



**Juvenile Services Education Program
Special Education Policies and
Procedures
Handbook
2022**

Table of Contents

IEP Process at a Glance

Important Terms

1. IEP Initial Process

- 1.1: Child Find Process
- 1.2: Referring a Child
- 1.3: Reasons for Referrals
- 1.4: IEP Initial Paperwork and Procedures

2. IEP Team and Process

- 2.1: IEP Team
- 2.2: IEP Team Members
- 2.3: Notification of IEP Team
- 2.4: Team Member Attendance
- 2.5: IEP Team Parent Participation
- 2.6: Efforts to Involve Parents
- 2.7: Transferring Students
- 2.8: Prior Written Notice (PWN)

3. Procedural Safeguards

- 3.1: IDEA and COMAR Requirements
- 3.2: Information Included in the Procedural Safeguards Notice
- 3.3: Parent Whose Native Language is Not English

4. Prior Written Notice and Consent

- 4.1: Prior Written Notice
- 4.2: Consent for Assessment and Special Education Services
- 4.3: Availability of Documents Before and After IEP Meetings
- 4.4: Parent Request for Independent Educational Evaluation (IEE)

5. Evaluation Process

- 5.1: Initial IEP Team Meeting- Review of Existing Data
- 5.2: Evaluation Process
- 5.3: Timeline Exceptions for an Initial Evaluation
- 5.4: Selection of Assessments
- 5.5: Assessment Reports
- 5.6: Eligibility Requirements
- 5.7: Determination

6. IEP Development

- 6.1: Individualized Education Program (IEP)
- 6.2: Components of an IEP

- 6.3: IEP Implementation
- 6.4: Reporting IEP Progress
- 6.5: IEP Annual Review and Amendments
- 6.6: IEP Re-evaluation
- 6.7: Special Education Dismissal

7. Assessments and Interventions

- 7.1: MD High School Diploma and MD High School Certification Requirements
- 7.2: State Assessment Determination

8. Parts of an IEP

- 8.1: General Information
- 8.2: Present Level of Academic Achievement and Functional Performance.
- 8.3: Special Considerations and Accommodations
- 8.4: Supplementary Aids, Services, Programs and Supports
- 8.5: Extended School Year
- 8.6: Goals
- 8.7: Services
- 8.8: Least Restrictive Environment (LRE) Decision Making and Placement

9. Related Services

- 9.1: Service Nature
- 9.2: Services
- 9.3: Provision of Services
- 9.4: Provision of Misses Related Services
- 9.5: Guidelines for Make-up Sessions
- 9.6: Documenting Service Delivery
- 9.7: Communication with Families

10. Behavior Management

- 10.1: Managing Student Behavior
- 10.2: Functional Behavior Assessment (FBA) and Behavior Intervention Plans (BIP)
- 10.3: Behavior Intervention Plan (BIP)
- 10.4: Implementation of FBA and BIP

11. Graduation Requirements/Certificate

- 11.1: Maryland High School Diploma
- 11.2: GED
- 11.3: Summary of Performance
- 11.4: Maryland High School Certification of Program Completion
- 11.5: Service Learning

12. Disputes and Complaints

- 12.1: State Complaint Process
- 12.2: Dispute Resolution
- 12.3: Mediation

- 12.4: Resolving a State Complaint
- 12.5: Due Process Complaint
- 12.6: Resolution Process

13. Student Records

- 13.1: Legal Definition of Parent
- 13.2: Student Records
- 13.3: Record Requests
- 13.4: Student in State-Supervised Care
- 13.5: Steps to Obtain Records
- 13.6: Record of Access
- 13.7: Current IEP
- 13.8: Not current IEP

14. Surrogate Parents

- 14.1: Parent Surrogate Eligibility
- 14.2: The Parent Surrogate's Roles and Responsibilities
- 14.3: Surrogate Parents
- 14.4: Identification of Parent Surrogates
- 14.5: Process to Appoint Surrogate Parent
- 14.6: Appointment of a Surrogate Parent
- 14.7: Surrogate Parent Training

15. Restraint and Seclusion

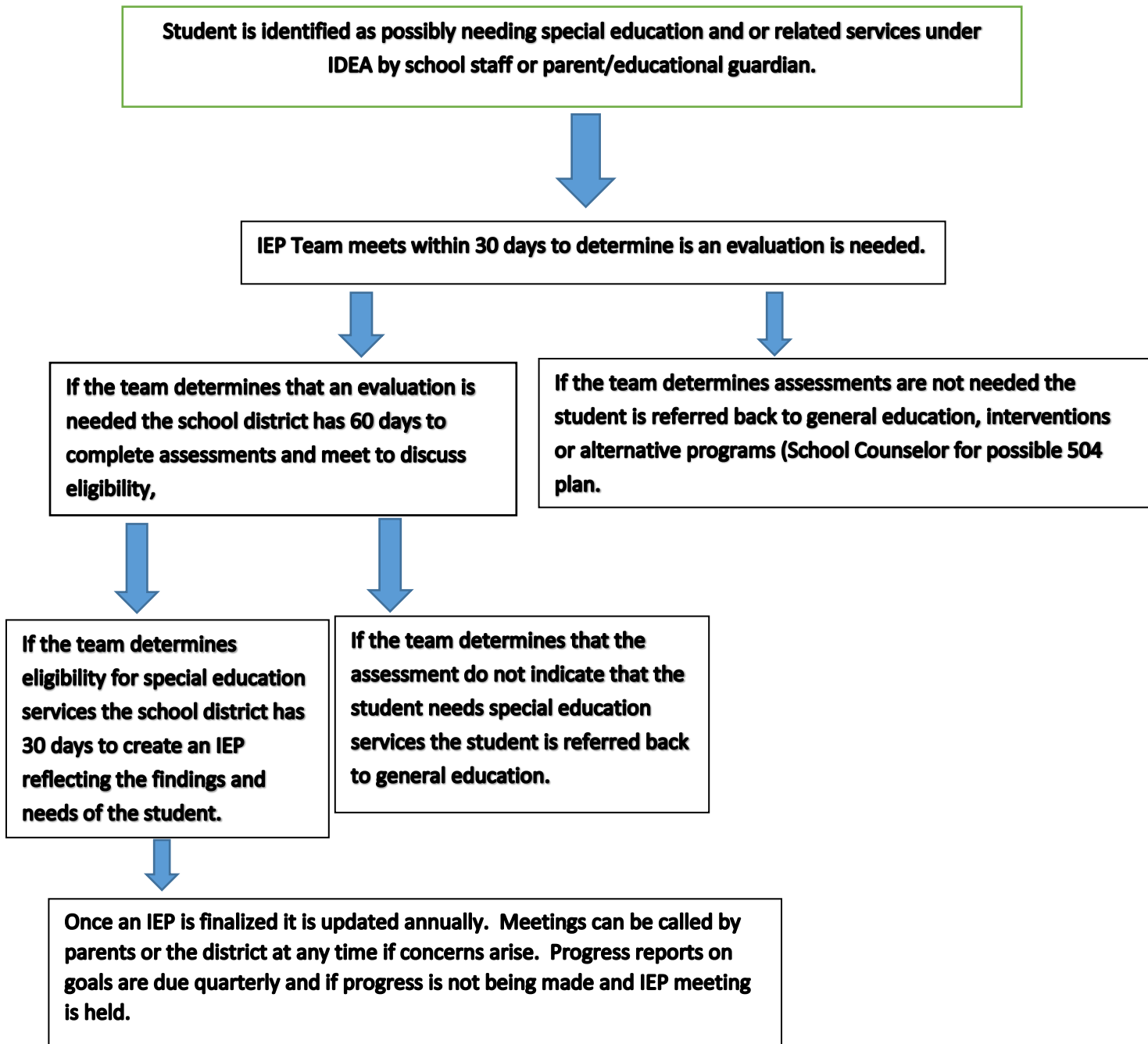
Additional Documents:

PLAAFP Development

Developing IEP Goals

Case Manager Responsibilities

IEP PROCESS AT A GLANCE



Important Terms:

Accommodation: Practices and procedures that provide students with disabilities equitable access during instruction and assessments in the areas of presentation, response, setting, and scheduling.

Alternate Assessment Based on Alternate Academic Achievement Standards (AA- AAS): Students with the most significant cognitive disabilities participate in the AA-AAS if through the IEP process it has been determined they cannot participate in State assessments even with accommodations.

Assessment: The process of collecting data, to be used by the Individualized Education Program (IEP) team to determine a student's need for special education and related services.

Assistive Technology (AT):

1. Assistive Technology Device: Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of students with disabilities. The term does not include a medical device that is surgically implanted or the replacement of such device.
2. Assistive Technology Service: Any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:
 - a) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment.
 - b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities.
 - c) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices.
 - d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
 - e) Training or technical assistance for a student with a disability or, if appropriate, that student's family.
 - f) Training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities.

Baseline: The beginning point for measurement, prior to intervention or treatment, necessary to determine or measure the effectiveness of the intervention or treatment.

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

Bridge Plan: The Bridge Validation Program is for students failing to meet the passing score on any one High School Assessment (HSA) at least twice. Eligible students would also have to meet additional local and State criteria such as minimum GPA, satisfactory attendance, passing grades in all HSA subjects, and participation in academic remediation. Students meeting the eligibility criteria would be permitted to complete an Academic Validation project that demonstrates the content and skills of each assessment they failed to pass. To be eligible for the Bridge Plan, students must have failed an assessment at least twice, passed the HSA-related course, and completed an assistance program offered by their school or school system—for example, tutoring or after-school instruction. Students must also have an acceptable attendance record and be making satisfactory progress toward graduation. Local school systems will determine when a student may begin work on the Bridge Plan.

Child Study Team: The school-based screening team, which uses information from parents, teachers, and other agencies to determine if there is sufficient data to support a suspicion of a disabling condition, which warrant a referral to the school's IEP team.

Code of Maryland Regulations (COMAR): Maryland's administrative regulations approved by the Maryland State Board of Education.

Comparable services: Comparable services is defined as services similar or equivalent to those that are described in the IEP from the previous public agency, as determined by the IEP team in the new public agency.

Cognitive Assessment: Assessment typically completed by a psychologist which provides a measure of general intellectual functioning (one's mental capacity for learning, reasoning, and problem solving) and examines psychological processing strengths and weaknesses.

Consent: A parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication; understands and agrees in writing to the carrying out of the activity for which the parent's consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom; and understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. When a student with a disability

reaches the age of 18 years, the rights accorded to parents under the IDEA transfer to the child only if the child has not been adjudged incompetent and there is documentation that the parents are unavailable or will not participate in educational decision making as set forth in Md. Code Ann., Education Article § 8-412.1.

Counseling services: services provided by qualified social workers, psychologists, school counselors, or other qualified personnel.

Critical Life Skill: A skill determined by the IEP team to be critical to the student's overall educational progress. The IEP team considers the age of the student and number of years remaining in school.

Day: A calendar day unless otherwise stated as a school day or business day.

Department of Juvenile Services (DJS): The central administrative department for (1) Juvenile intake, detention authorization, community detention, investigation, probation, protective supervision, predelinquent diversion services, and aftercare services; and (2) the State juvenile diagnostic, training, detention, and rehabilitation institutions.

Direct Service: Instructional and/or related services provided to the student.

Due Process: A right to have any law applied reasonably and with sufficient safeguards, such as hearings and notice to ensure that an individual is dealt with fairly.

Due Process Hearing: A formal proceeding held before an Administrative Law Judge when there is disagreement between the parent and the educational agency (either local or State) as to the identification, evaluation and/or placement of a student with a disability in a special education program. Parents have the right to present evidence, require the attendance of, and cross-examine witnesses, and obtain independent assessments which must be considered.

English Learner: An individual who does not speak English as the individual's primary language and who has a limited ability to read, speak, write, or understand English.

Evaluation: The IEP Team process of reviewing information from parents, existing data, and review of results of assessment procedures used to determine whether a child has a disability and to determine the nature and extent of the special education and related services that the student needs in order to progress in the general education curriculum.

Extended School Year Services (ESY): The individualized extension of specific special education and related services provided to a student with a disability beyond the regular school year in accordance with the student's

individualized education program provided at no cost to the parents of eligible students.

Free Appropriate Public Education (FAPE): Special education and related services that are provided at public expense, under public supervision and direction; meet the standards of the State Department of Education, include preschool, elementary, or secondary education; and are provided in conformity with an IEP which meets state requirements.

Functional Behavioral Assessment (FBA): The systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan for the problem behavior. It includes the identification of the functions of the problem behavior for the student, the description of the problem behavior exhibited in the educational setting, and the identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.

General Curriculum: The curricular content adopted by a public agency, or schools within a public agency, for students from preschool through secondary education.

Habilitative Services: Habilitative services are therapeutic services that are provided to children with genetic conditions or conditions present from birth to enhance the child's ability to function. Habilitative services are similar to rehabilitative services that are provided to adults or children who acquire a condition later on. The difference is that rehabilitative services are geared toward reacquiring a skill that has been lost or impaired, while habilitative services are provided to help acquire a skill in the first place, such as walking or talking. Habilitative services include but are not limited to physical therapy, occupational therapy and speech therapy for the treatment of a child with a congenital or genetic birth defect.

Identification: The decision that a student is eligible for special education and related services as a student with a disability in accordance with the Individuals with Disabilities Education Act (IDEA).

Impartial Hearing Officer: An administrative law judge appointed by the Office of Administrative Hearings (OAH) to conduct a due process hearing.

Inclusion: A type of service delivery in which the diverse needs of students with disabilities are accommodated, to the maximum extent possible, within the general education classroom.

Independent Educational Evaluation: Assessment procedures conducted by a qualified individual who is not employed by the public agency responsible for the education of a student.

Indirect Service: A service provided for or on behalf of the student to ensure implementation of the individualized educational program (IEP) in the least restrictive environment (LRE).

Individuals with Disabilities Education Act (IDEA): Federal legislation that requires states to provide all students with disabilities a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; ensures that the rights of students with disabilities and their parents are protected; assists states, Local School Systems, and federal agencies to provide for the education of all students with disabilities.

Individualized Education Program (IEP): A written description of the special education and related services for a student with a disability that is developed, reviewed, and revised by the student's IEP team.

Individualized Education Program Team (IEP team): The multidisciplinary group of individuals responsible for identifying and evaluating students with disabilities, developing, reviewing, or revising an IEP for a student with a disability, and determining placement of a student with a disability in the least restrictive environment. See 2.2 below.

Juvenile Services Education Program (JSEP): The Local Educational Agency (LEA) within the Department of Juvenile Services that provides educational services to all juveniles in a residential facility.

Least Restrictive Environment (LRE): To the maximum extent appropriate, students with disabilities including students in public and private institutions or other care facilities, are educated with students who are not disabled, and that 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.

Local Department of Social Services (LDSS): The agency which administers public assistance programs at the county level.

Maryland High School Assessments (HSA): The HSA, Maryland Comprehensive Assessment Program (MCAP), Maryland Integrated Science Assessments (MISA) or other assessments in algebra, science, English, and government developed or adopted by the Maryland State Department of Education that are aligned with and measure a student's skills and knowledge as set forth in the Maryland College and Career Ready Standards (MCCRS) for those subjects. Earning passing scores on State assessments is a graduation requirement for all students earning a Maryland High School Diploma.

Maryland On-Line IEP (MOIEP): The MOIEP is the Maryland developed standardized on-line IEP platform used by the majority of school systems for developing and monitoring student IEPs.

Maryland State Department of Education (MSDE): MSDE is the State Education Agency (SEA) for Maryland..

Multidisciplinary Team: A group of people who work together for a common goal, each person representing a different area of expertise. For example: a teacher, a speech therapist, an ophthalmologist, and a psychologist.

Native Language: When used with respect to an individual who is limited English proficient, “native language” means the language normally used by the parent of the student. In all direct contact with the student including evaluation of the student, native language is the language used by the student in their home learning environment. The definition clarifies that in all direct contact with the student (including an evaluation), native language means the language normally used by the student and not that of the parents, if there is a difference between the two. The definition also clarifies that for individuals with deafness or blindness, or for individuals with no written language, the native language is the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

Nonacademic and extracurricular services and activities: Counseling services, health services, recreational activities, special interest groups or clubs sponsored by public agency, referrals to agencies which provide assistance to students with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

Nonpublic School: A day or residential educational program that is governed and operated by an individual or entity, excluding the federal government or any state, county, or municipal agency, or any division of these.

