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This Special Education Procedural Handbook includes procedures for the Garrett County Public Schools which enables the system to provide free and appropriate special education services to students with disabilities as mandated by federal and state legislation (Public Law 105-17, the Individuals with Disabilities Education Improvement Act, and the Maryland State Bylaw, COMAR 13A.05.01, Programs for Students with Disabilities). It is the responsibility of the central office and school based personnel of Garrett County Public Schools to implement these procedures. This document is on file at the Maryland State Department of Education and the Garrett County Public Schools Office of Special Education, and each Garrett County Public School.

With the annual submission of the Local Application for Federal Funds, The Garrett County Public Schools will review existing policies and procedures in light of existing or revised standards. Based upon that review, if the policies and procedures for special education do not accurately reflect the federal and State requirements, they will be revised. Anytime the Garrett County Public Schools revises local policies and procedures, the Garrett County Public Schools is required to submit those revisions to MSDE for review and approval.

The legal requirements found within federal or state statutes and regulations encompass the minimum actions, duties, and/or limitations by which an agency must comply. This establishes the “floor” which an agency must attain. It represents the minimum an agency must do to ensure the implementation of the legal requirements.

The IDEA and educational reform efforts within Maryland expect local agencies to look beyond the “floor” of compliance. In doing so, the Garrett County Public Schools strive for better results for students to prepare them for employment and independent living. To support that effort, specific changes were made within IDEA: the establishment of performance goals and indicators; linkage of the IEP and services to enable the student to participate and progress in the general curriculum; Statewide and district wide assessments of all students with disabilities; and the collection of data regarding the removal of students with disabilities. One effect of these changes is an increased accountability. With this increased accountability, Garrett County Public Schools is continuously analyzing performance and other data, and based on a self-assessment, has developed plans for continual improvement. These actions intend to improve instruction and services to enable students to exit school with the necessary skills to contribute and participate in their communities.

The Special Education Handbook reflects the organization of the COMAR. There are four chapters. Chapter 1 includes all standards to ensure the provision of a free appropriate public education to students with disabilities. Chapter 2 includes the standards for the administration of special education. Chapter 3 includes the discipline standards of students with disabilities. Chapter 4 includes standards for Student Behavior Interventions. The federal and state authority references are included in the respective chapters.
SPECIAL EDUCATION PURPOSE, PHILOSOPHY AND OBJECTIVES

Purpose
The Garrett County Public Schools is committed to the delivery of effective special education programs and services provided to students with disabilities in the least restrictive environment. All students must have available to them a free, appropriate public education (FAPE) designed to meet their unique needs and prepare them for employment, post-secondary education and independent living.

Philosophy
The administration and staff of the Garrett County Public Schools believe:

• the major responsibility of the school is to develop each individual’s intellectual capacity to its maximum.
• the school shares with the home, the church, and other community agencies the responsibility of each individual’s education.
• the school also assists these institutions in developing an appreciation of our democratic heritage and fosters the perpetuation and improvement of this democratic heritage.
• education is an active, continuous process which involves the acquisition of skills, knowledge, and understanding from which arise the attitudes and values of each individual.
• the intellectual development cannot be separated from the physical, social, and emotional development of each individual.
• education develops the abilities to meet, to recognize and to solve problems in such a manner that the individual assumes responsibility for the self and for society as a whole.
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The administration and staff of the Garrett County Public Schools also believe:

- a free appropriate educational program in the least restrictive environment should be provided to all children and youth with disabilities.
- programs for children with disabilities should be planned and implemented as an integral part of programs for nondisabled students.
- education should provide an equal opportunity for all students to develop as individuals according to their maximum physical, mental and social potential.
- early intervention is a necessary part of an effective delivery system.
- that in order to provide effective educational programs and services to children and youth with educational disabilities, it is essential that personnel be qualified and required to advance their skills by participating in ongoing staff development.
- collaborative efforts with agencies, parents, school teams and community groups are necessary to ensure quality and consistency of services to children with disabilities.
- accountability is the foundation inherent to quality services for children with disabilities.

Objectives

In accordance with the purpose and philosophy, the Garrett County Public Schools must accomplish the following objectives:

- Provide a FAPE to students with disabilities from birth through the end of the school year the student is 21 years old who reside in the Garrett County Public School jurisdiction, including students attending non-public programs regardless of the severity of the disability, who are in need of special education and related services, in accordance with federal and state statutes, regulations, and the State Plan for Special Education.
- Provide a continuous “child find” procedure designed to identify students who have a disability and are in need of special education and related services from age 3 through the end of the school year the student is 21 years old.
- Develop and implement an IEP based upon assessed needs for each student who is identified as having an educational disability and who is in need of special education and related services.
- Provide special education and related services in the student’s LRE.
- Increase the percent of youth with IEP’s graduating from high school with a regular diploma and decrease the percent of youth with IEP’s dropping out of high school.
- Provide instruction of grade level curriculum to all students with IEP’s to meet the rigorous state standards in reading, math, and science.
- Work cooperatively with the parents of students who are identified as needing special education and related services.
- Ensure that the confidentiality of information and all due process protections are maintained.
- Provide for the successful transition of students with disabilities from school into the adult world.
- Provide for a smooth transition of children from Part C – Infants and Toddlers Program.
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to Part B – Preschool Special Education.

• Provide ongoing staff development to enhance the instructional skills of special and general educators.
• Meet all state and federal timelines in regard to identification for special education services.
IDENTIFICATION

A. Referral to an IEP Team

A child with a suspected disability who may need special education shall be promptly referred in writing to the IEP Team Chairperson for the school the student attends (or would attend if the child is not school age) using form SP 1. Referrals may be initiated by parents, physicians, teachers, or other persons who have concerns about a student’s educational achievement or developmental progress. The chairperson will, upon receipt of the written referral for evaluation, schedule an IEP meeting as soon as possible to determine the need for assessment. Parental consent will be requested to assess the student if there is evidence that adequate progress has not been made after an appropriate period of time when school-based interventions have been provided. Referrals include students who attend Garrett County public schools, students who attend nonpublic/private schools located in Garrett County, or children ages 3-5 years old who are not enrolled in school. The IEP team will maintain a record of all referrals in the central office and if eligible, in the student’s special education file in the respective schools.

Authority: Federal: 20 USC 1414(a)(1)(B) and (D) 34 CFR 300.301(b)
State: 13A.05.01.04A (1-4)

B. Determination of Need for Assessment

Garrett County Public Schools ensures that assessment procedures are administered as needed in accordance with state and federal regulations and that the student’s parent received written notice of any assessment procedure proposed or refused to conduct. The IEP team chairperson will be responsible for coordinating the assessments with the personnel completing the assessments to ensure timelines and procedures are followed. The IEP team shall meet to review:

- Existing assessment data;
- Assessment and information from the parent;
- Instructional interventions and strategies;
- Current classroom-based assessments; and
- Observations by teachers and related service providers.

On the basis of the review of the information and input from the student’s parents, the IEP team shall determine if additional data are needed in any of the following areas:

- Academic performance;
- Communication;
- General intelligence;
- Health;
If additional data is needed, the student is to be assessed in all areas related to the suspected disability, including, where appropriate; health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities as determined by the IEP team with written parental consent, form SP 4 or in the Maryland Online form. This data is maintained in the student Special Education file located at the school.

Garrett County Public Schools shall provide the student’s parent written notice if the IEP team determines that no additional data is needed or does not suspect the student of being a student with a disability. If the parent disagrees with the decision of the IEP team, the parent may appeal the decision.

Authority: Federal: 28
0 USC 1414(c)(1) and (2)
34 CFR 300.503(b)
State: 13A.05.01.04 (1-3)

ASSESSMENT

A. Qualified Examiners
The Garrett County Public Schools employs the following personnel who are qualified and trained to assess students in all areas related to disabilities:
- Two school psychologists
- Four diagnostic/prescriptive teachers
- Five speech language pathologists

The Garrett County Public Schools contracts occupational and physical therapy services from School Therapy Services, Inc., who provides licensed occupational therapists to complete evaluations.

B. Nondiscrimination
The Garrett County Public Schools uses only testing and assessment materials and procedures used for the purposes of evaluation and placement and to assess a student’s need for special education and related services that are selected and administered: in a manner which is not racially or culturally discriminatory.

Authority: Federal: 20 USC 1412(a)(6)
20 USC 1414(b)(3)(A)(i)
State: 13A.05.01.05A
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C. Assessment Procedures

The Supervisor of Special Education ensures that the student is assessed in ALL AREAS related to the suspected disability including where appropriate; health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities through the IEP Team. A variety of assessment tools and strategies that are technically sound and administered by trained and knowledgeable personnel shall be used to determine relevant functional, cognitive, developmental, behavioral, and physical information. The information along with information provided by the parent will directly assist the IEP team to determine:

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

This data is maintained in the student special education file located at the school.

A single procedure will 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.

When notified by the school of any student transferring into a Garrett County Public School from another public agency in need of initial assessment, the IEP Team Chairperson will expeditiously coordinate prompt completion of the initial evaluation by contacting the prior school, obtaining the signed parental consent and notifying appropriate Garrett County Public School staff. Needed assessments will be completed and an evaluation meeting scheduled without delay.

If a student is suspected of being a student with a Specific Learning Disability, or is a student with a Specific Learning Disability, the special education teacher who is a member of the IEP team will observe the student’s academic performance and behavior in the student’s learning environment including the regular education classroom in the areas of difficulty. If a student is less 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. The IEP team will secure parental consent and include the observation as an assessment procedure. It will be reviewed during the determination of eligibility. The IEP Team can either use information from an observation in routine classroom instruction and monitoring of the student’s performance that occurred before the child was referred or the observation completed by the special education teacher after the student has been referred for evaluation and parental consent has been obtained. An observation report (SP 7-1 Classroom Observation form) is maintained in the student’s special education file located at the school.

Authority:

Federal: 20USC 1414(b)(1) and (2)
34 CFR 300.304(b)(2)
D. Assessment Materials
Any assessments including standardized tests given to a student are technically sound, valid for the specific purpose for which they are used, and administered by trained and knowledgeable personnel in accordance with 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 must be included in the evaluation report. Validity statements are written in every assessment report completed by Garrett County Public School personnel. These factors are reviewed annually and the data is maintained in the Office of Special Education.

Assessment tools include those tailored to assess specific areas of educational need and not limited to those that are designed to provide a single general intelligence quotient. Assessments are provided in the student’s native language or other mode of communication in the form most likely to yield accurate information to determine if a student with LEP is a student with a disability rather than measuring the student’s English proficiency.

If tests are selected and administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude or achievement level, or whatever other factors the test purports to measure; rather than reflect the student’s impaired sensory, manual, or speaking skills, unless these are the factors the test purports to measure.

Authority: Federal: 20 1412(a)(6)(B)
20 USC 1414(b)(3)(A)
34 CFR 300.304(C)(1)(ii)
State: 13A.05.01.05C(1-4)

E. Report of Assessments
Upon completion of each assessment procedure administered to a student in each area of suspected disability, the qualified examiner will prepare a complete, written assessment report to be submitted to the IEP Team Chairperson at the time of the evaluation meeting. Each report of assessment procedures must be written, dated, and signed and must note the title of the individual who has conducted the assessments.

Each report of assessment procedures must include the following information:
• Description of the student’s performance in each area of suspected disability;
• Relevant information regarding functional, cognitive, developmental, behavioral, and physical information;
• Instructional implications for the student’s participation in the general curriculum, or for a preschool student, participation in appropriate activities;
• A description of the extent to which assessment procedures were not conducted under standard conditions;
• The examiner’s statement that the assessment procedure was valid for the purpose
intended, the assessment procedure was valid for the student with whom it was used, and the results are a valid representation of the student’s ability or achievement;

- The purpose of the assessment, and;

- Any specific information which can be used to develop the Individualized Educational Plan (IEP).

If the examiner feels that any impairment or consideration (i.e., second-language influence) has invalidated the results or otherwise influenced the results of the assessment procedure, this influence must be discussed in the assessment report. In addition, the examiners must make a recommendation for resolution of the resulting problem in determining the student’s aptitude or achievement level.

The written assessment report will be made available to the parents prior to the IEP meeting. All assessment reports are maintained in the student’s special education file in each school or permanent record.

Authority:

Federal: 20 USC 1414(b)(2) and (3)
34 CFR 300.543, 300.535(2)

State: 13A.05.01.05D (1-3)

EVALUATION, REEVALUATION, AND ELIGIBILITY

A. Initial Evaluation

An “evaluation” is the process of reviewing information from parents, 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 the student needs. An evaluation occurs at a meeting of the IEP team and is documented on the Maryland online IEP.

Authority:

Federal: 20 USC 1414(a)(1)(A) and (B), (b)(2) and (c)(1)
34 CFR 300.301

State: 13A.05.01.03B (22)

The IEP team shall conduct a full and individual evaluation within 60 days of parental consent and within 90 days of receiving a written referral to determine if the student is a “student with a disability” and to determine the educational needs of the student, before the initial provision of special education and related services. Documentation is maintained using Maryland Online IEP Special Education Individualized Education Program and SP 5-6 through SP 5-8 IEP Team Meeting Minutes maintained in each student’s special education file in each school. The timeline for completion of the initial evaluation does not apply if the parent of the student repeatedly fails or refuses to produce the student for assessment or the student enrolls in a
different public agency before the completion of the initial evaluation. These exceptions apply only if Garrett County Public Schools is making sufficient progress to ensure prompt completion of the evaluation and the parent and other public agency agree to a specific time for completion of the evaluation. IEP Team chairpersons will track and document attempts to assess the student

Authority:

Federal: 20 USC 1414(a), (b) and (c) 34 CFR 300.7, 300.320
State: 13A.05.01.06A(1-3)

B. Transition
Garrett County Infant and Toddler Program will contact the IEP Team chairperson to attend the Transition Planning meeting. The IEP Team Chairpersons will then work in conjunction with the parent and Infant and Toddler Program to convene an IEP meeting to determine if a child in transition has a disability that requires the provision of special education services and related services and may develop the IEP. The IEP team may determine that additional assessment data is needed prior to the eligibility determination.

Authority:

Federal: 20 USC 1414(d), (1) and (D) 34 CFR 300.7, 300.320
State: 13A.05.01.06B

C. Review of Assessment Information
The IEP team shall draw upon information from a variety of sources and carefully consider and document the information used as a basis of the team’s decision. Those sources include:

- Existing data.
- Information provided by the parent.
- Current classroom-based, local, and statewide assessments.
- Observations by teachers and related service providers.

The IEP Team documents its decision on the MD Online IEP which includes:

- Information provided by the parent,
- Results of assessment procedures used as a basis for the 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 disabilities if the determinant factor for the determination is the lack of appropriate instruction in reading including explicit and systematic instruction in phonemic awareness, vocabulary development, reading fluency and oral reading skills, and reading comprehension strategies; a lack of instruction in math, or limited English proficiency; and the student
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does not otherwise meet the criteria. The IEP team will provide the parent with a copy of
the IEP team decision.

A student may be determined to be a Student with a Disability requiring the provision of Special
Education based upon the following criteria for the following disabilities:

<table>
<thead>
<tr>
<th>Disability</th>
<th>Required Documentation</th>
</tr>
</thead>
</table>

05/22/14
### Autism
- Documentation of a disturbance of developmental rates/sequences in one or more of the following areas: delay or arrest or regression in physical skills or social skills or learning skills.
- Documentation of a disturbance in response to sensory stimuli in one or more of the following areas: visual, auditory, olfactory, gustatory, tactile, kinesthetic, and type of response is inappropriate, repetitive, non-meaningful, etc.
- Documentation of disturbance of (at least one) speech, language, cognition, nonverbal communication, and this documentation demonstrates a basic deficit in the capacity to use language for social communication, both receptively and expressively.
- Documentation of a disturbance in the capacity to relate appropriately to one or more of the following: people, events, or objects, and this documentation demonstrates a basic deficit in the capacity to form relationships with people.
- Documentation that the student is not a student with an Emotional Disability.
- Documentation that the multidisciplinary evaluation team included a person with experience and expertise in the area of autism.
- Documentation of developmental history including information from the family and medical information and includes information that indicated an onset prior to age 3.
- Documentation of behavioral observations conducted on different days and in multiple environments including school settings, engagement in repetitive activities and stereotyped movements and resistance to environmental change and unusual responses to sensory experiences.
- Documentation of written and dated anecdotal records of a behavioral nature.
- Documentation that the effects described above are not primarily caused by environmental or economic disadvantage or cultural differences.

