



SPECIAL EDUCATION  
HANDBOOK

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# Introduction

The purpose of this handbook is to provide HCPSS staff with a guide through the Special Education process. As laws, policies, and guidance change, be sure to access the current version of this Handbook. For ease of reading, most citations have been removed. All information in this Handbook adheres to Federal, State and Local laws, regulations, and policies. See below for access to legal and policy citations:

[HCPSS Policies and Procedures](#)

[Code of Maryland Regulations \(COMAR\)](#)

[IDEA \(Part B\)](#)



# Chapter 1

## Pre-Referral Process

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### Overview

Each local school system shall provide a coordinated program of pupil services for all students which shall include but not be limited to school counseling, pupil personnel, school psychology, and health services. The Pupil Services Program shall focus on the health, personal, interpersonal, academic, and career development of students. Each local school system shall develop and implement a plan to determine the Pupil Services Program needs of students. Each local school system shall define, develop, implement, and evaluate its Pupil Services Program. The Pupil Services Program may use preventative and remedial approaches to meet student needs and include alternative supplemental programs for students at risk.

## The Student Support Team (SST)

Student Support Teams (SSTs) are in every school. The purpose of the team is to connect students and families with resources and support. The ultimate goal is to enhance students' academic achievement and well-being.

The work of SSTs includes:

- Connecting students and families with school and community resources to address identified needs,
- Monitoring student progress for effectiveness of the resources/intervention, and
- Increasing staff member knowledge of school and community resources to support students and families. Concerns are addressed in a culturally responsive and equitable manner.

When a student is referred to SST by a parent/guardian or staff member, the team meets to identify needs and discuss connecting the student/family with appropriate resources. A Student Care Coordinator is assigned to each student needing ongoing services/supports. For further information on how to refer to SST or additional information about the team, please contact the school administrator, school counselor, or classroom teacher.

For a full list of services access the [Support Services for Students section of the Student and Parent Handbook.](#)

## Additional Resources

### HCPSS

- [Handbook- Support Services for Student](#)

### MSDE

- [TAB: Improving Outcomes for Students with Disabilities: Curriculum, Instruction, and Assessment](#)





## Chapter 2

### Child Find

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#### Overview

HCPSS has the responsibility to identify, locate, and evaluate all children with disabilities, regardless of the severity of their disabilities, from birth to 21 years of age who may need special education and related services. This includes children residing in the county, including homeless children, wards of the state, migrant students, and children suspected of having a disability needing special education even though they have not failed or been retained in a course or grade and are advancing from grade to grade. Additionally, HCPSS has responsibilities for children with disabilities enrolled by their parents in private schools, including religious, elementary, and secondary schools located in Howard County. These responsibilities include developing and implementing a practical method to determine which children with disabilities are currently receiving special education and related services.

## Children Ages Birth to 2

The Howard County Infants and Toddlers Program in the Early Intervention Office provides the single point of entry and Child Find activities for children birth to age 3 and their families who reside in Howard County. When there is a concern about the achievement of developmental milestones of an age-eligible child, the child is referred through the Early Intervention Office to a regional service center for assessment and, if eligible, development of an Individualized Family Services Plan (IFSP). The IFSP services are provided in the natural environment, which is typically the home or childcare setting and include developmental evaluations and assessments.

For more information, parents should complete the [online referral](#) with Maryland's Infants and Toddlers Program or send an email to [Early Intervention Services](#). Parents may include specific concerns they have regarding the development of their child.

For more information on IFSPs consult the IFSP Handbook. (In development)

## Children Ages 3 to 5

The County Diagnostic Center (CDC) in the DSE provides the single point of entry and Child Find activities for children ages 3 to kindergarten. This includes determining eligibility for preschool children who reside in the county or nonresident children who attend preschool programs approved by the MSDE located in the county. Children ages 3 through 5 are considered to be parentally placed private school children with disabilities enrolled by their parents in private schools, including religious, elementary schools, if they are enrolled in a private school that meets the IDEA definition of "elementary school".

This includes a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under Maryland Education Code.

The Preschool Child Find Team is an interdisciplinary team that provides identification services to children from three to five years of age who may have a disability including developmental delay. The team includes an educational diagnostician, a speech-language pathologist, a psychologist, an occupational therapist, a physical therapist, an audiologist, a pediatrician, and a nurse. Parents are important members of the team and are included in each IEP team meeting.

For more information, parents should Email the [Child Find Office](#) directly with "3 to 5" in the subject line of the email. Parents may include specific concerns they have regarding the development of their child.

## School-Aged Children (5-21)

For both resident and non-resident students who are parentally placed in a private or religiously affiliated school in Howard County, parents should *email the [Child Find Office](#) directly with "School Age" in the subject line*. For resident students in Howard County, parents should contact the school for which the child is zoned. They can use the HCPSS [School Locator](#) to identify the home school.

Families of children with questions or concerns about their child's development are also encouraged to contact the HCPSS Child Find Office (p: 410-313-7046), located in the Old Cedar Lane Building at 5451 Beaverkill Road, Columbia, MD.

## Determining Eligibility for Special Education Services (Part B)

The IEP team meeting to determine eligibility for special education services (Part B) may be held at the same time as the Transition Planning Meeting or as a separate IEP team meeting after the transition planning has been held. The Parental Notification of an Individualized Education Program (IEP) Team Meeting is used for notification. A copy of the Procedural Safeguards and Parental Rights booklet is included with the written notice. The IEP Eligibility meetings are held by the Early Intervention Assessment Team (EIAT) for children transitioning from the Infants and Toddlers Program. EIAT reviews the evaluations and assessments provided by the Part C providers or conducts its own evaluations and assessments to determine Part B eligibility. During the summer months, eligibility meetings are scheduled with the EIAT or additional staff hired to ensure timely transition and IEP process compliance. The Part C service coordinator works with the EIAT to schedule the eligibility meeting and provide the Collaborative Assessment for Transition Planning in a timely manner for review and mailing to the family. The Part C Service Coordinator ensures that required registration documents are obtained and that the student is activated in the HC IEP (TIENET) by the OEIS Technical Assistant. The EIAT should have access to the transition report and other information about the child at least three (5) days prior to the IEP team meeting, with information uploaded to the secure folders on the HCPSS GAFE.

Parents are to receive copies of all documents to be reviewed by the IEP team at least five business days prior to the IEP meeting, as the report is reviewed with the parents by the Part C provider.

### Written Referral to the IEP Team

For children referred to the IEP team from the Infants and Toddlers Program, a written referral to Part B is unnecessary since the local school system is a participating agency in the early intervention system. The assessment reports serve as the written referral to the IEP team and are DATE STAMPED with the date received.