Occupational Therapy (OT): Services generally provided by an Occupational Therapist which include improving, developing, or restoring functions impaired

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

Parent: Parent/Guardian means a student’s natural parents; a student’s adoptive parent; a guardian; a person acting as a parent of a student such as a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student’s welfare. Parent also includes a foster parent, with whom the student lives if the foster parent has been granted limited guardianship for educational decision-making purposes by the court that has placed the student in foster care. A parent includes a parent surrogate who has been appointed in accordance with 20 U.S.C. §1415(b) (2), and Education Article, §8-412, Annotated Code of Maryland. The term “parent” does not include a social worker or other employee of a public agency who is responsible for the education or care of the student. A relative providing informal kinship care for the student makes educational decisions for the student unless the court appoints a guardian for the student or awards custody of the student to another individual. Informal kinship care means a living arrangement in which a relative of a student, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the student due to a serious family hardship. The natural parent or legal guardian of a child in an informal kinship care relationship has final decision-making authority regarding the educational needs of the student.

Physical Therapy (PT): Services provided by a qualified physical therapist or physical therapy assistant.

Positive Behavior Interventions, Strategies, and Supports: The application of affirmative school-wide and individual student specific actions, instruction, and assistance to encourage educational success.

Postsecondary Transition: A coordinated set of activities for the student with a disability that is designed within a results-oriented process that will facilitate and support the student’s postsecondary goal(s).

Prior Written Notice (PWN) – Written notice that must be given to a parent of a child with a disability that must include—

- (1) A description of the action proposed or refused by the agency;
- (2) An explanation of why the agency proposes or refuses to take the action;
- (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial

- referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
 - (6) A description of other options that the IEP team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.

An IEP team will provide prior written notice (PWN) to the parent of a student with a disability a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, educational placement of the student, and/or the provision of FAPE to the student.

Progress Report: Report of a student's progress on their IEP goals which is documented and provided to the parent as outlined in the IEP. This typically occurs at the end of each marking period.

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

Public Agency: The local school system and any State agency which is involved in the education of students with disabilities, including the Department of Health and Mental Hygiene, the Mental Hygiene Administration, the Developmental Disabilities Administration, and the Department of Juvenile Services.

Public Expense: The cost of services paid for or provided by a public agency at no cost to the parent.

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

Reasonable Efforts: Efforts to inform parents of and involve them in the special education decision making process means by giving timely notice to parents of meetings, scheduling meetings at a mutually agreed upon time and place, fully explaining to the parents their rights in the special education decision making process, providing to parents written information on placement procedures and due process rights, and arranging for interpreters for the parent who is deaf or whose native language is other than English. Reasonable efforts also include: sending general delivery and certified letter to the parents, making telephone calls to parents or visiting the parents and the use of contacting parents via electronic mail as long as the parent agrees to this option.

Related Services: Supportive services that may be required to assist a student with a disability to benefit from special education services. An IEP team may determine appropriate related services are needed including speech-language pathology, audiology, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in students, counseling services including rehabilitation counseling, orientation and mobility services, medical services for diagnostic or evaluation purposes, school health services including school nursing services, social work services in schools, and parent counseling and training. It does not include a surgically implanted medical device, the optimization of the device's function maintenance of the device or replacement of the device.

Service Delivery Options: A continuum of services in the LRE based on individual needs of services, including monitoring, minimal direct service, more intensive service and comprehensive services.

Service Provider: An individual who provides special education or related services to students with disabilities, including a general educator, special educator, related service provider, or other individual as deemed appropriate.

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

Special Education Decision Making Process: All procedures relating to the identification, evaluation, or educational placement of a student and the

provision of a free, appropriate public education, including the appeal procedures.

Special Services Information System (SSIS): A system used by the Maryland State Department of Education to compile data on students with disabilities to meet both state and federal requirements.

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

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

Student with a Disability: A student, 3 years old through the end of the school year in which the student turns 21 years old, who has been evaluated through the IEP process as having at least one of the following 13 disabilities and because of the impairment needs special education and related services. The 13 disability categories set forth in COMAR to ensure the provision of a FAPE for students with disabilities under the IDEA include: autism, deaf-blindness, emotional disability, hearing impairment (including deafness), intellectual disability, multiple disability, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness. Please refer to the disability categories document in this manual.

Student Success Team (SST): The SST facilitates “a coordinated program of pupil services” that focuses on the “health, personal, interpersonal, academic and career development of students.” SSTs meet regularly to identify concerns and develop interventions to solve problems in the areas of academics, behavior, attendance and health. SSTs can provide support to individual students or to groups of students who are experiencing similar challenges. SSTs can also review school-level data to identify concerns that affect the whole school or significant groups within it, and create action plans to prevent or mitigate problems.

Supplementary Aids and Services: Aids, services, and other supports that are provided in general education classes or other education-related settings and extracurricular and nonacademic settings to enable a student with a disability to be educated with their nondisabled peers to the maximum extent appropriate.

Ward of the State: A child for whom a State or county agency or official has been appointed legal guardian, or who has been committed by a court of competent jurisdiction to the legal custody of a state or county agency or official with the express authorization that they make educational decisions for the child. “Ward of the State” does not include a foster child who has a foster parent who meets the definition of a parent set forth herein. .



Chapter 1 Initial IEP Process

1.1: Child Find Process:

In accordance with federal regulations, the Juvenile Service Education Program (JSEP) is responsible for the identification and evaluation of all children from their age at enrollment in a JSEP school (detention and commitment) through age 21 who are suspected of being a child with a disability under IDEA and may require special education and/or related services.

JSEP schools have a child identification process that includes the location, identification, and evaluation of a child suspected of having a disability. The special education staff in each school coordinates the child find process. The school staff use a variety of resources, information and evidence-based intervention data to identify children requiring special services.

Students considered for initial IEP services are covered under the following regulation in the Maryland state school system (COMAR 13A.05.02.13A);

Students under §A(1) of this regulation include:

- (a) Students with disabilities attending private schools within the jurisdiction of the local school system;
- (b) Highly mobile students;
- (c) Migrant students;
- (d) Homeless students, as defined in COMAR 13A.05.09;
- (e) Wards of the State, as defined in 34 CFR §300.45 and Education Article §8-412, Annotated Code of Maryland; and
- (f) Students who are suspected of being a student with a disability under 34 CFR §300.8 and in need of special education, even though they are advancing from grade to grade, in accordance with 34 CFR §300.101.

Each local school system 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 of the local school system, in accordance with 34 CFR §§300.130-300.144 and COMAR 13A.05.02.13A.

1.2: Referring a Child

A written referral made by a parent or representative of a public agency to a JSEP school where a child is enrolled or to JSEP administration initiates the Child Find process.

Any written referrals made by a parent* or representative of a public agency* warrants an IEP meeting within 30 days of receipt of the written referral.

*A referral from an advocate or attorney representing a parent that is accompanied by a release signed by a parent authorizing the attorney or advocate to act on behalf of the parent is acceptable.

*Public agency includes The State Department of Education, school systems, Maryland Department of Health, Department of Juvenile Services or any other state agency that is responsible for providing services to the student.

1.3: Reasons for Referrals

Referral to the IEP team should be considered, but not limited to, when a child exhibits a pattern of more than one of the following:

- a) School failures.
- b) Achievement testing results significantly below peers and the child's suspected potential, which is not primarily attributed to an achievement gap due to a history of truancy.
- c) A marked area of weakness compared to achievement in other areas (i.e. on grade level in reading and significantly below in math).
- d) Implementation of various interventions, modifications and accommodations over time, for a reasonable period of time with inadequate progress.

1.4: IEP Initial Screening Procedures

The initial IEP meeting will consist of at minimum the required members of an IEP team. See 2.2 below.

Teacher information should be provided at the initial meeting including information about the student's grades, academic instructional levels, strengths/weaknesses, instructional strategies, and areas of concern.

Informal or formal screening assessments using standardized measures may or may not be included. These may include assessments such as those used by a speech/language pathologist or teacher to determine current levels of language or academic skills. Results from these assessments are used to assist the IEP team in determining if further evaluation is needed and cannot be used to determine special education eligibility at a later date. As results from these assessments are not considered an evaluation to determine eligibility for special education services, parent consent is not required.

*If a student is a ward of the State and is not living with his/her parents JSEP does not need consent from the parents for an initial evaluation to determine if the student is a student with a disability if:

- a) Despite reasonable efforts to do so, the public agency cannot find the child's parent;
- b) The rights of the parents have been terminated in accordance with State law; or
- c) A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent. Consent must be obtained from the person assigned rights to make the child's educational decisions.

Procedures

- 1) Review the reason for the initial referral and the concerns.
- 2) Begin Child Find Process in Maryland Online
 - Log in to MD Online
 - Click on Add a New Case
 - Use the search page to search student information in database
 - If the correct student appears the page will display the location of the student
 - If student does not appear –create new child
 - Enter all student information on this page
 - After student is created the IEP summary page will appear of the student can be searched in the search bar
 - Search the student and complete the Child Find Process documents under Forms and Logs
- 3) Present and review all teacher provided information to:
 - a. Note patterns of strengths and weaknesses.
 - b. Determine if there is one area of specific concern or more global concern.
 - c. Determine if the problem area(s) are impacting academic achievement.
 - d. Determine if multiple interventions and/or accommodations and modifications to target the problem area have been implemented with fidelity.
 - e. Determine the level of progress with the interventions and/or accommodations.
 - f. Determine if additional interventions or accommodations or modifications are warranted.
 - g. Determine if referrals for other types of assistance are needed such as a referral to SST, Section 504 team, or school based mental health.
- 4) To Determine If There Is a Suspicion of a Disability
 - a. Provided that multiple interventions, accommodations, and modifications have been implemented with fidelity with little progress evident, determine if review of all the data indicates the suspicion of a

disability. If the team agrees a disability is suspected, a referral specifying what testing is needed is completed at the meeting and all appropriate documents are completed and provided to the parent at the meeting or via mail. The IEP team has 60 days from signed parental consent or 90 days from initial referral, whichever comes first, to complete the evaluation process and hold a meeting to review assessments. Given the nature of the limited stay of students serviced by JSEP, every effort will be made to complete the evaluation process as soon as possible.

- b. If a disability is not suspected, the IEP team should make recommendations based upon their review of all collected data and forward their recommendations to the appropriate person or student support based team.(See Appendix)
- c. If the parent disagrees with the IEP team's determination, they may request a conference with the principal and special education coordinator, which will be held within 10 days. Following this conference, the parent and principal may collectively determine to refer the student to the IEP Team along with all IEP team screening data.
- d. The public agency shall provide the student's parent written notice if the public agency determines that no additional data is needed or does not suspect the student of being a student with a disability or a student with a developmental delay. 34 C.F.R. § 300.305(d)(1); COMAR 13A.05.01.04B (2).

Chapter 2

IEP Team and Process

2.1: IEP Team

Each school will maintain an Individualized Education Program (IEP) team.

The IEP team makes recommendations for the purposes of student identification and eligibility for services, conducts initial evaluations and re-evaluations, and as appropriate, develops, reviews, and revises a student's IEP, and offers and documents comparable services through the IEP meeting process.

2.2: IEP Team Members

Required Members

- a) The student's parents, guardians, or parent surrogate.
- b) The student, if appropriate. This is required beginning at age 14 when postsecondary goals and transition services are being discussed. If the student does not attend the meeting, JSEP will take other steps to ensure that the student's preferences and interests are considered.
- c) At least one general educator of the child, if the child is, or may be participating in general education. If the child does not have a general education teacher or is younger than school age, an individual qualified to teach a student of that age. When a child has more than one general education teacher, the teacher for the main subject area of concern must attend (i.e. reading disability requires a language arts teacher, rather than only a math teacher).
- d) At least one special education teacher and if applicable a service provider of the student.
- e) The Chairperson, designated by the Coordinator of Special Education, is a school-based administrator who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, the individual is knowledgeable about the general curriculum, and the individual is knowledgeable about the availability of JSEP resources.

Other Potential Participants Dependent on the Situation

- a. An individual who can interpret instructional implications of assessment results as appropriate. This individual may also be one of the members listed above.

With parent consent, a representative of any other agency that is likely to be responsible for providing or paying for transition services when considering transition services for students 16 years and older.

- b. Other individuals, at the discretion of the parent or JSEP, who have knowledge or special expertise regarding the student, including related service personnel, as appropriate. Determination of knowledge or special expertise of any individual will be made by the party who invited the individual to be a member of the IEP team.

2.3: Notification of IEP Team Meeting

IEP team meetings must be scheduled and an invitation sent to parent(s)/guardian(s) 10 days before meeting. Any meetings held before the 10 day window must be agreed upon in writing by the parent(s)/guardian(s). The record of this being sent must be documented in the communication log.

At least five (5) business days before a scheduled IEP team meeting, the parent(s)/guardian(s) are to receive the 5 day disclosure document, a parental rights handbook, an accessible copy of each assessment, report, data, draft IEP or other document that the IEP team plans to discuss at the meeting. A “business day” is classified as a day when a public agency is open for business whether or not students are required to be in attendance for instruction. The record of this being sent should be written in the communication log.

The IEP team members must be notified as soon as the IEP meeting is scheduled to ensure timely submission of all required documents.

2.4: Team Member Attendance

All members of the IEP Team are to be included on the IEP invitation and are to be present at the meeting. There are some circumstances where a team member can be excused, these circumstances and procedures include the following:

A member of the IEP team is not required to attend an IEP meeting, in whole or in part, if the parent and JSEP agree, in writing, that their attendance is not necessary because the member’s area of curriculum or related services is not being modified or discussed.

A member of the IEP team may be excused from attending a meeting, in whole or in part, when the meeting involves a modification to, or discussion of, the members’ area of curriculum or related service, provided the following has occurred prior to the meeting:

The parent and JSEP consent to the excusal of the IEP team member and it is documented in the PWN.

When possible, the excused team member should submit a written summary of input for the development of the IEP to the student's parent and the IEP team prior to the scheduled meeting.

2.5: IEP Team Parent Participation¹

Parent participation is vital in appropriate educational planning. JSEP will take steps to ensure that one or both parents of the student with a disability are present or are afforded an opportunity to attend and participate at IEP team meetings. Efforts to elicit parent participation can include phone or conference calls if the parent is unable to attend an IEP meeting.

IEP meetings should be scheduled at a mutually agreed upon time at the JSEP school the student is attending. At least three diligent attempts should be made to obtain parent participation prior to sending out an IEP meeting notification with 10 days' notice. Documentation of these efforts should be maintained in the communication log in the student's record.

Parents will be notified twice, at least once in writing, of all IEP meetings and those individuals who will be invited, **at least 10 days prior to the meetings unless a parent has agreed to an expedited meeting that is conducted to:**

- a. Address discipline concerns.
- b. Determine placement of a student with a disability not currently receiving educational services.
- c. Meet other urgent needs of the child to ensure the provision of FAPE.

Parents may waive the 10 day written notice requirement prior to an IEP meeting, and any waiver will be documented in writing by JSEP in the meeting notification and the Prior Written Notice (PWN).

Notification to parents should be in their native language or other mode of communication they use, unless it is clearly not feasible to do so. JSEP will take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for a parent with deafness or whose native language is other than English.

All notifications to parents should include the purpose, time, date, and location of the meeting and participants invited to the meetings. Parent's also have the right to invite others to all meetings.

¹ Parent also refers to a student's legal guardian.

The notice will specifically indicate transition planning and discussion of post-secondary goals and transitions services as a purpose for the IEP meeting in addition to any other purpose indicated for children age 14 years and older.

When the student is age 16, the written notice will identify other agencies as appropriate that may be invited to send a representative to facilitate and plan for transitioning. Consent from a parent must be obtained for ALL invited agencies to attend any meetings. This consent form needs to be sent prior to, or with all 5 day documentation. Consent needs to be obtained on at least an annual basis for JSEP to invite any outside agencies to participate.

A meeting may be conducted without a parent in attendance if JSEP is unable to reach the parent and there is detailed documentation of JSEP's attempts to arrange a mutually agreed on time, including telephone call attempts, copies of correspondence sent to the parent, and any received responses. Parent input should continue to be obtained following the meeting.