### Deaf-blindness
- Documentation of comprehensive evaluations by a qualified audiologist (or otolaryngologist) and a licensed optometrist or board certified ophthalmologist establishing both a hearing impairment and a visual impairment.
- Documentation of a comprehensive educational evaluation as determined by the evaluation plan, which includes a person familiar with the assessment of students with multiple impairments (the assessment report should include the credentials of the examiner which will identify the person’s familiarity with students with multiple impairments). The evaluation must provide
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documentation for significant educational problems caused by the multiple impairments and includes a statement of the relationship of the multiple impairments to educational/school functioning in one or more of the following areas (or in other specified, documented areas): developmental, communicative, self-help, and/or orientation and mobility.

- Documentation is evident that the combination of concomitant hearing and visual impairments causes severe communication and other needs that student cannot be accommodated solely as deaf or blind.
- Documentation of any effects of environmental or economic disadvantage, or cultural difference, which have a significant impact on the disability (these factors may influence the disability).

<table>
<thead>
<tr>
<th>Deafness</th>
<th>• See “Hearing Impairment.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emotional Disability</td>
<td>• Documentation is present in at least one of the following: an inability to learn which 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 behaviors or feelings under normal circumstances, a general pervasive mood of unhappiness, depression, and/or a tendency to develop physical symptoms or fears associated with personal or school problems; over a long period of time and to a marked degree, and which adversely affects educational performance. This documentation must be provided through an evaluation by one of the following: a licensed psychiatrist, a certificated or licensed psychologist, or a certified school psychologist who certifies and states the educational implications of the disability.</td>
</tr>
</tbody>
</table>

- Documentation that the disability exists over an extended period of time, including: age/grade of onset, duration, based on anecdotal records indicating (generally) 2 to 9 months, and a statement that the condition is not transient nor attributable to a specific crisis or stressful situation. If duration is not met, justification must include information that the condition represents a sudden and significant attributable to/accompanied by a specific crisis or stressful situation.
- Documentation that the condition exists to a marked degree. Information should relate the condition to similar or like behaviors of age/grade peers including any differences in frequency and degree.
- Documentation that the student’s severe emotional disability adversely affects his/her school functioning. Information should
include any formal or informal assessment information describing the impact on academic and/or adaptive functioning within the school setting of the student’s severe emotional disability. Specific behaviors and their relationship to academic/adaptive functioning should be addressed.

- Documentation that the student’s severe emotional disability is not primarily caused by: visual or auditory acuity deficits or motor deficits, intellectual disability, language or learning disability, nor environmental or economic disadvantage, or cultural difference. Emotional disability does not include a student who is socially maladjusted unless that student is determined to have emotional disability.

<table>
<thead>
<tr>
<th>Hearing Impairment</th>
</tr>
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<tbody>
<tr>
<td>• Documentation of a recent (within 6 months), comprehensive hearing evaluation by a qualified audiologist, otolaryngologist, or otologist that documents a hearing impairment.</td>
</tr>
<tr>
<td>• Documentation of a comprehensive educational evaluation, as determined by the evaluation plan, which includes a person familiar with the assessment of students with auditory disorders (the assessment report should include the credentials of the examiner which will identify the person’s familiarity with students with auditory disorders). The educational evaluation documents that the auditory impairment interferes with the student’s ability to function in an educational program using traditional instructional materials and techniques.</td>
</tr>
<tr>
<td>• Documentation of any effects of environmental or economic disadvantage, or cultural difference, which have a significant impact on the disability. The IEP Team has ensured that any amplification device or hearing and required by the student was in proper working order during all screening and evaluation procedures.</td>
</tr>
<tr>
<td>Garrett County Schools</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
</tbody>
</table>
| **Intellectual Disability** | • Documentation that the student performs 2.0 Standard Deviations below his/her peers of equivalent age and ethnic and cultural background when measured by standardized instruments of cognitive ability by a certificated school psychologist, a licensed psychiatrist or a licensed psychologist.  
  • Documentation is present that the IEP Team considered other areas of the student’s functioning when interpreting the IQ score including: achievement, speech, language, and/or social skill development.  
  • Documentation demonstrates that the student’s functioning in all areas is consistent with what one would expect based on measured cognitive ability. If information is not consistent, there is justification for the diagnosis in spite of discrepancies when documentation is present that adaptive behavior is consistent with cognitive abilities, of an educational problem caused by the reduced cognitive ability and adaptive behavior and that the student’s reduced measured cognitive ability and adaptive behavior is not primarily cause by: visual or auditory acuity deficits or motor deficits, serious emotional disability, language or learning disability, nor environmental or economic disadvantage, or cultural difference. |
| **Multiple Disabilities** | • Documentation of a recent (within 6 months) comprehensive evaluation in at least 2 sensory /physical impairments by a qualified examiner in each area. If 2 sensory/physical impairments are not present, documentation is present of a recent (within 6 months) comprehensive evaluation in one sensory/physical impairment are and the impairment is concomitant with, but is not the cause of an additional disability.  
  • Documentation of a comprehensive educational evaluation that includes a person familiar with disabilities including the credentials of that person relative to that expertise and documenting educational problems caused by the multiple disabilities.  
  • Does not include deaf-blindness. |
| **Orthopedic Impairments** | • Documentation of a comprehensive evaluation by a licensed physician that includes the diagnosis/prognosis and date of examination.  
  • Documentation of a comprehensive educational evaluation that includes a person familiar with the assessment of students with health impairments (when the impairment may impact on the administration and/or interpretation of the results). The credentials of the evaluator must be included and a description of any modifications to the assessment procedures used. This |
evaluation documents that the health impairment interferes with the student’s ability to function in an educational program using traditional instructional materials and techniques, including a description of any material modifications, special adaptations, equipment or therapies needed.

- Documentation of any effects of environmental or economic disadvantage, or cultural difference, which have a significant impact on the disability.

### Other Health Impairment

(INCLUDING LIMITED OR HEIGHTENED AWARENESS TO ENVIRONMENTAL STIMULI, THAT RESULT IN LIMITED ALERTNESS WITH RESPECT TO THE EDUCATIONAL ENVIRONMENT THAT IS DUE TO CHRONIC OR ACUTE HEALTH PROBLEMS SUCH AS ASTHMA, ATTENTION DEFICIT DISORDER OR ATTENTION DEFICIT HYPERACTIVE DISORDER, DIABETES, EPILEPSY, A HEART CONDITION, HEMOPHILIA, LEAD POISONING, LEUKEMIA, NEPHRITIS, RHEUMATIC FEVER, AND SICKLE CELL ANEMIA; TOURETTE’S SYNDROME, AND ADVERSELY AFFECTS A STUDENT’S EDUCATIONAL PERFORMANCE)

- Documentation of a comprehensive evaluation by a licensed physician that includes the diagnosis/prognosis and date of examination.
- Documentation of a comprehensive educational evaluation that includes a person familiar with the assessment of student’s with health impairment (when the impairment may impact on the administration and/or interpretation of the results). The credentials of the evaluator must be included and a description of any modifications to the assessment procedures used. The evaluation documents that the health impairment interferes with the students ability to function in an educational program using traditional instructional materials and techniques, including a description of any material modifications, special adaptations, equipment or therapies needed.
- Documentation of any effects of environmental or economic disadvantage, or cultural difference, which have a significant impact on the disability.

### Specific Learning Disability

- Documentation is present through comprehensive psychological evaluation, including cognitive assessment, comprehensive educational assessment and classroom observation of observable
characteristics that indicate deficits in basic psychological processing.

- Documentation indicates that the student demonstrates a severe discrepancy between ability and achievement (based on ability/achievement assessment scores and/or other factors observed during the assessment process and/or classroom performance) in one or more of the following areas: oral expression, listening comprehension, basic reading skills, reading comprehension, written expression, math calculation, math reasoning after the student has been provided with learning experiences appropriate for the student’s age and ability levels.

- Documentation is present of failure to achieve because of the psychological processing deficit(s), including a significant discrepancy between achievement and ability (as determined by a psychologist in cooperation with the IEP Team). Included will be: a cognitive score, appropriate achievement measures, and a standard score comparison reflecting a significant discrepancy. If a significant discrepancy is not documented through a standard score comparison, documentation of a significant discrepancy has been made by the IEP team and sufficient data is present to demonstrate the presence of significant discrepancy criterion level was not met and the information used to override the criteria (i.e., results of structured clinical tasks, work samples, a significant number and range of behaviors related to psychological processing deficit, etc.).

- Documentation that the student’s specific learning disability is not primarily caused by: visual or auditory acuity deficits or motor deficits, intellectual disability, emotional disability, nor environmental or economic disadvantage, cultural factors or limited English Proficiency on the student’s achievement level.

<table>
<thead>
<tr>
<th>Speech or language impairment</th>
<th>Speech (Articulation)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Documentation of a significant delay in sound production beyond the upper limit of developmental range. If criterion age is not</td>
</tr>
</tbody>
</table>
met, documentation of significant delay is necessary (i.e. range and number of deficient sounds, intelligibility, etc.).

- Documentation that articulation error(s) adversely affects intelligibility and/or listener perception. Documentation is present of speech sampling in addition to formal testing, or if speech sampling is not done, other clinical tasks in addition to formal testing are documented.
- Documentation that the student’s articulation deficit is not primarily caused by: visual or auditory acuity deficits or motor deficits, mental retardation, emotional disability, environmental or economic disadvantage, or cultural difference, nor dialectal differences or second language influence.

Speech (Fluency)

- Documentation is present of a symptom(s) of dysfluency: repetitions (sound of syllable repetition), prolongations (prolonging sounds), blockages (blocking while attempting to produce speech), hesitation (hesitations in producing speech), or other dysfluencies.
- Documentation is present of speech sampling (including a description of the procedures used, such as method of elicitation, setting in which sampling occurred and analysis procedures used) in a variety of contexts (i.e. classroom and clinical setting observation at recess or in the lunchroom, etc.).
- Documentation that the dysfluency is distracting to the listener.
- Documentation of any effects of environmental or economic disadvantage, or cultural difference on the student’s disability.

Speech (Voice)

- Documentation of deviation in one or more of the parameters of voice: pitch, quality, or volume.
- Documentation that the voice is discrepant from the norm for a student’s age, gender or culture.
- Documentation that the voice deviation is distracting to the listener and is not the result of temporary problems.
- Documentation that the voice deviation is not primarily caused by environmental or economic deprivation, or cultural differences.
- Medical documentation that voice therapy will not aggravate a physical condition.

Language (Expressive and/or Receptive)

- Documentation is present of consistent, inappropriate use in one or more of the structures of language: morphology (problems in structuring words from smaller units of meaning), syntax (problems in putting words together in phrases and sentences –
sometimes referred to as grammar), semantics (problems in selecting words to represent intended meaning and combining words and sentences to represent intended meaning – sometimes referred to as vocabulary deficits), or pragmatics (problems in using the function of language to communicate with others).

• Documentation is present of standardized language assessments (generally, at least two norm-reference, standardized language assessments with results reported in standardized form). Alternatives to a full-scale measure will be used if indicated and an explanation provided. For students up to third grade, standardized test scores must fall 1 ½ standard deviations below the mean on two different tests or subtest areas. If subtest scores are used to meet the criterion level, justification is required establishing the validity of subtest scores standing alone. One non-standardized measure may be used to sample language structure, content and usage. Discrepancies of more than one year below age level expectations will be considered significant. In third grade, documentation is present of standardized scores falling 1½ standard deviations below the tested cognitive level. If this criterion is not met, documentation of significant discrepancy between two or more structures of language must exist (i.e. semantics score is well below that of syntax or morphology).

• Documentation is present that the student’s language disorder adversely affects his/her school functioning, and documentation is present that the student’s language deficit is not primarily caused by: visual or auditory acuity deficits or motor deficits, intellectual disability, emotional disability, environmental or economic disadvantage, or cultural difference, nor dialectal differences or second language influence.

Traumatic Brain Injury

• Documentation is present of a medical report by a licensed physician indicating a diagnosis of traumatic brain injury and a prognosis of mild, moderate, or severe impairments in one or more of the following areas: cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory perceptual and motor abilities, psychosocial behavior, physical functions, information processing and speech.

• Documentation is present of current cognitive functioning after
the injury was sustained. Traumatic brain injury does not include injuries that are congenital or degenerative or induced by birth trauma. This documentation is to be utilized in determining types of services required as well as identifying any concurrent disabilities based on other criteria listed in this document.

- Documentation is present of academic difficulties related to the traumatic brain injury.
- Documentation is present of any effects of environmental or economic deprivation, or cultural differences, which have significant impact on the disability.
- Documentation is present that the traumatic brain injury is not congenital, degenerative, and/or induced by birth trauma.

<table>
<thead>
<tr>
<th>Visual Impairment, including Blindness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documentation of a recent, comprehensive visual evaluation by a qualified optometrist or ophthalmologist, verifying one of the following visual impairments: corrected visual acuity of 20/70 or less in the better eye (after correction), a medically documented progressive vision loss, or rapid, involuntary eye movement.</td>
</tr>
<tr>
<td>Documentation of a comprehensive educational evaluation that includes a person familiar with the assessment of students with vision disorders (the credentials of the qualified examiner must be identified). The educational evaluation documents that the visual impairment interferes with the student’s ability to function in an educational program using traditional instructional materials and techniques, including a description of any material modifications, adaptations, equipment, or therapies needed.</td>
</tr>
<tr>
<td>Documentation is present of any effects of environmental or economic disadvantage, or cultural difference, which have a significant impact on the disability (these factors may influence the disability).</td>
</tr>
</tbody>
</table>
significant impact on the disability (these factors may influence the disability).

Authority:

Federal: 34 CFR 300.305 (a)
(1)
USC 1414(b)
(4) and (5)

State: 13A.05.01.06C (1-4)

D. Determination of a Specific Learning Disability

The decision that a student has a specific learning disability will be made by the child’s parents and a team of qualified professionals (the IEP team) including the student’s regular teacher, or a classroom (or early childhood) teacher qualified to teach a child of the student’s age, and at least one person qualified to conduct individual diagnostic examinations of children.

In determining whether a student has a Specific Learning Disability, Garrett County Public Schools may use one of three processes:

- a student’s response to scientific research-base interventions (as part of assessment procedures).
- an alternative research-based procedure.
- a student does not achieve commensurate with the student’s age and ability levels, in one or more areas, when provided with learning experiences appropriate for the student's age and ability levels; and has a severe discrepancy between achievement and intellectual ability.

The IEP team determines that a student has an SLD if the student does not achieve adequately for the student’s age or to meet State approved grade level standards when provided with learning experiences appropriate for the student’s age and ability levels in one or more of the following areas:

- oral expression
- listening comprehension
- basic reading skills
- reading fluency skills
- written expression
- mathematics calculation, or
- mathematics problem solving

The IEP team may choose to consider evaluative data and appropriate assessments if the team determines the data to be relevant to the identification of SLD if the following applies:

- the student does not make sufficient progress to meet age or state standards when using a process based on student’s response to scientific research-based intervention; or
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- the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State standards, or intellectual development.

The student’s lack of achievement is not primarily the result of:
- visual, hearing, or motor impairment
- intellectual disability
- emotional disability
- cultural factors
- environmental, cultural, or economic disadvantages; or
- limited English proficiency

The determination of an SLD shall be made by an IEP team and include at least one person qualified to conduct individual diagnostic assessments. To ensure that underachievement is not due to lack of appropriate instruction in reading or math, the IEP team, as part of the evaluation considers data that demonstrates that prior to, or as a part of the referral process, the child was provided appropriate instruction in a regular education settings, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary, development, reading fluency and oral reading skill, and reading comprehension strategies, delivered by qualified personnel; and, data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction which was provided to the student’s parent.

Authority:

Federal: 20 USC 1414(b) (6)
34 CFR 300.306-300.309
34 CFR 300.8 (c) (10)

State: 13A.05.01.06D (1-6)

E. Specific Learning Disability Report

When a student is suspected of having an SLD, the IEP team shall prepare a written report that includes the following:
- a statement of whether the student has a specific learning disability
- the basis for making the determination
- the relevant behaviors, if any, noted during the observation of the student
- the relationship of the behaviors to the student’s academic functioning
- the educationally relevant medical findings if any
- the determination of the IEP team concerning the effects of visual, hearing, motor disability, intellectual disability, emotional disability, cultural factors, environmental, economic disadvantage, or limited English proficiency on the student’s achievement level
- if the student participated in a process to assess the student’s response to scientific research-based intervention
- the written certification of each IEP team member as to whether the written report reflects the members’ conclusion.
If the written report does not reflect an IEP team member’s conclusion, the team member shall submit a separate statement presenting the team member’s conclusion. This data is noted on the SP-6 form and maintained in the student’s special education file located at the school.

