with basic computations even when using a calculator	
<input type="checkbox"/> More anxious when approaching math in context of story structures	
<input type="checkbox"/> Difficulties with regrouping	
<input type="checkbox"/> Takes excessive time to solve problems	
<input type="checkbox"/> Uses immature strategies such as finger counting or hash marks	
4. Math Problem Solving : Procedural Knowledge	Indicate if area of concern <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of “Yes” was indicated, endorse specific areas of suspected math problem solving difficulties	
Indicator	Comments
<input type="checkbox"/> Difficulty understanding the task expectations in math problems	
<input type="checkbox"/> Problems developing estimation skills	
<input type="checkbox"/> Fails to identify wildly inaccurate results	
<input type="checkbox"/> Confuses operations identified by quantitative words (i.e. sum, difference, etc.)	
<input type="checkbox"/> Difficulty explaining verbally how an answer was derived	
<input type="checkbox"/> Problems disregarding irrelevant items/numbers in word problems	

Sec. 4b. Evidence of Math Interventions

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All interventions are selected via a collaboration between the Division of Instruction, School Based Coaches, Administration, and General Education Instructors. It is DCPS practice that all instruction is implemented by personnel who meet the “highly qualified” standard.

- Has the student received appropriate instruction in math? **Yes** **No**
- Was the parent notified about the general education services and strategies that would be provided to the student to increase the student’s rate of learning? **Yes** **No**
 - **If yes, list date:** _____
- Has the student participated in a process to assess his or her response to scientific, research-based intervention? **Yes** **No**
- If yes, was the intervention(s) implemented with fidelity, evaluated, and revised as needed? **Yes** **No**

In the event the team has endorsed the response “No” to any of the abovementioned questions in Sec. 4b., the SST is advised to implement and progress monitor a targeted math intervention to address the abovementioned area(s) of concern (Sec. 4a.) prior to a referral to the Individualized Education Program (IEP) due to a suspected learning disability.

Enter the appropriate data for each math intervention the student has participated in.

Intervention / Strategy	Length of time, intervention / strategy provided	Frequency, intervention/strategy provided	Data-based results / outcome of assessment of intervention/strategy	Name and Title of Qualified personnel providing the intervention / strategy

Add additional interventions, length, data, and personnel information as necessary.

What is being done at home to address the concerns? _____

Section 5: Written Expression Achievement

Sec. 5a. Written Expression Concerns

1. Written Expression: <i>Composition & Expression</i>	Indicate if area of concern: <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of "Yes" was indicated, endorse specific areas of suspected written expression difficulties	
Indicator	Comments
<input type="checkbox"/> Poor spelling (phonological, additional syllables, etc.)	
<input type="checkbox"/> Limited use of punctuation, incorrect punctuation	
<input type="checkbox"/> Poor letter formation	
<input type="checkbox"/> Poor visual format (spacing, paragraphs, indentation, margins, etc.)	
<input type="checkbox"/> Incorrect or missing capitalizations	
<input type="checkbox"/> Poor decoding/reading skills	
2. Written Expression: <i>Spelling & Mechanical</i>	Indicate if area of concern: <input type="checkbox"/> Yes <input type="checkbox"/> No
If a response of "Yes" was indicated, endorse specific areas of suspected written expression difficulties	
Indicator	Comments
<input type="checkbox"/> Poor narrative (consistent style, point of view, etc.)	
<input type="checkbox"/> Demonstrates poor grammatical structure (verb tense, subject verb agreement, etc.)	
<input type="checkbox"/> Uses poor semantics (words with wrong meaning)	
<input type="checkbox"/> Poor descriptive quality	
<input type="checkbox"/> Poor organization	
<input type="checkbox"/> Does not correct mistakes (revising for content, mechanics, etc.)	

Sec. 5b. Evidence of Writing Interventions

All interventions are selected via a collaboration between the Division of Instruction, School Based Coaches, Administration, and General Education Instructors. It is DCPS practice that all instruction is implemented by personnel who meet the “highly qualified” standard.

- Has the student received appropriate instruction in writing? Yes No
- Was the parent notified about the general education services and strategies that would be provided to the student to increase the student’s rate of learning? Yes No
 - If yes, list date: _____
- Has the student participated in a process to assess his or her response to scientific, research-based intervention? Yes No
- If yes, was the intervention(s) implemented with fidelity, evaluated, and revised as needed? Yes No

In the event the team has endorsed the response “No” to any of the abovementioned questions in Sec. 5b., the SST is advised to implement and progress monitor a targeted writing intervention to address the abovementioned area(s) of concern (Sec. 5a.) prior to a referral to the Individualized Education Program (IEP) due to a suspected learning disability.

Enter the appropriate data for each writing intervention the student has participated in.

Intervention / Strategy	Length of time, intervention / strategy provided	Frequency, intervention/strategy provided	Data-based results / outcome of assessment of intervention/strategy	Name and Title of Qualified personnel providing the intervention / strategy

Add additional interventions, length, data, and personnel information as necessary.

What is being done at home to address the concerns? _____

Section 6

Social-Emotional, Behavior, Discipline, and Adaptive Functioning

Behavior Concerns? Yes
No

Describe the behavior in measurable terms so that someone can easily visualize it. _____

Total number of discipline referrals: this school year: _____ last school year: _____

Number of In-School Suspensions: this school year: _____ last school year: _____

Number of Out-of-School Suspensions: this school year: _____ last school year: _____

Or, estimate frequency of removals from the instructional environment: _____

Has the student missed instruction due to above factors? (Explain) _____

Has the student had a Functional Behavior Assessment (FBA)? Yes
No

If yes, list date: _____/_____/_____

If yes, describe what behavior(s) the FBA was for: _____

If yes, what was the identified function(s) of the behavior?

Seeking / Gaining: _____

Avoiding / Escaping: _____

Sensory Stimulation: _____

Does the previously conducted FBA apply to the behaviors currently being displayed? Yes
No

Is a new FBA necessary? Yes
No

If yes, using measurable terms, indicate why: _____

Has the student had a Behavior Intervention Plan (BIP)? Yes
No

If yes, list date: _____/_____/_____

**If yes, be sure to attach a copy of the BIP.*

Enter the appropriate data for each social – emotional, behavioral, and / or adaptive

functioning intervention the student has participated in.

Intervention / Strategy	Length of time, intervention / strategy provided	Frequency, intervention/strategy provided	Data-based results / outcome of assessment of intervention/strategy	Personnel providing the intervention / strategy

Add additional interventions, length, data, and personnel information as necessary.

What is being done at home to address the concerns? _____

Section 7

Speech and Language

What is the primary language spoken at home? _____

Does the student speak any other languages? _____

Speech/Articulation Concerns?