2.6. Efforts to Involve Parents

JSEP is committed to making diligent attempts to schedule the IEP meeting at a mutually agreed on time and place. Parent involvement is not only required, but also is in the best interest of the student's education. Although certain circumstances, such as location, transportation, or employment may interfere with parents' ability to participate, the school's Case Managers and/or the Special Education Lead Teacher should make every effort to locate, inform, encourage, and facilitate parent involvement in the IEP team process. Diligent efforts may include, but are not limited to:

- a. Phone calls
- b. Regular mail
- c. Certified mail
- d. Contact through the home school or DJS Case Manager
- e. Contact with DJS Probation Officer
- f. Weekend Visitation
- g. Phone Conferences
- h. Meetings at home school
- i. Utilization of various community resources
- j. Email, if appropriate

2.7: Transferring Students

Each JSEP school reviews the records for any new student transferring from another school system either from another district within the state or from out of state. If the records indicate that the student has been identified as a student with a disability and that the student requires special education and related services, the student is immediately enrolled in school and in consultation with parents, given an appropriate program including services comparable to those described in the student's IEP. If the IEP from the sending school requires revision, an expedited IEP meeting will be requested and an IEP meeting held to develop, adopt and implement a new IEP.

Chapter 3 Procedural Safeguards

Chapter 3: Procedural Safeguards

3.1: IDEA and COMAR Requirements

The Parental Rights Maryland Procedural Safeguard Notice Infants and Toddlers/Preschool Special Education and Special Education (The most current edition available) provides parents with information about the special education process and their rights under IDEA. The notice must be written in language that is understandable to the general public. JSEP uses the Procedural Safeguards document prepared by MSDE.

JSEP procedure requires the most recent Procedural Safeguard Notice be given to the parent at all IEP meetings. JSEP will provide a copy of the procedural safeguards to the parents of a student with a disability once a year.

A copy of the procedural safeguards should also be given to the student's parents on:

- Initial referral as described in chapter 1.2;
- Parental request for an evaluation to determine if the child is a child with a disability;
- JSEP's receipt of notice of an individual's first State complaint, as described in COMAR 13A.05.01.15A, regarding the education of students with disabilities by a public agency.
- The parent's first due process complaint in a school year, as described in COMAR 13A.05.01.15C, regarding any matter related to the identification, evaluation, or educational placement, or the provision of FAPE to a student with a disability; and
- Parental request.

3.2: Information Included in the Procedural Safeguards Notice

The Procedural safeguards must contain a full explanation of all the procedural safeguards available under IDEA relating to:

- a. Independent educational evaluations
- b. Prior written notice
- c. Parental Consent
- d. Access to education records

- e. Opportunity to present and resolve complaints through the due process complaint and State complaint procedures
- f. The availability of mediation
- g. The child's placement during the pendency of any due process complaint
- h. Procedures for students subject to placement in an interim alternative educational setting
- i. Requirements for unilateral placement by parents of children in private schools at public expense
- j. Hearings on due process complaints
- k. State-level appeals
- l. Civil Actions
- m. Attorneys' fees

3.3: Parents Whose Native Language is Not English

The notification must be provided to the parent in the native language or other mode of communication used by the parent, unless it is clearly not feasible to do so. The notification can be downloaded from MSDE's website in the following languages; Amharic, Arabic, Bengali, Burmese, Chinese, French, Gujarati, Haitian Creole, Hebrew, Hindi, Japanese, Korean, Nepali, Polish, Portuguese, Russian, Spanish, Tagalog, Turkish, Urdu and Vietnamese.

<http://marylandpublicschools.org/programs/Pages/Special-Education/info.aspx>

Chapter 4 Prior Written Notice and Consent

4.1: Prior Written Notice

- a. JSEP will provide written notice to the parents of a student with a disability before JSEP proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student.
- b. JSEP IEP team PWN, recorded by the case manager and/or their designee will serve as the prior written notice for the decisions made at a student's IEP meeting.
- c. The parents of a student with a disability may elect to receive the written notice by an electronic mail communication if the option is made available by JSEP.
- d. Prior Written Notice will include all of the following components:
 1. The purpose of the meeting, which should align with the meeting invitation.
 2. A description of each specific action proposed or refused.
 3. An explanation of why JSEP proposes or refuses to take **each action**.
 4. A description of the options JSEP considered and the reason the options were rejected.
 5. A description of each assessment procedure, test, record, or report JSEP uses as a basis for the proposal or refusal.
 6. A description of any factors relevant to the proposed or refused action. For example the parent did not attend the meeting but gave permission for the team to move forward.
 7. A statement that the parents have protections under the procedural safeguards described herein and the manner in which they may obtain a copy of the procedural safeguards.
 8. A list of sources parents may contact to obtain assistance in understating the provisions of IDEA and COMAR.
 9. If an action proposed by JSEP also requires parental consent, JSEP may provide notice at the same time it requests consent (i.e. request

for testing can be discussed at a meeting and parent signature for request can be obtained at that meeting).

- e. The notice will be written in language that is understandable to the general public, and provided in the native language of the parents, unless it is clearly not feasible to do so. If the native language used by the parents is not a written language or it is not feasible to provide the notice in the parents' native language, JSEP will ensure that the notice is translated orally or provided by other means to the parents, and the parents understand the content of the notice. JSEP will maintain written documentation that these requirements have been met.
- f. Once all needed JSEP personnel have reviewed the PWN, a copy of the finalized PWN must be sent to the parent **within 5 business days of the IEP meeting and a copy placed in the student's special education file.**

4.2: Consent for Assessment and Special Education Services

- Consent for Assessment Procedures
 - a. JSEP will obtain written parental consent before conducting assessment procedures through the special education process.
 - b. If parents refuse consent for initial assessment procedures or assessment procedures as part of a reevaluation, JSEP may pursue assessment through mediation or due process procedures.
 - c. JSEP is not required to obtain parental consent before reviewing existing data or before administering a test or other procedure that is administered to all students unless consent is required of the parents of all students.
 - d. Parental consent is also not required for reevaluation if a parent has failed to respond to the requests for consent and JSEP can demonstrate that reasonable measures have been taken to obtain their consent. This documentation must be present in the communication log.
- Consent for Special Education Services
 - a. Once the initial IEP has been finalized, JSEP will obtain written parental consent before the provision of special education and related services to a student with a disability. The signature page for consent is located on the last page of the IEP.
 - b. JSEP may not provide special education and related services if a student's parents refuse to provide consent for the initiation of special education and related services or fail to respond to a request by JSEP to

provide consent for the initiation of special education and related services.

- c. If parents refuse to provide consent for the initiation of special education and related services, JSEP may not use mediation or due process procedures to provide these services.
- d. If the parents of a student with a disability refuse to provide the initial consent for special education and related services or revokes consent, JSEP is not considered to be in violation of the requirement to make FAPE available to the student for failing to provide the student with the special education and related services or further services for which parental consent was sought. JSEP is also not required to convene an IEP team meeting or develop an IEP for the student for the special education and related services for which initial consent was sought.
- e. If the parents of a student with a disability refuse to provide the initial consent for special education and related services, but then grant their consent more than 30 days following the meeting in which the IEP was proposed, the special education process must be re-initiated with an IEP meeting held to determine the need for assessment.
- f. If the parents grant their consent within the 30 days following the IEP meeting in which the IEP was initially proposed, the IEP will be implemented without another IEP meeting.
- g. If the parents revoke their consent in writing at any time subsequent to the initial provision of special education and related services, JSEP will provide the parents 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. JSEP may also not use mediation or due process procedures to obtain agreement or a ruling that the services may be provided to the child. JSEP is also not required to amend the student's education records to remove any references to the student's receipt of special education and related services.
- h. After the initiation of special education and related services, parental consent is not required to implement the student's IEP.
- i. Consent for initial evaluation may not be construed as consent for initial placement.
- j. JSEP may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of JSEP unless it is required.

4.3: Availability of Documents Before and After IEP Meetings

- a. JSEP will provide the parents of a student with a disability an accessible copy of each assessment, report, data chart, draft IEP, or other documents the IEP team or other multidisciplinary team plans to discuss at that meeting, **at least 5 business days before the scheduled meeting** unless extenuating circumstances prevail.
- b. The five-day disclosure letter that is sent prior to the meeting will accompany all documents with a copy of this letter maintained in the student's special education file.
- c. In the event of an extenuating circumstance, JSEP will document the circumstance, communicate that information to the parents of the child with a disability, and document it in the communication log.
- d. JSEP will provide an IEP in an accessible format to the parents of a child with a disability **no later than 5 business days** after a scheduled IEP or other multidisciplinary team meeting.
- e. Failure of JSEP to comply with these procedures does not constitute a substantive violation of the requirement to provide a student with FAPE.

4.4: Parent Request for Independent Educational Evaluation (IEE)

- a. Parents of a student with a disability may obtain an Independent Educational Evaluation (IEE) at their own expense or at public expense if they disagree with the evaluation provided by JSEP. If JSEP has not yet conducted or obtained an evaluation of the student, the parent cannot request a publicly funded IEE until JSEP has completed its evaluation of the student. Parents are entitled to only one IEE at public expense each time JSEP completes an evaluation with which the parents disagree.
- b. The request for an IEE at public expense will be requested following the completion of an evaluation by JSEP. If a request for a publicly funded IEE is made more than one year from the date of JSEP's last evaluation of the student, JSEP may seek to complete a re-evaluation prior to agreeing to fund an IEE.
- c. Once a parent requests an IEE, either verbally or in writing, the JSEP IEE Request Form should be completed and sent to the JSEP Special Education Coordinator within 10 business days of the parent's request. JSEP will determine whether or not the request for the IEE will be granted. JSEP provides a written response approving or denying the request within 30 days of the date the request was made. If the request is denied, JSEP will file a due

process complaint within 30 days of the denial to demonstrate that its evaluation is appropriate.

- d. If JSEP determines to provide an IEE at public expense, the parents should contact the JSEP Coordinator of Special Education once they have selected where they wish to obtain the IEE. When requested, JSEP will provide the parents with information about where an IEE may be obtained and JSEP criteria applicable for the IEE. The parents may select an examiner who is not on the list provided by JSEP. However, if the IEE is being provided at public expense, approval by the JSEP Coordinator of Special Education is required to ensure the criteria under which the evaluation is obtained including the location of the evaluation and the qualifications of the examiner are the same as those used by JSEP when it initiates an assessment. Once the evaluator for a publicly funded IEE has been determined, JSEP will notify the evaluator of JSEP policies and criteria as related to the IEE.
- e. JSEP may not impose conditions or time lines related to obtaining an IEE at public expense other than ensuring the criteria under which the evaluation is obtained including the location of the evaluation and the qualifications of the examiner are the same as those used by JSEP when it initiates an assessment.
- f. In order for the IEP team to appropriately review, discuss, and consider an IEE, the assessment must address educationally relevant information from the perspective of IDEA requirements and must be administered by a qualified examiner for the purpose of evaluation who must have firsthand contact with the student and utilize the same criteria in reference to disability categories and assessment tools, strategies, and procedures.
- g. In addition to the assessment procedures described in this policy manual, all evaluations must also meet the assessment criteria for MSDE.
- h. If a request for a publicly funded IEE is granted, the evaluation should be completed within a reasonable period of time following the date JSEP finalizes the agreement with the independent evaluator to fund the IEE. Parental permission for the evaluator to communicate and share information with JSEP must be granted and the evaluator must agree to prepare an evaluation report and release the assessment information and results directly to JSEP prior to or on the same day that the results are provide to the parents. The evaluator must also agree to make all test protocols available for review by JSEP and be free of any conflict of interest provided an IEE obtained at public or private expense meets JSEP criteria, it will be reviewed, discussed and considered by an IEP team in making any decision regarding the provision of FAPE for the student. However, the IEP team is not required to implement the findings or recommendations of an IEE. The findings of an IEE may also be presented as evidence at a due process hearing.

- i. Should JSEP determine not to provide an IEE at public expense; the Coordinator of Special Education will notify the parents in writing of JSEP intention to initiate a due process hearing to demonstrate that the evaluation conducted by JSEP was appropriate. However, the parents continue to have the right to obtain an IEE at their own expense.
- j. If an impartial hearing officer determines that the JSEP evaluation is appropriate, the parents may not obtain an IEE at public expense, but may do so at their own expense.
- k. If an impartial hearing officer determines that the JSEP evaluation is not appropriate, JSEP will provide an IEE at public expense.
- l. If an impartial hearing officer requests an IEE as part of a due process hearing, the cost of the IEE will be at public expense.

Chapter 5 Evaluation Process

5.1: Initial IEP Team Meeting – Review of Existing Data

The IEP team and other qualified professionals, as appropriate, must review the existing evaluation data on the student. This can include, instructional interventions and strategies that are relevant to the areas of concern including information about the effectiveness of the targeted strategies, but is not limited to:

- a. Data recorded on the referral form completed by the teacher
- b. All evaluations and information provided by the parents
- c. Current classroom-based, local or State assessments
- d. Classroom-based observations
- e. Observations by teachers and related service providers
- f. Report cards
- g. Health records or concerns
- h. Work samples
- i. Attendance data
- j. SST Information
- k. Discipline data
- l. Outside Agency information

This information helps the IEP team determine if a student is suspected of having a disability under IDEA and if further evaluations are needed.

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.

5.2: Evaluation Process

An evaluation is a process by which the IEP team, including the parent, uses a variety of assessment tools and strategies to gather relevant functional, academic and developmental information about the student to determine whether the student qualifies as a student with a disability. If a student is qualified as a student with a disability, this information will assist in determining the content of the student's IEP.

The IEP team must complete evaluations of a student suspected of a disability within **60 days of the parental consent for assessment or 90 days of the original written referral request, whichever comes first.**

All documents that are discussed at the meeting, including meeting notice and parental rights **must be submitted to the parent five (5) business days prior to the meeting.**

If a parent revokes consent for testing after signing for permission, it must be in writing. Testing is to stop once written notification is received and the letter of termination should go into the student's record and uploaded into MOIEP.

5.3: Timeline Exceptions for Initial Evaluations

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

A student enrolls in a different public agency before the completion of the initial evaluation initiated by the student's former public agency of enrollment.

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

In the event that timelines for an initial evaluation need to be extended, the case manager must contact the building Principal and JSEP Special Education Coordinator, prior to extending the timeline for an initial evaluation for any reason.

5.4: Selection of Assessments

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

The IEP team must determine what assessments should be conducted relating to the suspected disability or disabilities. This can include, if appropriate:

- a. General intelligence
- b. Academic Achievement
- c. Communication
- d. Social/ Emotional/ Cognitive
- e. Motor Abilities
- f. Sensory (vision and hearing)
- g. Health/ Medical
- h. Adaptive functioning
- i. Vocational/Occupational
- j. Assistive Technology

It is required that technically sound (standardized) instruments are used for assessments that may assess the contribution of cognitive and behavior factors, in addition to physical or developmental factors. **No single assessment can be used as the sole criterion for the determination that a student is a student with a disability under IDEA.**

The assessments used must meet the following criteria:

- a. Are selected and administered without racial or cultural bias;

- b. Are provided in the student’s native language or other mode of communication and in a form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally;
- c. Are used for the purposes for which the assessments or measures are valid and reliable;
- d. Are administered by trained personnel;
- e. Are administered in accordance with the instructions provided by the producer of the assessment;
- f. Are selected and administered to ensure that the assessment accurately reflects a student’s aptitude or achievement level rather than reflecting the student’s impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure);
- g. Provide relevant information that directly assists the IEP team in determining the educational needs of the student.