**Authority:**

**Federal:** 20 USC 1221e-3i 1401 (30); 1414 (b) (6) 34 CFR 300.311

**State:** 13A.05.01.06D(1)

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**REEVALUATION**

**A. Reevaluation**

A “reevaluation” means an evaluation conducted after the initial evaluation. The IEP team will ensure that a reevaluation of each student with a disability is conducted if the team determines that the educational and related services needs, including improved academic achievement and functional performance of the student, warrant reevaluations, if the student’s parent or teacher requests a reevaluation, or before determining that a student is no longer a student with a disability.

**Authority:**

**Federal:** 20 USC 1414 © (1) (B) 34 CFR 300.301-300.311

**State:** 13A.05.01.06E(1)

**B. Reevaluation Timeline**

An IEP team shall review the student’s IEP and determine the need for additional data at least once every three years and not more than once a year unless the parent and Garrett County Public Schools agree otherwise. Reevaluation shall be discussed at every IEP meeting as appropriate and noted on the IEP Team Meeting Report (SP 5-7) maintained in the student’s special education file located at the school. Reevaluation will take place within 60 days of the parental consent for assessments. Garrett County Public Schools may consolidate a reevaluation meeting with other IEP team meetings to the extent possible.

**Authority:**

**Federal:** 20 USC 1414(a)(2), (b)(4) and (5), (c)(5) 34 CFR 300.536 (b)

**State:** 13A.05.01.06E(2)

**C. Review of Existing Data**

The IEP team shall review existing assessment data. On the basis of the review, and input from the student’s parents, the IEP team shall identify what additional data, if any, are 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 development needs of the student; and whether additions or modifications to special education and related services are needed to enable the student to meet the measurable annual goals in the student’s IEP and to participate in the general curriculum; and whether the student continues to need special education and related services. This data is kept in the IEP Team Meeting Minutes (SP 5-7) and

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maintained in the student’s Special Education file located at the school and documented on Maryland Online IEP.

Authority:  

Federal: 20 USC 1414 (c) (1)  

(A)  

34 CFR 300.303  

State: 13A.05.01.06E(4)

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**D. Need for Additional Data**

If the IEP team determines the need for additional data (SP 5-7 documents need), the Garrett County Public Schools shall obtain parental consent (form SP 4) and conduct needed assessment procedures. The chairperson will be responsible for coordinating the assessments with the personnel completing the assessments to ensure timelines and procedures are followed. The IEP team shall use the results of assessment procedures in reviewing, and as appropriate, revising the student’s IEP within 90 days of the IEP meeting where assessments were determined to be needed.

Authority:  

Federal: 20 USC 1414 (c) (1)  

(B)  

34 CFR 300.301 (c) (1) (i)  

State: 13A.05.01.06E(5)

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**E. No Additional Data Needed**

If the IEP team determines that no additional data is needed to determine whether the student continues to be a student with a disability, the IEP team shall notify the parents in writing. The notification shall include the decision of the IEP team and the basis of the determination, and the right of the parents to request Garrett county Public Schools to conduct assessment procedures to determine whether their child continues to be a student with a disability. The Garrett County Public Schools is not required to conduct assessment procedures unless requested to do so by the student’s parent. This information is documented on form SP 5-7 of the IEP Team Meeting Minutes maintained in the student’s special education file at each school. This information is also provided to Parents through the Procedural Safeguards, Parental Rights document.

Authority:  

Federal: 20 USC 1414(c)(4)  

34 CFR 300.533(d)  

State: 13A.05.01.06E(7)

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**F. Reevaluation Before Change in Eligibility**

An IEP team must reevaluate a student before determining that a student is no longer a student with a disability. This reevaluation **IS NOT** required before the termination of a student’s eligibility under Part B of the Act due to graduation with a Maryland High School Diploma, or

05/22/14
exceeding the age eligibility for FAPE. This information is documented on form SP 5-7 of the IEP Team Meeting Report maintained in the student’s special education file at each school.

Authority: Federal: 20 USC 1414(c) and (5)
            34 CFR 300.305 (e) (1)
            State: 13A.05.01.06E(9-10)

G. Exit Document
Upon termination of a student’s eligibility for services due to graduation with a Maryland High School Diploma or exceeding the age eligibility for FAPE the Transition Teacher will 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 post-secondary goals through the Online Exit Document.

Authority: Federal: 20 USC 1414(c) (5) (B) (ii)
            34 CFR 300.305 (e) (3)
            State: 13A.05.01.06E(11)

INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM

A. IEP Team Members
The Garrett County Public Schools shall ensure the IEP team for a student with a disability includes:

1. The parents of the student;
2. Not less than one regular education teacher of the student, if the student is, or may be participating in the regular education environment;
   a. If a student does not have a regular teacher, or is less than school age, the regular educator shall be an individual qualified to teach a student of the student’s age.
   b. As a member of the IEP team, a regular education teacher of the student shall, to the extent appropriate, participate in the development of the student’s IEP. Participation includes assisting in the determination of:
      i. Appropriate positive behavioral interventions and strategies for the student; and
      ii. Supplementary aids and services, program modifications, and supports for school personnel.
3. Not less than one special education teacher, or not less than one special education provider of the student;
4. A representative of the Garrett County Public Schools, who is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the Garrett County Public Schools. The Garrett County Public Schools may designate another member of the IEP team to also serve as the Garrett County Public Schools representative, if this criteria is satisfied;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;

6. Other individuals, at the discretion of the parent or Garrett County Public Schools, who have knowledge or special expertise regarding the student, including related service personnel, as appropriate;
   a. The determination of knowledge or special expertise of any individual shall be made by the party who invited the individual to be a member of the IEP team; and

7. The student, if appropriate.

If a student is suspected of having a specific learning disability, additional team members must include at least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist or speech language pathologist. If the student does not have a regular teacher or is less than school age, a teacher qualified to teach a student of his or her age is appropriate. The IEP Team Chairperson is responsible for inviting the appropriate individuals to each IEP Meeting. The chairperson along with the school principal will make arrangements so that all necessary individuals can attend. Documentation is noted annually on the review of the student’s IEP.

Authority: Federal: 20 USC 1414(d)(1)(B);
            34 CFR 300.321(a)
            State: 13A.05.01.07A (1-2)

B. Transition Planning
When a purpose of the IEP meeting is to consider transition services needs, the Garrett County Public Schools shall ensure that the IEP team invites:
   • The student with a disability; and
   • A representative of any other agency that is likely to be responsible for providing or paying for transition services with the consent of the student’s parent or the student who has met eligibility as age of majority.

If the student does not attend the meeting, the Transition Teacher shall take other steps to ensure the student’s preferences and interests are considered.

If an invited representative of a participating agency does not attend the meeting, the Transition Teacher shall take other steps to obtain the involvement of the agency in the planning of transition services.

Authority: Federal: 20 USC 1414(d)(1)(A) and (B)
            34 CFR 300.322 (b)
            (2)
            State: 13A.05.01.07A (3-5)

C. Nonpublic School Participation
If a student with a disability attends a nonpublic school and is receiving, or may receive, special education and related services from the Garrett County Public Schools a representative of the nonpublic school shall be invited to attend IEP meetings. If a representative of the nonpublic
D. Initial IEP Meeting

For the initial IEP meeting of a child who was previously served by the Infants and Toddlers Program, the IEP team will invite the Infants and Toddlers program coordinator or other representatives at the request of the parents. This will assist with the smooth transition of services.

Authority:

Federal: 20 USC 1412(a)(9)
20 USC 1414(d)(1)
(D)

State: 13A.05.01.07 A (8)

IEP TEAM MEETINGS

A. Purpose

Garrett County Public Schools shall ensure an IEP team meets:

- To conduct an evaluation before the initial provision of special education and related services, or a reevaluation of a student with a disability; and
- To develop, review, and revise, as appropriate, a student’s IEP.

An IEP team meeting to determine a student’s need for extended school year services (ESY) will be conducted early enough in the school year to provide the parent with the opportunity to request mediation or a due process hearing. The IEP Team Chairperson documents this information on the Maryland Online IEP.

Authority:

Federal: 20 USC 1412(a)
34 CFR 300.309,
300.341, 300.342, 300.343

State: 13A.05.01.07B (1-2)

B. IEP Team Attendance

While the Garrett County Public Schools will make every effort to provide the appropriate and required team members at every IEP Team meeting, extenuating circumstances may arise which would prevent attendance. Under exceptional circumstances, a member of the IEP team is not required to attend the IEP meeting, in whole or in part, if the parent and Garrett County Public Schools agree that attendance is not necessary because the member’s area of curriculum or related services is not being modified or discussed. When the meeting involves a modification or discussion of the member’s area of the curriculum or related service, the parent and Garrett
County Public Schools must consent in writing to the excusal and the member must submit a written summary of input into the development of the IEP to the student’s parent and the IEP team prior to the meeting.

Authority:  
Federal:  
20 USC 1414 (d) (1) (c)  
34 CFR 300.321(e)  
State:  
13A.05.01.07C (1-3)

C. Parent Participation
The Garrett County Public Schools welcome and encourage one or both of the parents of the student with a disability to attend and participate at meetings of the IEP team. The Garrett County Public Schools shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English. The IEP Team Chairperson will notify the Supervisor of Special Education when an interpreter is necessary and one will be secured.

If neither parent can attend, the Garrett County Public Schools shall use other methods to ensure parent participation, including individual or conference telephone calls. A meeting may be conducted without a parent in attendance if the chairperson or school is unable to convince the parent to attend; and, maintains a record of its attempts to arrange a mutually agreed on time and place, such as: detailed records of telephone calls made or attempted and the results of those attempts; copies of correspondence sent to the parent and any responses received; or detailed records of visits made to the parent’s home or place of employment and the results of those visits. The results are noted on the IEP Contact Log maintained in the student’s special education file in each school.

In order for parents to more fully participate in the development of the IEP for their child, documents to be reviewed at the IEP meeting will be provided for parental review prior to the meeting. Appropriate school personnel shall provide the parent of a student with a disability an accessible copy of:
- Each assessment, report, data chart, draft Individualized Education Program (IEP), or other document the IEP or other multidisciplinary team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting.

Authority:  
Federal:  
20 USC 1414 (f)  
34 CFR 300.322 (9)  
State:  
13A.05.01.07 D (1-8)

D. Written Notification of IEP Meeting
The parent of a student with a disability shall be provided with written notice in advance of the meeting. Reasonable notice shall be at least 10 days in advance of the meeting, unless an expedited meeting is being conducted to:
- Address disciplinary issues;
- Determine the placement of the student with a disability not currently receiving
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educational services; or

• Meet other urgent needs of the student to ensure the provision of FAPE.

The IEP Team Chairperson is responsible for notifying parents for an IEP meeting ten days in advance using form SP 2. Documentation is in the student’s Special Education file located at the school.

Efforts to obtain the participation of the parent 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;
• Informing the parent of the right of the parent or the Garrett County Public Schools to request other individuals with special expertise and knowledge regarding the student, including related service personnel, as appropriate and that the determination of special expertise is at the discretion of the party (parent or public agency) who invited the individual to be a member of the IEP team;
• For a student with a disability beginning at age 14, or younger, if appropriate, the written notice must indicate that a purpose of the meeting will be the a statement of consideration of post-secondary goals and transition services for the student, and that the Garrett County Public Schools will invite the student; and
• For a student with a disability, beginning at age 16, or younger, if appropriate, the written notice shall also identify any other agencies, as appropriate, that may be invited to send a representative

Form SP 2 sent by the chairperson includes all necessary information and allows for the parent to request that a meeting be rescheduled. A copy is maintained in the student’s special education file at each school.

Authority: Federal: 20 USC 1414 (f)
CFR 300.322 (a)
State: 13A.05.01.07D (1-8)

E. Audio Taping IEP Meetings

If a parent chooses to audio tape an IEP meeting for their child to assist the parent in understanding the IEP process, the parent must notify the IEP team of their intention to audiotape and the Garrett County Public Schools will simultaneously audio tape the meeting. The audio tape will become a part of the Special Education record for that student.

F. Copy of IEP

The IEP team shall provide a copy of the completed IEP to the parent not later than five (5) business days after a scheduled IEP or other multidisciplinary team meeting at no cost. Documented on forms SP 5-7 through SP 5-9 IEP minutes kept in the student’s special education file in each school.

Authority: Federal: 20 USC 1414(d)(1)(B)(i)
34 CFR 300.322 (e-f)
IEP TEAM RESPONSIBILITIES

A. IEP Development
The IEP team shall meet to develop an IEP for a student with a disability within 30 days of the evaluation. IEP Team Chairpersons monitor student records throughout the school year with a Special Education Self-Evaluation Checklist. A summary of the checklists can be found in the Office of Special Education.

Authority:
Federal: 20 USC 1414(d)(3)
34 CFR 300.320(a)
State: 13A.05.01.08A(1)

B. Transition from Infant & Toddlers Program
The Garrett County Public Schools strives to create a smooth and seamless transition from Infants and Toddlers Program to the Preschool Special Education Program. When a child is transitioning from the Infants & Toddlers Program, the IEP team chairperson, or their designee, will attend the child’s transition planning meeting and schedule a date and time with the parents for an IEP meeting to determine eligibility and develop an IEP if needed for the student and the parent chooses an IEP. The student’s Infants & Toddlers service coordinator will be invited to the IEP meeting to assist with a smooth transition of services. The IEP will be developed at that meeting and will be in effect on the student’s third birthday.

The IEP team will consider the student’s individual family service plan when developing the IEP.

Authority:
Federal: 20 USC 1412(a)(a)
20 USC 144(d)(1)(D)
34 CFR 300.321(f)
State: 13A.05.01.08A (2)

C. IEP Considerations
In developing an IEP for a student with a disability, the IEP team shall consider and document:
• Strengths of the student;
• Concerns of the parent for enhancing the education of the student;
• Results of the evaluation;
• Communication needs of the student;
• Whether the student requires assistive technology devices and services;
• The results of the student’s performance on statewide, district-wide, or alternative
This information is documented on the Maryland Online IEP and in the student’s special education file at each school.

Authority:

Federal: 20 USC 1414(d)(3)(A)
34 CFR 300.3

State: 13A.05.01.08A (3)

D. Special Considerations
At each IEP meeting the IEP team chairperson will document the student’s need for the following special considerations:

1. Behavior
   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, strategies, and supports to address that behavior as appropriate. The chairperson documents this information on the Maryland Online IEP.

2. Limited English Proficiency
   If a student has limited English proficiency, the IEP team shall consider the language needs of the student as these needs relate to the student’s IEP. The chairperson documents this information on the Maryland Online IEP.

3. Braille Instruction
   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. The chairperson documents this information on the Maryland Online IEP.

4. Language and Communication Needs of Students who are Deaf or Hard of Hearing
   If a student is deaf or hard of hearing, the IEP team shall consider the student’s:
   a) Language and communication needs;
   b) Opportunities for direct communication with peers and professional personnel in the student’s language and mode of communication; and
   c) Academic level and full range of needs, including opportunities for direct instruction in the student’s language and mode of communication.

5. Students who wear a hearing aid
   For a student with a hearing impairment or deafness who wears a hearing aid, the school audiologist and/or special education teacher ensure that the aid or auditory listening device functions properly, including the provision of adequate professional assessment, follow-up and services. This is facilitated through dissemination of information by the agencies providing services to these students regarding the proper care and functioning of hearing aids. 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 is informed about services available from the Maryland School for the Deaf (MSD).

All of the above information is documented on the Maryland Online IEP by the chairperson.

6. Assistive Technology
If the IEP team determines, through consultation with the assistive technology professional, 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. Documented on the Maryland Online IEP by the chairperson.

7. Transportation
The IEP team will consider a student’s need for transportation as a related service to assist a student to benefit from special education.

E. IEP Review
The Garrett County Public Schools shall ensure that the IEP team meets periodically, but not less than annually, to review, and revise the IEP, as appropriate, in order to: 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 curriculum, as appropriate; review data and information from assessment procedures conducted as part of a reevaluation, as appropriate; address any information about the student provided to, or by the parent; the student’s anticipated needs; and discuss other matters, as identified on the notice of the IEP team meeting. It is the responsibility of the IEP Team Chairperson to schedule IEP meetings within the appropriate timelines and to document the above information on the Maryland Online IEP and SP 5-8 IEP Meeting Minutes.

A parent of a student with a disability or the Garrett County Public School personnel may request a meeting at any time to review, and as appropriate revise the student’s IEP.