Yes No

- a. How would you describe the student's speech clarity? (excellent, good, fair, poor)
- b. Is the student's speech unintelligible (unclear) to teachers and/or to peers?
- c. Does the student participate in class by raising his/her hand and/or answering questions?
- d. Does the student initiate communication with peers?
- e. Does the student initiate communication with teachers?
- f. Is the student teased about his articulation?
- g. Is the student demonstrating embarrassment and/or frustration regarding difficulty being understood?
- h. What sounds appear to be distorted? Circle which sounds are applicable:
b, p, f, v, k, g, s, z, l, r, m, n, t, w, ng, sh, ch, j, blends: r blends, s blends, l blends.

Comments:

"Stuttering"/ Dysfluency Concerns?

Yes No

- a. Describe the student's rate of speech? (fast, appropriate, slow)
- b. Does the student use an excessive amount of fillers (ie. um, huh, like, ah) when they are talking?
- c. Does the student look away when talking?
- d. Does the student demonstrate any eye blinking or facial straining behaviors?
- e. Are syllable, words, phrases and/or sentences repeated?
- f. Does the student get teased about his "stuttering"?
- g. Does the student avoid talking?

Comments:

Voice Concerns?

Yes No

- a. Describe the student's voice quality (hoarse, loud, soft, appropriate, quiet, harsh, high pitched, low pitched, nasal).
- b. Does the student appear to lose his voice while speaking?
- c. Does the student yell often?

Comments:

Language Concerns?

Yes No

- a. Can the student answer yes/no questions accurately?
- b. Can the student verbally respond?
- c. Can the student name familiar objects or pictures of objects?
- d. Does the student demonstrate an age appropriate vocabulary?
- e. Can the student initiate, maintain and conclude conversations with peers and teachers within the classroom setting?
- f. Is the student able to sequence words into a complete sentence?
- g. Is the student able to answer “wh” questions?
- h. Is the student able to ask “wh” questions?
- i. Is the student’s verbal language grammatically correct?
- j. Does the student communicate wants, needs ideas and concepts to others, either verbally or through the use of augmentative communication?
- k. Is the student non-verbal?
- l. Does the student understand figurative/abstract language (ie. Idioms, figures of speech, metaphors)?
- m. Can the student follow one-step directions?
- n. Can the student follow two-step directions?
- o. Can the student follow three-step directions?
- p. Does the student ask for clarification or repetition of directions?
- q. Does repetition of directions improve performance?

Comments:

Pragmatic Concerns?

Yes No

- a: Does the student demonstrate appropriate eye contact with peers and teachers?
- b. Does the student perform appropriate greetings with peers and teachers?
- c. Can the student express feelings appropriately?
- d. Does the student attempt to interact with other students?
- e. Can the student maintain a topic of conversation?
- f. Does the student demonstrate turn taking skills?
- g. Describe how the student initiates communication with peers and teachers?
(i.e. raises hand, points, uses picture symbols, verbally asks, yells out, takes you to item of interest, other)
- h. How would you rate student’s communication skills with peers?
(appropriate, stressful for student, difficult, normal, easy)
- i. Do you feel the student’s social skills are age appropriate?
- j. Does the student perform “self talk” while in the classroom setting?

Comments:

Hearing Concerns?

Yes No

- a. Does the student respond to his name when called?
- b. Does the student currently receive preferential seating in relation to the position of the teacher?
- c. Has the student passed the latest hearing screening?

Swallowing Concerns?

Yes No

- a. Are there any other health concerns such as:

Feeding Tube	Medications
Swallowing Disorder	Compromised Immune system
Tracheotomy	Dietary restrictions
Other: _____	
- b. Does the student perform any coughing, choking, gagging, watery eyes, or change of voice quality when eating or drinking?
- c. Is the student frequently absent due to respiratory issues?
- d. Does the student use any adaptive feeding equipment (special chair, feeding utensils, special cups)?
- e. Does the student need assistance during meals? If so, please describe.

Interfering Behaviors?

Yes No

Circle the appropriate items.

- | | | |
|------------------|---------------|-----------------|
| Self stimulation | Perseveration | Distractibility |
| Aggression | Tantrums | Hyperactive |
| Self abuse | Impulsivity | Not applicable |

Section 8

Recommendation

If considering the student for Initial Screening for Special Education, please complete the following:

Describe reason(s) why a disability is suspected: _____

If considering the student for Initial Evaluation for Section 504, complete the following:

Does the student have, or is suspected of having a mental or physical Impairment? Yes No
If yes, please list: _____

What Major Life Activity is suspected of being limited? Yes No

If yes, please list: _____

Compare this individual to an average student in the same age / grade population. How limited does the student appear to be by the suspected disability?

- Negligible / None
- Mildly
- Moderately
- Substantially

After reviewing the above information, the team determined:

- A referral to the IEP Team for Initial Screening is appropriate (note: the form must be complete)
- A referral to the Section 504 Team for Initial Evaluation is appropriate (note: the form must be complete)
- The student will be referred to the MTSS team for further review
- Other _____

***Was this form completed during an IEP team referral/screening meeting?** Yes No

If yes, list date: ____/____/____

Administrator's signature: _____

Attach all data / documentation used to support the referral to the Special Education or Section 504 Team here. Performance Matters, Previous Evaluations, Medical Information, Behavior Intervention Plans, etc. Specifically, the documentation must demonstrate that the interventions were implemented with fidelity and were monitored, evaluated, and revised as indicated.

ADDENDUM TO REFERRAL TO SPECIAL EDUCATION/504 FORM

SST Considerations for EL Students

Child's Name: _____ Today's Date: _____

Birthdate: _____ Age _____ Gender: _____ Race: _____

Language Proficiency Information

Language spoken in the home most of the time _____

Language child speaks at home: _____

Length of time child has been exposed to English for the majority of their date_

Language child primarily speaks at school _____

Language child prefers to speak to others _____

Is student fluent in English _____

School Considerations

Academic areas of concern: _____

Begin date and frequency of EL services _____

Date and scores from WIDA assessments _____

Interventions in addition to EL that have been implemented with the student _____

Is the student developing English at a typical rate when compared to "like peers" (students of a similar cultural background and level of language acquisition) _____?

Is the student exhibiting academic difficulties in both their native language and English? _____

Is the student's academic performance different from his/her CULTURAL peers? _____

Team Considerations

The team has discussed and considered the following:

_____ Language acquisition in the context of conversational/social language and academic/class room language with the understanding of the following:

- 1) Social language can take approximately 2 years to develop; by this time the student can use English phrases, chunks; carry on intelligible conversations about context-embedded, cognitively undemanding topics (TV, friends, family, classroom activities; interact with English-speaking peers, and pass simple social language oriented proficiency tests.
- 2) Academic, classroom language can take approximately 5-7 years to develop. While developing this level of language acquisition, the student may have difficulty performing well on state and national standardized tests and performing adequately in context-reduced cognitively demanding classroom activities such as writing, reading, spelling, and test-taking.

SPECIAL CONSIDERATIONS FOR THE REFERRAL OF ENGLISH LEARNERS TO DETERMINE SPECIAL EDUCATION ELIGIBILITY

IDEA clearly mandates that an IEP team may **not** determine that a student is a student with a disability if the determinant factor for the determination is limited English proficiency. Therefore, IEP teams must consider additional factors and information prior to determining that a student with limited English proficiency or an English Learner (EL) is a student with a disability. The following considerations based on the most current research in the field are provided as guidelines for IEP teams.