Assessment Requirements			
Disability	Areas of Concern	Assessments Required	Qualified Personnel
Deaf-Blindness	Academic Performance Hearing Vision Communication	Educational Assessment Audiological Assessment Physician's Assessment Speech-Language Assessment	Special Educator Audiologist and Ophthalmologist or Optometrist SLP
Deafness	Academic Performance Hearing Communication	Educational Assessment Audiological Assessment Speech-Language Assessment	Special Educator Audiologist SLP
Developmental Delay (For child ages 3 - 7 years)	Concerns identified during referral process	Educational Assessment Other assessments, as Needed	Special Educator Other Qualified Personnel
Emotional Disability	Academic Performance Cognitive/Intellectual Social, Emotional, and Behavioral	Educational Assessment Psychological Assessment or Psychiatric Assessment	Special Educator Psychologist or Psychiatrist
Hearing Impairment	Academic Performance Hearing Communication	Educational Assessment Audiological Assessment Speech-Language Assessment	Special Educator Audiologist SLP
Intellectual Disability	Academic Performance Cognitive/Intellectual Adaptive Behavior	Educational Assessment Psychological Assessment	Special Educator Psychologist
Multiple Disabilities	Academic Performance Concerns identified during referral process	Educational Assessment Other assessments, as needed, to identify concomitant impairments in the areas of cognitive, sensory, and/or physical impairments.*	Special Educator Other Qualified Personnel needed to identify the possible impairments

Orthopedic Impairment	Academic Performance Medical Fine Motor Gross Motor	Educational Assessment Physician's Assessment Occupational and Physical Therapy Assessments, as needed	Special Educator Physician Occupational or Physical Therapist
Other Health Impairment	Academic Performance Health/Medical Attention	Educational Assessment Physician's Assessment and/or Psychological Assessment	Special Educator Physician or Psychologist (for ADHD)
Specific Learning Disability	Academic Performance Cognitive/Intellectual Psychological Processes Classroom Performance	Educational Assessment Psychological Assessment Classroom Observation Informal Classroom Data	Multidisciplinary Team, including Special Educator and Psychologist
Speech or Language Impairment	Academic Performance Communication	Educational Assessment Speech-Language Assessment	Special Educator SLP
Visual Impairment	Academic Performance Vision	Educational Assessment Physician's Assessment	Special Educator Ophthalmologist or Optometrist
Autism	Academic Performance Cognitive/Intellectual Psychological Adaptive	Educational Assessment Psychological/Cognitive Assessment (including adaptive assessments) Classroom Observation	Special Educator Psychologist
Traumatic Brain Injury (TBI)	Academic Performance Cognitive/Intellectual Psychological Processes Classroom Performance Physical Needs	Educational Assessment Physician's Assessment Occupational and Physical Therapy Assessments, as needed	Physician or Psychologist

5.5: Assessment Reports

A written report of the results of each assessment ordered must be available to the parent five (5) business days before the scheduled IEP team meeting using the MOIEP assessment report and the JSEP classroom observation report, as well as at the meeting to review the results of the assessments. The report must contain a validity statement and a reliability statement and must be signed and dated by the assessor (including the date of the assessments and the date of the report)

Each report of assessment must include:

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

5.6: Eligibility Requirements

In order to meet eligibility requirements for special education, a student must meet **all** of the following criteria:

1. Meet criteria for one or more of the IDEA defined disabilities.
2. Because of the identified disabilities, display evidence of educational impact.
3. Because of the educational impact of the disability (ies), require specialized instruction in the form of special education.

In addition to the above criteria, the IEP team may not determine that a student has a disability if it is evident that the student's lack of educational progress is primarily due to any of the following:

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

5.7: Eligibility Determination

Once the IEP team makes a determination regarding special education eligibility, an initial eligibility evaluation report is completed with a copy given to the parent to document the following:

1. The IEP team decision.
2. Information provided by the parent.
3. Results of assessment procedures used as a basis for the determination.
4. A statement as to whether the assessment procedures were valid and reliable for the purposes intended and for the student.
5. Whether the student is a student with a disability.

If the student is determined to be eligible for special education and related services an IEP must be developed within 30 days from the date of the IEP evaluation meeting.

Eligibility for Services Based on a Specific Learning Disability (SLD):

If a student is suspected of being a student with a Specific Learning Disability (SLD), or is a student with an SLD, at least one member of the IEP team, other than the student's regular education teacher, shall observe the student in the student's learning environment, including the regular classroom setting, to document academic performance and behavior in the area(s) of difficulty.³⁴ CFR §300.307(b); COMAR 13A.05.01.05B(5)(a)

In determining whether the student has an SLD, the IEP team shall:

- (i) Use information from an observation in routine classroom instruction and monitoring of the student's performance that occurred before the child was referred for an evaluation; or
- (ii) Have at least one member of the IEP team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained.

If a student is younger than school age or not in school, an IEP team member shall observe the student in an environment appropriate for a student of that age.

³⁴ CFR §300.307(b); COMAR 13A.05.01.05B(5)(b)&(c)

Chapter 6

Developing and Maintaining an IEP

6.1: Individualized Education Program (IEP)

An IEP is a written plan of special education and related services that is developed by an IEP team for a student with a disability to address his/her specific needs. The IEP ensures access to the general education curriculum and specially designed instruction designed to narrow his/her achievement gaps.

The IEP team meeting to develop an IEP for an eligible student must occur within **30 calendar days** of the initial IEP evaluation meeting in which a student is determined eligible for special education and related services. The IEP team meets at least annually to review and revise the IEP, as appropriate. JSEP uses the Maryland Online IEP (MOIEP).

6.2: Components of an IEP

The MOIEP, used by JSEP to develop an IEP, includes:

- A. The student and school demographic information.
- B. Documentation of eligibility including results of the initial or most recent evaluation.
- C. Graduation requirements and determination if the student is pursuing a Maryland High School Diploma or High School Certificate of Program Completion.
- D. A plan for participation in district and Statewide assessments to be administered during the term of the current IEP. If it is determined that a student may not participate in a particular Statewide or district-wide assessment, the IEP team must document why the assessment, or part of an assessment is not appropriate, how the student will be assessed, and why a particular alternate assessment is appropriate. If it is determined that a student is pursuing a High School Certificate of Program Completion and not a Maryland High School Diploma and taking the alternate statewide assessment, Appendix A must be completed, signed, and initialed where indicated by the IEP team and parents.
- E. The results of the student's performance on -Statewide, district-wide, or alternative assessment programs, as appropriate. These may be in the current IEP or the academic record.
- F. Present levels of academic achievement and functional performance(PLAAFP) to include determination and documentation of the following:

1. Instructional grade level or skill level performance.
2. Assessment findings including private, State, district, and classroom-based assessments. Including data from multiple sources including, current psychological or educational assessment results, classroom-based assessments, -Statewide assessments, classroom-based observations (historical data may be in the PLAAFP but must be noted as such) all information should be current and relevant to the content being discussed.
3. Each area that affects the student's academic achievement and/or functional performance.
4. Teacher input about the student's progress, strengths and needs in each area of need.
5. Parent input and concerns for enhancing the education of the student.
6. The student's strengths, skills, and interests.

G. Special considerations to include determination and documentation of the following:

1. Communication needs of the student.
2. Whether the student requires assistive technology devices and/or services.
3. If instruction in Braille is appropriate for students who are blind or visually impaired, the IEP team will provide for instruction in Braille. The use of Braille, including textbooks in Braille, should be used unless determined inappropriate. Parents must also be provided information regarding the Maryland School for the Blind.
4. Language and communication needs for students who are deaf or hearing impaired must be provided; including opportunities for direct communication with peers and professional personnel, academic level, and full range of needs including opportunities for direct instruction in the student's language and mode of communication. Parents must also be provided information regarding the Maryland School for the Deaf. JSEP must also ensure that hearing aids or the external components of surgically implanted medical devices worn in school by students with hearing impairments are functioning properly.

5. In the case of a student whose behaviors impede his/her learning or the learning of others the team must consider the use of positive behavioral interventions and supports with consideration and documentation of whether a Functional Behavior Assessment (FBA) and/or Behavior Intervention Plan (BIP) is needed or has been completed.
 6. When writing an IEP for a student with limited English proficiency the language needs of the student must be considered.
- H. Determination and documentation of instructional and testing accommodations needed to measure the student's academic achievement and functional performance on Statewide and/or district-wide assessments the Maryland Accommodations Manual can be used as a guide. Appendix A, C, and D must be completed as appropriate.
- I. Determination and documentation of supplementary aids, services, program modifications, and supports that will be provided to enable the student to;
- a. Advance appropriately toward attaining annual goals
 - b. Be involved in and make progress in the general education curriculum, participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and their nondisabled peers.
- I. Determination and documentation of extended school year (ESY) services including the specific special education and related services to be provided beyond the regular school year. Each question on the ESY page of the IEP MUST be addressed as a team. One question's response does not determine eligibility for ESY. All of the responses MUST be considered when making a final determination.
- J. Determination and documentation of transition services beginning for the IEP in effect during the year in which a student turns 14. This determination should include:
1. Transition services, including courses of study needed to assist the student reach those goals.
 2. Appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training education, employment, and independent living, as appropriate. Parameters, timelines and outlines for transition can be references in the

Secondary Transition Planning Guide for Individuals with Disabilities. [http://marylandpublicschools.org/programs/Documents/Special-Education/SecondaryTransition/Md Secondary Transition PlanningGuide rev2019.pdf](http://marylandpublicschools.org/programs/Documents/Special-Education/SecondaryTransition/Md%20Secondary%20Transition%20PlanningGuide%20rev2019.pdf)
<https://www.marylandpublicschools.org/programs/Documents/Special-Education/SecondaryTransition/MDSecondaryTransitionPlanningGuide.pdf>

3. A statement of needed transition services including a statement of a public agency and participating agencies' responsibilities or linkages or both before the student leaves the secondary school setting.
- K. Measurable academic and functional annual goals, including benchmarks or short-term instructional objectives designed to meet the child's needs that result from their disability to enable them to be involved in and make progress in the general education curriculum and meet each of their other educational needs that result from their disability. Reference the most current Technical Assistance Bulletin (TAB) on how to properly structure goals and objectives in an IEP. TABs are located at the below link :[19-01 - Improving Outcomes for Students with Disabilities Curriculum, Instruction and Assessment](https://marylandpublicschools.org/programs/Pages/Special-Education/TAB.aspx)
<https://marylandpublicschools.org/programs/Pages/Special-Education/TAB.aspx>
- L. How a parent will 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. Reference chapter 6.4 for more information.
- M. The special education and related services, based on peer-reviewed research to the extent practicable, including staffing support, that will be provided to the student with projected dates for initiation of services including the anticipated frequency, location, and duration of each service.
- N. Determination and documentation of the least restrictive environment (LRE). To the maximum extent appropriate, students with disabilities will be educated with their nondisabled peers. Documentation and determination of the following LRE components will occur within the IEP:
- Comparable services, options considered and reasons why services cannot be provided in the general education environment, if appropriate. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environments should only occur when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - Any potential harmful effects on the student or quality of needed services.

- The extent, if any, that the student will not participate with non-disabled peers in academic, non-academic, and extracurricular activities. Discussion regarding supplementary aids and services needed for a student to access activities should occur and be documented on the student's IEP.
- O. In developing the IEP, information included under one component of the IEP is not required to be repeated under another component. (i.e. Formal testing scored for math under math content, does not need to be included in reading as well.)
- P. **Within 5 business days**, following development of the IEP, parents will receive a copy of the final IEP.

6.3: IEP Implementation

- A. An IEP must be finalized before special education and related services can be provided. Initial IEPs must be approved in writing by the parent prior to its implementation. (This signature page is found on an initial IEP and is titled Authorizations/ Consent for Initiation of Services) Parents must be given the opportunity to review the initial IEP outside of the meeting in which the IEP is developed and are not required to give their written consent at the meeting. However, parents must be advised that the IEP services cannot be implemented for initial IEPs until their written approval is obtained. Parents may also request another meeting prior to signing the IEP if they wish to further discuss the plan or changes they would like considered.
- B. Once approval is granted, the IEP should be implemented as soon as possible after the IEP meeting in which it was developed or revised.
- C. Once a child has an IEP in effect, the administrator at the child's school will assign a special education case manager. Typically, the case manager should be the special education professional who is responsible for providing the most intensive service to a child. Case managers are responsible for the coordination of services, communication with parents and general education teachers, needed documentation on the IEP, developing draft IEPs, and maintaining needed documentation in the student's special education file.(See Appendix)
- D. Each teacher and service provider responsible for the implementation of the IEP for a student with a disability will have access to the IEP and be informed of their specific responsibilities, and the accommodations, modifications, and supports that will be provided for the student in accordance with the student's IEP.

- E. Each service provider, defined as an individual who provides special education or related services to students with disabilities (COMAR 13A.05.02.03B(3)), responsible for the implementation of the IEP for a student with a disability shall:
 - (a) Have access to the IEP; and
 - (b) Be informed of the service provider's specific responsibilities, accommodations, modifications, and supports that shall be provided for the student in accordance with the student's IEP.

6.4: Reporting IEP Progress

An IEP will include how a 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 will be informed of the student's progress as often as a parent is informed of a nondisabled student's progress. JSEP students' parents are informed of progress by the end of each marking period unless otherwise noted on the IEP. In addition to mailing progress reports to a parent/guardian, one should be placed in the student's file.

If a student is not making progress on any IEP goal or area, an IEP meeting should be scheduled to discuss the lack of progress and make any necessary amendments to the IEP, as determined necessary to provide the student an opportunity to make adequate progress.

JSEP will make a good faith effort to assist the child to achieve the goals of their IEP. However, JSEP, a teacher, or another individual will not be held accountable if a child does not achieve the growth projected in the annual goals.

6.5: IEP Annual Review and Amendments

An IEP team will meet at least annually to review and revise the IEP in order to determine the following:

- a. Whether the annual goals for the student are being achieved. Address changes or modifications that need to be made to goals and objectives.
- b. To address any lack of expected progress in the annual goals or in the general education curriculum.
- c. Review data and information from assessment procedures conducted as part of a reevaluation, as appropriate.

- d. Update transition section for students who will be 14 years old during the year of the annual.
- e. Address any information about the student provided to or by the parent.
- f. Address the student's anticipated needs.
- g. Determine whether the student requires the provision of extended school year services.
- h. Discuss other matters as identified on the notice of the IEP team.

A parent of a student with a disability or JSEP may request a meeting at any time to review, and as appropriate, revise the student's IEP.

Changes to a student's IEP may be made by the IEP team through an IEP review meeting or through amendment of the student's IEP without redrafting the entire IEP. Documented communication with the parent should be in the parent contact section of the MOIEP and in the communication log of the student's special education file. All changes to a student's IEP, whether through a meeting or by an amendment change will be documented with a PWN.

In between annual review IEP meetings, the parents of a student with a disability and JSEP may agree to develop a written document amending or modifying a student's IEP without convening another IEP team meeting, as long as the amendment does not involve an IEP service or LRE change.

If a student's IEP is amended or changed, JSEP will ensure that the IEP that incorporates the amendments is accessible to the student's service providers and provided to the student's parent. A copy of any amended IEP will be placed in the student's special education file and provided to the parent at the time of the IEP meeting or within **5 business days** following the IEP meeting via mail.

When an IEP is amended without an IEP meeting, the amendment must be documented in a PWN, documentation of the conversation with the parent will be maintained in the parent contact section of MOIEP and in the student's special education file. A copy of the amended IEP should be filed in the student's special education file and a copy will be provided to the student's parent via mail.

6.6: IEP Re-evaluation

A reevaluation of each student with a disability will be conducted if:

- JSEP determines that the educational and related services and needs, including improved academic achievement and functional performance of the student, warrant a reevaluation.

- If the student's parent or teacher requests a reevaluation.
- Before determining a student is no longer a student with a disability.

A re-evaluation will occur not more frequently than once a year, unless the parent and JSEP agree otherwise and at least once every 3 years, unless the parent and public agency agree that a reevaluation is not necessary. Re-evaluation meetings should be consolidated with other IEP team meetings when possible. Re-evaluation planning meetings should be scheduled at least 90 days prior to the reevaluation due date to enable adequate time in case assessments are needed.

At the reevaluation meeting the IEP team will review existing assessment data and identify what additional data, if any, is needed in order to determine:

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

If the IEP team determines that additional data is needed, parental consent will be obtained and assessments conducted in all indicated areas following the assessment procedures. If the parent does not respond to this request, JSEP will proceed with the assessment recommendations that were made by the IEP team, as parental consent for assessment for reevaluation is not required once JSEP has made reasonable attempts to obtain consent.

The IEP team will review the results of any requested assessments within 90 days of the IEP team reevaluation meeting. Findings should be used to review and revise the student's IEP as appropriate.

JSEP is not required to conduct assessments unless the IEP team determines they are needed, a parent requests them, or termination of eligibility is being considered from the school's perspective. In the case of dismissal from services, assessments are not required if the student is being dismissed from special education services due to graduation from a secondary school with a regular high school diploma or has exceeded the age of 21.

The IEP team will notify the parents if they determine that no additional data is needed to determine their child's educational needs and whether their child continues to be a

student with a disability. The notification will also include the decision of the IEP team and the basis of the determination and the right of the parents to request JSEP to conduct assessment procedures.

6.7: Special Education Dismissal

A student may be dismissed from special education if any of the following apply:

- a. The student exits with a Maryland High School Diploma or Maryland High School Certificate of Program Completion.
- b. The student withdraws from school at the age of seventeen (17) with parent permission or the age of 18 without parental consent.
- c. The student is no longer found to meet all special education eligibility requirements.
- d. The parent requests in writing to withdraw their consent for their child to receive special education services. This signed document should be uploaded in MOIEP.

Prior to determining a student no longer meets special education eligibility requirements, the student must be formally reevaluated by the IEP team.

Once a student meets criteria for dismissal from special education, an IEP team meeting should be held to document on the IEP the dismissal and reason for dismissal. Proper 10-day notification of the meeting will be provided to the parent.