The combined IFSP/IEP Team Meeting to Determine Eligibility for Special Education Services (Part B) Procedures for the IEP team meeting to determine eligibility for Part B services include:

- Reviewing existing information from appropriate assessments that have been completed not more than six months prior to the child's third birthday as part of the IFSP meeting.
- Assessments to determine eligibility for special education do not need to be recommended through the IEP team meeting. The IFSP team, including the family, should have determined

appropriate evaluations in accordance with federal regulations under IDEA during transition planning.

- Obtaining written parental consent to release evaluation and assessment reports and other information, including the child's most recent IFSP, to Part B special education programs (DSE Records Release)
- Obtaining parental consent for the IEP team to review the reports completed through the Infants and Toddlers Program to determine eligibility for Part B services using the Special Education Parental Consent for Evaluation (SE 3).
- Determining through the special education decision-making process whether the child is eligible for special education and related services. Parents are provided with parental rights, procedural safeguards, and responsibilities, if they have not already been received.
- If the child is determined to be eligible for special education and related services, discussing Parental Consent – Family Choice: Consent to the Continuation or Request for Termination of IFSP Services form.
- Determining the next steps to ensure a smooth transition, including development of an IEP to be implemented on the child's third birthday or development of an Extended IFSP that includes outcomes related to school readiness. The IEP may be developed at any time between the IEP team meeting to determine eligibility for special education and related services and the child's third birthday as long as it is in effect on the child's third birthday.
- Planning for the dissemination of additional information to the special education program and community programs, as appropriate.

### Development of a Draft of the IEP

The EIAT forwards information about the child to the Part B team at the RECC that serves the child's home address. This information may be uploaded to the HCPSS GAFE. This information includes the following:

- Current IFSP or Extended IFSP (with outcome progress updates)
- Summary of current services, frequency/intensity and service location(s):
- Collaborative Assessment Report (for transition at age 3)
- Exit Summary (for transition from Extended IFSP)
- Registration Materials (current)

The special education team or the EIAT will also provide the family with the Information to Help Plan My Child's IEP form. Members of the special education team may arrange to go on a home visit or see the child in a community program if he/she currently attends one. The special education team reviews the information provided by the EIAT, ITP team and the parents and develops a draft of the IEP. This draft is provided to the parents at least 5 business days prior to the IEP Team meeting to develop and approve an IEP.

### IEP Team Meeting to Develop and Approve an Individualized Education Plan

An IEP team meeting to develop and approve an IEP is held before each child's third birthday if the parent consents to provision of special education services and the child is found eligible for special education services (Part B). This IEP team meeting is held at the RECC that serves the child's home address or the home school if it is anticipated that services at that location may be considered by the IEP team. Representatives of all programs that may be considered by the IEP team to implement the IEP are invited to attend the meeting in addition to the parents and the current Infants and Toddlers service coordinator, as appropriate. The Parental Notification of an Individualized Education Program (IEP) Team Meeting is used for notification.

### Determining Eligibility for Extended School Year Services (ESY)

If a child is eligible for special education services and the IEP will be in effect before or during the summer months, the need for ESY services may be determined at the initial IEP team meeting. Any special education or related service provided after the child's third birthday will be provided through a coaching model, as reflected as an IEP service. If a service is to be provided after one school year ends and before the next one begins, eligibility for ESY services must be documented. The IEP team may consider a number of factors when determining whether or not a child requires ESY services. These factors, outlined in Howard County Public School System Special Education Procedures and Guidelines, include:

- Whether annual goals are related to critical life skills. The child's age, ability, and number of years the child has left to acquire the skill are considered when making this determination.
- Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break and a failure to recover those skills in a reasonable time. For children who have received early intervention services, the team may consider the history of regression when breaks in IFSP services have occurred.
- degree of progress toward mastery of goals related to critical life skills.
- The presence of emerging skills or breakthrough opportunities.
- Interfering behaviors.
- The nature and severity of the disability.
- Other special circumstances.

If one or more of these factors apply, the IEP team must decide if the benefits the child receives from his or her educational program during the regular school year will be significantly jeopardized if the student is not provided ESY.

If additional data needs to be gathered to facilitate determination of eligibility for ESY services, the IEP team must plan to reconvene the discussion in a timely manner.

The IEP team selects appropriate objectives related to the goals determined to be critical life skills and recommends special instruction and/or related services to be provided to implement the objectives. The services and their frequency needed to maintain the critical life skills during the summer break are recorded in the services section of the IEP. The Least Restrictive Environment (LRE), program, and location are determined and recorded on the ESY page of the IEP.

### Declining Special Education Services

Parents have the right to decline special education services for their child until five years of age, which is the age of compulsory school attendance in Maryland. Parents who decline preschool

special education services must be advised that referral to the HCPSS Child Find Program is an ongoing option if concerns arise at a later date. Documentation of the decision to decline services, including parent signature, is recorded in the Individualized Education Program (IEP) and/or in the IEP team meeting notes or in writing by the parent. The Instructional Facilitator for Early Intervention Services should be notified and the Department of Special Education will verify the decline of services with the parent.

If a child turns three and Part B eligibility or special education services are in dispute or an IEP cannot be agreed upon, the parents may request mediation, a due process hearing, or both.

### The Transition Checklist

The step-by-step procedures for transition depend on the child's status in the Infants and Toddlers Program (new referral or enrolled), the child's special education eligibility status (eligible or not eligible), the time when the child will turn three, and the parents agreement to have the child evaluated for Part B eligibility. The transition process to consider Part B eligibility begins between the ages of 27 and 33 months.

# Additional Resources

## HCPSS

- [HCPSS Child Find](#)
- [OEIS Handbook \(In development\)](#)
- [Infants and Toddlers Program](#)
- [Child Find- Checklist Children from Private School](#)
- [Child Find- Template Privately Placed Students](#)
- [Infants and Toddlers Program \(Howard County Government Website\)](#)
- [Early Intervention Services Learning Community Canvas Page](#)

## MSDE

- [Maryland Infants and Toddlers Program \(MSDE Website\)](#)
- [Maryland Infants and Toddlers Program \(Online Referral\)](#)
- [IFSP Process Guide](#)
- [A Family Guide to Understanding the Individualized Family Service Plan](#)
- [TAB: Effective Transition Practices: Supporting Family Choice at Age 3](#)
  - [Transition at Beginning of School Year Following 4<sup>th</sup> Birthday](#)
  - [Transition after Age 3 flowchart](#)
  - [Transition By Age 3 flowchart](#)
- [TAB: Early Intervention Services for Children who are Deaf or Hard-of-Hearing and Their Families](#)
- [TAB: Inclusive Early Childhood Services In the Least Restrictive Environment \(LRE\)](#)



## Chapter 3

# IEP Team Meetings

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### Overview

An IEP Team is a group of individuals who bring different perspectives and expertise to a scheduled and formal meeting. Through collaboration and pooling of knowledge, the team crafts an individualized program for the student with disabilities considering the student's strengths and needs. The IEP team meeting is a prearranged event conducted in accordance with special education law and regulations where the team is responsible for:

- Identifying and evaluation students with disabilities;
- Developing, reviewing, or revising IEPs for students with disabilities;
- Determining the placement of students with disabilities in the least restrictive environment; and
- Making manifestation determinations.

