

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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1. **PURPOSE**

To establish a policy in accordance with 20 U.S.C. Sec. 1400-et seq., Individuals with Disabilities Act (IDEA), 34 C.F.R. Part 300, et seq., and Code of Maryland Regulations (COMAR), State Board of Education, Title 13 A. 05. 01., et seq., to be implemented in Somerset County, Maryland.

2. **DEFINITIONS**

- A. Free Appropriate Public Education: A free appropriate public education is available to all children with disabilities residing in Somerset County Public School between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.
- (1) Have been provided at public expense, under public supervision and direction, and without charge.
 - (2) Meet the standards of the State educational agency.
 - (3) Include an appropriate preschool, elementary or secondary school education in the State involved
 - (4) Are provided in conformity with the Individualized Education Program
- B. Child Find: All children with disabilities residing within Somerset County Public Schools, including children with disabilities who are homeless children or wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented

to determine which children with disabilities are currently receiving needed special education and related services.

- C. Least Restrictive Environment: To the maximum extent appropriate, children with disabilities, including children in public, or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily
- D. Procedural Safeguards: Somerset County Public Schools shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate education relating to: Prior Notice, Consent, Educational Evaluation Process, Independent Educational Program, Individualized Education Program (IEP), Extended School Year Services, Transition from and Infants & Toddlers Program, Procedures Regarding Educational Records, Discipline of Students with Disabilities, Placement of Students in Private Schools By Their Parents, Parent Surrogate, Transfer of Parental Rights at Age of Majority, Resolving Disagreements, and Attorney's Fees.
- E. Confidentiality: Agencies in the State comply with 20 U.S.C. 1417(c) (relating to the confidentiality of records and information)
- F. Transition From Part C To Preschool Programs: Children participating in early intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with U.S.C. 1437(a)(9).
- G. Children in Private Schools: To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by Somerset County Public Schools, provision is made for the participation of those children in the program by providing for such children special education and related services.
- H. Personnel Qualifications: The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.
- I. Participation in Assessments: All children with disabilities are included in all general State and district wide assessment programs , with appropriate accommodations and alternative assessments where necessary and as indicated in their respective individualized education programs.
- J. Permissive Use Of Funds:
 - (1) Services and Aids That Also Benefit Non Disabled Children-For the costs of special education and related services, and supplementary aids and services,

provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of a child, even if 1 or more non disabled children benefit from such services.

- (2) Early Intervening Services-To develop and implement coordinated, early intervening educational services.
- K. Treatment Of Charter Schools And Their Students: Serves children with disabilities attending charter schools in the same manner as the Somerset County Public Schools serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school.
- L. Records Regarding Migratory Children With Disabilities: Somerset County Public Schools shall cooperate to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging, among the States, health and educational information regarding such children.
- M. Initial Evaluations: Somerset County Public Schools shall conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability.
- N. Parental Consent: Somerset County Public Schools proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability shall obtain informed consent from the parent before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services. Somerset County Public Schools shall seek to obtain informed consent from the parent before providing special education and related services to the child.
- O. Revaluations: Somerset County Public Schools determines that the educational or related services needs of a child warrant a reevaluation if the child's parents or teacher requests a reevaluation; not more frequently than once a year, unless the parent and Somerset County Public Schools agree otherwise; and at least once every 3 years unless the parent and Somerset County Public Schools agree the reevaluation is unnecessary.
- P. Determination Of Eligibility And Educational Need: The determination of whether the child is a child with a disability as defined in 20 U.S.C. 1401(3) and the educational needs of the child shall be made by a team of qualified professionals and the parent.
- Q. Individualized Education Program: The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and includes: A statement of the child's present levels of academic achievement and functional performance; A statement of measurable annual goals including academic and functional goals; A description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided; A statement of the special education and related services and supplementary aids and services to be provided to the child, and a statement of the program modifications or supports for school personnel that will be provided for the

child; An explanation of the extent, if any, to which the child will not participate with non disabled children in the regular class and in the activities; A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on the State district wide assessments; The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications; Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter appropriate measurable post secondary goals, the transition services (including courses of study) needed to assist the child in reaching these goals; and beginning not 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under 20.