Chapter 7

Assessments and Interventions

7.1: MD High School Diploma and MD High School Certification Requirements

Children who qualify for special education services may earn the Maryland High School Diploma or the Maryland High School Certificate of Program Completion if eligible.

Students with disabilities who earn the Maryland High School Diploma will be required to meet the same graduation requirements as students without disabilities and will earn the same state diploma in recognition of fulfillment of the minimum enrollment, credit, and competency prerequisite requirements. Please refer to the JSEP Program of Studies for High Schools for complete graduation requirements.

The Maryland High School Certificate of Program Completion is the state certificate awarded for completion of a special education program. It can only be awarded to children with disabilities who cannot meet the requirements for a Maryland State Diploma, but who meet at least one of the following standards:

1. The student is enrolled in an education program for at least four (4) years beyond grade 8, or its age equivalency, and has been determined by an IEP team, with the agreement of the parents of the student with a disability, to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life. The “world of work” will include, but not be limited to, gainful employment, work activity centers, sheltered workshops, and supported employment.
2. The student has been enrolled in an education program for four (4) years beyond grade 8 or its age equivalent and will reach age 21 before the start of the next school year.

The determination to pursue a Maryland High School Certificate of Program Completion cannot be made until after the beginning of the student’s last year in high school, the Alternative Maryland State Assessments, as continued participation in this assessment does not prepare the student to meet the Maryland High School Diploma requirements.

The determination of whether a child with a disability is pursuing a Maryland High School Diploma or a Maryland High School Certificate of Program Completion will be documented in the student’s IEP annually with an explanation of the graduation requirements and the student’s progress toward meeting those requirements provided to the parents annually as well.

It is anticipated that the vast majority of all students with disabilities, whether pursuing a Maryland High School Diploma or Maryland High School Certificate of Program Completion, will be able to meet the 75 hours of service learning graduation requirement. However, an IEP team may determine whether an individual student needs modifications or exemptions to this requirement.

During all students' 9th grade year, regardless of whether they are pursuing a Maryland High School Diploma or Maryland High School Certificate of Program Completion, a determination regarding the number of years they will need to meet graduation requirements will be made and documented on the student's IEP (i.e. 4, 5, or 6 year plan).

Although the number of years required may be changed at any time by the IEP team, the number of years initially documented during a student's 9th grade year will be used by MSDE for data reporting purposes.

All students with a disability are permitted to attend school through the end of the school year in which they turn 21 in order to meet graduation requirements.

The Maryland Summary of School Performance, an exit document that describes the student's skills will accompany a Maryland High School Diploma or Certificate of Program Completion that is awarded to any student with a disability.

7.2: State Assessment Determination

On an annual basis, the IEP team must develop a plan for the participation of a student with a disability in district and State-wide assessments, as all students are required to participate in some form of Maryland state assessment.

The IEP team may determine that a student with disabilities take one of the following forms of Maryland -State Assessments:

1. State of Maryland standardized assessments required for all students to graduate.
2. Alternative State of Maryland required assessments for qualified students.

The State -Alternative -Assessments are designed for those students with the **most** significant cognitive disabilities.

Students will complete the Maryland -State -Assessments required to graduate from high school with either a diploma or a State of Maryland Certificate of Completion.

MSDE has developed strict guidelines and criteria that an IEP team must consider and follow when making the determination regarding the most appropriate form of assessment for students with disabilities. Therefore, all IEP teams must utilize and

complete the MSDE IEP team Decision Making Process Eligibility Tool when making the determination for participation in a State Alternate Assessment. (Appendix A)

Given the eligibility process that is required and closely monitored by MSDE, JSEP special education case managers are responsible for consulting with and inviting a JSEP Headquarters Special Education staff member to all IEP meetings in which an Alternative Assessment is being considered. Parent consent must also be obtained in order to facilitate the Alternative Assessments with any student.

Eligibility for participation in an alternative assessment must be re-determined annually. Therefore, the eligibility process and completion of the MSDE IEP team Decision Making Process Eligibility Tool (Appendix A) must be completed every year and JSEP Headquarters Special Education staff consulted with as well. Written parent consent must also be obtained yearly.

Chapter 8

Parts of an IEP

8.1: General Information

The general information page of the IEP includes the following information:

- a. -Student and School Information
- b. -Eligibility (Dependent on Initial or re-Evaluation)
- c. -Participation (Academic Assessments)

8.2: Present Level of Academic Achievement and Functional Performance

In developing each student's IEP, the IEP team, will consider the:

- a. Strengths of the student;
- b. Concerns of the parents for enhancing the education of their student;
- c. Results of the initial evaluation or most recent evaluation of the student; and
- d. Academic, developmental, and functional needs of the student.

The "Present Levels of Academic Achievement and Functional Performance" (PLAAFP) should integrate information from multiple sources to provide a comprehensive description of the student's characteristics as a

- a. learner,
- b. current demonstration of skills relative to grade-level standards and/or age-appropriate expectations,
- c. intervention history.

The information needed to create this picture may include;

- a. standardized psychological, academic, and other assessments,
- b. current classroom-based assessments,
- c. curriculum-based measures,
- d. work samples and other data collected by teachers and service providers,
- e. focused observations of the student in academic and other environments,
- f. parent, student and general education teacher input in all relevant areas.

Information on interventions and specially designed instruction that have been provided, including;

- a. implementation data
- b. data on the student's response
- c. impact on performance

This information allows the IEP team to make data-informed decisions about future specially designed instruction.

For a review or revision of the student's current IEP, the PLAAFP should also include a description of the student's progress toward meeting the annual goals of the current/previous IEP.

It is particularly important to include student strengths, as well as areas of concern/needs that were identified during the assessment, including parent, student and general education teacher input related to strengths and concerns/needs.

The IEP team should focus on how the student's strengths and concerns/needs affect the student's involvement and progress in the general curriculum. As part of the process of defining the student's current level of performance, the IEP team should identify what the student currently knows and can do and how areas of strength can be leveraged to support the student's growth in areas of difficulty.

The IEP team should provide a narrative summary of performance rather than a listing of assessment procedures and results. Detailed assessment information should be found in separate assessment reports. For any data that is recorded in this section, the IEP team must document the source of the data (classroom-based assessments, district and/or state assessments, and classroom-based observations, parent, student and general education teacher input, etc.).

The “Present Levels of Academic Achievement and Functional Performance” provides the foundation for the IEP team’s design of the student’s specially designed instruction. The remaining components of the IEP are based on the information documented in this section.

Areas that impact the student's academic or functional performance must be addressed in the IEP, typically through corresponding goals and objectives, as well as through accommodations and supplementary aides, services, supports, and program modifications.

Goals and short-term objectives or benchmarks are designed to meet the student's needs that result from the student's disability. Therefore, the concerns/needs detailed in this section that have a marked impact on the student's educational performance and requires specially designed instruction should result in a corresponding annual goal. If there are concerns raised that do not rise to the level of needing specially designed instruction, then the IEP team may note these areas and the reasons for the team's decision “Under options discussed and considered by the IEP team but rejected in favor of the proposed actions” corresponds to the requirements of

-Prior Written Notice (PWN).

-Academic and Functional Areas Assessed

-Area Discussion

-Strengths and Needs Summary

Strengths may include a relatively strong area for the student, a strength when compared to peers, or particular motivational or interest area. Include specific information about academic and functional skills and interests, rather than broad statements about the student's personality or attributes.

The student's strengths can support instructional decisions by helping the IEP team match strategies to the student's motivation, learning styles, and learning preferences. If the student's strength is supported by the use of supplemental aids and services including assistive technology, the IEP team should document that information.

Behavioral Present Level:

Identify, as applicable, any issues, including teacher and/or parent concerns, regarding the student's social, emotional, and behavioral performance that may adversely affect the student's ability to access or participate in the general curriculum and/or impede the student's learning or the learning of others. That may require the provision of special education and related services. Including a functional behavioral assessment and behavioral intervention plan to reduce inappropriate behavior through the use of positive intervention strategies. Include sources of information, summary of assessment findings, including the dates of administration.

8.3: Special Considerations and Accommodations

Special Considerations

Five factors are considered when developing and IEP

These special factors appear at §300.324(a)(2)(i)-(v) and read as follows:

Consideration of special factors. The IEP Team must—

- (i) In the case of a child whose **behavior** impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
- (ii) In the case of a child with **limited English proficiency**, consider the language needs of the child as those needs relate to the child's IEP;
- (iii) In the case of a child who is **blind or visually impaired**, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
- (iv) Consider the **communication needs** of the child, and in the case of a child who is **deaf or hard of hearing**, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- (v) Consider whether the child needs **assistive technology** devices and services.

[§300.324(a)(2)]

Instructional and Assessment Accommodations

Accommodations are practices or procedures that provide a student with a disability equitable access during instruction and to assessments in the areas of: presentation, response, setting, and scheduling. Accommodations do not reduce learning expectations. Accommodations include changes to instruction (such as materials, content enhancements, and tasks) that **change how a student learns**, in addition to changes in how students demonstrate their learning and adaptations to the learning/assessment environment. Accommodations may include assistive technology devices and services. Accommodations must be specific and appropriate to meet the needs of the student as defined in the IEP. Accommodations for instruction and assessment are integrally intertwined. Additionally, the use of accommodations does not begin and end in school. Students who need accommodations for instruction and assessments will generally need them at home, in the community, and as they get older, in postsecondary education and work.

Accommodations

- a. Enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills.
- b. Must be based upon individual student needs and not upon a category of disability, level of instruction, time spent in general classroom, or program setting.
- c. Must be justified and documented in the student's IEP.
- d. Must be justified and documented in Section II Special Considerations for Services for students with disabilities who are also English Learners. For students with disabilities who are English Learners, the IEP is the controlling document for accommodations.
- e. Must be implemented as soon as possible after completion of the IEP and must be aligned with and be a part of daily instruction. Accommodations **MUST NOT** be introduced for the first time during the testing of the student.
- f. Must be approved as specified in the Maryland Assessment, Accessibility, and Accommodations Policy Manual.
- g. Are not a reason to exempt students from assessments, even if the student requires an accommodation not explicitly mentioned in the "Maryland Assessment, Accessibility & Accommodations Policy Manual" and/or multiple accommodations. The School Test Coordinator (STC) a JSEP school counselor, must coordinate with the Local Accountability Coordinator (LAC) prior to testing to address issues caused by the need to provide multiple accommodations.

The student's IEP team should decide on the appropriate accommodation(s) during the development of the IEP or IEP review meeting for the year in which the student is scheduled to participate in district or statewide assessments. The student's IEP team will forward accommodations to the School Test Coordinator. Accommodations must be justified, utilized within the instructional setting, and documented in the student's IEP.

It is critical for students with disabilities to understand their disabilities and learn self-advocacy strategies for success in school and throughout life. Some students have had limited experience expressing personal preferences and advocating for themselves. Teachers and other IEP team members can play a key role in providing guidance and feedback to students with disabilities on skills needed to effectively advocate for themselves in the selection, use, and evaluation of accommodations. The ability to advocate for him or herself is a skill each student with a disability will need in their post-school adult life in order to identify and request reasonable accommodations under the Americans with Disabilities Act (ADA).

The more students are involved in the selection process, the more likely the accommodations will be used, especially as students reach adolescence and the desire to be more independent increases. Self-advocacy skills become critical here. Students need opportunities to learn which accommodations are most helpful for them, and then they need to learn how to make certain those accommodations are provided in all of their classes and wherever they need them outside of school.

The questions below should be used to guide the selection of appropriate accommodations for students receiving special education services for the first time and for students who are currently using accommodations:

- a. What are the student's learning strengths and areas of further improvement?
- b. How do the student's learning needs affect the achievement of grade-level content standards?
- c. What specialized instruction (e.g., learning strategies, organizational skills, reading skills) does the student need to achieve grade-level content standards?
- d. What accommodations will increase the student's access to instruction and assessment by addressing the student's learning needs and reducing the effect of the student's disability? These may be new accommodations or accommodations the student is currently using.
- e. What accommodations does the student regularly use during instruction and assessments?
- f. What are the results for assignments and assessments when accommodations were used versus not used?
- g. What is the student's perception of how well an accommodation "worked?"
- h. Are there effective combinations of accommodations?
- i. What difficulties did the student experience when using accommodations?
- j. What are the perceptions of parents, teachers, and specialists about how the accommodation worked?
- k. Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?

Of the accommodations that match the student's needs, consider:

- The student's willingness to learn to use the accommodation;
- Opportunities to learn how to use the accommodation in classroom settings; and

- Conditions for use on state assessments.

Plan how and when the student will learn to use each new accommodation. Be certain there is ample time to learn to use instructional and assessment accommodations before an assessment takes place. Finally, plan for the ongoing evaluation and improvement of the student's use of accommodations.

8.4: Supplementary Aids, Services, Programs and Supports

Supplementary Aids, Services, Program Modifications, and Supports are a key component of specially designed instruction that enables students with disabilities to access and participate in the school environment. This section of the IEP describes a wide variety of changes to instructional materials and delivery, student responses, the classroom and school environment, and the actions of adults in the school setting to support the student's engagement and progress. Also included are consultative services, training, and other supports that enable school staff and/or parents to meet the student's educational needs.

Before recommending services for the student outside of the general education classroom or other general education setting, the IEP team must first consider supplementary aids, services, program modifications, and supports that can be provided to the student in general education classes or to school personnel on behalf of the student.

Supplementary aids and services may include, but or not limited to materials, devices, and instructional adaptations, such as:

- a. Instructional considerations, i.e., peer to peer tutoring, peer partnerships, 1:1 assistance and support
Behavior intervention and support, i.e. BIPs
- b. Instructional adaptations, i.e., adaptations in the manner in which information is presented, paced, or sequenced
- c. Curricular accommodations that change how a student accesses information and demonstrates learning —Methods to measure performance, i.e., a calculator or word processor
- d. Curricular modifications, i.e., redesigning the size, breadth, or focus of the assignment
- e. Individualized supports, i.e., rephrasing questions and instruction, allowance for additional time to respond
- f. Additional time for movement between classes
- g. Special seating arrangements
- h. Curricular aids
- i. Provide time frame for assignments with interim dates for deliverables
- j. Allow re-test
- k. Computer assisted writing technology/software
- l. Electronic books

- m. Pre-written class notes, summaries, study guides, main idea summaries
- n. Organizational aids
- o. Delivery of consultative services (indirect) to staff on behalf of the student
- p. Professional development for staff and or parents

Some adaptations included in this section of the IEP are accommodations, in that they reduce or remove barriers created by the student's disability without fundamentally altering the nature or rigor of the learning activity. Others, such as those listed as "Program Modifications" are practices or procedures that may change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational career.

Examples of modifications include:

- a. Requiring a student to learn less material (e.g., fewer objectives, shorter units or lessons, fewer pages or problems);
- b. Reducing assignments and assessments so a student only needs to complete the easiest problems or items;
- c. Revising assignments or assessments to make them easier (e.g., crossing out half of the response choices on a multiple-choice test so that a student only has to pick from two options instead of four); or giving a student hints or clues to correct responses on assignments and tests.

Providing modifications to students during classroom instruction and/or classroom assessments may have the unintended consequence of reducing their opportunity to learn critical content. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements. Providing a student with a modification during a state accountability assessment would constitute a test irregularity and may result in an investigation into the schools or public agency's testing practices.

Some students may require other support services, in a special class, or other setting to address specific management issues related to behavior, health, communication, etc. The same level of support is not necessary in all situations. A student may need support in a math class, but no additional supports during the remainder of the school day. The IEP team should consider and document the settings and/or activities in which the support is required.

The services for each student should be tailored to address the unique needs that affect the student's ability to make progress in the general curriculum and participate in the school environment.

The frequency and duration of services indicated as appropriate within the IEP must be tailored to address the unique needs that affect the student's ability to make progress in the general curriculum. A more accurate description of the frequency of a service should

be utilized to provide families and service providers a clear understanding of how often and under what circumstances a service is to be provided.

8.5: Extended School Year (ESY)

Each public agency must ensure that extended school year services are available as necessary to provide FAPE. A public agency may not—

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

The need for Extended School Year (ESY) services must be considered for each student. This does not mean that these services must be provided for every student, only that the need for ESY services must be considered for each special education student. If required, the specific services, the starting and ending dates of these services, the site where services will be provided, and, if needed, the description of instructional service delivery should be recorded on the service page of the IEP. The IEP team must determine on a case-by case basis if any of the factors below in isolation or in some combination will significantly jeopardize the student's ability to receive some benefit from the student's educational program during the regular school year, if the student does not receive extended school year services.