The IEP team membership requirements vary depending upon the meeting purpose but may include general educators, special educators, administrators, related services providers, school psychologists, agency participants, parents and students.



## Meetings that are NOT IEP team meetings

The following are not IEP team meetings and do not involve a legal requirement for parent participation:

- Informal or unscheduled conversations involving school system personnel;
- Conversations on issues of teaching methodology, lesson plans, or coordination of service provision if these issues are not addressed on the student's IEP; or Preparatory activities necessary to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Screening activities by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation are not considered an evaluation for special education and related services eligibility, and thus do not require an IEP team meeting. Additionally, school-based problem-solving meetings, parent-teacher conferences, and "intake conferences" with a parent involving a student with a disability who is transferring to HCPSS from another Maryland school system or from an out-of-state school system are not IEP team meetings.

## IEP Timelines

According to COMAR and IDEA, most IEP team meetings and special education processes must occur within a specific timeline. Refer to the [Individualized Education Programs Timelines Snapshot Chart](#) for an overview of IEP Timelines.

If the purpose of the IEP team meeting is associated with legal timelines, utilize the following language in your e-mail along with sending the notice:

*I'm contacting you to schedule an IEP team meeting for **STUDENT NAME**. Attached is an IEP Team Meeting Notice with our school's proposed date, time, location and purpose. Please note that this meeting must be held by **DATE TIMELINE IS DUE** in order to meet required IEP process timelines. If you are unable to attend and would like to work with the school to reschedule for another date within this timeline, please let me know by **DATE**.*

## IEP Team Meeting Participants

At a minimum, each IEP team must include the following:

- Parent(s) of a child with a disability.
- General education teacher of the student (if the student is, or may be participating in the general education environment).
- Not less than one special education teacher, or not less than one special education provider of the student.
- HCPSS representative who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, knowledgeable about the general education curriculum, and who can commit the HCPSS resources.
- Individual who can interpret the instructional implications of evaluation results; this requirement may be met by one of the professionals listed above.
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel.
- Student, when appropriate.

## Parent Participation in IEP Team Meetings A parent is defined as

1. Biological or adoptive parent of a child;
2. Foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;
3. Guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
4. Individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
5. Surrogate parent who has been appointed in accordance with the Act.

Federal regulations provide that the biological or adoptive parent of a child, when attempting to act as the parent under the Act and when more than one party is qualified to act as a parent, must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child or unless a judicial decree or order identifies a specific person(s) to act as the parent or to make educational decisions.

Although the statute includes a foster parent in the definition of "parent," the definition of parent in Education Article §8-412, Annotated Code of Maryland does not include a foster parent unless the foster parent is a relative or stepparent. Therefore, individuals serving as foster parents, who are not relatives or stepparents, need to be appointed as the student's parent surrogate in order to represent the student in the educational decision making process.

Until a student reaches the age of majority, unless the rights of the parent to act for the child is terminated or otherwise limited, only the parent has the authority to make educational decisions for the child, including whether the child should attend an IEP team meeting.

## Transfer of Parental Rights to the Student of Majority Age

In Maryland, parental rights transfer to students of majority age under very specific and limited circumstances. Education Article §8-412.1, Annotated Code of Maryland, outlines the seven, specific circumstances for the transfer of rights at age of majority. If any one of the circumstances exist for a student with disability, HCPSS DSE shall provide the student and the student's parents or parent surrogate with a copy of the procedural safeguards and written notice of the HCPSS' proposal to transfer the parental rights under the IDEA to the student. If the rights afforded parents under the IDEA are transferred to a student, the rights regarding educational records must also be transferred to the student. HCPSS must provide any notice required under the IDEA to both the student and the parents. If the parental rights have transferred to a student of majority age, the parents continue to be a part of the IEP team if invited by the student or by HCPSS. If rights are transferred, the IEP chairperson or case manager shall contact the DSE and provide the following information for State reporting purposes:

- The student's name

- The student's school system identification number;
- School of attendance;
- Grade;
- Date of transfer of rights;
- The name of the parent surrogate, if applicable;
- The circumstance under which the parental rights were transferred; and
- Any other information deemed applicable.

If a request is made for the transfer of rights and an IEP team finds that a student is not eligible for the transfer of rights, the student and the student's parents or parent surrogate shall be provided with written notice, specifying the reasons for not transferring the parental rights to the student.

## Surrogate Parent

A surrogate parent is a person appointed by a school district or court to represent a child with a disability who has or may need special education services. A surrogate parent has the same rights and responsibilities that parents and guardians have in the special education decision-making process.

The passage of the individuals with disabilities education act (IDEA) gave parents of children with disabilities (ages birth through 21 in Maryland) an active role in planning their children's educational programs. Though the child advocate role is usually filled by parents, the laws allow for a surrogate parent if the parents or other family members of a child with a disability are unknown or completely unavailable, or if the child is a ward of the state. Individuals who serve as surrogate parents fulfill an important role in the life of a child with a disability.

A surrogate parent must:

- Have the knowledge and skills that ensure adequate representation of the child.
- Not be an employee of a public or private agency involved in the education or care of the child.
- Not have a personal or professional interest that conflicts with the interest of the child whom he or she represents.

In order to fulfill these duties, the surrogate parent should also learn about state and federal requirements for special education and about school district structure and procedures. The surrogate parent should understand the pupil's disability and needs and have an ability to effectively advocate for the child.

Surrogate parents have access to the child's school records that will contain confidential information. They will also receive confidential information while talking with teachers, social workers and others who support the child in school. All information is private and may not share with anybody outside the school team. For more information about HCPSS policy 9050 on student records visit

<https://policy.hcpss.org/9000/9050/>

If a student requires a parent surrogate, the school team should fill out the *Parent Surrogate Request From School* form and send to the Coordinator of Special Education Compliance, Non Public Services and Family Support.

### Holding an IEP Meeting Without a Parent

The focus on scheduling IEP meetings should be to ensure meaningful parent participation while maintaining timelines set by federal and state regulations. In order to do so, it may be necessary to hold an IEP meeting without a parent if, for example:

- The parent has not confirmed an available date and time after multiple attempts;
- The parent has not responded to communication regarding attending the IEP meeting;
- The parent has cancelled attempted IEP meetings; or
- The parent has not attended attempts to hold the meeting.