After the annual IEP meeting for a school year, the parent and Garrett County Public Schools may agree to develop a written document amending or modifying the student’s IEP without convening an IEP meeting. Changes to the IEP may be made by the IEP team or amending the IEP without redrafting the entire IEP. If a student’s IEP is amended, the IEP chairperson ensures that the amendment is incorporated into the IEP and is accessible to the student’s service providers and provided on request to the parent.

This information can be found in the Procedural Safeguards, Parental Rights Handbook distributed to parents annually, upon initial referral for assessment or reassessment, or upon request.

Authority: Federal: 20 USC 1414(d)(4)(A) 20 USC 144 (d)(3)(D)

05/22/14
F. Extended School Year Services

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

- Whether the student's 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 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.

The IEP team shall determine whether the benefits a student with a disability gains during the regular school year will be significantly jeopardized if the student does not receive extended school year services.

Meetings to determine a student’s need for extended school year services are conducted early enough in the school year to provide the parent the opportunity to request mediation or a due process hearing. This is noted annually on the student’s IEP review.

INDIVIDUALIZED EDUCATION PROGRAM DOCUMENT

A. IEP Content

The IEP for a student with a disability shall include:

1. Description of the student's present levels of academic achievement and functional performance, including:
   a) How the student’s disability affects the student’s involvement and progress in the general curriculum; or
   b) For a preschool student, as appropriate, how the disability affects the student’s participation in appropriate activities.

2. Measurable annual goals, including benchmarks or short-term instructional objectives related to:
a) Meeting the student’s needs that result from the student’s disability to enable the student to be involved in and progress in the general curriculum; and
b) Meeting each of the student’s other educational needs that result from the student’s disability or for a preschooler to participate in appropriate activities.

3. The special education and related services and supplementary aids and services, based on peer-review research to the extent practicable, including staffing to be provided to the student, or on behalf of the student.

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

5. 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.

6. A statement of any appropriate individual accommodations that are needed to measure academic achievement and functional performance on statewide or district-wide assessments.

7. If the IEP team determines that a student will not participate in a particular statewide or district-wide assessment, the IEP team shall document:
   a. Why the assessment, or part of an assessment, is not appropriate for the student; and
   b. How the student will be assessed; and
   c. Why a particular alternate assessment is appropriate.

8. The projected dates for initiation of services, including the anticipated frequency, location, and duration.

9. If a student requires extended school year services, the IEP shall include the specific special education and related services to be provided beyond the regular school year.

The IEP Team Chairperson is responsible for conducting each IEP meeting and documenting the information on the Maryland Online IEP Special Education Individualized Education Program and SP 5-7 through SP5-9 IEP Meeting Report.

Authority:

Federal: 20 USC 1414(d)(1)(A) (i)
34 CFR 300.320(a)(1) and (2)
34 CFR 300.

State:
13A.05.01.09A and B

B. Transition Services

Transition services are defined as a coordinated set of activities for a student with a disability, designed within an outcome-oriented process that promotes 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 activities are based on the student’s needs, taking into account the student’s preferences and interests. Transition services include:

- Needed activities in the areas of instruction, related services, community experiences, development of employment, or other post-school adult-living objectives;
- Acquisition of daily living skills; and
- Functional vocational evaluation, if appropriate.

Beginning no later than the first IEP to be in effect when a student turns 14 years old, and younger if appropriate and updated annually, the student’s IEP will include:

- the transition services including course of study needed to assist the student to reach those goals,
- appropriate measurable post-secondary goals based on age appropriate transition assessments related to training, education, employment, and independent living as appropriate; and
- a statement of needed transition services including, if appropriate, a statement of Garrett County Public School’s and participating agency’s responsibilities or linkages, or both before the student leaves the secondary school setting.

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

IDEA does not relieve a participating agency of the responsibility to provide or pay for a transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of the agency.

The Transition Teacher works with students, parents, and teachers to assess student needs and to assist in the development of IEP goals to address transition.

Authority:

Federal: 20 USC 1414(d)(1)(A), (i)(VIII)
20 USC 1414(d)(6)
34 CFR 300.320(b)

State: 13A.05.01.09A(3)

C. Transfer of Rights at Age of Majority

The IEP will include a statement that the student has been informed of his/her rights under Part B that will transfer to the student on reaching the age of majority.

When a child with a disability reaches the age of 18 years, all rights accorded to the parents under IDEA shall transfer to the child if the child has not been adjudged incompetent under state law and if there is documentation of the following:

C. Transfer of Rights at Age of Majority

The IEP will include a statement that the student has been informed of his/her rights under Part B that will transfer to the student on reaching the age of majority.

When a child with a disability reaches the age of 18 years, all rights accorded to the parents under IDEA shall transfer to the child if the child has not been adjudged incompetent under state law and if there is documentation of the following:
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- The parents are unavailable or unknown, the child would not be eligible for a parent surrogate, and the child requests that the parental rights be transferred to the child;
- The parents have not participated in the special education decision making process for the child after repeated attempts to involve the parents over the previous years;
- The parents have affirmatively rejected participation in the special education decision making process;
- The parents cannot participate in the special education decision making process due to prolonged hospitalization, institutionalization or serious illness or infirmity of one or both parents and the parents’ consent to the transfer of rights to the child;
- The parents cannot participate in the special education decision making process due to extraordinary circumstances beyond their control and the parents’ consent to the transfer of rights to the child; or
- The child is living outside of the parents’ home and is not in the care or custody of another public agency.

If a child with a disability who has reached the age of 18 years has been represented by a parent surrogate, any notice required by IDEA shall be provided to both the child and the parent surrogate and all other rights accorded to the parent surrogate shall transfer to the child if the child has not been adjudged incompetent under state law and the child requests the transfer of rights.

A child with a disability who reaches the age of 18 years and is living at home with the parents and whose parents do not consent to the transfer of rights to the child, may file for due process to determine whether rights should be transferred.

Students, parents, or the IEP team, can apply to transfer rights at age of majority by completing Garrett County Public Schools “Transfer of Rights at the Age of Majority” form including any and all necessary documentation.

If Garrett County Public Schools transfers parental rights under IDEA to a student, The Garrett County Public Schools provides both the student and parents with written notice within 30 days of the transfer of rights and will notify in writing the Assistant State Superintendent, Division of Special Education/Early Intervention Services, Maryland State Department of Education. Written notice will include:

- Student’s name
- Student’s school ID number
- School
- Grade
- Date of transfer of rights
- Name of parent surrogate (if applicable)
- Circumstances under which parental rights were transferred; and
- Any other information deemed applicable.

If the student is not eligible for the transfer of rights, Garrett County Public Schools will provide...
the student and the student’s parents or parent surrogate with written notice to that effect. The notice will specify the reasons for not transferring parental rights to the student.

Authority: Federal: 
20 USC 1414(d)(1)(A), 1414(d)(6) 
20 USC 1415(m)(1) and (2) 
34 CFR 300.320(c) 
State: 
13A.05.01.09 A (4)

D. Report of Progress
IEP’s for all students will include how the parent is to be regularly informed of the student’s progress toward the annual goals and the extent to which the progress is sufficient to enable the student to achieve the goals within a year. A parent of a student with a disability shall be informed of the student’s progress at least as often as a parent is informed of a non-disabled student’s progress. This occurs at least each grading term through the use of the Special Education Progress Report (form SP 16).

Garrett County Public Schools makes a good faith effort to achieve the goals of a student’s IEP. Garrett County Public Schools, a teacher, or another individual may not be held accountable if a student does not achieve the growth projected in the IEP.

Authority: Federal: 
20 USC 1414(d)(1)(A), 
34 CFR 300.320(a)(3)(ii) 
State: 
13A.05.01.09B (1-4)

E. Provision of Free Appropriate Public Education (FAPE) in the Garrett County Detention Center
Garrett County Public Schools provides special education and related services to students with disabilities incarcerated in local adult correctional facilities located within the jurisdiction of Garrett County to ensure FAPE. Adult correctional institutions under the jurisdiction of the Maryland Department of Public Safety and Correctional services are not included and no services are provided in these institutions.

1. Provision of FAPE to students in local adult correctional facilities
§ 300.102 and COMAR 13.A.05.01.09.C, for students placed in the Garrett County Detention Center. The GCPS ensures the provision of FAPE for students by implementing the GCPS local policies and procedures for the special education processes that are consistent with State and federal requirements.

2. Planning/coordination between GCPS and the Garrett County Detention Center to provide FAPE
The Garrett County Public Schools, on an annual basis, contacts the Garrett County Detention Center prior to the beginning of the school year to review the following:

   a. GCPS contact information
   b. Garrett County Detention Center contact information
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c. Review of policies and procedures regarding the provision of special education and related services to students with Individualized Education Programs (IEPs) in the Garrett County Detention Center
d. Timelines for notification of students with IEPs placed in the Garrett County Detention Center
e. Data to be maintained to document the provision of special education and related services
f. Documentation to be maintained for the refusal of education services (that includes special education services) for students that have reached the age of majority
g. The GCPS provides a written referral form that is completed by the detention center contact person requesting special education and/or related services when an eligible student with disabilities is detained or incarcerated
h. If appropriate, GCPS will request a copy of the Court Order that documents who has education decision making authority for a student with an IEP
i. GCPS will have an enrollment conference with the Garrett County Detention Center contact to ensure services are initiated when a student is detained or incarcerated
j. GCPS will provide data and initiate contact with the student’s local school system or home school to support planning to implement the student’s IEP in the local school system prior to re-enrollment in the local school system when notified prior to discharge
k. Confidentiality requirements in the Family Education Privacy Rights Act will be reviewed as appropriate with the detention center contact to ensure compliance
l. GCPS will follow the procedures for the appointment of a parent surrogate to protect the rights of a student in the detention center in accordance with the laws of the State
m. The process for monitoring and ensuring the provision of FAPE is reviewed on an annual basis and a log of all IEP service delivery is maintained which includes:
   • Student’s name
   • Student’s identification number
   • Student’s current address
   • Student’s home school name
   • Disability SSIS identification code
   • Student’s special education services hours on the IEP received
   • Date of entry into the facility
   • Date educational records are received
   • Date of initiation of special education services
   • Dates of delivery of all IEP services
   • Date of release from detention or incarceration
   • Summary of services provided

3. Identification of students with IEPs
   Students with IEP’s are identified in a timely manner.
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Within two working days of notification by the Garrett County Detention Center that a student with an IEP is incarcerated in the facility, GCPS will initiate the following activities:

- Request from the appropriate school all the records required to implement the student’s current IEP
- Review the student record to ensure that the student is currently a student receiving special education and related services
- Initiate services for students who were identified as in need of services but not previously receiving services
- Inform the Garrett County Detention Center of the student’s current special education and related services delivery of services status
- Within five days of identification that the student is a student with a disability the IEP services are initiated if the current IEP can be implemented. If the current IEP cannot be implemented, the GCPS will ensure that an IEP meeting takes place as soon as possible and all of the required steps are taken prior to conducting the IPE meeting
- If the student refuses educational services this information is logged in accordance with the GCPS policies and procedures and this information is maintained with the student’s educational records

4. Records

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

- A copy of the student’s education records will be requested by the GCPS within two working days of the notification that a student with an IEP is in detention or incarcerated.
- The school records should be received within three working school days of the request.
- A copy of the educational records will be requested in accordance with the GCPS policies and procedures for a request for records release.
- Timelines for receiving the records will be documented.
- Upon reviewing the records all of the relevant information in the student’s record required to implement the IEP will be forwarded to the detention center within three working days of notification that a student with an IEP is in detention or incarcerated.
- The GCPS will keep a list of all of the information provided to the detention center including the name of the GCPS and Garrett County Detention Center contract persons managing the educational record information.

5. IEP Process

The GCPS in cooperation with the Garrett County Detention Center implements local policies and procedures to ensure IEPs are developed, reviewed and revised according to requirements and GCPS policies and procedures.
The GCPS and the Garrett County Detention Center staff contacts responsible to implement the IEP process are identified and reviewed prior to the beginning of each school year.

If there is a change in the GCPS or detention center contacts, this information is updated within five working days and shared with both the GCPS and the detention center.

The GCPS procedures and processes have been implemented to schedule and complete IEP meetings in a timely manner to ensure the IEP is reviewed and revised consistent with State and federal requirements and the content of the IEP for a student with a disability in the detention center includes all of the requirements consistent with 13.A.05.09.

The GCPS provides special education and related services to students with disabilities incarcerated in the Garrett County Detention Center to ensure FAPE as soon as possible with no undue delay.

6. IEP Implementation
The GCPS ensures that an IEP is in effect before special education and related services are provided to a student with a disability within its jurisdiction, including students with disabilities incarcerated in the Garrett County Detention Center and in need of special education and related services. The GCPS and detention center will work together to develop, adopt or implement a new IEP in a timely manner. The GCPS will provide special education and related services by qualified personnel with copies of the service providers qualifications kept on file.

7. Data Collection/Accountability
The GCPS maintains data to document the following:

a. Identification process, timelines and IEP implementation that includes dates and data that document:
   • Timely identification process for students with disabilities
   • IEP implementation timelines

b. All service provider logs that include at minimum the following information:
   • Student’s name
   • Student’s Date of Birth
   • Date(s) of service
   • Services provided (SSIS code)
   • Hours of services provided

c. Tracing all students receiving special education and related services through the Maryland Online IEP reports including the following:
   • Student’s name
   • Student’s current special education service hours
   • Service delivery hours required for the provision of special
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education and or related services

• Any refusal hours for the provision of special education and or related services
d. The GCPS review the data at least annually prior to the beginning of the next school year. A record of this information will be maintained by GCPS.

8. Procedural Safeguards

The GCPS provides Procedural Safeguards to all of the required parties in accordance with federal and State requirements:

• Documentation is maintained in each student’s educational record to demonstrate dissemination of procedural safeguards at required intervals in accordance with local procedures.
• A representative of the GCPS is available to review procedural safeguards with Garrett County Detention Center staff upon request.
• Procedural safeguards are provided in accordance with GCPS procedures.

Federal Regulations: § 300.102

Annotated Code of Maryland:
§ 8-412.1(a) Transfer of rights at age of majority
§ 8.412.1(6) Transfer of rights at age of majority
§ 8-504(a) Requirements for receiving and sending schools
§ 8-504(3)(i-iv) Requirements for receiving and sending schools

For students with disabilities incarcerated in local adult correctional facilities, the requirements of participation in statewide or district-wide assessments do not apply.

Transition requirements do not apply to a student with a disability incarcerated in a local adult correctional facility, whose eligibility under IDEA Part B will end before the student is eligible for release, based on the consideration of the sentence and eligibility for early release.

Authority: Federal: 20 USC 1414(d)(7)(A) and (B) 34 CFR 300.311 300.347(d)
State: 13A.05.01.09C (1-5)

F. IEP In Effect Before Providing Service

The Garrett County Public Schools shall ensure that an IEP is in effect before special education and related services are provided to a student with a disability within its jurisdiction, including students with disabilities placed in or referred to a nonpublic school by the Garrett County Public Schools or enrolled in a nonpublic school by the parents and in need of special education or related services from the Garrett County Public Schools.
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The Garrett County Public Schools shall implement an IEP as soon as possible after the meeting where the IEP is developed or revised, except when the meeting occurs during the summer or a vacation period or when there are circumstances that require a short delay, such as working out transportation arrangements.

The Garrett County Public Schools shall have an IEP in effect for a student with a disability at the beginning of each school year.

Authority:  Federal: 20 USC 1414(d)(2)(A)  34 CFR 300.323 (c)
             State: 13A. 05.01.09D (1-4)

G. Initiation of Services to Students with Disabilities Transferring to the Garrett County Public Schools

The Garrett County Public Schools ensures that students with disabilities who transfer from public agency in Maryland into a Garrett County school are provided with FAPE. The IEP Team Chairperson or school personnel consult with the student’s parents and the student’s former school and provide services comparable to those identified in the former school’s IEP until either the IEP from the former school is adopted or a new IEP is developed, adopted and implemented.

When a student with a disability transfers to a Garrett County Public School from outside the state of Maryland, Garrett County Public Schools ensures that the student is provided with FAPE. The IEP Team chairperson or school personnel consult with the student’s parents and the student’s former school as appropriate and provide services comparable to those identified in the former school’s IEP until Garrett County Public Schools conducts an evaluation or develops a new IEP if appropriate.

When the school personnel, IEP team or the parent believes that additional information is needed the chairperson will secure the appropriate release for records or information to be shared by the former agency.

When the IEP team or the parent believe that a new evaluation is necessary before a final placement decision can be made the chairperson will be responsible for obtaining parent consent and coordinating the assessments with the appropriate Garrett County Public School personnel. A temporary placement in an interim program with parent consent may be necessary before the IEP is finalized, depending on the severity of the student’s disability.