A. Consideration of Language Proficiency Level

- 1) IEP teams should consider a student's current level of language proficiency and determine if the instructional and language demands are appropriate for the student's language proficiency level. If they are not, the recommendation should be to provide appropriate instruction before considering that the student may have a disability.

- 2) IEP teams need to be aware that a student can only achieve in academics at a level as high as their English language abilities and cannot achieve any higher than their level of oral language proficiency. Current research suggests that students learn basic interpersonal communication skills (BICS) in 2-3 years upon entering a new language environment and typically show high levels of language growth in English during the initial years of instruction. Most language proficiency assessments focus on this type of language proficiency.

- 3) Learning deeper, more abstract and complex language involved in conceptual and academic learning can take much longer and occurs at a much slower rate. Research indicates that it can take 7-10 years for ELs to attain the higher level cognitive academic language proficiency skills (CALPS) required for success with tasks involving abstract language or in academic classes taught entirely in English. Most language proficiency assessments do not measure this type of language proficiency. Therefore, even though a student may be determined to be a "Fully Proficient English Speaker" or at the "Advanced" level on an assessment of language proficiency, this does not necessarily mean that they have acquired the higher-level language skills required for academic learning.

B. Consideration of Pattern of Performance

- 1) When considering whether an EL student may present with a disability, the IEP team should consider the following:
 - a. Whether the student displays signs of a language disorder in their native language that may impede their English learning.

- b. Whether the student's error patterns in reading, writing, and/or math are suggestive of error patterns characteristic of a disability rather than a language difference.
- c. Whether there is evidence of the disability in both the student's native and English languages, as a true disability will be apparent in both languages.

C. Consideration of Interventions and Rate of Progress

- 1) The IEP team should ensure that the EL student received the same interventions available to all students and not only English for Speakers of Other Language (ESOL) services.
- 2) An EL student's rate of progress should be compared to the rate of progress of other students at a similar level of language proficiency or other ELs, not to non-ELs.
- 3) Slow growth rate should not be considered a decisive indicator of a learning or other disability as the growth rate may be related to differences in learning due to language acquisition. Current research suggests that the growth rates of ELs and native English speakers are different with ELs often making growth at a slower rate. This may be due to the expectations that ELs learn not only a new language, but also be able to master grade-level content in the new language at the same time.

D. Assessment Considerations

If the IEP team determines that a student with EL displays evidence of a disability rather than academic or behavioral difficulties associated with language proficiency issues, the following assessment guidelines are provided in addition to those outlined in Section 2 of this manual.

- 1) The student's primary language for assessment purposes should be regarded as the language in which the student is the most comfortable and proficient.
- 2) Assessors need to consider the use of alternative assessment strategies when assessing an EL student, such as the use of standardized nonverbal cognitive assessment measures, translated tests, and curriculum based measures.

3) The use of an interpreter for administration of an English version of a standardized test should only be used as a last resort, as this may compromise the validity of the test, as the use of interpreters is not part of the standardization process. In addition, some test items cannot be translated from English to another language without seriously destroying the original meaning or without suggesting the correct or expected response

E. Additional Considerations

- 1) Consider inviting the ESOL teacher to attend all IEP meetings for EL students as they have additional knowledge and expertise in the area of EL and the development of language acquisition and proficiency.

- 2) If a student currently receiving ESOL services is identified as eligible for special education services, they must continue to receive those ESOL services until it is determined they are no longer needed, as the student's IEP must continue to address their limited English proficiency.

References:

Brown, J. E. & Sanford, A. (2011). RTI for English language learners: Appropriately using screening and progress monitoring tools to improve instructional outcomes. National Center on Response to Intervention.

Blatchley, L. A. , & Lau, M.Y. (2010). Culturally competent screening and special education referral: A systematic approach. *NASP Communique*, 38. (7) , handout.

Blatchley, L.A. & Lau. M.Y. (2010). Culturally competent assessment of English language learners for special education services. *NASP Communique*, 38, (7), handout

Ortiz, S., O (2008) . Best practices in nondiscriminatory assessment. In A. Thomas & J.Grimes (Eds.). *Best practices in school psychology V* (pp.666-678). Bethesda, MD: National Association of School Psychologists.

Wilens, D.K. (2004) , English language learners: An introductory guide for educators. In A. Canter. L.Z. Paige, & S. Shaw (Eds.), *Helping children at home and school II: Handouts for families and educators.*, Bethesda, MD: National Association of School

Person Recording Referral: _____ Person Initially Handling Referral: _____

**DORCHESTER COUNTY PUBLIC SCHOOLS
CHILD FIND REFERRAL
(CHILDREN 3 YEARS OF AGE & OLDER)**

Date: _____
SS#: _____
MA#: _____

NAME: _____

DOB: _____ SEX: _____ RACE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

LEGAL GUARDIAN: _____

RELATIONSHIP TO CHILD: _____

TELEPHONE: _____ WORK PHONE: _____

HOME SCHOOL: _____

CHILD CARE PROGRAM ATTENDING: _____

REASON FOR REFERRAL: _____

REFERRAL SOURCE: _____

NAME

TITLE/RELATIONSHIP TO CHILD

PHONE NUMBER: _____

WHAT OTHER SERVICES ARE CURRENTLY BEING PROVIDED TO CHILD?

1. _____ 2. _____

3. _____ 4. _____

ARE PARENTS AWARE OF REFERRAL? _____ yes _____ no

PLEASE MAIL REFERRAL TO: CHILD FIND
Kim Waller, Child Find Coordinator
Dorchester County Public Schools
Special Education Department
700 Glasgow Street
Cambridge, Maryland 21613
(410) 221-1111 ext. 1023
(410) 221-5215 {FAX}

Revised 9/2013

<p>For Internal Use Only: Date(s) of initial parent contact(s) _____ Service Coordinator _____ Date - Initial IEP Screening Meeting _____ Date-Permission to Assess _____</p>

DORCHESTER COUNTY PUBLIC SCHOOLS
700 Glasgow Street
CAMBRIDGE MD 21613

Date: _____

PHYSICIAN'S LETTER AND ASSESSMENT REPORT
THIS SECTION TO BE COMPLETED BY THE PHYSICIAN

1. _____ (*Student's Name*) was seen by me on _____ (*date*) displaying a disabling condition checked below:

_____ Orthopedically impaired: a severe orthopedic impairment which adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (club foot, absence of a limb, etc.), impairments caused by disease (poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (cerebral palsy, amputations, contractures or burns which cause contractures).

_____ Other Health Impaired (OHI): limited strength, vitality, or alertness, due to chronic or acute health problems, such as: heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy and lead poisoning, which adversely affects a student's educational performance.

_____ Visually Disabled: a visual impairment which, even with correction, adversely affects a child's performance. The term includes both partially seeing and children who are blind.