#### General Tips:

- To ensure the team is within the timeline, schedule meetings well in advance and well before timeline due dates. Consider scheduling the first attempt 30 days prior to the timeline due date or request that the parent waive their 10-day notice.
- Attempt to contact the parent by various means (e-mail, phone call, letter, in-person), and document all attempts and parent response on a contact log.
- Communicate meetings in the parent's native language.
- Provide various days and times for the meeting.
- Do not assume that because a parent has not attended meetings in the past that they will not attend subsequent meetings.
- Create and send meeting notices each time you propose a meeting rather than via informal emails. If the parent declines or does not attend, document this in the purpose box of the meeting notice.
- When the IEP team holds the meeting (with or without the parent), document in the meeting minutes previous attempts to hold meetings.
- If the team holds a meeting without a parent, consider holding a follow up meeting with the parent to review.
- Note that if a team holds an IEP meeting without a parent, consent may still be required for certain actions (conduct an initial evaluation, authorize the initial IEP, consent to restraint, consent to alternative assessments, etc.).
- IEP meetings should be scheduled with the parent and not with advocates/attorneys. It is not the school's responsibility to ensure that advocates and attorneys are available to attend IEP meetings.
- Upon your final attempt to hold a meeting- [attach this cover letter](#) with your IEP Team Meeting Notice

### General Education Teacher Participation in IEP Team Meetings

If the student is or may be participating in the general education environment, a general education teacher of the student with a disability must participate in the development, review, and revision of the student's IEP, including assisting in the determination of

- Appropriate positive behavioral interventions and supports and other strategies for the student; and
- Supplementary aids and services, program modifications, or supports based on peer-reviewed research to the extent practicable, for school personnel that will be provided for the student to
  - advance appropriately toward attaining the annual goals;
  - be involved in and make progress in the general education curriculum;
  - participate in extracurricular and other nonacademic activities; and
  - be educated and participate with other children with disabilities and nondisabled children.

If a student has more than one general education teacher, the principal/designee may designate the teacher to participate in IEP team meetings. Although only one general education teacher of the child is required to attend the meeting, the input of all the general education teachers should be sought through a *teacher input form*. The student's completed IEP must be accessible to all staff responsible for implementing the IEP. If a student does not have a general education teacher or is younger than school age, the general educator shall be an individual qualified to teach a student of the student's age. The general education teacher for children aged three through 5 who may be participating in the general education environment should be one of the following:

- For a kindergarten-aged student, a general education kindergarten teacher would appropriately be the general education teacher who would be a member of the IEP team;
- For a 4-year-old child in a HCPSS Pre-K Program, the teacher would serve as the general education teacher; and
- For a child who is dually enrolled in the HCPSS and in a Head Start Program or a private or religiously affiliated preschool, the Head Start teacher or other preschool teacher would serve as the general education teacher. It is important to seek direct input from the staff of these facilities.

### IEP Chairperson/Administrator

The IEP chairperson is a school-based administrator who can serve as the representative qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, the individual knowledgeable about the general curriculum, and the individual knowledgeable about the availability of resources of the public agency. In some circumstances the IEP chairperson may designate a school-based case manager to chair the IEP team. Such circumstances include IEP team meetings when:

- The need for assessment is determined;
- Goals and objectives are developed;
- Eligibility is determined; and
- A review of the child's progress is conducted, except in such cases where resources are committed or placement is determined.

## Student Participation in IEP Team Meetings

A student with a disability must be invited to attend his/her IEP meeting when the purpose of the meeting will be the consideration of the student's interests and preferences toward their postsecondary goals and the transition services needed to assist the student in reaching those goals. Consideration should always be given to genuine student participation, particularly at the secondary level where students may be able to add pertinent information regarding their specific preferences and interests. If the student does not attend the IEP team meeting, a member of the IEP team must take other steps to ensure that the student's preferences and interests are considered. Any information provided by the student should be strongly considered.

## Nonpublic School IEP Meetings

For students who are enrolled in a nonpublic school, the IEP meeting is facilitated by their HCPSS Case Manager. The rest of the IEP team is comprised of the parent as well as staff from the student's service school. Staff may include the IEP Coordinator, Special Education Teacher, other related service providers (SLP, Psychologist, etc.), school counselor, or other staff that have input regarding the student's progress. Other HCPSS may attend these meetings as well if they are able to provide meaningful input such as the results of an assessment.

## Representatives from a Public Agency

For students who are 14 or over, an agency representative may be a part of the IEP meeting to provide information related to post-secondary goals and services. Upon receiving parent consent, a representative from a public agency (such as DORS or DDA) will be invited to an IEP meeting once a representative has been identified. If the team is unable to obtain parent consent, or if the parent denies consent, the agency representative will not be invited, and this will be documented in the *IEP Team Meeting Minutes*. If the team obtains consent, the agency representative(s) should be included on the *IEP Team Meeting Minutes*. The date and method of consent should be documented in the *IEP Team Meeting Notice*. The Transition Specialist will also ensure that the *Transition Agency Linkage* section on the *Transition Activities* page of the IEP is properly completed to reflect the agency invitations.

## Interpreter

IEP Teams are required to provide parents the opportunity for meaningful input and participation in IEP meetings. This includes offering an interpreter for parents who require one.

### Interpreters for Spanish

- To request a Spanish Interpreter for either an IEP meeting or parent conference, please email Spanish IEP at [spanishiep@hcpss.org](mailto:spanishiep@hcpss.org).
- Interpreter requests are processed within 48 hours of receipt. You will receive an email confirming when an interpreter has been assigned. Please note that a two-week notice is required to guarantee interpreter availability.

### Interpreters for all other spoken languages

- Please use the [Special Education Interpreters SY 2024](#) list to request an interpreter. An interpreter should be arranged at least two weeks in advance of the IEP team meeting or parent conference to secure services.
- To send a blurb to parents regarding their option to request that an interpreter attend a workshop that's being sponsored by the HCPSS, visit [HERE](#).

### Interpreters for Sign Language

- Contact Countywide Services at 410-313-7046
- Interpreter requests should be made no later than 14 days prior to the date of the meeting/event.

### Other members with knowledge or special expertise

Other IEP team members often include related service providers such as Speech Language Therapists, Occupational Therapists, Audiologists, etc. This could also include, for example, a nurse student requires health-related assistance or someone from the Instructional Access team if the student requires Assistive Technology.

These team members are invited to meetings as needed. If a provider or other team member is unable to attend a meeting, that individual would be responsible for communicating to the parent and the team prior to the meeting. If the individual was on the meeting notice that was sent to the parent, the parent would need to give permission to waive the required notice and this would need to be documented in the IEP team minutes.

For individuals who are not currently employed or contracted by HCPSS (such as previous instructors, tutors, therapists, etc.), the IEP team needs to obtain and document parent consent to contact and invite these individuals to the meeting.