Garrett County Public Schools will make reasonable steps to promptly obtain the student’s records from the former school including:

- The student’s IEP
- Supporting documents
- Any other records relating to the provision of special education or related services.
**LEAST RESTRICTIVE ENVIRONMENT (LRE)**

**A. Continuum of Alternative Placements**
To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are to be educated with students who are not disabled. Instruction in special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs 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. This information is documented on the form Maryland Online IEP and SP 5-8 IEP Team Meeting Minutes by the IEP Team Chairperson.

A continuum of alternative placements is available to the extent necessary to implement the IEP, to meet the needs of students with disabilities for special education and related services. Alternative placements include the classroom, in the home, in hospitals and institutions, and in other settings, and provisions for supplementary services, such as resource room and itinerant instruction, are available in conjunction with regular class placement. This information is documented on form 5-7 IEP Team Meeting Minutes by the IEP Team Chairperson.

**B. Placements**
The educational placement decision of a student with a disability is determined by the IEP team at least annually and is based on the student’s IEP. It is provided as close as possible to the student's home, so that the student is educated in the school that the student would attend if not disabled, unless the IEP of a student requires some other arrangement. In selecting the placement, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs. A student with a disability is not removed from education in an age appropriate regular classroom or typical early childhood setting solely because of needed modifications in the general curriculum. This information is discussed by the IEP Team at each meeting and documented by the chairperson on Maryland Online IEP and form SP 5-8 IEP Team Meeting Minutes.
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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 must document the specialized transportation needs including consideration of the effect transportation may have upon the student in relation to:

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

Authority:  

Federal:  20 USC 1412(a)(5)  
34 CFR 300.130, 300.552  
State:  13A.05.01.10C

C. Disruptive Student

If a student with a disability is so disruptive in a regular classroom that the education of other students is significantly impaired, the IEP team may determine that the needs of the student with a disability cannot be met in the regular classroom. The IEP team shall document supplementary aids and services that have been provided, and the specific behaviors and incidents that support the determination on form SP-5-4.

Authority:  

Federal:  20 USC 1412(a)(5), 1415  
34 CFR 300.552  
34 CFR 300, Appendix A, 39  
State:  13A.05.01.10C(1)

D. Preschool Least Restrictive Environment

The Garrett County Public Schools provides several preschool programs for 4-year-old students without disabilities in the form of EEEP (Prekindergarten) classes within seven elementary schools. The Garrett County Public Schools will ensure that the requirements of LRE are met. In determining the educational placement of a preschool student with a disability, the Supervisor of Special Education will ensure that the placement decision is made by an IEP team, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions and within the regulations of the EEEP.

Where preschool programs are not provided for students without disabilities, Garrett county Public Schools provides opportunities for preschool students with disabilities to participate in preschool programs operated by Head Start. A collaborative agreement with Garrett County Head Start allows for Head Start to operate centers in six schools. The agreement also allows for special education service providers to provide services to students with disabilities in all Head
Start centers. Preschool children with disabilities also receive services in private daycare facilities and/or their homes. All placement decisions are made by an IEP Team.

Authority: Federal: 20 USC 1412(a)(5)  
34 CFR 300.300, 300.552  
State: 13A.05.01.10C(1)(3)

E. Home and Hospital Teaching
The IEP team shall meet to review and revise the student’s IEP, as appropriate, to determine the instructional services to be provided to the student who is unable to participate in the school of enrollment and is being maintained at home because of a physical or emotional condition. The instructional services will be provided for as long as the medical restrictions apply. The IEP team also develops a plan for returning the student to a school-based program. When the period of treatment or convalescence ends, the IEP team shall review and revise the IEP, and determine the appropriate placement in the LRE. An educational placement in the home, for a student in emotional crisis, may not exceed 60 consecutive school days. The IEP Team Chairperson is responsible for scheduling and conducting all IEP meetings and maintaining records of each meeting in the student’s special education file at each school.

Authority: Federal: 20 U.S.C. 1401(25), 1412(a)(5)  
34 CFR 300.26(a), 300.551  
State: 13A.05.01.10C(5)

F. Making Up Missed Therapy Sessions
Related services as determined by the IEP Team are provided to enable a child to benefit from special education. Related service providers will provide speech and/or language therapy, physical therapy, and occupational therapy in accordance with the student’s IEP. All missed therapy sessions will be made up when possible.

Make up sessions will be conducted as close to the missed therapy session as possible. When a therapist knows in advance that a session will be missed, make up sessions can take place prior to the regularly scheduled therapy session.

Therapists are required to make up therapy sessions missed for the following reasons:

1. Absence of therapist due to illness, meetings, or professional development activities.
2. Absence of child due to field trips, school programs, or other scheduled activities.

While an attempt will be made to make up all missed sessions, therapists are not required to make up therapy sessions missed for the following reasons:

- Student absence.
- Weather related school closings, including delayed opening or early dismissal.
- Scheduled school closings – holidays, staff development, etc.
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- Unavailability of preschool child – illness, not at home or assigned location of therapy
  parent cancellation.
- Statewide testing.

In the event of a vacancy or extended illness of related service provider, all attempts will be
made to hire a substitute through the Garrett County Public Schools substitute procedures or
though a temporary contract. If a substitute therapist cannot be secured, the existing therapists
will reschedule sessions to include students from the absent therapist’s caseload. This will occur
only after all possible options have been exhausted in the attempt to secure a substitute.

State: MSDE Memorandum May 19, 2009

G. Students in Adult Correctional Facilities
The disabled student’s placement within the correctional facility 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.

Authority: Federal: 20 USC 1414(d)(6)(B)
34 CFR 300.311(c)
State: 13A.05.01.10C(4)

SAFEGUARDs PROCEDURAL:
GENERAL PROVISIONS

A. Procedural Safeguards Notice Document
The IEP Team Chairpersons shall provide a copy of the Procedural Safeguards, Parental Rights
Handbook to the parents of a student with a disability once a year, or when the Garrett County
Public Schools receives:
- Initial referral for an assessment
- Parental request for evaluation
- The parent’s first due process complaint in a school year
- A parental request

A receipt from the Procedural Safeguards document will be signed by the parent upon receipt of
the document and maintained in the student’s special education file at each school. Further
documentation exists on the Maryland Online IEP.

Authority: Federal: 20 USC 1415(d)
34 CFR 300.504(a)
State: 13A.05.01.11A (1-2)

B. Procedural Safeguards Document Contents
The contents of the Procedural Safeguards, Parental Rights Handbook include a full explanation

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of all of the procedural safeguards including:

- Native Language
- Electronic Mail
- Prior Written Notice
- Consent
- Independent Educational Evaluation
- Confidentiality of Information
- Discipline of Children with Disabilities
- Parental Unilateral Placement of Children in Private Schools at Public Expense
- Transfer of Parental Rights at Age of Majority
- Resolving Disagreements
- State Complaint
- Due Process Complaint
- Appeal
- Attorneys’ Fees

See Procedural Safeguards document.

C. Extended School Year Services

Parents of students with disabilities are notified at the student’s annual review of the IEP of the availability of extended school year services. Documentation is recorded on the student’s IEP.

D. Notice of Graduation Requirements

The Garrett County Public Schools shall inform the parent of State and local graduation requirements and the student’s progress toward meeting the requirements. The IEP Team Chairperson will document this information on the Maryland Online IEP.

E. Notice of Low Cost Legal and Other Relevant Services

On request, parents are informed of any free or low-cost legal and other relevant services available in the area.

F. Opportunity to Examine Records

The parents of a student with disabilities upon request is given the opportunity to inspect and review all of the student’s records relating to the identification, evaluation and educational placement, and provision of FAPE. Garrett County Policy 474.21.
**G. Parent Surrogates**

The rights of a student with a suspected or identified disability are protected by an appointment of a parent surrogate when a parent cannot be identified, the whereabouts of a parent are unknown, or the student is a ward of the state. GC Policy 345.44

Authority:

Federal: 20 USC 1415(b)(2)(A) and (B)
34 CFR 99
34 CFR 300.610-300.626

State: 13A.05.01.11E

**H. Confidentiality of Information**

The Garrett County Public Schools shall ensure the confidentiality of personally identifiable information as specified in Garrett County Policy 474.21.

Authority:

Federal: 34 CFR 99
34 CFR 300.610

State: 13A.08.02

**PROCEDURAL SAFEGUARDS:**

**PRIOR WRITTEN NOTICE**

**A. Provision of Prior Written Notice**

The Garrett County Public Schools shall provide written notice to the parent of a student with a disability before the Garrett County Public Schools proposes or refuses to initiate or change the identification, evaluation, educational placement of the student, or the provision of FAPE to the student. The IEP Team Chairperson is responsible for this with each meeting notification form SP 2.

Authority:

Federal: 20 USC 1415(b)(3)
34 CFR 300.507(a)

State: 13A.05.01.12A

**B. Content of Notice**

The notice shall include:

- A description of the action proposed or refused;
- An explanation of why the Garrett County Public Schools proposes or refuses to take the action;
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- A description of the options the Garrett County Public Schools considered and the reason
  the options were rejected;
- A description of each assessment procedure, test, record, or report the public agency 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 has protections under the procedural safeguards of the Act
  and the manner in which the parent may obtain a copy of the procedural safeguards; and
- A list of sources a parent may contact to obtain assistance in understanding the provisions
  of the Act and the procedural safeguards.
- If an action proposed also requires parental consent, notice may be provided at the same
time the consent is requested.

Authority:  Federal:  20 USC 1415(b)(3)
            34 CFR 300.503(b)
            State:  13A.05.01.12B (1-8)

C. Native Language
The notice shall be written in language that is understandable to the general public. It must be
provided in the native language of the parent, unless it is clearly not feasible to do so. If the
native language used by the parent is not a written language, the Garrett County Public Schools
shall ensure that the notice is translated orally or by other means to the parent, and the parent
understands the content of the notice. The Garrett County Public Schools shall maintain written documentation of the actions taken by the Garrett County Public Schools to meet the requirement.

Authority:  Federal:  20 USC 1415(b)(4),
            34 CFR 300.503(c)
            State:  13A.05.01.12C(1-3)

PROCEDURAL SAFEGUARDS:  
CONSENT

A. Informed Consent
Consent means the parent has been fully informed of all information relevant to the activity for
which consent is sought, in the parent’s native language or other mode of communication. The
consent also describes that activity and lists the records, if any, that will be released and to whom. The parent understands and agrees in writing to the carrying out of the activity for which their consent is sought and understands that the granting of consent is voluntary on their part and may be revoked at any time. Parents are provided information concerning informed consent at each meeting through the Procedural Safeguards, Parental Rights Handbook.

Authority:  Federal:  20 USC 1414(a) (1)
            34 CFR 300.500, 300.505(b)
            State:  13A.05.01.13
B. Consent for Assessment Procedures and Special Education Services

Parents must provide informed consent prior to the initial administration of assessment procedures and initial provision of special education and related services to a student with a disability. The IEP Team Chairperson is responsible for obtaining parent consent for assessment through signatures of parent or guardian on form SP 4 or online consent form and ensuring that each examiner obtains written parental consent before conducting assessment procedures for an initial evaluation or as a part of a reevaluation. The IEP Team Chairperson is responsible for obtaining parent consent for initial provision of special education services through signatures of parent or guardian on the Maryland Online IEP and SP5-9 IEP Team Meeting Minutes and ensures that the initial IEP is reviewed and approved by the parents and that signed consent is obtained for placement prior to the initial provision of special education and related services to a student with a disability. At the IEP Team meeting when referral information is reviewed and a decision about the need for assessment is made or the meeting when the IEP is developed, the IEP Team Chairperson ensures that the parent has been fully informed of all information relevant to the assessments and provision of services, and that this information has been provided in the parent’s native language or other mode of communication. Parents are provided information concerning informed consent at each meeting through the Procedural Safeguards document.

Authority:
Federal: 20 USC 1414(a)(1)(C) and (c)(3)
34 CFR 300.8, 300.505(a)
State: 13A.05.01.13A

C. Parent Refusal of Consent of Assessment

If a parent refuses consent for initial assessment procedures, or assessment procedures as part of a reevaluation, the IEP team will attempt to resolve the issues and determine the student’s needs. If these attempts are unsuccessful the IEP Team Chairperson will immediately notify the Supervisor of Special Education who will make further attempts to resolve the issues or may pursue assessment through mediation or due process initiate mediation or a due process hearing.

Authority:
Federal: 20 USC 1414(a)(1)(C) and (c)(3), 1415(e-f)
34 CFR 300.505(b)
State: 13A.05.01.13A (2)

D. Parental Consent Not Required

Garrett County Public Schools is not required to obtain parental consent:

- Before reviewing existing data
- Before administering a test or procedure that is administered to all students unless consent is required of all parents of all students prior to administration
- For assessment procedures as part of a reevaluation when reasonable measures have been taken to obtain consent and the parent has failed to respond.

To meet reasonable measures, the Garrett County Public Schools shall maintain a record of its
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attempts to obtain parental consent such as:

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

If a student is a ward of the State, the Garrett County Public Schools will make reasonable efforts to obtain parental consent from the student’s parent as defined in the Education Article 8-412, Annotated Code of Maryland.

Records will be kept on the Contact Log maintained in the student’s special education file in each school.

Authority: Federal: 20 USC 1414©(3)
34 CFR 300.505©
34 CFR 300.300
State: 13A.05.01.13A (3-5)

E. Consent for Special Education Services

Garrett County Public Schools obtains written parental consent prior to the initial provision of special education and related services to a student with a disability.

Garrett County Public Schools will not provide special education and related services if a student’s parent refuses to provide consent for the initiation of services or fails to respond to a request for consent for initiation of services. And, Garrett County Public Schools will not be considered to be in violation of the requirement to make FAPE available to the student for failure to provide special education and related services when a parent refuses consent for initiation of services.

After the initiation of special education and related services, parental consent is not required to implement the student’s IEP. All possible measures are taken to ensure that parents attend IEP meetings, but if a parent does not choose to attend the IEP meeting for his/her child the IEP is sent home for a signature. Garrett County Public Schools will not construe consent for initial evaluation as consent for initial placement. Initial placement requires the parent to sign the Maryland Online IEP and SP 5-9 and circle “Agree” or “Disagree.” This takes place at the conclusion of IEP meeting for initiation of services.

Garrett County Public School will obtain parental consent or the consent of the student who has reached the age of majority before inviting a participating agency to attend a student’s IEP team meeting to consider transition services.

Parental Consent will be obtained annually to access medical assistance for service coordination
A parent’s refusal to consent to one service or activity will not be used to deny the parent or student any other service, benefit, or activity.

Authority: Federal: 20 USC 1414(a)(1)
34 CFR 300.300
34 CFR 300.154
34 CFR 300.321
34 CFR 300.506-300.518

State: 13A.05.01.13B 1-9)

F. Parent Revocation of Consent

If a parent revokes consent, that revocation must be in writing and is not retroactive and does not negate an action that occurred after the consent was given and before the consent was revoked.

If a parent revokes consent in writing for their child’s receipt of special education services after the child is initially provided special education and related services, the Garrett County Public Schools is not required to amend the student’s records to remove any references to the child’s receipt of special education and related services because of the revocation of consent.

If at any time subsequent to the initial provision of special education and related services, the Garrett County Public Schools shall provide the parent prior written notice before ceasing the provision of special education and related services, and may not continue to provide special education and related services to the student and may not use mediation procedures or file a due process complaint.

Authority: Federal: 34 CFR 300.300
34 CFR 300.503
34 CFR 300.9 (c) (3)

State: 13A.05.01.13 B

INDEPENDENT EDUCATIONAL EVALUATION

A. Request For Independent Educational Evaluation

A parent of a student with a disability may obtain an independent educational evaluation. On request, the Garrett County Public Schools shall provide the parent with information about where an independent educational evaluation may be obtained. Information is maintained in the Office of Special Education.

Authority: Federal: 20 USC 1415(b)(1)
34 CFR 300.502

State: 13A.05.01.14A(1-2)
B. Procedure for Independent Educational Evaluation

If a parent disagrees with the evaluation obtained by the Garrett County Public Schools, the parent may request an independent educational evaluation at public expense. When a parent requests an independent educational evaluation at public expense, the IEP Team Chairperson will immediately notify the Supervisor of Special Education who will consult with the IEP team and determine whether the Garrett County Public Schools shall provide an independent educational evaluation or initiate a due process hearing to demonstrate that the Garrett County Public Schools evaluation is appropriate. The Garrett County Public Schools will not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the Garrett County Public Schools evaluation.

Documentation will be maintained in the Office of Special Education.