_____ Traumatic Brain Injury (TBI).

_____ Other: _____

2. Procedures and Criteria used for determination of Disabling Condition (***This section must be completed.***)

3. Severity of impairment (e.g., mild, moderate, severe): _____

4. Functional implications of the impairment for the educational process (e.g., precautions regarding student's mobility, activity, cognitive ability; need for rest periods and special equipment; effects of any medication; need for medical updates; and participation in physical education):

5. Implications for the educational setting include:

Signature of Licensed Physician

Name (Please print)

Address

Telephone Number

I grant permission for release of this above information to the DCPS.

Parent Signature



Every Child a Success

*W. David Bromwell
Interim Superintendent
of Schools*

THE BOARD OF EDUCATION OF DORCHESTER COUNTY

700 Glasgow Street
Cambridge, Maryland 21613
410-228-4747 ~ 410-228-1847 Fax
www.dcps.k12.md.us

BOARD MEMBERS

Laura H. Layton
President

Sheri R. Hubbard
Vice President

Michael D. Diaz

LeOtha N. Hull

Susan V. Morgan

Re:

Documents for IEP Team Meeting

Dear Parent:

Your child, _____, has an IEP Team Meeting scheduled for _____. School personnel will provide parents with an accessible copy of each assessment, report, data, draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting.

In preparation for the upcoming IEP Team Meeting, please find a copy of the following document:

- Draft** sections of the IEP: Student Information; Student Participation in District/Statewide Assessments and Graduation Information; Present Levels of Academic Achievement and Functional Performance; Instructional and Testing Accommodations, Supplementary aids, Services, Program modifications and Supports; Goals and Objectives
- Educational Assessment
- Other Assessment Reports
- Data charts
- Other:

Please contact me if you have any questions, I can be reached at _____.

Sincerely yours,

Encl: Documents for discussion at IEP Team Meeting:

Revised 7/17



Every Child a Success

W. David Bromwell
Interim Superintendent of Schools

THE BOARD OF EDUCATION OF DORCHESTER COUNTY

700 Glasgow Street
Cambridge, Maryland 21613
410-228-4747 ~ 410-228-1847 Fax
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BOARD MEMBERS

Laura H. Layton
President

Sheri R. Hubbard
Vice President

Michael D. Diaz

LeOtha N. Hull

Susan V. Morgan

____/____/____

DELIVERED VIA U.S. MAIL DELIVERY

Re:

Documents for IEP Team Meeting

Dear Parent:

Your child, _____, has an IEP Team Meeting scheduled for ___/___/___ at ___:___ . School personnel will provide parents with an accessible copy of each assessment, report, data, draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting.

In preparation for the upcoming IEP Team Meeting, please find a copy of the following document:

- Draft** sections of the IEP: Student Information; Student Participation in District/Statewide Assessments and Graduation Information; Present Levels of Academic Achievement and Functional Performance; Instructional and Testing Accommodations, Supplementary aids, Services, Program modifications and Supports; Goals and Objectives
- Educational Assessment
- Other Assessment Reports
- Data charts

A copy of the _____ that will be discussed at the meeting is not available at this time due to the following extenuating circumstance:

Please contact me if you have any questions, I can be reached at _____.

Sincerely yours,

Encl: Documents for discussion at IEP Team Meeting: ___/___/___.

Revised 7/17



Every Child a Success

W. David Bromwell
Interim Superintendent
of Schools

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Waiver of Five-Day Notification

The document (s) listed below discussed at today's IEP Team meeting were not available at least five (5) business days before the scheduled meeting due to the following extenuating circumstance:

- Draft sections of the IEP: Student Information; Student Participation in District/Statewide Assessments and Graduation Information; Present Levels of Academic Achievement and Functional Performance; Instructional and Testing Accommodations, Supplementary aids, services, program modifications and supports; Goals and Objectives
- Educational Assessments
- Other Assessment Reports
- Data Charts

I understand that I am entitled, by state law, to receive an accessible copy of each assessment, report, data, draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary team plans to discuss at the meeting, at least five (5) business days before the scheduled IEP Team meeting.

I am waiving my rights to receive these documents five (5) days prior to the date of the meeting, in order to expedite the special education decision-making process. I further understand that this waiver does not constitute a waiver of any other rights I have under federal and state law.

Parent/Guardian Signature

Date

Dorchester County Public Schools

Assistive Technology Referral Form

Background Information:

Student's Full Name: [Click or tap here to enter text.](#)

Grade: [Click or tap here to enter text.](#) School: [Click or tap here to enter text.](#)

Casemanager: [Click or tap here to enter text.](#)

Primary Disability: [Click or tap here to enter text.](#)

Referral Source (name and title): [Click or tap here to enter text.](#)

Services Received (check all that apply):

- Classroom Instruction
- Speech Language Therapy
- Occupational Therapy
- Physical Therapy
- Vision Services
- Audiological Services
- Teacher of the Hearing Impaired

Characteristics of the Student:

What would someone unfamiliar with this student need to know about them to understand why they may require Assistive Technology?

[Click or tap here to enter text.](#)

What would someone unfamiliar with this student need to know about the to understand how they might access Assistive Technology?

[Click or tap here to enter text.](#)

Attributes of the Environment:

Describe the environment:

[Click or tap here to enter text.](#)

What instructional technologies are available in this environment?

Click or tap here to enter text.

Aspects of the Task:

What task is required of the student, which that is currently difficult or impossible, and for which assistive technology may be an option?

Click or tap here to enter text.

Which IEP goal is most affected by the students' inability to perform this task?

Click or tap here to enter text.

What data confirms the student's inability to perform this task (attach work samples, summaries of collected data, etc.)

Click or tap here to enter text.

Properties of the Tools:

Creating the following sentence(s) helps to define the purpose of the AT device.

With the tool the student should be able to....	...because, without assistance, the student cannot.....
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.

Conclusion (AT team completes)

Based on the data collected and reflected in this report, the team determined the following:

- The student does not require assistive technology at this time.
- The student requires no change to their current Assistive Technology.
- AT team member will observe student and provide recommendations.
- The student may require the following:
 - Begin trials with the following specific devices:
 - Device Name: _____
 - AT Team Member assigned to visit school: _____
- The team will request an outside consultation.