The IEP team shall consider:

- (a) Whether the student's IEP includes annual goals related to critical life skills;
- (b) Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break in the regular school year and a failure to recover those lost skills in a reasonable time;
- (c) The student's degree of progress toward mastery of IEP goals related to critical life skills;
- (d) The presence of emerging skills or breakthrough opportunities;
- (e) Interfering behaviors;
- (f) The nature and severity of the disability; and
- (g) Special circumstances.

The IEP team shall determine whether the benefits the student with a disability gains during the regular school year will be significantly jeopardized if that student is not provided with an educational program during a normal break in the regular school year. 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.

A public agency shall ensure that 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 file a due process complaint

8.6: Goals

The student's instructional performance may not be on grade level. If not, this may be an indicator that the student's IEP team needs to consider supplementary aids, services, program modifications, and supports and/or to target this area through one or more goals designed to narrow the gap between the student's performance and grade-level expectations and standards. Although a student's performance may not be at grade level, the student is to receive instruction in grade level content. In order to develop appropriate and measurable goals;

- a. Utilize the data gathered for the PLAAFP to identify the student's areas of deficit and they align to the academic standards.
- b. Evaluate the skills needed to successfully progress toward mastery of standards and how these skills change between grade levels.
- c. Utilizing PLAAFP data establish where the student is performing along the continuum of skills. (I.e. Instructional vs. grade level; with or without prompts or supports, etc.)
- d. Identify specialized instruction strategies (SI) that will be necessary for the student to access and progress with the skills needed in the general education classroom.
- e. Develop a goal that addresses where/when and how often the needed skill will be addressed throughout the school day for the student. This goal must be measurable to address progress.
- f. Identify what sources of data will be utilized to sufficiently document progress toward the established goal.

8.7: Services

Based on their knowledge of the student (as reflected in the PLAAFP), the IEP determines what special education and related services the student will require to achieve his or her goals, as well as the frequency and intensity of those services. The frequency (how often a service is provided) and intensity (the duration of each session) of special education and related services are important determinations for the IEP team. While the appropriate amount is student-specific, there should be some relationship between the specially designed instruction provided to the student and the annual IEP goals to be achieved, the gap from the student's current performance, and the grade level standards such that the student can be expected to make reasonable progress in the general education curriculum.

The following guiding questions may assist IEP teams when making decisions about services.

- a. Do the services support the implementation of all the outcomes or goals and objectives?
- b. Do the services take into account the student's history and progress with previous general education, special education, and related services?

- c. Do the services address the nature of the student’s needs, including the gap between the student’s grade level and performance level?
- d. Do the services support the student’s cultural and linguistic background?
- e. Do the services support an accelerated rate of learning?

Number of Sessions

Indicate the number of times the student will receive the service. This is optional for classroom instruction only. For all other services, this is a required field. If the student requires a specific number of sessions not listed, select other. The option of “Other” includes a text filed to specify the number of sessions.

If the number of sessions of classroom instruction is not indicated, the automatic calculation of “Total Service Time” (on the service page) and “Time outside of general education” (on the LRE page) within Maryland Online IEP may not be accurate. If the IEP team elects to not enter the number of sessions, they need to ensure that the calculations and LRE code accurately reflect the student’s program.

Length of Time Describe how often the service is to occur in terms of:

- Hours
- Minutes

Describe how often the service is to occur in terms of frequency:

- Daily • Weekly • Monthly • Yearly • Only once • Quarterly • Semi-Annually

The frequency and duration of services indicated as appropriate within the IEP must be tailored to address the unique needs that affect the student’s ability to make progress in the general curriculum. Factors such as “administrative convenience” or specific staffing issues are not acceptable reasons for utilizing frequencies such as 20 times yearly or 20 times only. A more accurate description of the frequency of a service should be utilized to provide families and service providers a clear understanding of the frequency of service.

Begin Date: The month, day and year this service will begin. This date must be equal to or after the IEP team meeting date.

End Date: The month, day and year this service will end.

Duration Indicate the total number of weeks of service. The frequency and duration indicated as appropriate within the IEP must be tailored to address the unique needs that affect the student’s ability to make progress in the general curriculum.

Providers

Primary: Indicate the provider/agency with the primary responsibility for the delivery, documentation and accountability for the provision of the service to the student with a disability.

Other: If more than one provider/agency is responsible for the provision of the service, identify the 123 other provider/agency responsible for delivery, documentation, and accountability for the provision of the service to the student with a disability.

8.8: Least Restrictive Environment (LRE) Decision Making and Placement

When making a placement decision, the IEP team must consider the least restrictive environment (LRE). The placement decision determines where the student's special education instruction will occur. This decision is made by the IEP team and is based on the student's IEP. IDEA requires that students with disabilities be educated with students without disabilities to the maximum extent appropriate. Students with disabilities must not be placed in special classes or separate schools unless education in regular education classes with supplementary aids, services, program modifications, and supports cannot be achieved satisfactorily. In selecting the student's placement, consideration is given to any potential harmful effect on the student or on the quality of the services that he or she needs. The student may not be removed from education in age-appropriate general education classes solely because of needed modifications to the general curriculum or because she or he is working towards the Alternate Achievement Standards.

Placement decisions CANNOT be solely based on:

- a. Category of the student's disability;
- b. Severity of the student's disability;
- c. Language and communication needs;
- d. Needed modifications in the general curriculum;
- e. Configuration of the public agency's delivery system;
- f. Availability of space or educational or related services; or
- g. Administrative convenience.

The LRE mandate of the IDEA requires students with disabilities to receive their education in general education settings to the maximum extent appropriate. If such a setting is not appropriate, the student is to receive his or her education in a setting with the least amount of segregation from the student's nondisabled peers, as possible. The IEP team must consider placement closest to the student's home, if the student is not in the school the student would attend if not disabled. JSEP school placement is not parental choice.

Placement Options Considered

If the student is removed from natural environments with nondisabled from general education instructional settings (6-21) the IEP team needs to document other less restrictive options considered.

If Removed from General Education, Explain Why Services CANNOT be provided in the General Education Environment

IDEA requires a justification for the removal of the student from general education settings. This includes a specific explanation of WHY services CANNOT be provided in general education classroom settings with supplementary aids, services, program modifications, and supports.

The response must describe why the IEP team recommends that the student be removed from general education classes, what supplementary aids, services, program modifications, and supports were considered and rejected, and why these services cannot be provided in general education settings.

Document Basis of Decision(s) (required): A required text field for an IEP team to provide additional information to document the basis of the IEP team's decision. If addressed properly, documentation will meet requirements of prior written notice (PWN) includes:

- a. A description of the action proposed or refused;
- b. An explanation of why the public agency proposes or refuses to take the action;
- c. A description of the options the public agency considered and the reason the options were rejected;
- d. A description of each assessment procedure, test, record, or report the public agency uses as a basis for the proposal or refusal;
- e. A description of any other factors relevant to the proposed or refused action;
- f. A list of sources a parent may contact to obtain assistance in understanding the provisions of IDEA
- g. If an action proposed by a public agency also requires parental consent, a public agency may provide notice at the same time it requests consent.

Chapter 9 Related Services

9.1: Service Nature

Related services are developmental, corrective and other supportive services that the student's IEP team identifies that the student requires to assist him or her to benefit from special education. Each student's IEP team, which includes the child's parent along with local school personnel, determines the services that are needed for an individual student to receive FAPE. Nothing in IDEA requires the provision of a service to a student unless the student's IEP team has determined that the service is required in order for the student to benefit from special education and has included that service in the student's IEP.

9.2 Services

Audiological Services

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

Audiological services do not include the placement, maintenance, or programming of surgically implanted devices such as cochlear implants. Day-to-day monitoring of the functioning of cochlear implant equipment is required if needed for a student to receive FAPE.

Psychological Services

Planning, managing, and delivering a program of psychological services, including counseling and other interventions for students. Consultation with parents and developing, implementing, monitoring, and evaluating positive behavioral intervention strategies

Occupational Therapy

The service may include improving, developing or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function within the school setting.

Physical Therapy

Physical therapy facilitates the development of a student's ability to access and participate safely in the education environment to enable a student with a physical disability to participate in, and benefit from, the educational programs through interventions, strategies and adaptations focused on promoting functional mobility, positioning, using specialized equipment and safe and efficient participation in daily activities and routines within the school setting.

Recreation

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

Counseling Services

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

School Health Services

Services are provided by a qualified school nurse or other qualified person, within JSEP these services are provided by the Department of Juvenile Services (DJS).

Social Work Services

Preparing a social or developmental history for a student with a disability; group and individual counseling with the student and family; working in partnership with parents and DJS, to address problems in a student's living situation that affect the student's adjustment in school. Mobilizing school and community resources to enable the student to receive maximum benefit from his or her educational program.

Parent Counseling and Training

Assisting parents in understanding the special needs of their student, providing parents with information about student development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their student's IEP.

Rehabilitative Counseling

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

Orientation & Mobility Training Services

Services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their

environments in school, home, and community. These services include teaching the students the following, as appropriate: spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); to use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; to understand and use remaining vision and distance low vision aids; and other concepts, techniques, and tools. Orientation and Mobility Services are required for students identified as visually impaired, including students with Deaf blindness and with Multiple Disabilities including visual impairment, unless the IEP teams determines, based on an assessment by a qualified professional, that services are not appropriate.

Assistive Technology Services

Any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. This includes:

- a. The evaluation of the needs of a student with disabilities, including a functional evaluation of the student in the student's customary environment;
- b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities
- c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices
- d. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs
- e. Training or technical assistance for a student with disabilities, or, where appropriate, the student's family; and
- f. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a student with disabilities.

Medical Services (Diagnostic and Evaluation)

Medical services include services provided by a licensed physician to determine a student's medically related disability that results in the student's need for special education and related services. In the IEP team suspects that a medical evaluation is necessary to determine if a medically related disability is present, DJS is responsible for the full cost of the evaluation. This does not include obtaining an emotional/behavioral related medical diagnosis, which is not required under IDEA. The IEP team cannot require the parent to have a medical evaluation completed and provide the IEP team with documentation.

If the IEP team suspects that the student demonstrate systems on attention deficit hyperactivity disorder (ADHD), the IEP team, in consultation with the school psychologist, may order an evaluation to be conducted by the school psychologist who evaluations the student's focus and attend, and includes all their relevant information. A medical diagnosis is not required to determine if the student exhibits symptoms of ADHD.

Interpreting Services

For students who are deaf or hard of hearing. Interpreting services include:

- a. Oral transliteration services,
- b. Cued language transliteration services,
- c. Sign language transliteration and interpreting services, and
- d. Transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell
- e. Special interpreting services for students who are deaf-blind.

Speech/Language Therapy

Instruction in speech and language skills provided by a speech/language therapist as a related service in order for the student to benefit from special education. Speech-Language services include:

- a. Identification and diagnosis of students with speech and/or language impairments
- b. Diagnosis and appraisal of specific speech and language impairments
- c. Referral for medical or other professional attention necessary for the habilitation of speech or language impairments
- d. Provision of speech and language services for the habilitation or prevention of communicative impairments
- e. Training and guidance of parents, students and teacher regarding speech and language impairments

9.3: Provision of Services

Each student's IEP Team determines the services that are needed for an individual student to receive FAPE. IDEA does not require the provision of a service to a student unless the student's IEP Team has determined that the service is required in order for the student to benefit from special education and has included that service in the student's IEP.

If the IEP Team determines that related services are required to provide FAPE, the IEP will document the IEP frequency of the services (e.g. 30 minutes twice a week), the location (e.g., general education, out general education) where the services will be delivered, and the designated primary and secondary provider/agency with the primary responsibility for the delivery, documentation, and accountability for the provision of the service(s).

9.4: Provision of Missed Related Services

In the case that a loss of services occurs due to related service providers' absence or illness, JSEP will make every effort to secure a substitute related service provider to provide service. If a substitute provider is not secured and/or the services cannot be made-up within 2 weeks, the lead special education teacher will schedule an IEP meeting in accordance with the established process. The IEP Team will discuss and/or determine the:

- a. Number of session, length of time, and frequency of the related service
- b. Expected number sessions/times
- c. Actual number of sessions provided
- d. Number of missed sessions
- e. Reason for missed services
- f. How the services will be made up
- g. Timeline for make-up services
- h. Educational impact based on the student's progress in relevant IEP goals and objectives
- i. Compensatory plan, if needed

The IEP team must provide the parents with Prior Written Notice explaining the IEP Team's decision.

9.5: Guidelines for Make-up Sessions

It is the provider's responsibility to meet the amount of service outlined on a student's IEP. JSEP require that missed services be make-up within two weeks and documented as a make-up session in the Related Service Log. Parents and staff must have a clear understanding of the make-up plan for missed instruction and/or services.

Missed sessions are make-up when:

There is a service provider vacancy or long term leave

The service provider is unavailable to provide a session

There is a MAST meeting to a meeting with an advocate

The student misses a session due to testing, school activity, assembly, technical issues for web-based services etc.

There is a significant break in services due to a combination of scenarios, the time missed should be make up

Sessions are not made up when:

- a. The student is absent (i.e., ill, in court or off grounds medical)
- b. The JSEP school is considered closed (i.e. scheduled closings, lockdown and weather-related closings)
- c. State mandated testing is occurring

Related Service hours from the IEP still must be in compliance weekly/monthly.

9.6: Documenting Service Delivery

It is the responsibility of the service provider to properly document service delivery in a contact log. The provider logs must contain the following:

- a. Date of session
- b. Start and end time of session
- c. Length of Session
- d. Type of session
- e. Description of service provided and related goal
- f. Progress code
- g. Service location
- h. Provider initials

9.7: Communication with Families

It is the responsibility of all case managers to maintain open communication with families regarding their child's therapy and progress. There are a variety of communication methods that can be utilized such as phone calls, and/or emails. Communication via phone is typically recommended when addressing parent questions/concerns. Case Managers are expected to document all contacts with families. When there are scheduling challenges that result in missed sessions, the service provider will document all offers of service delivery times and contacts with families.

Chapter 10

Behavior Management

A student with a disability who violates a code of school conduct may be removed from his current placement to another appropriate interim alternative educational setting, another setting or suspension for up to 10 consecutive or cumulative days (to the extent that those alternative are applied to nondisabled students) without the need to conduct a manifestation determination or to provide educational services during the removal.

Within 10 school days of the decision, the school must convene an IEP meeting to determine if the student's behavior that resulted in the removal is a manifestation of the student's disability. The IEP team must include any school staff deemed relevant to the decision-making by the parent and the District.

All Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) forms must be thoroughly completed to document the discussion and decision about the student's behavior. To ensure compliance, all sections of the form must be completed in Maryland Online IEP.

10.1: Managing Student Behavior

The Department of Juvenile Services (DJS) provides all programs and services for youth placed at their facilities.

DJS is responsible for the safety and security of the facility and students. This includes the time when students are in school. As part of this, DJS have developed their own behavior management programs for students having trouble in school. It is designed to address typical behaviors that youth exhibit on a daily basis. When a student exhibits atypical or dangerous behaviors that are considered delinquent or criminal, DJS responds according to their policies and procedures developed to protect the safety and security of students, staff and property. The schools defer to the DJS staff when student behaviors escalate to a point where prevention of the following is warranted:

- a. Imminent physical harm to the youth or other individuals
- b. Imminent and substantial destruction of property
- c. Threats or attempted escape
- d. Less restrictive methods of behavior control have failed or cannot reasonably be implemented

The student is removed from school by DJS and processed within their discipline management system.

If a student's behavior poses a danger and/or is harmful to others as determined by DJS, the student is referred to the Central Review Committee (CRC).

10.2: Functional Behavior Assessment (FBA) and Behavior Intervention Plans (BIP)

The school IEP team will review information on students who are experiencing behavioral deficits and who may have received disciplinary referrals. School personnel are encouraged to use an array of positive behavior interventions, strategies and supports to increase or decrease targeted student behaviors.

An FBA and BIP may also be completed when:

- a. The student's behavior is interfering with his/her instructional program and the instruction of others.
- b. The student is not responding to typical management or intervention strategies used within the classroom or instruction setting.
- c. The first signs of challenging behaviors appear.
- d. Instructional strategies and supports are not providing desired results.