Authority:
Federal: 20 USC 1415(b)(1)
34 CFR 300.502
State: 13A.05.01.14B (1-2)

C. Mandated Independent Educational Evaluation

If an impartial hearing officer determines that the Garrett County Public Schools evaluation is appropriate, the parent may not obtain an independent educational evaluation at public expense. If an impartial hearing officer determines that the evaluation obtained by the Garrett County Public Schools is not appropriate the Garrett County Public Schools shall provide an independent evaluation of the student at public expense. When an independent educational evaluation is provided at public expense, the criteria under which the evaluation is obtained, including the qualifications of the examiner shall be the same as the criteria used by the Garrett County Public Schools when it initiates an assessment.

Authority:
Federal: 20 USC 1415(b)(1)
34 CFR 300.502(e)
State: 13A.05.01.14B (3-4)

D. Results of 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. A parent is not entitled to more than one independent educational evaluation at public expense each time an evaluation is conducted with which the parent disagrees.

Authority:
Federal: 20 USC 1415(b)(1)
34 CFR 300.502(c)
State: 13A.05.01.14B (5-7)
A. Written Complaints
The Garrett County Public Schools shall provide parents and other interested parties with information regarding the procedures for filing a complaint. A signed written complaint shall include:

- a statement that the Garrett County Public Schools has violated a federal or State law or regulation regarding the provision of FAPE to a student with a disability;
- the facts on which the complaint is based; and
- the complaint alleges a violation that occurred not more than one year prior to the date the complaint is received by MDSE.

Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

Authority: Federal: 20 USC 1415(b)(6)
34 CFR 300.660 –300.662
State: 13A.05.01.15A (1-4)

B. Mediation
The Garrett County Public Schools encourages the use of mediation by requesting that parents who do not choose to participate in mediation meet with a disinterested party to consider the benefits of mediation.

A parent of a student or the Garrett County Public Schools, may request mediation when there is a dispute about any matter related to the identification, evaluation, educational placement, or the provision of FAPE to a student. The request for mediation is voluntary on the part of the parties. The request for mediation may not be used to deny or delay a parent’s rights to a due process hearing. Either party has the right to be accompanied or advised by counsel. A request for mediation shall be made in writing to the other party and the office of Administrative Hearings. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

The Garrett County Public Schools will ensure that discussions during the mediation process remain confidential and are not used as evidence in any subsequent hearings or civil proceedings. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

The Garrett County Public Schools Supervisor of Special Education will ensure that any settlement reached at mediation is documented with a written mediation agreement and implemented by the Garrett County Public Schools. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.
C. Right to Impartial Due Process Hearing

A parent of a student or the Garrett County Public Schools shall have the right to initiate a hearing when there is a dispute about the identification, evaluation, educational placement, or the provision of FAPE to a student with a disability. The due process complaint must allege a violation that happened not more than 2 years before the parent or the Garrett County Public Schools knew or should have known about the alleged action. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

Authority: Federal: 20 USC 1415 (f)
            34 CFR 300.511(e)
State:    13A.05.01.15C

D. Initiation of Due Process Hearing

A request to initiate a due process hearing shall be made in writing to the Garrett County Public Schools or to the student’s parents from the Garrett County Public Schools and forwarded to the office of Administrative Hearings. When a party files a due process complaint, the Supervisor of Special Education will inform the parent of free or low cost legal and other relevant services available, provide the parent with a copy of the procedural safeguards, and inform the parent of the availability of mediation. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

Authority: Federal: 20 USC 1415(b)(7)(a)
            20 USC 1415(f)
            34 CFR 300.508(a) and (b)
State:    13A.05.01.15C(1-5)
            13A.05.02.13E(3)

E. Resolution Session

Garrett County Public Schools will convene a meeting with the parent and relevant members of the IEP team who have specific knowledge of the facts identified in the due process complaint before being provided the opportunity for an impartial due process hearing. The resolution meeting will be held within 15 days of receiving the due process complaint. The parent may seek the intervention of the hearing officer to begin the due process hearing time line if the Garrett County Public Schools fails to: hold a resolution session within 15 days of receiving the due process complaint; or, fails to participate in a resolution session. In accordance with 34 CFR
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300.510 (a) (3), a resolution session needs not be held if: the parent and the Garrett County Public Schools agree in writing to waive the meeting; or the parent and the Garrett County Public Schools agree to try mediation; or the Garrett County Public Schools initiated the due process complaint. A due process hearing may occur if the issues in the due process complaint are not resolved to the satisfaction of either party within 30 calendar days of the receipt of the due process complaint. A due process hearing may not occur unless the parties:

- Attend a resolution session to resolve the issues in the due process complaint
- Agree in writing to waive the resolution session
- Attend mediation to resolve the issues in the due process complaint, or
- Participate in some other means to resolve the issues in the due process complaint.

If the parties reach a resolution, the parties shall execute a legally binding agreement.

            34 CFR 300.510 (a)
State: 13A.05.01.15 B (11)

F. Expedited Due Process Hearing

An expedited due process hearing shall occur within 20 school days of the date the hearing is requested and shall result in a decision within 10 school days of the hearing if at the time of the hearing request, the student who is the subject of the hearing is:

- Not enrolled and attending an approved education program; or
- The due process hearing request concerns the placement or manifestation determination of a student due to a violation of the rules of conduct.
- Removed from the student’s current educational placement for disciplinary reasons, the due process hearing shall be expedited.

The Garrett County Public Schools shall notify the Office of Administrative Hearings (OAH) in those cases for when an expedited due process hearing may be needed. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

Authority: Federal: 20 USC 1221e-3
            20 USC 1415(k)(6) and (7)
            34 CFR 300.240, 300.507
State: EA §8-413(g)
       13A.05.01.15C(15))
       13A.05.02.13E

G. Student's Status During Proceeding

Unlike the parent and the Garrett County Public Schools agree otherwise, the student shall remain in the present educational placement, during the pendency of an administrative or judicial proceeding. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

Authority: Federal: 20 USC 1221e-3
H. Proceedings Related to Initial Admission to Public School
If the matter involves an application for initial admission to public school, the student, with the consent of the parent, shall be placed in a public school program until the completion of all proceedings, unless the parent and the Garrett County Public Schools agree otherwise. Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.

Authority:  
Federal: 20 USC 1415(b), (e), (f)  
34 CFR 300.507  
State: EA §8-413(c)(4)  
13A.05.01.15C(19)

I. Civil Action
A party aggrieved by the findings and decision of the due process hearing may bring a civil action in state or Federal court.

Authority:  
Federal: 20 USC 1415(i)(2)  
34 CFR 300.516  
State: 13A.05.01.15C(20)

J. Decision of a Hearing Officer
Garrett County Public Schools will comply with the decision of the impartial hearing officer within the timeline specified unless either party obtains a court order granting a stay of the decision.

Authority:  
Federal:  
State: 13A.05.01.15C(21)

K. Attorney Fees
Courts may award reasonable attorney’s fees to the prevailing party.

Authority:  
Federal:  
State: 13A.05.01.15C(22)

L. Legal Representation
Any party to a due process hearing, conducted in accordance with 34 CFR 300.507 has the right to:
- Represent themselves;
- Be represented by an attorney;
- Be accompanied and advised by persons with special knowledge or training with respect
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to the problems of children with disabilities,

Authority: Federal: 34 CFR 300.507
34 CFR 300.513
34 CFR 300.530-536

State: 9-1607.1, Annotated Code of Maryland

STUDENTS IN NONPUBLIC SCHOOLS

A. Students in Nonpublic Schools Placed by a Local School System

If a student’s IEP cannot be implemented in a Garrett County Public School program, the Garrett County Public Schools will ensure that the student is provided FAPE and an IEP has been appropriately developed and proceed with placement in a nonpublic school.

Any meetings to review and revise the IEP of a student with disabilities attending a nonpublic school or facility are initiated and conducted by the nonpublic school or facility at the discretion of the Garrett County Public Schools. If a nonpublic school or facility conducts such meetings, the Garrett County Public Schools ensure that a Garrett County Public Schools representative and the parents are involved in any decision about the student's IEP and that those parties agree with any decisions before changes are implemented. The appropriate Garrett County Public School personnel will attend such meetings and document the proceedings. Records will be maintained in the Office of Special Education.

The IEP Team Chairperson will notify the Supervisor of Special Education of the possibility of an IEP Team recommendation for nonpublic placement of a student. The chairperson will schedule the IEP meeting and before a placement of a student with a disability is proposed in a nonpublic school, the Garrett County Public Schools shall ensure that an IEP has been developed for the student.

Authority: Federal: 20 USC 1412(a)(10)(B)
34 CFR 300.401
34 CFR 300, Appendix A, 16

State: 13A.05.01.16A (1-5)

B. Parental Enrollment of a Student with a Disability in a Nonpublic School

1. The Garrett County Public Schools shall locate, identify, and evaluate all students with disabilities who are enrolled by their parents in nonpublic schools, including religious elementary and secondary schools located within the jurisdiction the Garrett County Public Schools.

2. The Garrett County Public Schools shall ensure annual timely and meaningful consultation with nonpublic school representatives of parentally placed nonpublic school students with

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3. The consultation described in B2 of this procedure shall include a review and discussion of the:
   - Child find process;
   - Proportionate amount of federal funds available for services;
   - Consultation process;
   - Provision of services to parentally placed nonpublic school students with disabilities; and
   - Written explanation of the Garrett County Public Schools decision.

4. Students with disabilities enrolled by their parents in a nonpublic school do not have an individual right to receive some or all of the special education and related services the student would receive if enrolled in a public school in accordance with 34 CFR 300.137.

5. The Garrett County Public Schools shall initiate and conduct meetings to develop, review, and revise the service plan for parentally placed nonpublic school students with disabilities designated to receive services in accordance with COMAR Regulations 08 and 09 of this chapter.

6. The Garrett County Public Schools shall make special education and related services available in accordance with federal and state law.

Authority: Federal:
- 20 USC 1412(a)(10)
- 34 CFR 300.131(a) and 300.134
- 20 USC 1412(a)(10)(A)
- 34 CFR 300.137 and 300.138

State: 13A.05.01.16B (1-6)

C. Unilateral Placement in a Nonpublic School by a Parent
If Garrett County Public Schools has made FAPE available to a student with disabilities and the parent chooses to place the student in a nonpublic school, Garrett County Public Schools is not required to pay the nonpublic school tuition. Disagreements between a parent and the Garrett County Public Schools regarding the availability of a program appropriate to the student, and the question of financial responsibility, are subject to the due process procedures. When a parent expresses his/her concerns and states his/her intent to remove the child from the Garrett County Public Schools, the parent is notified and informed of:
   - The procedural safeguards;
   - The requirement to provide written notice to the Garrett County Public Schools;
   - The conditions for reimbursement and payment limitations;
   - The due process procedures and the right of either party to file for a hearing; and
   - Authority of a court or hearing officer.

Documentation is maintained in the Procedural Safeguards, Parental Rights Handbook.
CHAPTER TWO
Administration of Services for Students with Disabilities

PUBLIC AGENCY ELIGIBILITY

A. General
The Garrett County Public Schools is eligible for assistance under the Individuals with Disabilities Education Act (IDEA) for a fiscal year if The Garrett County Public Schools demonstrates to the satisfaction of the Maryland State Department of Education (MSDE) that the Garrett County Public Schools, in providing for the education of students with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with federal and State policies and procedures.

INTERAGENCY COLLABORATION

A. Participation
The Garrett County Public Schools collaborates with local, State, private, and other public agencies to establish, implement, and maintain local interagency planning of programs for students with disabilities, including, but not limited to:

- Participation in the Local Coordinating Council (LCC);
- Collaboration with other agencies working with Infant and Toddler Programs; and
- Collaboration with the Maryland School for the Deaf; and
- Collaboration with the Maryland School for the Blind.
B. Interagency Agreements
All interagency agreements:

- Define the programmatic responsibility of each agency for providing students and youth with disabilities a free, appropriate public education (FAPE);
- Define the financial responsibility of each agency for providing students and youth with disabilities a free, appropriate public education; and
- Identify procedures for the resolution of interagency disputes.

Authority:  
Federal: 20 USC 1413(f)  
34 CFR 300.152, 300.244
  
State: 13A.05.02.13B  
Article §49D, Annotated Codes of Maryland

C. Ensure FAPE
The Garrett County Public Schools ensures a free, appropriate public education to all students with disabilities, 3 years old through the end of the school year in which the student turns 21 years old, including students with disabilities:

- Residing within the jurisdiction of the Garrett County Public Schools;
- Suspended or expelled from school for more than 10 days;
- Attending private schools; within its jurisdiction;
- Highly mobile students;
- Migrant students;
- Homeless students;
- Wards of the state; and
- Living in a state-operated program regardless of the severity of the disability, and who are in need of special education and related services.
- 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 in accordance with 34 CFR 300.101

Authority:  
34 CFR 76.651(a)(1), 76.700  
34 CFR 300.121, 300.220, 300.300(a) and (b)(1)-(5), 300.452  
34 CFR 300.101
  
State: 13A.05.01 A

D. Development and Implementation of Policies and Procedures
The Garrett County Public Schools will ensure that these local policies and procedures are reviewed and implemented in accordance with the Garrett County Special Education Procedural Handbook for standards to ensure the provision of a free appropriate public education (FAPE) for students with disabilities residing within the jurisdiction of the Garrett County Public Schools, including students in nonpublic school.

Authority:  
Federal: 20 USC 1413(a)(1)  
34 CFR 300.1, 300.2, 300.121, 300.194, 300.220
E. Child Find - General

All students with disabilities, three through the end of the school year in which they turn 21 years old, residing in the jurisdiction, including students with disabilities attending nonpublic schools, including students attending religiously affiliated schools, regardless of the disability, and who are in need of special education and related services are identified, located, and evaluated. This includes highly mobile students (such as migrant and homeless); and students suspected of being a student with a disability, even though they are advancing from grade to grade.

Any child referred to Child Find and has been determined to be a student with disabilities who is in need of special education services will participate in the same process as those students referred to the IEP team. A special education folder will be kept by the IEP Team Chairperson and will include:

- The names of agency, private school, nonpublic school personnel that participated in the planning and implementation of child activities;
- Description of the nature and extent of their participation;
- Screening instruments; schedules for screening; and follow-up timelines for students suspected of needing special education and related services;

All students with disabilities receiving special education services will be reported on the October Child Count for SSIS and all other evaluative information kept in the Office of Special Education.

The Garrett County Public Schools shall provide for publication, to the general public and personnel at private schools and institutions, at least annually, information about screening, referral and other services, including the address, telephone number and title of the Garrett County Public Schools contact person. Publicity utilizes one print medium and at least one other medium that covers the jurisdiction. This data is kept in the Office of Special Education and is updated annually.

Authority:

34 CFR 300.125, 300.220, 300.240, 300.400, 300.402

State: State Plan III/B(3)(c)

ACCOUNTABILITY

A. Purpose, Philosophy, Objectives

The Garrett County Public Schools has developed, written, and utilizes written statements describing the purpose, philosophy, and objectives of the special education program. The
Garrett County Schools  Special Education Procedural Handbook

statement includes the primary reasons for which the program is established and the goals toward which the program's efforts are directed. It is sufficiently explicit to facilitate an evaluation in terms of what the program is striving to accomplish and the extent to which it is meeting the needs of the students enrolled. The procedures delineate the manner in which the statement is used as guidance on such matters as the educational needs and numbers of students to be served, the instructional programs to be offered, and the services to be provided students, as well as selection of faculty and staff, design and use of facilities, financing, and organization.

See the Introduction section of this document.

Authority:

Federal: 34 CFR 300.220, 300.231(b)(3), 300.240
State: 13A.05.02.13

B. Annual Evaluation

The Garrett County Public Schools has a continuous monitoring process in place for evaluating, at least annually, the effectiveness of the special education program in meeting the needs of students with disabilities, including the evaluation of student IEP's. Every three years randomly selected student records are subjected to a comprehensive review and areas considered in need of improvement are incorporated into focused reviews completed annually. These procedures may include evaluation of the effectiveness of the Garrett County Public Schools objectives developed under the statement of philosophy.

Authority:

Federal: 20 USC 1414(a) 34 CFR 300.180, 300.240
State: 13A.05.02.13C1

C. Self-Assessment

The Garrett County Public Schools will complete an annual self-assessment as required by MSDE in regard to state performance plan indicators.

Authority:

Federal: 20 USC 1416(a)
State: 34 CFR 300.601
13A.05.02.04

D. Child Count of Students with Disabilities Attending Nonpublic Schools

The Garrett County Public Schools shall consult with representatives of nonpublic schools in deciding how to conduct the annual count of the number of nonpublic school students with disabilities. This includes students with disabilities unilaterally removed by their parents when FAPE is at issue. This child count information is to be collected annually.