Follow-up Meeting scheduled: _____

Team Members reviewing the initial referral:

Name	Title
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**TRANSPORTATION DEPARTMENT
DORCHESTER COUNTY BOARD OF EDUCATION
Special Transportation Referral**

SCHOOL YEAR 20 _____
REQUEST IS MADE FOR
TRANSPORTATION FOR THE
FOLLOWING PUPIL:

PLEASE PRINT CLEARLY OR TYPE:

FORM ROUTING	
1.	_____
SCHOOL PRINCIPAL	DATE
2.	_____
SPECIAL EDUCATION SUPERVISOR	DATE
3.	_____
TRANSPORTATION MANAGER	DATE

STUDENT NAME:	DOB:	AGE:	GRADE:	LOCAL ID:
PARENT/GUARDIAN:			HOME PHONE:	
MAILING ADDRESS:			WORK PHONE:	
DESCRIPTIVE (911) ADDRESS: PICK-UP				
DESCRIPTIVE (911) ADDRESS: DROP-OFF				

SPECIAL REQUIREMENTS:

WHEELCHAIR BRACES NEEDS ASSISTANCE CAR SEAT

SPECIAL HANDLING (PHYSICAL/EMOTIONAL PROBLEMS):

CONTACT PERSON: _____

SEIZURES HEARING IMPAIRED BEHAVIOR MANAGEMENT PROGRAM MEDICATION VISUALLY IMPAIRED
 PHYSICAL DISABILITY OTHER _____

DATE SERVICE TO BEGIN: _____
(PLEASE ALLOW ONE (1) WEEK FOR NOTIFICATION OF ALL INVOLVED.)
HOME SCHOOL: _____

DATE SERVICE ACTUALLY STARTED: _____

(AS PER RESIDENCE)

CURRENT SCHOOL ATTENDING: _____

TRANSPORTATION REQUESTED TO: _____

TEACHER: _____

CONTACT PERSONS IN CASE OF EMERGENCY (LIST ADDITIONAL PERSONS ON SEPARATE SHEET)

NAME	TELEPHONE	NAME	TELEPHONE

BUS ASSIGNMENT

A.M. BUS #	DRIVER	TELEPHONE
NOON BUS #	DRIVER	TELEPHONE
P.M. BUS#	DRIVER	TELEPHONE

SPECIAL EDUCATION TO CHECK ONE: IEP ON FILE

IFSP ON FILE, COPIES OF PARTS I AND IV ATTACHED.

DISTRIBUTION: ORIGINAL: TRANSPORTATION COPIES TO: BUS, PARENTS, SCHOOL & SPECIAL EDUCATION

PARENTS: IF A CHILD IS UNABLE TO ATTEND SCHOOL, PLEASE CALL 410-221-5246.

DORCHESTER COUNTY PUBLIC SCHOOLS

700 Glasgow Street
Cambridge, MD 21613

RECEIPT OF PARENTAL RIGHTS – MARYLAND PROCEDURAL SAFEGUARDS NOTICE

NAME OF STUDENT: _____

DATE OF BIRTH: ____ / ____ / ____ SCHOOL: _____

The protections included in this document are established by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), 20 U.S.C §1400 et seq., and COMAR 13A.05.01.01-.16 and COMAR 13A.08.03 that implements IDEA 2004. These rights have been explained to me by:

Name	Position
____ / ____ / ____	_____
Date	

I understand that my rights include the right to receive:

1. This and all other written notices in the language I understand (primary language) or if needed, a translation of such orally, in sign language, or in braille as appropriate,
2. Answers from school personnel to additional questions I may have,
3. A copy of the procedural safeguards document, at a minimum, one time a year,
4. A copy of the procedural safeguards if I request a copy,
5. A copy of the procedural safeguards document if I file a due process complaint,
6. A copy of the procedural safeguards document if I file a complaint with MSDE, and/or
7. A copy of the procedural safeguards document when an administrative decision is made to take disciplinary action against my child.

My signature below indicates that I received the booklet and understand its contents.

Signature of Parent/Guardian/Surrogate

Date Signed _____

DORCHESTER COUNTY PUBLIC SCHOOLS

700 Glasgow Street
Cambridge, MD 21613

RECEIPT OF PARENTS GUIDE TO HABILITATIVE SERVICES

NAME OF STUDENT: _____

DATE OF BIRTH: _____ SCHOOL: _____

As a result of the passage of Senate Bill 701, the 2014 Maryland General Assembly incorporated new language into Education Article §8-418. Local school systems are now required to provide the parents of a child with a disability with verbal and written information about access to habilitative services, including a copy of the Maryland Insurance Administration's Parents' Guide to Habilitative Services, at the following times:

- The transition meeting for a child moving from the Maryland Infants and Toddlers program to a local school system;
- A child's initial Individualized Education Program (IEP) meeting;
- At least one time each year at a child's Individualized Education Program meeting; and
- On the approval or denial of a parent's request for a related service to enable a child with a disability to benefit from special education.

This document has been provided to me by: _____

Position

Date

My signature below indicates that I received the booklet and understand its contents.

Signature of Parent/Guardian/Surrogate

Date Signed _____

DORCHESTER COUNTY PUBLIC SCHOOLS

Special Education Department

PARENTAL CONSENT FORM

To comply with the requirements of Education Article §8-405(f)

Student Name: _____

Grade: _____ LSS: DORCHESTER COUNTY

Parent Name: _____

IEP Team Meeting Date

____/____/____

1. The individualized education program (IEP) team proposes to (*select all that apply*):
 - Enroll the child in an alternative education program that does not issue or provide credits towards a Maryland High School Diploma;
 - Identify the child for the alternative education assessment aligned with the State's alternative curriculum; and/or
 - Include restraint in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.
2. If the IEP team has proposed any of the actions above, then the IEP team **must** obtain written consent from a parent.
3. If the parent does **not** provide written consent at the IEP team meeting, then the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the meeting. If the parent is at the meeting, the notice may be hand delivered to avoid delay.
4. If the parent refuses to consent to any of the actions proposed, the IEP team **may** use dispute resolution (mediation or due process) to resolve the matter.

NOTICE TO PARENT:

1. You have the right to either consent to OR refuse to consent to any of the actions proposed by the IEP team above.
2. **If you do not provide written consent OR a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action.**
3. The deadline for you to respond starts from the date of the IEP team meeting at which the action was proposed. See the other side of this form to provide your written consent or a written refusal – and return it before the deadline.

**Parent Response
Deadline**

Written Consent

I, _____, on behalf of my child,
_____, (Parent Name) _____, (Child Name)

hereby **AGREE** to allow the individualized education program (IEP) team to implement the following proposed actions (*select all that apply*):

- Enroll the child in an alternative education program that does not issue or provide credits towards a Maryland High School Diploma;
- Identify the child for the alternative education assessment aligned with the State’s alternative curriculum; and/or
- Include restraint or seclusion (*circle one or both*) in the IEP to address the child’s behavior as described in COMAR 13A.08.04.05.

Signature Date

Written Refusal

I, _____, on behalf of my child,
_____, (Parent Name) _____, (Child Name)

hereby **DO NOT AGREE** and refuse to allow the individualized education program (IEP) team to implement the following proposed actions (*select all that apply*):

- Enroll the child in an alternative education program that does not issue or provide credits towards a Maryland High School Diploma;
- Identify the child for the alternative education assessment aligned with the State’s alternative curriculum; and/or
- Include restraint or seclusion (*circle one or both*) in the IEP to address the child’s behavior as described in COMAR 13A.08.04.05.

Signature Date

(SIDE TWO)

Home & Hospital Student Action Plan For Re-entry to School Setting

Required for All students on Home & Hospital Instruction basis of a verified Emotional Condition or Physical Condition

Student Name: _____ DOB: _____ GRADE: _____

Current School Placement: _____ School Phone #: _____

School fax # : _____ Case Manager: _____

Student is receiving Home & Hospital Instruction on the basis of a verified: Emotional Condition
 Physical Condition

Plan Developed by: IEP Team School Services Team (SST)

The Action Plan for re-entry must be developed at the time the IEP Team or SST reviews the request for Home and Hospital.