### Individual who can interpret the instructional implications of evaluation results

When the purpose of an IEP meeting is to review an assessment, it is important for that individual to be present at the meeting to review and interpret the results and answer questions from the parent.

### Private attorneys and advocates

Private attorneys legally represent the student.

- They should provide a release signed by the parent for the school to communicate with the attorney about the child. This needs to be filed in the special education student record (miscellaneous folder).
- The parents (or persons with educational rights) remain the decision-makers in the IEP process, not the attorney.
- Scheduling of IEP team meetings is coordinated with the parents. It is the parent's obligation to invite other parties if they choose (such as an attorney or advocate). These parties are not included on the IEP meeting invite.

- School team members may communicate with attorneys but decisions and responses to questions from the school should be directed to the parents. The attorney can be copied on the email or letter. If a phone call is made, it should be to the parents (and documented in a communication log for the student).

Private advocates do not legally represent the student.

- The parents need to complete and sign the HCPSS *Request for Records and Release of Records* form for the school to provide records to and/or communicate with the advocate. This needs to be filed in the special education student record (miscellaneous folder).
- The parents (or persons with educational rights) remain the decision-makers in the IEP process, not the advocate.
- Scheduling of IEP team meetings is coordinated with the parents. It is the parent's obligation to invite other parties if they choose (such as an attorney or advocate). These parties are not included on the IEP meeting invite.
- School team members may communicate with advocates but decisions and responses to questions from the school should be directed to the parents. The advocate can be copied on the email or letter. If a phone call is made, it should be to the parents (and documented in a communication log for the student).

## Facilitated IEP Meetings

Facilitated IEP meetings offer families and school staff an additional option to promote positive communication and collaboration at IEP team meetings.

A facilitated IEP meeting can:

- Assure meaningful involvement of all participants in the IEP team process.
- Ensure the focus remains on the student.
- Be helpful when a substantial amount of new information is reviewed at an IEP meeting.
- Be helpful at any stage in the IEP team process and may be particularly helpful when the discussion at an IEP team meeting may be challenging.
- Support team members in developing and maintaining collaborative relationships.
- Assist in fostering a meeting outcome based on consensus.
- Minimize the need for more formal means of resolving disagreements.

## IEP Meeting Facilitator

An IEP meeting facilitator comes from an independent mediation agency and is trained in fostering positive communication. They treat the school and parent/guardian equally. An IEP meeting facilitator talks to the parents/guardians and the IEP chairperson prior to the IEP meeting to support the agenda of the meeting. The facilitator ensures that all members of the team have an opportunity to be heard. IEP facilitators do not serve as advocates and are not employees of the school system. They volunteer their service and remain independent and impartial.



### Steps for Requesting a Facilitated IEP Meeting

Facilitated IEP meetings are voluntary; both parties must agree to participate in the process. Either a parent/guardian or school personnel can request a facilitated IEP meeting through the Family Support and Resource Center – email FSRC@hcpss.org or call 410-313-7161. The request must be made ten days before the IEP meeting.

A facilitator is assigned once the request is made and the parent/guardian completes a release of information form. The facilitator will contact both the parent/guardian and the school prior to the meeting. There is no cost for facilitated IEP meetings.

### Excusal of an IEP Team Member

An IEP team member may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if:

- The member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. This may include written input into the draft IEP through such formats as the *Individualized Education Program Planning* form and *Teacher Report* forms prior to the meeting. By providing the draft IEP to the parent prior to the meeting, this may allow a staff member to be excused from the meeting, with written parent consent; and
- The parent and the IEP team agree, **in writing**, to the excusal before the meeting begins. This agreement shall be documented in the Parent Input section of the *IEP Team Meeting Report* or in the Parent Input section of the IEP document.

### Alternative Means of Participation in IEP Team Meetings

If neither parent can attend, HCPSS may use other methods to ensure parent participation, including individual, video conference, or conference calls.

### Continuing an IEP Team Meeting

IEP team meetings should be scheduled so that all the purposes of the meeting can be addressed within the allotted time. When the IEP team is unable to complete the meeting and it must be continued, another meeting should be scheduled before the parents leave the meeting. An invitation to the next meeting is sent to the parents. It is permissible to provide the parents with less than 10-day notice of the continued meeting if the date was mutually agreed upon at the first meeting, providing the parents are willing to sign the waiver of 10-day notice. If the meeting concludes without a mutually agreed upon date, the parents must be provided with the required 10-day notice of the continued meeting.

Note that continuing a meeting is not a valid reason to go out of legal timelines

### Audio Recordings of the IEP Team Meetings

The HCPSS will audio-record an IEP team meeting if the family elects to record. HCPSS requests that parents/guardians alert the team in advance of the meeting so that the team has sufficient time and

resources to create their own recording. However, if parents do not provide advance notice, the IEP team meeting may still proceed if the HCPSS can make arrangements to record. It is better to start a meeting a few minutes late so that a recording may be set up, than to reschedule a meeting and violate a timeline requirement.

A family may not record an IEP team meeting without the school team also recording at the same time. The State of Maryland has laws that govern the audio-recording of individuals. Therefore, a family may not legally record a meeting without the team members' consent to be recorded.

**\*\*Regarding the program Otter.ai (or other programs not authorized by HCPSS):** Per the HCPSS Data Privacy Office, parents and staff cannot use this program due to security and data privacy issues.

### Directions:

1. At the beginning of each IEP meeting, ask the parents if they are planning on recording the meeting.
2. Record in the *Parent Input* section the parent's decision whether or not to record. Use the following statement: "The parent stated that they will/will not be recording this IEP meeting."
3. Begin the recording.
4. State the student's full name and the full date including month/date/year.
5. Read the statement below.
6. Have all team members introduce themselves aloud and verbally make note of head-nodding for agreement if the meeting is being held virtually. (For example, when you ask if everyone is okay being recorded, if everyone nods, then indicate that aloud for the purpose of the recording.)

### ***Read aloud this statement:***

*You have elected to record your child's IEP meeting; therefore, the school team will also record. We understand that your recording will allow you to meaningfully participate without having to take notes.*

*The HCPSS will treat the recording as confidential and it will become a part of the student's record; however, the discussion and decisions recorded in the IEP Team Meeting Report and/or the IEP documents remain the official record. The IEP documents direct the outcome for your child, rather than the individual comments of team members.*

*Please be aware that by law any individual on this team has the right to refuse to be recorded. If this is the case, someone will present the information for that individual.*

### After Recording

Recordings must be downloaded onto a thumb drive and placed in the student's file along with the paper copy of the meeting notes. The thumb drive should be clearly labeled with the student's name and the meeting date. Parent access should follow standard procedures for accessing educational records.