Authority:

State: 13A.05.01.16

05/22/14
**E. Child Count**
Records demonstrate students identified as students with disabilities eligibility for Part B funds are maintained and transmitted to the MSDE in the required format within time lines required for the October Child Count and end-of-year data collections.

Authority: Federal: 20USC 1418(a)(1)(A)
State: 13A.05.02.11

**LOCAL APPLICATION FOR FEDERAL FUNDS**

**A. Use of Part B Funds**
The Garrett County Public Schools ensure that Part B Funds are being used for students with disabilities in accordance with plans necessary to meet a full educational opportunity goal. Part B funds may be used to:

- benefit non-disabled students in general education classes that include a student with a disability
- school-wide programs
- to develop and implement a fully integrated and coordinated services system.

Evidence is collected annually which is located in the Office of Special Education.

Authority: Federal: 20 USC 1413(a)(2)
State: 13A.05.02.13

**B. Preparation and Submission of Local Application**
The Garrett County Public Schools ensures the preparation, submission, and negotiation of approval, within the required time lines, of an application for federal funds (Part B) for students with disabilities. The local application is consistent with 20 USC 1413(a), and includes:

- Grant budgets
- Includes local policies and procedures that address all standards in the Garrett County Special Education Procedural Handbook;
- A staffing plan
- Self Assessment

Authority: Federal: 20 USC 1413(a)
State: 13A.05.02.13C
C. Amendments to Local Application for Federal Funds
The Garrett County Public Schools may prepare and submit budget amendments for Part B funds. Prior approval from the MSDE Program Manager is required prior to:

- Requesting a grant extension;
- Making any budgetary realignments of $1,000 or 15% of the total object and/or total category of expenditure;
- Implementing any programmatic changes with respect to the purposes for which the grant was awarded;
- A change occurs in account code structures; or
- Other specified changes required by the Garrett County Public Schools or MSDE.

Requests for grant extensions, when allowed must be submitted at least 45 days prior to the end of the grant period. Budget alignments must be submitted at least 45 days prior to the end of the grant period.

Authority:  
Federal: 34 CFR 300.180, 300.240  
State: MSDE Policy 02.500.04XD

D. Public Control of Funds
The Garrett County Public Schools accounts for and monitors funds to ensure that all Part B funds and all property or equipment purchased with those funds are administered by the Garrett County Public Schools and that records are maintained for five years. Procedures ensure continuing administrative direction and control over funds and property that benefit students enrolled in private schools, as appropriate. Procedures also include the maintenance of records for equipment, supplies, and materials, by fiscal year and funding source along with an inventory that includes the date of acquisition and maintenance of invoices for those purchases. All such items must be permanently labeled upon delivery. Records on yearly inventory for each class and school and maintained in the Office of Special Education.

Authority:  
Federal: 34 CFR 76.300, 76.651, 76.661  
34 CFR 300.155, 300.156, 300.180, 300.240  
State: 13A.02.07.07

E. Excess Cost
The Garrett County Public Schools ensures that federal funds are only used for the excess costs of providing special education and related services to students with disabilities. The Office of Special Education:

- Maintains and monitors cost documentation on expenditures by funding source;
- Uses federal funds only after LEA basic minimum mandates are expended as outlined by the MSDE; and
- Follows MSDE guidelines for reporting LEA/SOP fiscal data.
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Evidence of the maintenance and monitoring of cost documentation on expenditures by funding source is maintained monthly by printouts by program and is filed in the Finance Office.

Authority:  Federal:  20 USC 1413(a)(2)(A)
             34 CFR 300.182-300.185, 300.230
             State:  EA §8-417.3

F. Non supplanting

The Garrett County Public Schools ensures that Part B funds are used to supplement and increase special education services to students with disabilities, including those enrolled by parents in private schools, and are not used to displace (supplant) state or local funds. Records are maintained for five years that list funds expended by funding source (i.e., federal, State, and local). The Financial Secretary maintains records which list funds [and funds] for the last five fiscal years. Monthly expenditures and encumbrances are maintained in the Finance Office.

Authority:  Federal:  20 USC 1413(a)(2)(A)
             34 CFR 76.651, 76.655, 300.153, 300.230
             State:  EA 8-815

FISCAL ACCOUNTABILITY

A. Financial Reports

The Garrett County Public Schools ensures submission of a final annual financial report (FAFR) as defined in the grant award, no later than 90 calendar days after the grant ending date. These records are maintained in the Finance Office.

Authority:  Federal:  34 CFR 76.700, 76.722, 76.730, 300.153, 300.240
             State:  13A.02.07.01
             FRM APP C&E

B. Personnel Activity Reports

The Garrett County Public Schools ensures the completion and maintenance of personnel activity reports (PAR) for employees whose activities are funded by a federal source and another source and whose activities pertain to more than one cost objective. These records are maintained in the Office of Special Education.

Authority:  Federal:  OMB Circular A-87

C. Independent Audit

The Garrett County Public Schools obtains an annual audit of the use of Part B funds by an independent auditor. These records are maintained in the Finance Office.

Authority:  Federal:  20 USC 1411(f)(5)
             34 CFR 76.730(e), 300.156, 300.240
FACILITIES, PERSONNEL, SERVICES, AND TRANSPORTATION

A. Facilities
The Garrett County Public Schools has written procedures to determine and describe the kind and number of facilities, certificated personnel, and special education and related services necessary to meet the goal of providing a full educational opportunity for all students with disabilities, birth through the end of the school year in which the student turns 21, in the jurisdiction. The Garrett County Public Schools has procedures for reporting information to the MSDE in accordance with federal reporting requirements (i.e., personnel employed, additional personnel needed, etc.). Procedures include maintenance and availability to the public, upon request, of a complete description of special education and related services to meet the needs of students with disabilities, and any application, evaluation, periodic program plan, or report relating to special education.

Authority: Federal: 34 CFR 76.304
34 CFR 300.221, 300.231, 300.240, 300.756
State: 13A.05.01.04D-F
13A.05.01.06-.11
13A.05.02.07

B. Personnel
The Garrett County Public Schools ensures that all personnel involved in the provision of special education and related services are qualified. Personnel hold required certification, licensure or training as provided in the Code of Maryland Regulations. This information is maintained in the Office of Personnel.

Authority: Federal: 20 USC 1413(a)(3)
34 CFR 300.136, 300.221
State: 13A.05.01.04E(3-5)
13A.12.02.01-.11

C. Staffing Plan
The Garrett County Public Schools annually develops a staffing plan to ensure that personnel and other resources are available to provide FAPE to each student with a disability in the LRE as determined by the IEP team.

The staffing plan shall include:
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- Evidence of maintenance of effort;
- Staffing patterns of service providers used by the Garrett County Public Schools;
- Number and type of service providers; and
- A description of how the staffing plan meets the requirements.

The staffing plan shall be approved by the Garrett County Board of Education. This information is maintained in the Office of Special Education.

Authority: Federal: 20 USC 1412(a)(1), 1413(a)(2)
34 CFR 300.121, 300.240, 300.380, 300.381, 300.382
State: 13A.05.02.13D

D. Procedural Safeguards
Garrett County Public School students and their parents are guaranteed procedural safeguards with respect to the provision of FAPE.

Authority: Federal: 20 USC1415
34 CFR 300.500
State: 13A.05.02.13E

E. Continuum of Alternative Placements
Garrett County Public Schools provides a continuum of placements for students with disabilities. Placements include the classroom, in the home, in hospitals and institutions, and in other settings. Resource room and itinerant instruction are available in conjunction with regular class placement.

Authority: Federal: 20 USC1412(a)(5)(A)
34 CFR 300.500
State: 13A.05.02.13F

F. Reports
Garrett County Public Schools will submit reports at the time and in the manner specified by Maryland State Department of Education. Data is reviewed for accuracy prior to submission. Annual special education student file reviews are completed by IEP team chairpersons to ensure accuracy and compliance with state and federal regulations.

Authority: Federal: 20 USC 1413(a)(7)
20 USC1415
34 CFR 300.500
State: 13A.05.02.13G

G. Accessibility of Technology-Based Instructional Programs
In Garrett County Public Schools any request for bid, request for proposal, and local guidelines for the selection and evaluation of technology-based instructional[materials] products including
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instructional software, on-line resources and computer-based equipment used by students must include the requirements governing equivalent access consistent with subpart B, Technical Standards, Section 508 of the Rehabilitation Act of 1973, as amended. All technology-based instructional products that are purchased must provide equivalent access features for students with disabilities unless doing so would fundamentally alter the nature of the instructional activity, result in undue financial and administrative burden on the Board of Education, or not meet other specifications. If a technology-based instructional product is purchased that does not have equivalent access features, then an alternative method of instruction must be implemented to enable a student with a disability to access the general curriculum and meet the student’s IEP goals and objectives.

GC Policy 347.31

Authority: Federal: 20 USC1415 34 CFR 300.500 State: 13A.05.02.13H (1-3)

H. Local Special Education Citizens Advisory Committee

Garrett County Public Schools has established the Garrett County Special Education Citizens Advisory Committee, which meets four times per school year. The committee’s mission includes, among others; advocating for all students with disabilities, promoting community and citizen awareness of issues relating to disabilities, and providing a county-wide forum for citizen input on special education programs, budget, staffing, and other relevant issues. The Supervisor of Special Education in conjunction with the membership submits a budget for the use of federal funds as a part of the Local Application for Federal Funds.

Authority: Federal: 20 USC1415 34 CFR 300.500 State: 13A.05.02.13I( 1-3)

I. Charter Schools

Garrett County Public Schools shall serve students with disabilities attending charter schools in the same manner as it serves students with disabilities in its other schools.

Authority: Federal: 20 USC 1413(a)(5) Education Article, Title 9 Annotated Code of Maryland State: 13A.05.02.13J

J. Medications

Garrett County Public Schools may not require a student with disabilities to obtain a prescription for a substance covered by the Controlled Substance Act as a condition of:

• attending school;
• receiving an evaluation; or
• receiving special education and related services.
K. Personnel Development
The Garrett County Public Schools implements a comprehensive personnel development plan that includes:

- Continuing education of general and special educators, instructional and related service providers, administrative, and support personnel; and
- Annually reviewing the results of county-wide and school-wide data in the areas of achievement, LRE, student discipline, and compliance issues.

If federal funds are used for this professional development, the annual professional development plan also includes:

- Training areas to be addressed;
- Resources available;
- Evaluation procedures to be used; and
- Linkages with general education and general educators.

Authority: Federal: 20 USC 1412(a)(25)
State: 13A.05.02.13K (1-3)

All professional development is provided according to state and local professional development standards.

Evidence is maintained in the Office of Special Education.

Authority: 2122 of the Elementary and Secondary Education Act

L. Surrogate Parents
The Garrett County Public Schools has written procedures for the recruitment, training, assignment, and reimbursement, if necessary, of parent surrogates. The procedures include a method:

- For determining whether a student needs a surrogate parent; and
- For assigning a surrogate parent to the student.

Procedures identify methods used to determine that:

- No parent can be identified;
- The Garrett County Public Schools, after reasonable efforts, cannot discover the whereabouts of a parent; or
- The student is a ward of the State under the laws of the State.

The Garrett County Public Schools shall ensure that a person selected as a surrogate:
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• Is not an employee of the SEA, the LEA, or any other agency involved in the education or care of the child;
• Has no interest that conflicts with the interest of the child he or she represents; and
• Has knowledge and skills that ensure adequate representation of the child.

The surrogate parent shall represent the child in all matters relating to:
• The identification, evaluation, and educational placement of the child; and
• The provision of FAPE to the child.

Garrett County Policy 345.44

Authority: Federal: 20 USC 1415(b)(2)
34 CFR 300.515
State: EA §8-412 Annotated Code of Maryland
[13A.05.02.13E(1-2)] 13A.12.01 (7) (b-c)

NONPUBLIC PLACEMENTS BY LOCAL SCHOOL SYSTEMS

A. Placement of Student in Nonpublic Program
Garrett County Public Schools will consider the placement of a student with disabilities in a nonpublic program when:
1. Garrett County Public Schools cannot implement the student’s IEP
2. The nonpublic school proposed:
   a) has been approved by MSDE
   b) can implement the student’s IEP
   c) is the least restrictive environment

Authority: Federal: 20 USC 1415(b)(2)
34 CFR 300.515
State: 13A.05.02.14A (1-2)

B. State Contributions for In-State Nonpublic Placements
Garrett County Public Schools will apply to MSDE for the funding contribution for the placement of a student that meets the requirements of the state. Garrett County Public Schools will provide written notification to the parents of a student with a disability when an application for state contribution is submitted to MSDE. [Garrett County Public Schools will seek LCC approval and submit that approval for any student to be placed in an in-state residential program].

C. State Contribution for Funding Out-of-State Nonpublic Placements
The Supervisor of Special Education is responsible for the application for approval of nonpublic placements on the forms prescribed by MSDE and the State Coordinating Council (SCC) in accordance with MSDE procedures.

05/22/14
D. Limitations
If a student with a disability requires a nonpublic placement for non-educational reasons, Garrett County Public Schools will not be responsible for the cost of the educational component of the nonpublic placement if the placement is not required to provide a student FAPE and is made by another agency without Garrett County Public Schools approval for funding. Garrett County Public Schools will assist the placing agency with the transfer of educational records and review the student’s progress at least annually.

E. Unilateral Placement in a Nonpublic School by a Parent
The Garrett County Public Schools is not required to pay for the cost of the education, including special education and related services, if the Garrett County Public Schools made FAPE available and the parents elected to place the child in a private school or facility. The Garrett County Public Schools may not prevent the parent from providing notice of the parent’s disagreement with the student’s IEP and placement or intent to remove the student from the public school system. Documentation will be maintained in the Office of Special Education.
CHAPTER THREE
Disciplinary Procedural Safeguards

DISCIPLINE OF STUDENTS
WITH DISABILITIES

A. Removal of a Student for No More Than 10 Consecutive School Days
A student with a disability may be removed from the student’s current placement for not more than 10 consecutive school days for any violation of school rules to the same extent the removal is applied to students without disabilities unless it is determined that the removal constitutes a change of placement. A student with a disability may be removed to an alternative educational setting, another setting, or by suspension.

Authority: Federal: 20 USC 1415(k)(1)(B)
34 CFR 300.530(b)(1)
State: 13A.08.03.03A

B. 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 10 consecutive school days for each incident of misconduct in a school year if the cumulative effect of the removals does not constitute a change in placement.

For each period of removal after the cumulative equivalent of 10 school days in a year, IEP chair and principal shall consult with at least one of the student’s teachers to determine what services the student needs to progress in the general curriculum and advance toward achieving the IEP goals.

A student with a disability may be removed for more than 10 consecutive school days for a violation of school rules to the same extent removal is applied to students without disabilities if the IEP team determines that the behavior is not a manifestation of the student’s disability. The student will receive educational services and as appropriate, a functional behavioral assessment and behavior intervention services.

Authority: Federal: 20 USC 1415(k)(1)(C)
34 CFR 300.530(b)-(d)
State: 13A.08.03.03B
C. Parent Notification

On the date the student with a disability is removed from his/her current placement, the IEP chair and/or school principal will notify the parents of the decision and provide a copy of the procedural safeguards notice to the parents.

Authority: Federal: 20 USC 1415(k)(1)(H)
            34 CFR 300.530(h)
            State: 13A.08.03.04

D. Change of Placement

Removal constitutes a change of placement if a student with a disability is removed from the current placement for more than 10 consecutive school days or is subjected to a series of removals that constitutes a pattern of removal that accumulates to more than 10 school days in a school year. During any period of removal beyond 10 school days or its cumulative equivalent, Garrett County Public Schools will provide services to the extent necessary.

Authority: Federal: 20 USC 1415(k)(1)(D)
            34 CFR 300.530(d)(5)
            State:

E. Removal to an Interim Alternative Educational Setting

Garrett County Public Schools may also order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 days, if remove a student for up to 45 school days to an interim alternative educational setting if, while at school, on school premises, or at a school function under the jurisdiction of the State or local education agency, the student:

- The student carries or possesses a weapon;
- The student knowingly possesses or uses an illegal;
- The student sells or solicits the sale of a controlled substance; or
- The student inflicts serious bodily injury on another person.

The IEP team determines the interim alternative educational setting. The interim alternative educational setting must be selected to enable the student to appropriately progress in the general curriculum, receive the services and modifications included on the IEP, meet the goals of the IEP and receive services and modifications designed to address the behavior to prevent its recurrence set out in the student's IEP.