Team Meeting date to discuss Home and Hospital Request: _____

How does the student's current condition prevent him/her from attending school on a regular or modified basis:

INITIAL ACTION PLAN: Check and/or list the specific actions that will be taken to ensure the student will re-enter school setting following Home & Hospital Instruction.

Projected Re-Entry to Current School Placement: _____

		Dates:	Person(s) Responsible (Please Print)
<input type="checkbox"/>	Team Meetings		
<input type="checkbox"/>	Review of Student Progress and Functioning		
<input type="checkbox"/>	Consultation (s) with Parents		
<input type="checkbox"/>	Consultation (s) with School Staff		
<input type="checkbox"/>	Consultation (s) with Physician		
<input type="checkbox"/>	Consultation (s) with Outside Mental Health Provider		
<input type="checkbox"/>	Consideration of Assessments/Evaluations		
<input type="checkbox"/>	Review whether student needs a FBA and/or BIP		
<input type="checkbox"/>	Other		

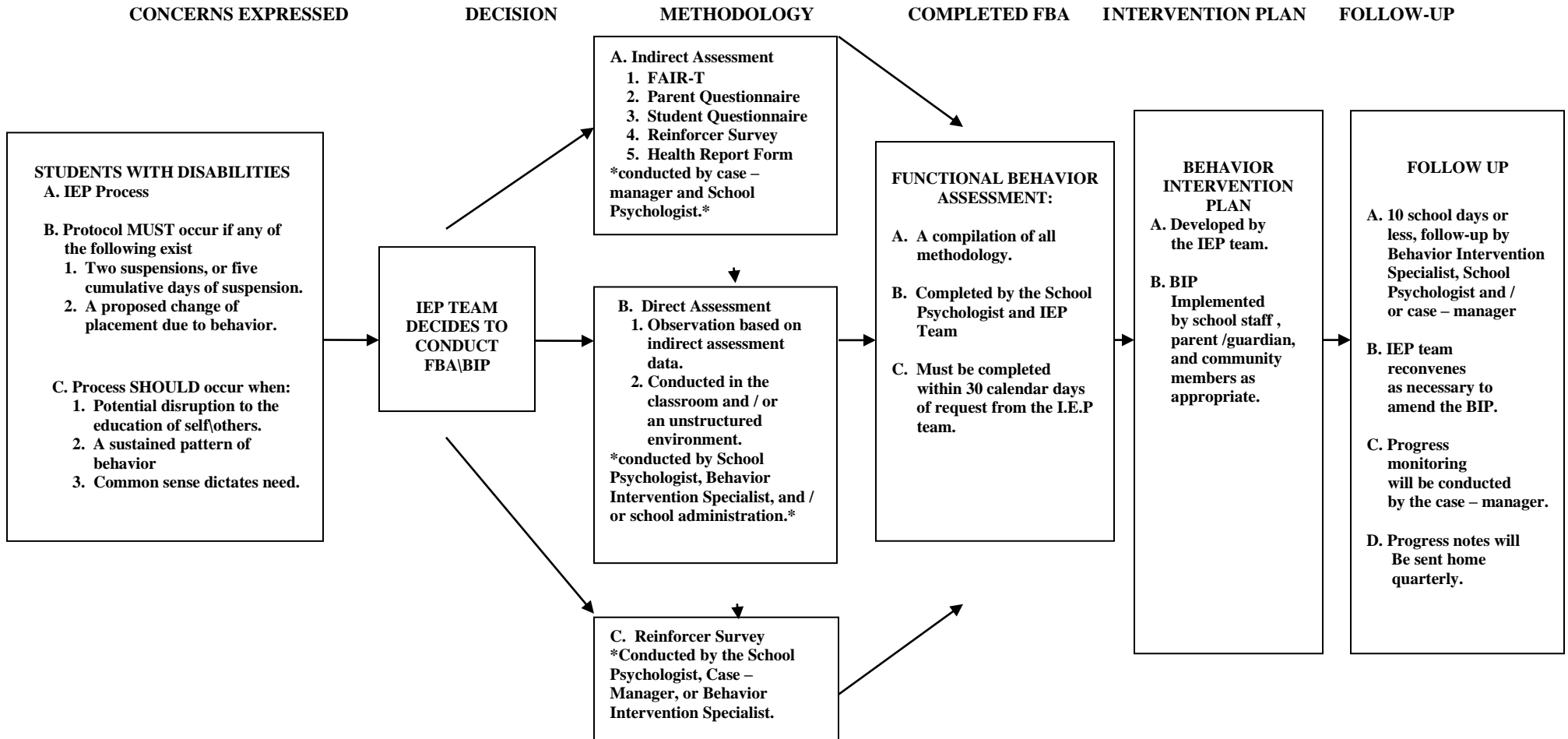
How will home and hospital instruction modify behaviors and influence the student's progress? _____

FINAL ACTION PLAN: Team must be held two weeks before the student's anticipated return to school.

Anticipated Re-Entry to Current School Placement: _____

Team Meeting date to discuss re-Entry to Current School Placement: _____

Functional Behavior Assessment / Behavior Intervention Plan Flowchart



DORCHESTER COUNTY PUBLIC SCHOOLS
PHYSICAL RESTRAINT DOCUMENTATION

Reminder: A physical restraint cannot exceed 30 minutes.

Student's Name _____ DOB _____ School _____

Does student have an IEP? _____ Yes _____ No Date of restraint _____

ANTECEDENT EVENTS:

Where was the student? _____

What was he/she doing prior to behavior that resulted in restraint?

What was the precipitating event immediately preceding the behavior that prompted use of restraint?

What was the behavior that prompted the use of restraint?

What time of day was it? _____

Who was with the student? (Persons who observed the behavior that prompted use of restraint?)

BEHAVIOR THAT PRECIPITATED RESTRAINT:

Describe what student was doing that was dangerous to self or others.

Who observed the behavior that prompted the use of restraint? _____

What other less intrusive interventions were used prior to restraint that failed or were determined inappropriate?

Who did the restraint? _____

What restraint was used? _____

How long was student restrained? _____

Where did restraint occur? _____

Who witnessed restraint? _____

Describe student's behavior and reaction during the restraint.

POSTVENTION:

What is planned to prevent future problems?

Signature _____ Witness _____

Signature of Administrator informed of use of restraint _____

Printed Name of Administrator informed of use of restraint _____

Names and signatures of Staff Members implementing and monitoring the use of the restraint:

Name

Signature

Name

Signature

Student checked by School Nurse Nurse's Signature _____

Parent Called _____
Date and Time

Document sent to parent _____
Date

Person making contact: _____
Name / Position

Parents shall be provided oral and written notification within 24 hours, unless otherwise provided in the BIP or IEP.