A collaborative school team (that may include school psychologist, social worker, and other IEP Team members) conducts the Functional Behavior Assessment (FBA) to identify the circumstances that predict and reinforce the problem behavior. The following steps must be taken:

1. Clearly define the target behavior in observable and measurable terms. If the FBA/BIP is developed as part of a manifestation determination meeting, the suspension offense and numeric code must be included in the definition of the first target behavior
2. Collect data through-
 - a. Observations
 - b. ABC Charts
 - c. Charting behaviors (scatter plots)
 - d. Objective assessments
 - e. Direct observations including frequency counts and/or duration measurements
 - f. Standardized check lists or rating scales
 - g. Interviews with students, parents, school staff, etc.
 - h. School record review, include academic and behavioral strengths and needs
 - i. Other pertinent data (medical, developmental, community mental health history, etc.)
3. Summarize and analyze data in order to identify relevant setting events, triggers and consequences that predict and maintain behavior over time
4. Based in the data analysis, hypothesize obtain/gain or escape/avoid functions of the targeted behaviors
5. Complete the FBA and BIP forms and review at IEP meeting and upload into MOIEP.

Important questions that IEP team asks when conducting the FBA include:

- a. When is the student most likely to engage in the problem behavior?

- b. What are triggering events?
- c. What have been the consequences if the behavior?
- d. What is the suspected function of the behavior?
- e. What are specific circumstances that are associated with the behavior so it will/will not occur?
- f. What other factors may be contributing to the student's problem behavior?

10.3: Behavior Intervention Plan (BIP)

A behavior intervention plan is a proactive plan designed to address problem behaviors exhibited by a student in the educational setting using positive behavioral interventions, strategies, and supports.

The BIP should include the following;

A statement that summarizes the findings of the FBA, including setting events, triggers, the target behavior(s), and hypothesized function(s)

Interventions to address the behavior including;

- a. Strategies to prevent or mitigate the effects of setting events and triggers
- b. Function-based prevention strategies that make the target behavior unnecessary
- c. A plan for teaching the student a functionally equivalent replacement behavior and for reinforcing the use of the new behavior
- d. A plan for responding to the target behavior that eliminates or reduces reinforcing consequences

A plan for accountability that includes the following:

- a. How data will be collected, by whom and how often
- b. Short and long-term behavioral goals
- c. Staff designated to implement the interventions
- d. A date to review progress and make revisions (as needed) to the BIP
- e. Staff designated to report on progress
- f. A plan for involving the student and/or caregivers

10.4: Implementation of FBA and BIP

Once the FBA/BIP have become a part of the student's IEP, it must be fully implemented in order for the student to receive FAPE. If the student it's not making adequate progress or changes to the interventions are needed, an IEP meeting must be held to address these changes. Until revisions have been make at an IEP meeting, the BIP must be implemented as written.

Chapter 11

Graduation Requirements/Certificate

Each JSEP principal will inform all students and their parent or guardians annually, at a minimum, of the following:

- a. Maryland's graduation requirements;
- b. The student's progress on fulfilling the credit, required State assessments, service learning, and applicable IEP requirements for graduation;
- c. The results of each Maryland standardized State assessments taken by the student;
- d. A plan for appropriate assistance, if applicable; and
- e. The Department's schedule for State Assessments administration

11.1: Maryland High School Diploma

Students pursuing a Maryland high school diploma must complete the requirements for graduation, including enrollment, credits, services, additional local requirements, if applicable, and assessments.

Students placed in JSEP will follow the graduation requirements based on the student's resident county.

11.2: GED

Students must complete 4 GED Ready exams (English, Math, Social Studies and Science) and score 145 or higher to be eligible to take the official GED exam.

A JSE student who is 17 years old or older should be counseled and fully informed about his/her options for obtaining a high school diploma. A plan should be developed that fully explains a student's educational options, and a parent/guardian must be part of that decision making process and give permission. Student age, credits earned to date, projected high school graduation date, and career and college goals should be considerations that are discussed before it is decided to obtain a GED.

Students who receive special education testing accommodations may be eligible for those accommodations by having an administrator completing the request process through GED Testing Services.

11.3: Summary of Performance

For a student whose eligibility of special education and related services terminates due to graduation with a regular diploma or due to exceeding the age eligibility for FAPE under state law, our schools must provide the student with a summary of the student's academic achievement and functional performance, which will include recommendations on how to assist the student in meeting his/her postsecondary goals.

11.4: Maryland High School Certification of Program Completion

This certificate is awarded only to students with disabilities who cannot meet the requirements for a diploma but meet the following standards:

- a. The student is enrolled in an education program or at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the written agreement of the parents of the student with disabilities, to have developed appropriate skills for the individual to enter the world of work, as responsibly as a citizen and enjoy a fulfilling life, including but not limited to gainful employment, work activity centers, sheltered workshops, and supported employment; or
- b. The student has been enrolled in an education program for 4 years beyond grade 8 or its age equivalent and will have reached age 21 by the end of the student's current school year.

The decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student's last year in high school unless the student is participating in alternative standard assessments.

Upon completion of a secondary school program, the student with disability will receive an "Exit Document" to accompany the Maryland High School Diploma or Maryland High School Certificate of Program Completion that describes the student's skills.

11.5: Service Learning

Students will complete one of the following:

- a. 75 hours of student service that includes preparation, action, and reflection components and that, at the discretion of the local school system, may begin during the middle grades; or
- b. A locally designed program in student service that has been approved by the State Superintendent of Schools. (COMAR 13a.03.02.05)

Chapter 12

Dispute Resolution

12.1: State Complaint Process

JSEP strives to resolve disagreements with parents; however, parents have the right to file a complaint with Maryland State Department of Education (MSDE) if they believe that the Juvenile Service Education Program is not complying with federal or state special education laws and regulations, as outlined in the Parental Rights Maryland Procedural Safeguards Notice. The complaint must allege that a violation occurred no more than one year prior to the filing of the complaint.

Juvenile Service Education School Procedures

When a special education complaint is filed, MSDE's Division of Early Intervention Services and Special Education initiates a complaint investigation. The investigation will include a record review and, generally, a site visit to discuss the allegations in the complaint with appropriate school staff. MSDE will issue a Letter of Findings after completion of its investigation. If there is a violation, MSDE will require a student-specific corrective action to address any harm that may have occurred to the student. A school-based corrective action may also be required to determine if the violations represents a pattern of non-compliance at the school.

The Juvenile Services Education School's Compliance Specialist initiates an investigation and begins collecting all relevant records and documentation. Staff interviews are help to gather additional information. The Compliance Specialist or Coordinators role includes providing relevant and requested documentation to the Division of Early Intervention and Special Education as requested. Checks are completed to ensure that the Special Education Standard Operating Procedure Manual is followed. Professional development needs are assessed and implemented. IEP meetings may be held to address any necessary remedies.

12.2: Dispute Resolution

The following procedures describe the processes available to parents and Juvenile Service education Schools for resolving disagreements regarding a student receiving special education service and related services. These options include mediation, State complaint, and due process complaint.

12.3: Mediation

Mediation is a process that may be used to resolve disagreements between the parent of a student with a disability and the public agency responsible for the education of the child. An employee of the Office of Administrative Hearings (OAH) who is qualified and trained in effective mediation techniques conducts the mediation. The individual selected by OAH will not have a personal or professional conflict of interest.

- a. Mediation is at no cost to the parent or the schools.

- b. A request for mediation is made to the Juvenile Service Education School and the OAH.

The Juvenile Service Education School will provide the form and assist parents with filing a request for mediation. The parent may also retrieve the form on the MSDE website <http://www.marylandpublicschool.org>. For further assistance, a parent /may contact the Juvenile Services Special Education office at (410)767-3186.

12.4: Resolving a State Complaint

Mediation and other less formal methods to resolve the disagreement may be available and are encouraged. If the parties resolve the complaint, MSDE does not need to conduct an investigation under the Federal regulation.

12.5: Due Process Complaint

A parent or The Juvenile Service Education Program may file a due process complaint on any matter relating to the identification, evaluation or educational placement, or the provision of FAPE to a child.

The due process complaint must allege a violation that happened not more than two (2) years before the parent or the Juvenile Service Education Schools knew or should have known about the alleged action that forms the basis of the due process complaint. This timeline does not apply if the parent could not file a due process complaint within the timeline because the school specifically misrepresented that it has resolved the issues identified in the due process complaint or the school withheld information from the parent that is was required to provide under IDEA. To file a due process complaint, the parent/ or JSEP must submit a due process complaint to the other party and the OAH.

To assist parents with filing due process complaint, a Request for Mediation and Due Process Complaint form is available from the JSEP Special Education Coordinator and on the MSDE website. (<http://marylandpublicschools.org/programs/Pages/Special-Education/FSDR/index.aspx>)

12.6: Resolution Process

Within 15 calendar days of receiving a parent's/guardian's/surrogates' due process complaint, and before the due process hearing begins, the JSEP school must hold a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint. The meeting:

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

The parent/ and public agency determine the relevant members of the IEP team to attend the meeting. The purpose of the meeting is for the parent to discuss the due

process complaint and the facts that form the basis of the complaint, so that JSEP has the opportunity to resolve the dispute. The resolution meeting is not necessary if:

- a. The parent/ JSEP agree in writing to waive the meeting
- b. The parent and the public agency agree to try mediation: or
- c. The public agency initiated the due process complaint.

If JSEP has not resolved the due process complaint to the parent's satisfaction within 30 calendar days receiving the complaint (the resolution period), the due process hearing may occur. The 45-day calendar day timeline for issuing final decision begins at the end of the 30-calendar day resolution period.

Chapter 13

Student Records

The Juvenile Service Education Program maintain records of students requiring special education and related services. The school maintains strict confidentiality of these student records and with personally identifiable information at collection, storage, disclosure, and destruction stages of handling. Parents and other appropriate persons are given proper and needed access to records. Our district establishes and implements policy and procedures, which ensure that records are classified, filed and protected, kept confidential, reviewed and when appropriate, destroyed according to IDEA, the Family Educational Rights and Privacy Act (FERPA), and the Parental Rights Maryland Procedural Safeguards Notice Infants and Toddlers Early Intervention Preschool Special Education and Special Education (Procedural Safeguards Notice). Parents of students receiving special education and related services are notified annually of the availability of these policies and procedures.

13.1: Legal Definition of Parent

From COMAR 13a.05.01.03 "Parent" means:

- a. (i) A biological or adoptive parent;
- b. (ii) A guardian;
- c. (iii) A person acting as a parent of a student, including a grandparent, stepparent, or other relative with whom the child lives, or an individual who is legally responsible for the child's welfare;
- d. (iv) A foster parent with whom the student lives, if the foster parent has been granted limited guardianship for educational decision-making purposes by the court that has placed the child in foster care; or
- e. (v) A surrogate parent who has been appointed in accordance with 34 CFR §300.519 and Maryland Code Ann., Education Article, § 8-412.
- f. (b) "Parent" does not include:
- g. (i) An employee of a public agency responsible for the education or care of the child; or
- h. (ii) The State, if the child is a ward of the State.

13.2: Student Records

In accordance with the confidentiality procedures, the parent of a child with a disability will be given the opportunity to inspect and review and the copy at no cost to the parent all of the child's records relating to the identification, evaluation, and educational placement, and the provision of Free Appropriate Public Education (FAPE).

A request to review and inspect records must be in writing. JSEP makes records available to a parent within ten school days of the request. Records are made available within three school days of the request if information is needed to plan for any due process proceeding or an IEP team meeting. A representative of the parent may inspect and review the records with a signed release from the parent.

Our schools will provide to parents an explanation and an interpretation of their child's records upon parental request. JSEP provides to parents upon request, a list of the types and locations of education records collected, maintained or used by our schools.

The parent's right to inspect and review the education records also includes:

- a. Response from the LEA that include reasonable requests for explanations and interpretations of the records;
- b. The first copy at no cost and additional copies for a reasonable fee;
- c. The rights to have legal representation and review the records.

13.3: Record Requests

In order to identify students, the JSEP Records Clerk is required to, within 48 hours of receiving notice from a youth entry into the DJS facility, make a request for education records from the school(s) the students previously attended.

Record requests should be completed and records received within 3 days. MOIEP online transfer should be requested at this time, as well.

13.4: Student in State-Supervised Care

All student educational records are to be maintained in accordance with FERPA. In order to ensure proper student records management, the local public agencies in the State are required to maintain educational records consistent with the Maryland Student Records System Manual.

The Maryland Student Records System manual requires that when a student transfers to another school, the sending school provide the receiving school with data using a form entitled, SR 7. The SR 7 includes information about the courses in which the student was enrolled, including course titles for students in secondary school. The sending school must also share with the receiving school information documentation of credits earned by each student, which is to be recorded on a form entitled, SR-3 or official school transcripts.

Within two (2) days after receiving notice that a student in state-supervised care seeks to enroll, the public agency in which the student is seeking enrollment must make a written request for the educational record of the student in state-supervised care from the public agency in which the student was previously enrolled. Within three (3) school days after receiving notice, the public agency in which the student in the state-supervised care was previously enrolled must send the student's additional record to the public agency in which the student is seeking enrollment.

The Juvenile Services Education Program school requires that staff request the student's education record from the last known school(s) of enrollment within forty eight (48) hours of receiving notice of the student's entry into the DJS facility. The school staff are required to maintain contact logs documenting at least three (3) diligent attempts within 5 days to obtain the record and must continue their efforts until the record is obtained.

13.5: Steps to Obtain Special Education Records

	In MD Online	Non-MD Online	MD Non-Public	Out of State
Day 1	Case Manager (CM) contacts and requests records on first day of enrollment. Copy of document placed in file and communication log.	CM contacts and requests records on first day of enrollment. Copy of document placed in file and communication log.	CM contacts and requests records on first day of enrollment. Copy of document placed in file and communication log.	CM contacts and requests records on first day of enrollment. Copy of document placed in file and communication log.
Day 2	If records not received conduct, second request in writing to previous school(s). Copy in file and communication log. Copy Principal and Special Education Coordinator.	If records not received conduct, second request in writing. Copy in file and communication log. Copy Principal and Special Education Coordinator.	If records not received, contact MD Assoc. of Non Public Ed. Facilities and determine if records can be electronically transferred. Place details in contact log.	If records not received conduct, second request in writing. Copy in file and communication log. Copy Principal and Special Education Coordinator.
Day 3	If records not received contact Special Education Coordinator to inform the Field Director of JSEP.	If records not received contact Special Education Coordinator to the Assistant Superintendent of DSE/EIS can be informed.	If records not received contact Special Education Coordinator to the Assistant Superintendent of DSE/EIS can be informed.	The Special Education Coordinator will contact the school with the third request. Documentation in writing to be added to the student's log.
Day 4				If records not received contact Special Education Coordinator, so the Assistant Superintendent of DSE/EIS can be informed.
Every week Thereafter		Contact school system and document		Contact school System and document in student record

13.6: Record of Access

Juvenile Services Education Program maintains a record of the parties that have accessed a student's education record. With the exception of parents and authorized employees of our school, everyone who reviews a student's educational record is documented in the record of access. The record of access includes the name of the party having access, the date access was given, and the purpose for which the party was authorized to use the records.

13.7: Current IEP

If the new student enrolled with a current IEP from his/her previous school, and the review team elects to adopt the IEP, it must be done with consultation with the parents. JSEP informs the parent that it will implement the IEP as written. All of the provisions of the current IEP from the student's previous school will be implemented. All staff that are working with the student once the IEP has been distributed and read must sign an initiation of services form. A meeting will be scheduled within 20 days of entry to review and revise the initiated IEP.

If a student with an IEP transfers to a new public agency, the new public agency (in consultation with the parents) must provide the student with FAPE, including comparable to those described in the student's IEP from the previous public agency, until the new public agency either adopts the IEP from the previous public agency or revises the IEP.

Comparable services is defined as services similar or equivalent to those that are described in the IEP from the previous public agency, as determined by the IEP team in the new public agency.

In determining the educational placement of a student with a disability, the public agency must ensure that the decision is made in conformity with the LRE requirements, is based on the IEP, and is as close as possible to the student's home. Unless the IEP requires another arrangement, the public agency must also ensure that the student is educated in the school that the student would attend if not disabled. Placement in JSEP is **not** the result of parent choice and should be documented as such in the LRE section of the IEP.

Since a student who is court-ordered to be placed in a secure DJS facility is prohibited from receiving special education instruction in the educational placement required by an IEP that was developed when the student resided in the community, the JSEP school will not be able to provide services in the manner described in the IEP for many transfer students. Because only the IEP team can determine the services in a DJS setting "comparable" to the services provided in the community, the JSEP school must, in consultation with parent, ensure the provision of FAPE to the student until the IEP team determines the comparable services at the facility or reviews and revises the IEP. If the student transfers back to a community setting an IEP team should consider having an IEP meeting to reconsider the previous placement to ensure that the student transitions to an appropriate educational setting.