## Additional Resources

### HCPSS

- [A Parent's Guide to Facilitated IEP Meetings](#)
- [Parent Surrogate Application](#)
- [Special Education Interpreters SY2024](#)
- [IEP Timelines Snapshot Chart](#)
- [Parent Participation in IEP Meeting Letter](#)
- [Bilingual/Spanish Assessment Request](#)

### MSDE

- [Student Involvement in the IEP Process](#)
- [IEP Checklist for Students](#)
- [IEP Tips Sheet for Parents](#)
- [Maryland Statewide Individualized Education Program \(IEP\) Process Guide](#)



## Chapter 4

# Parent Notification of IEP Team Meetings

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### Overview

Parents must be afforded the opportunity to participate in IEP team meetings with respect to identification, evaluation, educational placement, and the provision of a free and appropriate public education (FAPE). This occurs through notifying parents of meetings in accordance with the 10-day notification requirement and scheduling meetings at a mutually agreed upon time and place.

The notification of the IEP Meeting must include the purpose, time, date, location of the meeting, and the titles of those who will be in attendance. The IEP team meeting shall be scheduled at a mutually agreed-upon time with at least 10 days written notice provided to the parent, unless an expedited meeting is being held for the following reasons:

- Disciplinary issues;
- Determine the placement of a student with a disability who is not currently receiving educational services;
- Meet other urgent needs of the student to ensure the provision of a free appropriate public education (FAPE).

When an expedited meeting must be held, the parent is initially contacted by telephone or e-mail but must still be provided with written notice of the meeting, even if it can only be provided just prior to the IEP team meeting. If an expedited meeting is needed, the parent is not required to sign a waiver of the 10-day notification on the *Notice of Individualized Education Program (IEP) Team Meeting* form.

Notice of an IEP team meeting must be provided in language that is understandable to the general public. For a parent who does not read English, the notice should be provided in his/her native language, unless it is clearly not feasible to do so. For a parent who does not read English, HCPSS provides oral translation of the document. The interpreter must take steps to ensure the parent understands the content of the notice. Once interpretation has been provided, documentation of such must be maintained within the student's special education records.

A copy of the *Parental Rights, Maryland Procedural Safeguards Notice* booklet must be given to the parents one time per year and is provided to the parent at the annual review meeting. A copy shall also be given to the parents upon:

- Initial referral (mailed with notice for IEP team meeting to review the initial referral)
- Parental request for evaluation
- Receipt of an individual's first State complaint in the school year
- Parent's first due process complaint in a school year
- The day of a decision of a disciplinary referral that results in a change of placement (long-term suspension or cumulative days of short term suspensions totaling 10 days or more in a school year); and
- Request by a parent.

HCPSS best practice is to offer the *Parental Rights, Maryland Procedural Safeguards Notice* booklet at each IEP team meeting. The booklet is available in various languages on the MSDE website.

It is the joint responsibility of all members of the IEP team to ensure that the concerns of the parent are addressed and that parents are treated as full, participating members of the IEP team. To increase parent participation in the IEP development process, two forms have been developed to provide for

parent input to the team. The *Parental Input for IEP Development* form is intended to obtain information from the parent that will help the team in drafting an appropriate IEP for the student. When a draft of the IEP is sent home, the accompanying cover letter (“has submitted Parental Input” form or “has not submitted Parental Input” form) allows the parent a second opportunity to provide input in the development of the IEP. In the Regional Early Childhood Centers, parental input is obtained through the use of the *Information to Help Plan my Child’s Individualized Education Program* form.

## Five-Day Rule

School personnel must provide parents with an accessible copy of each assessment, report, data chart, draft IEP, or other document the IEP team or other multidisciplinary education team plans to discuss at that meeting.

Providing documents in advance of a meeting allows for meaningful participation in the meeting process and can create more efficient use of time during the meeting. Parents must receive the IEP documents or other multidisciplinary education team documents teams plan to discuss 5 business days prior to IEP or other multidisciplinary team meetings. Following the meeting, parents must receive a copy of the draft, or finalized IEP, or other multidisciplinary documents within 5 business days following the team meeting.

## Finalizing in TIENET Within 3 business days

- IEP documents should be “finalized” in TIENET within 3 business days of the IEP team meeting. This allows time for the documents to be received by the parents within *5 business days*.
- Some documents need to be uploaded into TIENET such as the signed assessment reports (not psych) and parent consent forms.
- All TIENET documents and file-based documents that are uploaded to TIENET need to be **printed and filed** into the student’s 7-folder confidential special education record.

## Receiving Documents After a Meeting

- Families need to *receive* a copy of the *IEP Team Meeting Report* and IEP (if new or amended) after the IEP Team meeting within 5 days.
  - If there will be a continuation IEP team meeting, the open DRAFT IEP should be sent home, reflecting any updates from the first IEP team meeting.
  - The IEP does not need to be provided again if no revisions were made.

## Native Language for Documents

The HCPSS needs to provide the following documents to a parent in his or her native language or other mode of communication, unless it is clearly not feasible to do so:

- Parent consent for evaluation
- Parent consent for initiation of special education services;

- Prior written notice (IEP Team Meeting Report, Reevaluation Report, Manifestation Report)
- Notice that fully informs parents of the requirements regarding the confidentiality of personally identifiable information;
- Notice of Procedural Safeguards; and
- Assessment or other evaluations of a child.
  - If the native language of the parent is spoken by more than 1% of the student population in the local school system (LSS), the parents may request translation of a completed Individualized Education Program (IEP); and the LSS must provide the translation within 30 days of the request.
    - School teams should send home an English version of the IEP within 5 business days after the IEP team meeting. The translated version will be sent home later.
    - School teams should retain both the English and translated version of documents in the student’s record. All translated documents should also be uploaded to Tienet as a file-based document.
    - Requests for translation are sent to each school’s DSE Instructional Facilitator to be approved and processed.

#### Current 1% Language in HCPSS:

- Spanish
- Chinese (Mandarin)
- Korean
- Telugu
- Urdu

For a list of current translated documents access the [HCPSS DSE Compliance Canvas Page](#).

### Procedures for Requesting Translation of IEPs, Educational Assessments, SLP, OT, PT, Vision, Adapted PE, and Psychological Assessments

MSDE requires Special Education documents to be translated and returned to parents within 30 calendar days from the parental request. IEPs will be provided upon request in the following languages: Spanish, Korean, “Simplified” Chinese (Mandarin), Telugu and Urdu (Pakistani or Indian). Formal assessments for SLP, OT, PT, adapted PE, vision, educational, and psychological can be translated to any language. DSE **Secretaries** will maintain a G Suite spreadsheet to track requests.

1. **Case Managers, Related Service Providers, Support Teachers and Psychologists** - when a parent requests a translation of their student’s documents, please download documents from TIENET as a pdf (do not change file name) and email documents to the school ITL. Include in the email the student’s name, school initials and the native language for translation. *Psychological assessments* should be password protected.