DISTRIBUTION : Special Education File

Parent

Student Services Office

Sp. Ed Office

**Request for Parent Surrogate Form
Dorchester County Public Schools
Special Education Department**

Date of Request _____

Student Name: _____

DOB: _____

School: _____

Case Manager _____

Agency Involved: _____

Contact Person: _____

Phone Number: _____

Foster Placement, if applicable:

Name: _____

Address: _____

Phone Number: _____

*Be sure to attach a copy of the Court Order that states the child is a Ward of the State and gives Educational Rights to the designated agency.

*Forward the original form to Carmen McCroy, and keep a copy in the child's IEP Folder.

Carmen McCroy
Family Support Services
Cambridge South Dorchester High School
410.901.6915

MID-SHORE SPECIAL EDUCATION CONSORTIUM

12 Magnolia St.
Easton, MD 21601
Phone: 410-763-6823
FAX: 410-763-6827

Email: nacree@tcps.k12.md.us

Referral Date: _____

REFERRAL FORM

NAME OF CHILD: _____ SCHOOL: _____
First Last COUNTY: _____

DATE OF BIRTH: _____ GRADE: _____

NAME OF PARENT/GUARDIAN: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

REASON FOR REFERRAL: _____

CASEMANAGER/CONTACT PERSON AT SCHOOL: _____

Check appropriate service and attach IEP/IFSP team minutes, copy of Permission to Evaluate signed by parent, and all other pertinent supporting data. Submit to the Supervisor of Special Education.

CONSORTIUM PERSONNEL	CONSULT	INITIAL EVAL	RE-EVAL
<input type="checkbox"/> Occupational Therapy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Physical Therapy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Itinerant Hearing Teacher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Itinerant Vision Teacher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Orientation and Mobility (O&M) (Vision Only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Audiologist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IEP/IFSP Chairperson

Consortium Supervisor

Date



THE BOARD OF EDUCATION OF DORCHESTER COUNTY

W. David Bromwell
Superintendent of Schools

700 Glasgow Street
Cambridge, Maryland 21613
410-228-4747 ~ 410-228-1847 Fax
www.dcps.k12.md.us

Parental Rights & Special Education Process Summary

MEETING THE SPECIAL NEEDS OF STUDENTS

The Dorchester County Public Schools (DCPS) is committed to providing a Free Appropriate Public Education (FAPE) to all students who have been determined as having special educational needs ages 3 through 21. This document has been developed to summarize parent rights and the special education process.

Parents Rights At A Glance

- Be provided a copy of the Parental Rights Maryland Procedural Safeguards Notice at least annually;
- Participate as equal partners in all IEP meetings pertaining to your child's special education plan;
- Receive information in the language you understand;
- Receive notices electronically if available;
- Receive written notification prior to the change in the identification, evaluation, or placement of your child, or the provision of free appropriate public education (FAPE);
- Consent to initial assessment procedures and to the initial Individual Education Program (IEP) and placement;
- At an initial evaluation meeting you can be provided with written information that you can use to contact Early Intervention and Special Education Family Support Services staff members within DCPS and a brief description of the services provided by the staff members. If your native language is not English, the information shall be provided to you in your native language.
- Withdraw your consent at anytime;
- Have your child appointed a parent surrogate if they are a ward of the State;
- Obtain an independent educational evaluation at your own expense;
- Obtain an independent educational evaluation at public expense if you disagree with an evaluation completed by DCPS;
- Obtain information about where an independent educational evaluation may be obtained;
- Have DCPS review, consider, and discuss any independent educational evaluations provided to the school that meet DCPS criteria;
- Confidentiality of your child's records as required by State and Federal Law;
- Examine all school records concerning your child;
- Request an amendment to the school records of your child;
- Be informed prior to destroying your child's records when they are no longer needed to provide educational services;
- Specific procedures and protections if DCPS takes certain disciplinary actions towards your child;
- Educational services for your child after their removal from school for more than 10 days in a school year for a violation(s) of a student code of conduct;
- Be notified annually of the availability of extended school year services (ESY);
- Be informed of Maryland graduation requirements and your child's progress toward meeting the requirements;
- When requested, be informed of any free or low cost legal and other relevant services available in the area;

- Be provided notice regarding the transfer of parental rights at the age of majority;
- To place your child at a private school at your own expense if FAPE has been made available;
- Request mediation and/or an impartial due process hearing, or file a State complaint for disagreements regarding identification, evaluation, placement, or provision of FAPE. Receive an oral and written explanation of your right to request mediation; contact information, including a telephone number to receive more information about the mediation process; and information regarding pro bono representation and other free or low-cost legal and related services in the area. If your native language is spoken by more than 1% of the student population you may request that the information be translated into your native language. DCPS has 30 days to provide you the translated documents requested.
- If your native language is spoke by more than 1% of the DCPS student population, you may request translation of a completed IEP and DCPS must provide the translation within 30 days.

HOW MAY CHILDREN QUALIFY FOR SPECIAL EDUCATION SERVICES?

Each school has an Individual Education Program (IEP) Team composed of an IEP chairperson, a qualified examiner in the field of the student's disabling condition, special and general educators, parents, and other professionals who know the student. If the IEP team agrees to the suspicion of a disability, then assessments are requested and the school has 60 calendar days from the date parent signs authorization to complete the assessments. Following the review of the completed assessment an IEP Team determines if the student meets criteria for one of the disabilities as outlined by IDEA and because of the disability their education is negatively impacted and causes the need for specialized instruction in the form of special education. The 13 disabling conditions as outlined by IDEA include specific learning disability, deafness, deaf-blindness, hearing impairment, intellectual disability, emotionally disability, speech/language impairment, visual impairment including blindness, other health impairment, orthopedic impairment, autism, traumatic brain injury, and multi-disabilities.

WHAT SPECIAL EDUCATION SERVICES ARE AVAILABLE?

Special education services designed to meet the needs of students with disabilities may include classroom instruction, physical education, vocational education and/or language and speech therapy. Related services are services required to assist a student with disabilities to benefit from their special education services and may include speech pathology, physical and occupational therapy, audiology, psychological services, and counseling. Special education and related services are provided to students with disabilities based on their educational needs within the least restrictive environment. Services are based on the student's needs and determined by the IEP Team that considers learning environments, including the general education classroom with consultative services, general education classroom with special education services, special education classroom, special education schools, and residential settings. Home and hospital instruction may also be provided to students who are unable to attend school due to a physical disability, long-term illness, or an emotional condition, if a doctor's order is provided.

HOW ARE SERVICES FOR STUDENTS DETERMINED?

Each school has an Individual Education Program (IEP) Team which determines what special education services and/or related services are needed based on individual student needs. Once an IEP Team determines a student is eligible for services, an IEP is developed by the team, which may include the student if their age and ability to communicate make their participation appropriate. Student input is highly encouraged, particularly when the student is 14 years or older. The IEP contains short-term instructional objectives and annual goals based on the student's needs. Once the IEP goals and hours are determined, where the IEP can be implemented is determined by the IEP Team with consideration of access to general education curriculum, the least restrictive environment in which the student can meet their IEP goals satisfactorily, needed modifications, participation in non-academic and extra-curricular areas, and transportation needs. Every effort is made by the IEP Team, with parental input, to provide students as much contact as possible with peers of the same age, in or near their home school while still having the student's learning

goals met satisfactorily. For ages 14 and above, transition and anticipated services are also documented. Before an initial IEP can be implemented, it must be approved and signed by the parent.