- R. Individualized Education Program Team: The term 'individualized education program team' of 'IEP Team' means a group of individuals composed of: The parents of the child with a disability, not less than 1 regular education teacher of the child, not less than 1 special education teacher, a representative of Somerset County Public Schools who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum; and is knowledgeable about the availability of resources of the local educational agency.
- S. Review And Revision Of IEP: In General- Somerset County Public Schools shall ensure that, the IEP Team: reviews the child's IEP periodically, but not less frequently that annually, to determine whether the annual goals for the child are being achieved; and revises the IEP as appropriate.
- T. Graduation Credits: Credits towards graduation must be earned through regular education courses.
- U. Discipline of Students with Disabilities
 - 1) Principals may remove a student with a disability for not more than 20 school days at a time for a violation of school rules.
 - 2) When these removals (10 days or less at one time accumulate to more than 10 days in a school year, school personnel determine the extent of services needed to enable the student to progress in a general curriculum towards the IEP goals.
 - 3) On the date a student with disability is removed from the student's current placement for a violation of a code of student conduct, for more than 10 consecutive days or a change of placement, school personnel shall notify the parents of the decision and provide the parents with the procedural safeguards notice.
 - 4) Change of placement includes removal for more than 10 consecutive days or a series of removals that constitute a pattern

- 5) Within 10 school days of any decision to change the placement, the IEP team must review all relevant information in the students' file, any teacher observation and any relevant information provided by the parents to determine:

If the conduct was caused by or had a direct and substantial relationship to the student's disability or;

If the conduct in question was the direct result of the public agency's failure to implement the IEP.
- 6) If the IEP team determines that either of the above statements is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.
- 7) If the conduct was a manifestation of the student's disability, the IEP team must:
 - Conduct a functional behavioral assessment and a behavioral intervention plan for the student, if the school had not previously done so;
 - In the situation where a behavior intervention plan has been developed, review the behavior intervention plan and modify it, as necessary to address the behavior; and
 - Return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, except when the student has been removed to an interim alternative education setting for up to 45 days for drugs, weapon, or serious bodily injury.

V. Resolving Disagreements:

- 1) Mediation: Mediation is a process that may be used to resolve disagreements between the parents of a child with a disability and the public agency responsible for the education of the child. 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.
- 2) State Complaint: Individuals and organizations have the right to file a State Complaint with the Maryland State Department of Education (MSDE). In order for the State to conduct an investigation, the written complaint must meet specific criteria as required in the IDEA regulations.

If an individual or an organization believes a public agency has violated a federal or State law or regulation concerning a special education requirement, or that a public agency has not implemented a due process hearing decision, a State complaint may be filed.

- 3) Due Process Complaint: The parent or public agency may file a due process complaint on any matter relating to the identification, evaluation or educational placement, or the provision of a free appropriate public education (FAPE) to a child. The due process complaint must allege a violation that happened not more than two years before the parent or the public agency knew or should have known about the alleged action that forms the basis of the due process complaint.

3. POLICY

The Somerset County Board of Education recognizes and complies with 20 U.S.C. Sec. 1400et seq., Individuals with disabilities act (IDEA), 34 CFR, Part 300, et seq. and Code of Maryland Regulations (COMAR), Maryland State Board of Education Bylaw 13A.05.01, et seq., which requires that all students residing within the jurisdiction of Somerset County, including students attending private, non-public schools or living in a state-operated program, who disabling conditions adversely affect their educational performance receive special education and related services, from ages birth through 21, in compliance with all federal and state regulations governing the educational programming of students with disabilities.

To this end, Somerset County Public Schools provides students with disabilities with access to educational services provided by highly qualified personnel and to resources necessary to ensure a free appropriate public education in the least restrictive environment, as determined by the Individual Education Plan (IEP) Team, IEP's are the educational roadmap for students with special needs. School teams in partnership with families develop IEP's based on diagnostic assessments and identified needs. The plan includes goals and objectives, services needed to implement the plan and a statement of how and where the plan will be implemented. In making decisions about special education services, school teams are aware of the responsibility to consider each students' needs and the supports and services necessary to provide access to and meaningful participation in the general education curriculum.