2. **ITLs** - check for accuracy. Forward the request to [DSEtranslations@hcpss.org](mailto:DSEtranslations@hcpss.org) in the subject line type the school level. Elementary, Middle or High.
3. **DSE Secretaries** - forward request to [translation@ad-astrainc.com](mailto:translation@ad-astrainc.com) with a brief email stating "Please translate the attached document(s) from (language) to (language) for (student initials).
4. **DSE Secretaries** - receive the completed translated documents and forward, with directions, and cover letters to the ITL. *Psychological assessments* will be returned to the ITL password protected.
5. **ITLs** - Upload the documents to TIENET (file-based document). *Psychological assessments* are not uploaded to Tienet. Print two copies of the translated document. Send one copy to the parents, including cover letters in both English and native language. File the second copy, the cover letter and the English version of the document in the student's confidential IEP file. Send a copy of *psychological assessments* to Ivan Croft, Instructional Facilitator, School Psychology, ARL . Email your school psychologist that these documents have been processed.
6. **The Executive Director's Secretary** - receive the invoices and process payment.



## Additional Resources

### MSDE

- [TAB: Translations/Native Language/Multilingual Learners](#)



## Chapter 5

# Initial Referral, Evaluation, and Identification

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### Overview

The initial referral for special education may be made in writing by the parent, teacher, or other individual who is familiar with the student directly to the IEP team chairperson, a school administrator or a school staff member. The referral to the IEP team may also be made through the school's Student Support Team (SST), typically after general education interventions have been implemented and monitored for effectiveness.

The initial referral process for children ages birth to 2, children ages 3 to 5 and students ages 5-21 who are parentally placed in a private or religiously affiliated school in Howard County is through the Child Find process as outlined in Chapter 2. Contact Child Find at [ChildFind@hcpss.org](mailto:ChildFind@hcpss.org) or at 410-313-7046.

For resident students in Howard County ages 5-21, parents should contact the school for which the child is zoned. Use our [School Locator](#) to identify your home school. Parents may also contact Child Find who will make the referral to the home school.

## Initial Referral IEP Meeting

Upon receipt of the initial referral the IEP team is responsible for holding an IEP Meeting to Review the Referral Information and Determine the Need for Assessments.

[See Appendix A: IEP Meeting Checklist: Review Referral and Determine the Need for Assessments.](#)

During this IEP meeting, the team will determine if there are diagnostic questions that require the need for assessments. If there are no questions, the team will refer the student back to the school-based problem-solving team. If there are questions, the team will determine the assessments and additional data required to answer the diagnostic questions posed by the team. Upon the completion of the initial referral meeting, the IEP team has 90-calendar days from the receipt of the referral to the completion of the IEP team meeting to determine eligibility OR 60-calendar days from the receipt of parental consent for the evaluation to the completion of the IEP team meeting to determine eligibility. Whichever date comes first must be followed.

## Diagnostic Questions

Asking clear and concise diagnostic questions is critical in ensuring the team is conducting the appropriate assessments and gathering relevant data. Questions should be related to the specific educational disability (“Does the student have an educational disability of Autism?”) as well as educational impact (“What areas are impacted by the student’s suspected disability?” or “What are the student’s present levels in the area of reading and written language?”).

## Exceptions to the Timelines for an Initial Evaluation

The required timeline for an **initial** evaluation may be extended if one of the following exceptions occurs and must be **documented on the *Eligibility* page** of the IEP:

- A student enrolls in a school in the HCPSS after the timeline has begun and prior to a determination by the student’s previous school district as to whether the student is a student with a disability. This exception only applies if the HCPSS is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the HCPSS agree to a specific time when the evaluation will be completed;
- The parent of a student repeatedly fails or refuses to produce the student for the evaluation; or
- The student’s parent and the IEP team extend the timeline by mutual written agreement.

*Note: Prior to extending the timeline for an initial evaluation for any reason, the DSE Instructional Facilitator must be contacted and options explored.*

## Informed Written Consent for Assessments

HCPSS shall ensure assessment procedures are administered as needed and that parents receive written notice of any assessment procedure the public agency proposes or refuses to conduct. If HCPSS determines that no additional data is needed or does not suspect the student of being a student with a disability, HCPSS is required to provide the parents with written notice of their refusal to assess the student.

### Informed Consent Granted

- For an initial referral, once written consent is granted, the IEP team has 90-calendar days from the receipt of the referral to the completion of the IEP team meeting to determine eligibility OR 60-calendar days from receipt of parental consent for evaluation to the completion of the IEP team meeting to determine eligibility.
- For a reevaluation, all assessments must be completed concurrently within 90-calendar days from the IEP team meeting where assessments are recommended to the completion of the IEP team meeting reaffirming eligibility or dismissing from special education services.

### Informed Consent Declined

- For an initial referral, once written consent is declined, the IEP process ceases. The parents are provided with prior written notice within 5 business days and the student is no longer covered by special education eligibility process protections related to suspensions from school. The student may be referred back to the IEP team for consideration of eligibility at a later date.
  - When parents make the decision to decline during an IEP meeting, their decision to decline will be documented in the IEP Team Report.
  - When parents make the decision to decline after the IEP meeting, ensure that the Parental Consent form is completed indicating they “do not grant permission”.
- For a reevaluation, once written consent is declined, the IEP team needs to determine if the existing data is sufficient to answer the diagnostic questions in order to establish continued eligibility for special education services.
  - If there is sufficient existing data to determine continued eligibility under the current category, the IEP team will proceed with establishing that eligibility. Any applicable TIENET disability supplements will be completed and the Eligibility page of the IEP will be updated. All regular procedures related to updating the IEP as part of the reevaluation process will be followed.
    - If at least one other new disability category is under consideration, then the team will not be able to establish eligibility under that category since they are not able to gather the data necessary to answer the diagnostic question(s) related to the new disability category. The student would still be eligible under the current category (see above).
  - If the IEP team questions whether there is sufficient existing data to determine that the student remains eligible under the current disability category, contact your Resource

Teacher or Instructional Facilitator in advance of sending the notice for the IEP team meeting.

## Informed Consent Revoked

- Revocation of consent for assessments must be in writing; this can be through an email
- If after granting written consent, the parents revoke their consent for all or part of the assessments, the IEP Team must still report out any assessment data gathered prior to the date of revocation at an IEP team meeting. The IEP team will need to determine if the existing data is sufficient to answer the diagnostic questions in order to establish initial or continued eligibility for special education services. Upload the parent revocation of consent to TIENET.
- If the team has not begun any of the assessments - upload the revocation of consent to TIENET.
- If a parent revokes consent, that revocation is not retroactive and does not negate an action that occurred after the consent was given and before the consent was revoked.