Authority: Federal: 20 USC 1415(k)(1)(6)
            20 USC 1415(k)(2)
            34 CFR 300.121(d), 300.129, 300.521, 300.522(b)(1), 300.530,300.600(b)
            State: EA §7-305(f)
            13A.05.01.10C(7)
            13a.08.03.06A
F. Expiration if Interim Alternative Placement
If a student is placed in an interim alternative educational setting for up to 45 days because of a weapon, illegal drug, or controlled substance violation, and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), except under the following circumstance:

If school personnel maintain that it is dangerous for the student to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.

Authority: Federal: 20 USC 1412(a)(10)(C)
            34 CFR 300.403(b)
State: 13A.08.03.03B-F

G. Responsibility of the IEP Team
Either before or no later than 10 business days after first removing the student for more than 10 school days in a school year, or commencing a removal that constitutes a change in placement, the Garrett County Public School shall convene an IEP team meeting. The IEP team will develop an assessment plan if the Garrett County Public Schools had not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student for the behavior that resulted in the removal. It is the responsibility of the IEP Team Chairperson to schedule and conduct the IEP meetings and maintain all documentation in the student’s special education file at each school.

Authority: Federal: 20 USC 1415(k)(l),(k)(10)
            34 CFR 300.129,300.520
State: EA §7-305(f)
       13A.05.01.07B

H. Student Behavior Intervention Plans
As soon as possible after the completion of the assessments, the IEP team will meet to develop appropriate behavioral interventions to address the behavior, and implement the behavioral intervention plan. Each school in Garrett County has staff members trained to complete functional behavior assessments and behavioral intervention plans. Middle school and high school teams are facilitated by the school psychologists, and elementary school teams are facilitated by the Behavior Support Teachers.

The Garrett County Public Schools encourages all school teams to complete Functional Behavioral Assessments and Behavioral Intervention Plans for any students having behavior difficulties. If the student with a disability has a behavior intervention plan, the IEP team will meet within 10 business days of the removal to review the plan and determine if the plan needs to be modified or if the implementation needs to be modified to address the behavior.
For subsequent disciplinary removals of the student beyond the first 10 school days the student is removed during the school year, the IEP team will meet to review the behavioral intervention plan.

Authority: Federal: 20 USC 1415(k)(l),(F)
34 CFR 300.530(f)
State: EA §7-305(f)
13A.05.01.07 B-D

I. Manifestation Determination

A student will be referred by the school principal or assistant principal to the IEP team and other qualified personnel to review the relationship between the student’s disability and the behavior subject to the disciplinary action immediately, but not later than 10 school days after the date on which the following disciplinary decision was made:

- Removals for over 10 consecutive days or its cumulative equivalent to a change in placement;
- Removals that constitute a change in placement;
- Removals resulting in 45-day interim alternative educational setting by IEP team (weapons or illegal drugs) or by impartial hearing officer (dangerous students).

The IEP team shall consider pertinent information available in making its determination relative to a manifestation of the disability, including:

- All relevant information in the student’s file;
- Any teacher observations;
- Any relevant information supplied by the parents; and
- The student’s IEP.

To determine that the behavior subject to the disciplinary action is a manifestation of the student’s disability the IEP team and other qualified personnel must make the determination that the student’s behavior was:

- Caused by or had a direct and substantial relationship to the student’s disability; or
- The direct result of the Garrett County Public School’s failure to implement the student’s IEP.

If the IEP team determines that the student’s conduct was the direct result of Garrett County Public School’s failure to implement the IEP, the IEP chairperson will promptly notify the school principal and the supervisor of special education who will take immediate steps to remedy those deficiencies.

If the IEP team determines that the student’s behavior was caused by or had a direct and substantial relationship to the student’s disability or the direct result of the Garrett County Public School’s failure to implement the student’s IEP, then the IEP team shall consider the behavior a manifestation of the student’s disability.
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 such assessments had not been conducted prior to a disciplinary removal;
- Review the student’s behavioral intervention plan and modify it, if necessary, to address the behavior; and
- Return the student to the student’s placement from which the student was removed unless the parent and the Garrett County Public Schools agree to a change of placement as part of a modification of the student’s students behavioral intervention plan.

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

- The student may be disciplined in the same manner as student’s 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 curriculum and advance toward achieving goals of the student’s IEP.

Garrett County procedures are approved by the Garrett County Board of Education and outlined in the Student Handbook Rights, Responsibilities, and Discipline pgs. 40-41.

Authority:

Federal: 20 USC 1415(k)(1)(E)
34 CFR 300.530(e)(1)and(22)
34CFR 300.530(e)(3)

State: 13A.08.03.08

J. Parents’ Right to Appeal the Student Placement

If the parents disagree with Garrett County Public School’s decisions regarding disciplinary removals, manifestation determinations, or interim alternative educational settings, the parents may file a due process complaint. If the parents file a due process complaint, an expedited due process hearing will occur and the student will remain in the interim alternative educational setting pending the administrative law judge’s decision. If Garrett County Public Schools proposes to change the student’s current educational placement after the expiration of the student’s placement in an interim alternative educational setting and the parents file a due process complaint to challenge the proposed placement, the student will return to the educational placement before removal to the interim alternative education setting.

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 appropriate interim alternative educational setting for not more than 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.
34 CFR 300.532(a)  
34 CFR 99  
State: EA §7-305(f)  
13A.08.03.09 A-F

K. Students not 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 the Garrett County Public Schools, the student may assert protection under this Chapter if the Garrett County Public Schools has knowledge that the student was a student with a disability before the engaged in the behavior that precipitated the disciplinary action.

1. The Garrett County Public Schools shall be deemed to have knowledge that the student is a student with a disability if:
   The parent of the student expressed concern in writing to supervisory or administrative personnel of the Garrett County Public Schools or a teacher of the student that the student is in need of special education and related services;
   The parents have requested an evaluation; or
   • The student’s teacher or other personnel of the Garrett County Public Schools have expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Garrett County Public School Supervisor of Special Education or the school’s supervisory personnel or local child find procedures.

2. The Garrett County Public Schools are not deemed to have knowledge if the parent of the student:
   • Did not allow the Garrett County Public Schools to conduct assessments in accordance with COMAR 12.A.05.01.05; or
   • Refused or revoked consent for services in accordance with COMAR 13A.05.13; or

3. The Garrett County Public Schools conducted an evaluation in accordance to COMAR 13A.05.01.006B and determined that the student was not a student with a disability, or determined that an evaluation was not necessary in accordance with COMAR 13A.05.04B(4); and provided the student’s parent with a written notice of the decision in accordance with COMAR 13A.05.01.12

4. If the Garrett County Public Schools 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 behavior.
5. If the Garrett County Public Schools receives a written referral in accordance with COMAR 13A.05.01.04A during the time period that the student is subject to disciplinary measures, the Garrett County Public Schools shall evaluate the student in accordance with COMAR 13A.05.01.04-.06 in an expedited manner.

6. The student shall remain in the educational placement determined appropriate by the Garrett County Public Schools personnel, including suspension or expulsion without educational services until the evaluation is completed.

7. If, as a result of the evaluation, as set forth in COMAR 13A.05.01.06B, the IEP determines that the student is a student with a disability, the Garrett County Public Schools shall provide special education and related services.

Authority: Federal: 20 USC 1414
State: 13A.05.01

L. Referral to Law Enforcement.

1. The Garrett County Public Schools may report a crime committed by a student with a disability to the appropriate law enforcement authorities.

2. The Garrett County Public Schools shall ensure that copies of the special education and disciplinary records are transmitted to the appropriate authorities to whom the Garrett County Public Schools reported the crime, to the extent permitted.

Authority: Federal: 34 CFR 300.535
State: 13A.08.02
CHAPTER FOUR

Student Behavior Interventions

Garrett County Public Schools has existing policy and procedures related to Student Behavior Interventions. Policy 445.0 and Procedures 445.1

Authority: Federal: 13A.08.
State: 13A.08.

STUDENT BEHAVIOR INTERVENTION

A. Board Policy

The Garrett County Board of Education encourages and supports the use, by school personnel, of an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors; to prevent self-injurious behaviors in students; and, to identify and defuse potentially dangerous student behaviors. School teams meet, as needed, to develop positive behavior interventions, strategies and supports school-wide, or for individual students through functional behavior assessments and behavior intervention plans which may address the prevention of self-injurious behaviors or defusing potentially dangerous student behaviors. School personnel shall only use exclusion, restraint, or seclusion after less restrictive or alternative approaches have been considered and attempted or determined to be inappropriate. Exclusion, restrain, or seclusion when necessary must be used in a humane, safe and effective manner, without intent to harm or create undue discomfort and be consistent with known medical or psychological limitations and the student’s behavior intervention plan. This policy and accompanying procedures will be reviewed annually and provided to school personnel and parents. This policy does not restrict educators from maintaining a safe and orderly school environment.

B. Administrative Procedure

I. Use of Exclusion

A. “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.

B. School personnel may use exclusion to address a student’s behavior if the student’s behavior unreasonably interferes with the student’s learning or the learning of others; 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 an exclusion is requested by the student; or, if supported by the student’s behavior intervention plan.

C. A setting for exclusion shall:

1. Provide school personnel with the ability to see the student at all times;
2. Provide adequate lighting, ventilation, and furnishings; and
3. Be unlocked and free of barriers to prevent egress.

D. School 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 instruction on the behavior required to return to the learning environment.

E. Each period of exclusion may not exceed 30 minutes; and be appropriate to the developmental level of the student and the severity of the behavior.

F. Parents 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 in accordance with COMAR 13A. 05.01

G. School personnel shall consider the need to initiate a referral to a pupil services or IEP (Individualized Education Plan) 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.

H. School personnel shall refer a student to the IEP Team Chairperson to 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.

II. Use of Physical Restraint

A. "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.

B. "Physical restraint" does not include:
1. briefly holding a student in order to calm or comfort the student;
2. holding a student's hand or arm to escort the student safely from one area to another;
3. moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
4. intervening in a fight in accordance with Education Article 7-307, Annotated Code of Maryland

C. The use of physical restraint is prohibited in Garrett County Public Schools, unless:

1. there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or been determined inappropriate;
2. the student's behavioral intervention plan or IEP (Individualized Education Plan) describes the specific behaviors and circumstances in which physical restraint may be used; or
3. the parents of a nondisabled student have otherwise provided written consent to the use of physical restraints while a behavior intervention plan is being developed.

D. Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint.

E. Only reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm will be used in applying physical restraint.

F. Restraint when necessary must be used in a humane, safe and effective manner without intent to harm or create undue discomfort and be consistent with known medical or psychological limitations and the student’s behavior intervention plan.

1. Physical restraint is removed as soon as the student is calm.
2. Physical restraint may not exceed 30 minutes.
3. School personnel may not place a student face down.
4. School personnel may not 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 a

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student’s face, restrict a student’s ability to communicate
distress, or place pressure on a student’s neck or torso.
5. School personnel may not straddle a student’s torso.

III. Use of Mechanical Restraint
A. "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.
B. "Mechanical restraint" does not include a protective or stabilizing
device.
C. The use of mechanical restraint is prohibited in Garrett County Public
Schools.
D. School personnel are not prohibited from using a protective or
stabilizing device as prescribed by a health professional; or for a
student with a disability, in accordance with the student's IEP or
behavior intervention plan.

IV. Documentation of the Use of Restraint
A. Each time a student is in a restraint, school personnel shall use
Physical Restraint Form to document the following:
1. other less intrusive interventions that have failed or been
determined inappropriate;
2. the precipitating event immediately preceding the behavior
that prompted the use of restraint;
3. the behavior that prompted the use of a restraint;
4. the names of the school personnel who observed the behavior
that prompted the use of restraint;
5. the names and signatures of the staff members implementing
and monitoring the use of restraint;
6. the type of restraint;
7. the length of time in restraint;
8. the student's behavior and reaction during the restraint; and
9. the name and signature of the administrator informed of the
use of restraint.
B. This documentation will be maintained in the student's educational
record and available for inspection by the student's parent or legal
guardian.
C. Parents will be provided with oral or written notification each time restraint is used, within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.

V. The Use of Seclusion

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

B. The use of seclusion is prohibited in Garrett County Public Schools unless:

1. there is an emergency situation and seclusion is necessary to protect a student or another person after other less intrusive interventions have failed or been determined to be inappropriate;
2. the student's IEP or behavioral intervention plan describes the specific behaviors and circumstances in which seclusion may be used; or
3. the parents of a non-disabled student have otherwise provided written consent for the use of seclusion while a behavior intervention plan is being developed.

C. At a minimum, a room used for seclusion will be free of objects and fixtures with which a student could self-inflict bodily harm, provide school personnel an adequate view of the student from an adjacent area, and provide adequate lighting and ventilation.

D. School personnel will view a student placed in seclusion at all times and provide a student placed in seclusion with an explanation of the behavior that resulted in the removal and instructions on the behavior required to return to the learning environment.

E. Seclusion shall be applied only by school personnel who are trained in the appropriate use of seclusion.

F. At a minimum, school personnel shall reassess a student in seclusion every 30 minutes.

G. A seclusion event shall be appropriate to the student’s developmental level and severity of the behavior.

H. A seclusion event may not restrict the student’s ability to communicate distress.
Garrett County Schools  Special Education Procedural Handbook

VI. Documentation of Seclusion

A. Each time a student is placed in seclusion, school personnel shall use Student Seclusion Form to document the following:

1. other less intrusive interventions that have failed or been determined inappropriate;
2. the precipitating event immediately preceding the behavior that prompted the use of seclusion;
3. the behavior that prompted the use of seclusion;
4. the names and signatures of the staff members implementing and monitoring the seclusion;
5. justification for initiating the use of seclusion;
6. the length of time in seclusion;
7. the student's behavior and reaction during the seclusion; and
8. the name and signature of the administrator informed of the use of seclusion.

B. This documentation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian.

C. Unless otherwise provided for in the student's behavior intervention plan, or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

VII. Referral to Pupil Services or IEP Team

A. If restraint or seclusion 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 pupil services team or an IEP team.

B. 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 10 business days of the incident to consider:

1. The need for a functional behavioral assessment;
2. Developing appropriate behavioral interventions; and
3. Implementing a behavioral intervention plan.

C. If restraint or seclusion 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
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how often the IEP team will meet to review or revise, as appropriate, the student's IEP or behavior intervention plan.

D. When an IEP team meets to review or revise a student’s IEP or behavior intervention plan, the IEP team shall consider:

1. Existing health, physical, psychological, and psychosocial information;
2. Information provided by the parent;
3. Observation provided by the teacher and related service providers; and
4. The student’s current placement.

E. The local school system or non-public school shall provide the parent of the student with written notice in accordance with COMAR 13.A.05.01.12A 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.

F. A parent may request mediation or a due process hearing in accordance with COMAR 13A.05.01.15B if the parent disagrees with the IEP team decision to propose or refuse to initiate or change:

1. The student’s IEP;
2. The student’s behavior intervention plan to use restraint or seclusion; or;
3. The student’s placement.

VIII. Professional Development

A. Each principal will designate school personnel who will receive professional development on these procedures and their appropriate implementation.

1. At the beginning of each school year principals shall notify the Office of Pupil Services of the person authorized to serve as their school-wide resource to assist in ensuring proper administration of exclusion, restraint and seclusion.
2. School-wide resource personnel shall receive training in current professionally accepted practices and standards regarding:
   a. Positive behavior interventions strategies and supports, [including methods for identifying and defusing potentially dangerous behavior];
   b. Functional behavior assessment and behavior intervention planning;
c. Exclusion;
d. Restraint and alternatives to restraint;
e. Seclusion
f. Symptoms of physical distress and positional asphyxia.

3. The professional development described in this section shall include a written examination and physical demonstration of proficiency in the described skills and competencies.

IX. Monitoring and Compliance

A. The Office of Special Education and the Office of Pupil Services will be responsible for monitoring the use of exclusion, restraint and seclusion.

1. School-wide resource personnel shall review and collect data quarterly pertaining to exclusion, physical restraint, and seclusion and forward it to the Office of Pupil Services.

2. Data will be collected by number, by student and by behavior that precipitated the use of exclusion, physical restraint, or seclusion.

B. The Office of Special Education and the Office of Pupil Services will be responsible for receiving and investigating complaints regarding exclusion, restraint and seclusion practices.

1. In cases whereby a student or parent of a student feels there has been a violation or a misinterpretation of this policy or procedure, the grievance process outlined in the Student Handbook, Rights, Responsibilities and Discipline will be utilized.

2. The Garrett County Board of Education shall, upon request, submit any information regarding any matter related to exclusion, restrain, or seclusion practices to the Maryland State Department of Education.