FAMILY SUPPORT SERVICES & RESOURCE CENTER

Dorchester County Public Schools has a center which provides information, resources, and training to parents of students with disabilities. DCPS has as a goal the provision of knowledge and the development of essential skills fundamental to parents and professionals working together as equal partners in the educational decision making process. Specifically, the Family Support Services seek to:

- Increase parental involvement in the special education decision making process
- Provide information and resources about disabilities and community services
- Assist families in resolving concerns and making informed decisions regarding their child's education
- Increase collaborative relationships through information and training

This center is staffed by a parent trainer and special education staff. For information call: 410-901.6915.

EARLY INTERVENTION SERVICES

Dorchester County Infants and Toddlers Program directs a family-centered system of early intervention services for young children with developmental delays and disabilities and their families. By recognizing each family's concerns and priorities and focusing on each child's strengths and needs, the program assists families of children with special needs during the first four years of the child's developmental journey.

The Dorchester County Infants and Toddlers Program offers services designed to enhance a child's potential for growth and development before he or she reaches school age. Services may include: audiology, physical therapy, occupational therapy, transportation, speech-language pathology, family training, special instruction, assistive technology, health services and home visits.

State regulations specify that a child, birth through age two is eligible for early intervention through the MITP in any one of three ways:

- Has a 25% delay in at least one or more of five developmental areas (cognitive; physical, including vision and hearing; communication; social or emotional; adaptive);
- Manifests atypical development or behavior in one or more of the five developmental areas, interferes with current development, and is likely to result in a subsequent delay (even when diagnostic instruments and procedures do not document a 25% delay); or
- Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

If your child is found eligible, then an Individualized Family Service Plan (IFSP) is written for you and your child. The IFSP provides the foundation of family-centered early intervention services. If your native language is not English, DCPS will provide a translator for your meetings. If your native language is spoken by more than 1% of the student population, then DCPS will provide you with translations of the IFSP document within 30 days.

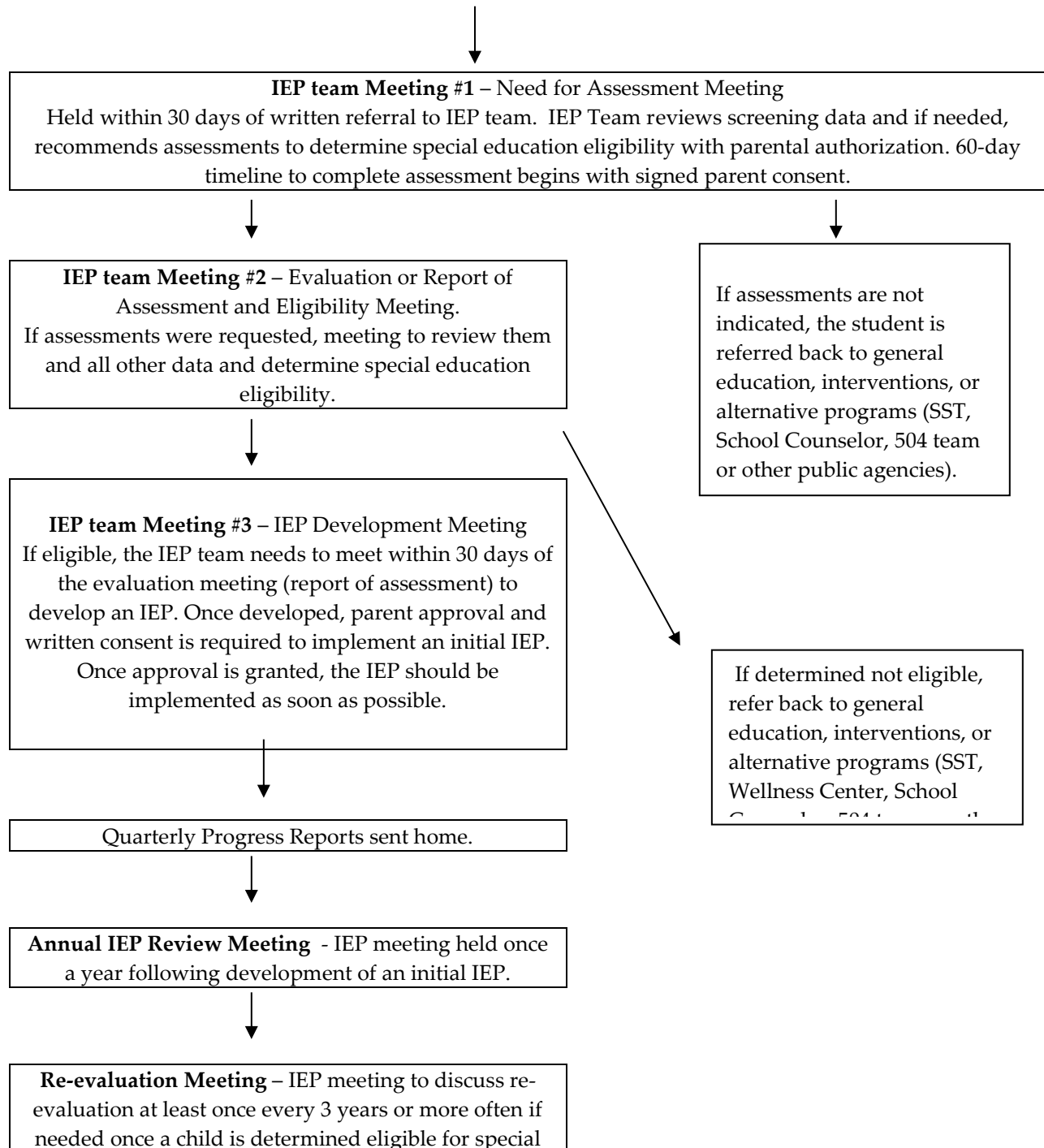
For more information on this program, contact:

Angela M. Gebert, Director
Dorchester County Board of Education
700 Glasgow Street
Cambridge, Maryland 21613
410.221.1111 ext. 1022
geberta@dcpsmd.org

THE SPECIAL EDUCATION PROCESS AT A GLANCE

The Student Services Team Meeting - School based meeting held within 30 days of referral to the Student Services Team to review the referral and collected screening information to determine if there is a need for further review by an IEP team. If further review is warranted, a written referral to the IEP team is made.

The collection of screening data is still required for all other written referrals made to the IEP team such as those made by a parent or other public agency. The collection of this data shall occur prior to the need for assessment meeting described below.



education. The meeting is held to review all current information and determine if additional assessments are needed.

Note: A parent may request an IEP meeting at any time during the IEP process