13.8: If the IEP is NOT Current

If the student with a disability transfers from another local Maryland school district with an IEP that is not current (the date of their annual review has passed), the team will initiate the scheduling of an IEP meeting to include the participation of the parent. The IEP meeting will occur as soon as possible but no later than 10 days from the day the student was known to the Juvenile Services Education Program to be a student with a disability. The school will ensure that the student received services comparable to those described in the last approved IEP until the IEP meeting is held and a new IEP is developed and implemented. Based on the date of the last IEP and the data available, testing may need to occur to establish the present education levels of the student. During the testing process the comparable services are still in effect.

13.9: Out of State IEPs

In the case of a student with a disability transferring from another state, the JSEP IEP team will ensure that the student receives services comparable to those described in the previously held IEP, until such time as the Juvenile Service Education Program, in consultation with the parent:

- a. Conducts reevaluation planning and a reevaluation, if necessary; and
- b. Develops, adopts, and implements a new IEP, if determined necessary.

If the school team determines that a reevaluation-planning meeting is required, the team will initiate the scheduling of an IEP meeting to include the participation of the parent. The IEP meeting will be held as soon as possible but no later than 20 days from the day the student is known to JSEP as a student with a disability.

In case there is information (student self-report, parent report, previous school reports by phone) that indicate that a student has received special education and/or related services prior to entering a Juvenile Service Education Program school, but there is not written documentation available, team will refer the student to the Student Support Team (SST). Once the supporting documentation is obtained, the record review team, to determine appropriate action (review/adopt/amend IEP), will review the student's documentation.

If the student has educational needs but is not suspected of having a disability, the student will be referred to SST.

13.10: Student Not On the Maryland Online IEP System (MOIEP)

Any student who is not on the MOIEP system and who has been enrolled in our school must be entered into the SSIS database. Special education teachers are required to monitor SSIS data to ensure an accurate child count.

- a. Students at JSEP -- IEP meeting should be scheduled within that 20 days to discuss the IEP with parent and the IEP team. If a student is not on MOIEP—the IEP should be uploaded to the file upload section in MD ONLINE within 7 days and entered into MD ONLINE within 14 days.

- b. Students, who are sent to committed facilities and are not in MOIEP, must have their IEP entered in MOIEP within 5 days.
- c. Students from a MOIEP Local School System (LSS) at the school 5 or more days – IEP must be transferred from MOIEP LEA to JSEP.
- d. Students from Anne Arundel, Baltimore County, Howard, or Wicomico at a JSEP school 14 or more days- enter hard copy IEP into MOIEP if the student is attending a committed or detention facility. The current IEP also needs to be uploaded into MOIEP.
- e. Students from out of state at JSEP 5 or more days- upload and enter a hard copy of IEP into MOIEP if possible. Student information will need to be put into SSIS.
- f. Students who are enrolled must be exited from SSIS when they exit JSEP.

13.11: Conditions when Prior Consent is Not Required to Disclose Information

In accordance with The Family Educational Rights and Privacy Act (FERPA), JSEP may disclose personally identifiable information from a student’s education record without parent/student consent if the disclosure is:

1. To other school officials, including teachers within JSEP and consultants with whom JSEP contracts who have been determined by JSEP to have legitimate educational interests;
2. To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student’s parent be notified, or reasonable attempts are made to notify the parent, of the transfer at the same time that the school transfers the records. When the new school district informs us in writing that the student is enrolled, the school will transfer the record no later than 3 days after receipt of the written notification;
3. To authorized representatives of the Comptroller General of the United States; Attorney General of the United States, the Secretary of Education;; or State and local educational authorities, in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. The officials or entities receiving any personally identifiable information under these circumstances are responsible for safeguarding that information; or
4. In connection with a student’s application for, or receipt of, financial aid;
5. To accrediting organizations in order to carry out accrediting functions;
6. To the parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
7. In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Factors to be taken into account in determining whether personally identifiable information from education records of a student may be disclosed include:

- a. The seriousness of the threat to the health of safety of the student or other individuals;
 - b. The need for the information to meet the emergency;
 - c. Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
 - d. The extent to which time is of the essence in dealing with the emergency.
8. To comply with a judicial order or lawfully issued subpoena if the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance.
 9. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests or student aid programs, or improving instruction; and
 10. Between two or more schools in which the student is enrolled or receiving services upon condition that the student's parent be notified at the time of the disclosure, or reasonable attempts are made to notify the student's parent of the disclosure.

Chapter 14

Surrogate Parents

The Superintendent/Designee on recommendation by the Office of Special Education appoints a Parent Surrogate when:

- a. No parent can be identified
- b. The whereabouts of the parent cannot be determined after reasonable efforts
- c. The student is a ward of the state (under the custody of the Local Department of Social Services and parental rights have been terminated)
- d. The student is an unaccompanied homeless youth

14.1: Parent Surrogate Eligibility

To be eligible as a parent surrogate an individual must:

- a. Be at least 21 years of age
- b. Have no interest that conflicts with the interest of the child
- c. Have the necessary skills that will insure adequate representation of the child in the education decision making process (training is available)
- d. Not be an employee of JSEP
- e. Not be an employee of any agency involved in the care or education of the child (i.e. LDSS, DJS)
- f. See 34 C.F.R. § 300.519, 20 U.S.C. § 1415(b)(2), or section 639(a)(5) of the IDEA.

14.2: The Parent Surrogate's Roles and Responsibilities

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

- Becoming familiar with the child's educational history
- Participating in planning, development and approval or disapproval of the child's individual education program (IEP)
- Monitoring the child's education development
- Acting as the child's parent advocate
- Representing the child in any due process procedure. A parent surrogate cannot be appointed by the court. However, the court can grant limited guardianship for education to an individual (i.e. foster parent), therefore granting them the right to represent the named student in the IEP process. Under state and federal law, the parent surrogate has the same rights as natural parents or guardians within the education decision making process.

14.3: Surrogate Parents

The rights of a student are protected by the appointment of a surrogate parent in the following circumstances:

- a. When the student requires or may require special education

- a. **AND**
- b. When the parent cannot be identified after our school has made reasonable efforts to discover their whereabouts
 - a. **OR**
 - c. When the student is under the guardianship of the state
 - d. When the student is an unaccompanied homeless youth as defined by the McKinney Vento Homeless Assistance Act (a homeless youth not in the physical custody of a parent or guardian)

The surrogate parent has legal rights afforded to parents and guardians with respect to special education and related services. The surrogate parent represents the student in all matters relating to the identification, evaluation, and educational placement and the provision of a free appropriate public education to the student.

14.4: Identification of Parent Surrogates

The JSEP designee (i.e. Coordinator of Special Education), is responsible for the identification of any persons to serve as parent surrogates. Parent surrogates are required for a student under the age of 21 with a disability or suspected of having a disability whenever:

- a. The student’s parents are deceased.
- b. JSEP’s representative cannot, after checking with all known agencies or other family members or persons with whom the student the student resides, discover the whereabouts of a parent.
- c. The student is a ward of the State, under the laws of the State, and the specific court order rescinding natural parental involvement is made available to JSEP.

The individual selected will act as an advocate on behalf of the youth to assure that the youth receives FAPE. The person selected will represent the student in all matters related to the identification, evaluation, and educational placement of the student and the provision of FAPE to the student. To adequately perform this task the selected parent surrogate must become familiar with the child’s educational history through access to educational records.

NOTE: Parent surrogates are not appointed for students in foster care, whose parents are known, and are actively involved with the student. (Teams need to review court orders if there is a question) In addition, if a student has a guardian, whether a relative or nonrelative, that guardian is considered a “parent” for the purposes of special education decision-making. Also, a parent surrogate is not needed when a student is living in the home of a relative or stepparent if that person is acting as the parent of the student.

14.5: Process to Appoint a Surrogate Parent

The JSEP Special Education Lead Teacher initiates the request for the appointment of a parent surrogate. This request is made by submitting an application to the Special

Education Coordinator. The Special Education Coordinator will use various methods to locate qualified adults who may be interested in becoming a parent surrogate. These methods include contacting:

- a. Local school systems
- b. Local Departments of Social Services
- c. Civic groups, clubs. And organizations
- d. School Principals
- e. Person referrals

14.6: Appointment of a Surrogate Parent

Application for the appointment of parent surrogates is completed, submitted, and a copy is maintained by JSEP Special Education Coordinator in the Special Education Office and by the IEP team Case Manager at the school program where the student is being educated. The lead special education teacher and Special Education Coordinator, having determined that a student is in need of a parent surrogate, will prepare and submit to the JSEP Superintendent or designee an application for the appointment of a parent surrogate.

The JSEP Superintendent will approve or reject the requested appointment of a parent surrogate within ten (10) days after appropriate eligibility documentation is received. Once the appointment is approved, the student entrusted to the parent surrogate will be represented by that person in the special education decision-making process until the parent of the student resumes responsibility for representing the student or the student no longer receives special education services. A parent surrogate may resign his or her responsibility at any time and should give the Special Education or the school's lead special education teacher sufficient notice.

Documentation of parent surrogate appointments will be maintained in the student's special education file and in the parent surrogate's file in the office of the JSEP Special Education Coordinator. The Special Education Coordinator will request termination of a previously assigned and approved parent surrogate whenever it is determined that a parent surrogate has an interest that conflicts with the interests of the student or when the parent surrogate is not properly performing or is unable to perform his/her duties. Included in the request for termination will be reasons for the action.

14.7: Surrogate Parent Training

The JSEP Special Education Coordinator provides training for all potential surrogates. This training may be provided annually, but can be provided individually in order to ensure the timely appointment of a parent surrogate.

The parent surrogate training includes:

- a. Instruction in the process of identification, evaluation, and placement in JSEP schools special education

- b. Instruction in procedural safeguards/parental rights and responsibilities
- c. Information regarding confidentiality and records management
- d. Information regarding the guidelines for appointment, duties, and termination of appointment of parent surrogates
- e. Orientation to various disabilities

Chapter 15 – Restraint and Seclusion

This chapter covers legal guidance from the Division of Early Intervention and Special Education Services pertaining to restraint and seclusion within the school setting. (COMAR 13A.08.04.05B; DEI/SES TAB 19-02). In the case of JSEP policy and procedures, DJS residential staff are responsible for implementing and reporting such interventions when they occur within our school environment (Supervision and Movement of Youth, RF-740-17; Restraints – Use of Physical and Mechanical Restraints, RF-718-18; Seclusion, RF-720-18; Behavior Management – Rules and Discipline, RF-741-18; Incident Reporting – Residential Facilities and Community Operations, CS/RS-900-19).

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

Restraint means a personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms, legs, or head freely. Restraint does not include briefly holding a student in order to calm or comfort the student, holding a student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location, moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful, or intervening in a fight to prevent violence. Documentation of the use of any restraint or seclusion is maintained in accordance with DJS policies, including Restraints – Use of Physical and Mechanical Restraints, RF-718-18; and Seclusion, RF-720-18.

Each time restraint or seclusion is used when a student is participating in JSEP, the student's parents are notified by the Shift Commander within DJS in accordance with DJS policies, including Restraints – Use of Physical and Mechanical Restraints, RF-718-18; Seclusion, RF- 20-18; and Incident Reporting – Residential Facilities and Community Operations, CS/RS-900-19.

Seclusion and restraint are used only in emergency situations when necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.

Once seclusion or restraint has been used or school personnel have made a student-specific determination of the need for the intervention of seclusion or restraint to protect a student or other person, the intervention of seclusion or restraint may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:

- Review available data to identify any contraindications to the use of the intervention based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;
- Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until the intervention of seclusion or restraint is used in an emergency situation; and
- Obtain written consent from the parent, consistent with Md. Code Ann., Education Article, § 8-405.

If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall be referred to the school's pupil services team or an IEP team.

If restraint or seclusion is used for a student with a disability, and the student's IEP or BIP does not include the use of restraint or seclusion, the IEP team shall meet within 10 business days of the incident to consider the need for a functional behavioral assessment, developing appropriate behavioral interventions, and implementing a behavioral intervention plan.

Developing a PLAAFP

(Present Level of Academic Achievement and Functional Performance)

- Gather and analyze data using current and specific academic and functional performance data.
 - Examine student's strengths and present them in a narrative form. Describe how the student is making progress in content areas -- meeting standards and essential skills that are moving toward mastery, specific learning strategies, successful accommodations and instructional interventions that are working for the student. Acquisition of specific knowledge and skills that are necessary to make progress in the general education curriculum in the grade in which the student is enrolled and their ability to reach post-secondary outcomes. Specific academic skills in which the student performs well include input from educators. Successful outcomes of supplementary aids, services, accommodations, and/or interventions implemented across all educational settings.
 - Use the gathered data to examine the student's needs; including academic and behavioral needs/gaps. Consider the following areas: emerging or missing skills, limited fluency or accuracy and other factors impacting the student from moving toward the standard. Focus on the skill sets the student requires to access and make progress in the general education curriculum, as well as functional education setting. Use essential skills from the academic standards. Also include needed supplementary aids and supports to help support the gaps or missing skills. Write these in narrative form with input from other educators, as well as student and parents, when appropriate.
 - Describe the impact of the disability. Identify the disability and describe the impact on the student's involvement in the general education curriculum.
-
- **Utilize and reflect on questions below about the student and the instruction to help guide the writing of the PLAAFP.**
 - What are the learner's preferences, interests, and goals, including postsecondary?
 - What strategies, accommodations and/or interventions have been successful in helping the learner make progress in the general education curriculum?
 - How does the identified disability impact involvement and participation in age appropriate activities?
 - How does the identified disability affect involvement and progress in general education?
 - What skills/behaviors (academic or functional) is the learner able or unable to perform?

- What other needs such as functional, organizational and social skills impact the learner's involvement and progress in the general education curriculum?
- What is the learner's performance in functional areas, such as self-determination, social competence, communication, behavior and personal management?
- What are parent/caregiver concerns?
- Is the student on track to achieve grade-level proficiency within the year?

Write the PLAAFP summary with input from all IEP team members, including related service providers, assessors, and the parent and student as appropriate.

Tips for Developing IEP Goals

- Utilize the data gathered for the PLAAFP to identify the student's areas of deficit and how they align to academic standards.
- Evaluate the skills needed to successfully progress toward mastery of standards and how these skills change between grade levels.
- Utilizing PLAAFP data to establish where the student is performing along the developmental continuum of skills. (instructional vs. grade level; with or without prompts or supports)
- Identify specialized instructional strategies that will be necessary for the student to access and progress with the skills needed in the general education classroom.
- Develop a goal that addresses where/when and how often the needed skill will be addressed quarterly throughout the school day for the student. This goal must be measurable to address progress.
- Identify what sources of data will be utilized to sufficiently document progress toward the established goal.

Case Manager Responsibilities

Case management is performed by special education teachers that are designated to provide oversight and support to students with IEPs. When a student transfers into a JSEP school, they are assigned a case manager. The case manager is responsible for ensuring that the entire educational record is available for the teams review and that students receive all of their special education and related services. Case managers are responsible for the following:

- Holding record review for all IEP students
- Consulting with the parent to obtain approval of implementing the IEP from time of enrollment to date of IEP meeting (if one must be held)
- Offering comparable services
- Contacting the previous service school to clarify services on student's IEP
- Ensuring IEP compliance by effectively communicating annual reviews, re-evaluations and program reviews to team members
- Accurately documenting and supporting IEP team decisions with data in the Prior Written Notice
- Maintaining all IEP deadline related to IDEA
- Effectively communicating with the receiving and sending school about information related to annual meetings, re-evaluation planning/assessments, behavior intervention plans and comparable services
- Case managers are to document in the parent contact section of MD online all communications with parents and with receiving and sending schools. This information should be printed and put in students file weekly.
- Case managers must ensure that the IEP team is prepared for the meeting by maintaining frequent communication with the team.
- Each IEP team member should bring a summary report to the meeting that contains actual data about grades, progress in the general education curriculum and on tests, credits earned, service learning hours earned, assessments administered, number of credits required to graduate, transition plan and goals and progress on IEP goals.

- At every annual review meeting the case manager must close out the past IEP. Closing out an IEP means that it must be clear to the parent and the team which areas of the IEP will stay the same and which areas will change.
- At the end of the IEP meeting the case manager must summarize the major points of the meeting to ensure the key decisions and/or actions accurately reflect the discussion and actions proposed by the IEP team.
- Any student who is not on the MD online system and who has been enrolled in your building for at least 7 days a copy of current IEP must be uploaded into the file uploads and profile information must be entered into the SSIS database (MD Online). Once the student leaves your building within 2 days, the student should be exited from the system database. If you have confirmation that a student is going to another school in our system do not exit the student from MD online. If you do not have this confirmation please exit the student.