## Electronic Consent/Signatures

### Support to get parental consent if not granted at the IEP Meeting

The IEP team must review the informed consent(s) with the parent at the IEP meeting prior to sending the consent forms by e-mail for an electronic signature.

- Consent should be granted on the TIENET form for all assessments except for the psychological assessment.
  - The parent may return the signed informed consent via email attachment, a picture, or the paper form.
  - Consent for psychological assessments is completed on a paper or electronic document provided by the school psychologist.
- If the parent is unable to sign the form, you can send the parent an email with the following language with all information filled in except for the highlighted areas. See below:

Dear **PARENT NAME**,

Thank you for your participation in **STUDENT'S NAME** IEP meeting on **xx/xx/xxxx**. During that meeting we discussed the evaluation process. In order to begin this process, we need your written consent. Please fill in the highlighted section below to indicate your consent for assessment(s).

I have been provided with a copy of the Consent for Assessment form for my child for assessment at the IEP meeting dated **xx/xx/xxxx**.

### IF YOU DO GIVE CONSENT FOR ASSESSMENTS SIGN HERE

This email **indicates I do give consent** for the Howard County Public Schools to assess my son/daughter, **CHILD'S NAME** in the areas of **xxx, xxx, xxx**

Electronically signed **XXXXXX**, Date **XXXXXX**

OR

**IF YOU DO NOT GIVE CONSENT FOR ALL ASSESSMENTS SIGN HERE**

This email indicates that I **do not give consent** for the Howard County Public Schools to assess my son/daughter, **CHILD'S NAME** in the areas of **xxx, xxx, xxx**

Electronically signed **XXXXXX**, Date **XXXXXX**

## Requirements for Evaluation

### Overview

Assessment is the process of collecting data to be used by the IEP team to determine a student's need for special education and related services. The student shall be assessed in all areas of suspected disability. The IEP team and individual assessors must use a variety of assessment tools and strategies to gather relevant, functional, developmental, and academic information including information from the parent to enable the IEP team to determine –

- if the student is a student with a disability;
- the student's educational needs;
- the content of the student's IEP including information related to enabling the student to be involved in and make progress in the general education curriculum, or for prekindergarten children, to participate in appropriate activities; and
- each special education and related service needed by a student, regardless of whether the need is commonly linked to the student's disability.

### Requirements for Assessment Materials

Testing and assessment materials and procedures used to assess a student's need for special education and related services must be technically sound, selected and administered so as to not be discriminatory on a racial or cultural basis, and provided and administered in the student's native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.

A standardized test administered to a student shall be valid for the specific purpose for which it is used and administered by trained and knowledgeable personnel in conformance with the instructions provided by the producer of the test.

Tests and other assessment materials are not limited to procedures designed to provide a single general intelligence quotient and include procedures tailored to assess:

- a) Specific areas of educational need; and

b) The extent to which a student with limited English is a student with a disability, rather than measuring a student's English language skills.

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

Assessment materials, tools, and strategies include, but are not limited to:

- Norm-referenced measures;
- Adaptive behavior measures;
- Authentic assessments;
- Checklists;
- Criterion-referenced measures;
- Curriculum-based assessments;
- Diagnostic tests;
- Informal instruments;
- Information from parents and others familiar with the student;
- Interviews;
- Observations and anecdotal records;
- Performance assessments;
- Portfolio assessment;
- Questionnaires and surveys;
- Rating scales;
- Record reviews; and
- Teacher developed activities.

In alignment with federal (*IDEA Sec. 300.304 Evaluation Procedures*) and state guidance (*COMAR 13A.05.01.06(C)(1) Evaluation, Reevaluation and Eligibility*), the IEP Team must not use any one single measure or assessment as the sole criteria for determining a student is a student with a disability. Instead, multiple sources of information and data should be gathered and used as part of the evaluation process, including general education curriculum data, informal measure(s) data, information from teachers, parents and the students.

A student who is suspected of having a disability or an identified educational disability can be administered individual assessment measures given to all students in a class, group, or grade.

HCPSS has many curriculum, classroom and intervention measures available. For this reason, the [HCPSS DSE Instruction, Intervention and Assessment: Academic Data and Informal Assessment Measures](#) Canvas Page assists IEP teams in gathering multiple data sources.

## Educational Assessments

The IEP team may recommend educational assessments as part of a comprehensive evaluation, in all areas related to the suspected disability or disabilities, that will address the questions formulated by the IEP team. The team must develop diagnostic questions that will be answered by the comprehensive evaluation.

HCPSS DSE provides professional learning and support in administering the following educational assessments:

- Woodcock-Johnson® IV Tests of Achievement (WJ IV™ ACH)
- Test of Written Language, Fourth Edition (TOWL-4)
  
- The *Woodcock-Johnson® IV Tests of Achievement (WJ IV)* measures academic achievement in reading, mathematics, written language, and academic knowledge. Specific combinations of the various tests form clusters for interpretive purposes. Each test yields a standard score (SS). Scores reported are based on national norms by the exact age of the child.
  
- Any person administering the WJ IV ACH needs thorough knowledge of the exact administration and scoring procedures and an understanding of the importance of adhering to standardized procedures. To become proficient in administering the WJ IV ACH, examiners need to study the administration and scoring procedures carefully and follow the procedures precisely. This Examiner's Manual provides guidelines for examiner training and includes specific instructions for administering and scoring each test.
  
- To administer the Woodcock-Johnson® IV Tests of Achievement, HCPSS examiners must have either completed or are currently in the certification process in conjunction with their DSE Resource Teacher.
  
- The Test of Written Language - Fourth Edition (TOWL-4) measures performance in the areas of written language. This standardized test is comprised of seven subtests that are designed to measure contrived and spontaneous writing achievement in three component areas: conventional (compliance with accepted rules for spelling and punctuation), linguistic (use of grammar and vocabulary), and cognitive (ability to write logical, coherent material). Subtest results combine to form the composite indexes of Contrived Writing, Spontaneous Writing, and Overall Writing.
  
- Subtests yield a scaled scores and composites yield a standard score. The scores are based on national norms by the exact age of the student.
  
- To administer the Test of Written Language - Fourth Edition, HCPSS examiners must have either completed or are currently in the certification process in conjunction with their DSE Resource Teacher.



## Requirements for Assessment Reports

Staff designated to complete assessments must adhere to the HCPSS requirements for reports. These requirements may be supplemented within the Psychological Services Handbook and related services requirements per licensure.

HCPSS assessment reports shall meet the following requirements:

- Written form, dated and signed by the assessor;
- Describe the student's performance in each area of suspected disability;
- Include a statement addressing the validity of the assessment procedures for the student;
- Address the student's educational needs;
- Describe the instructional implications of the assessment results to enable the student to participate and make progress in the general education curriculum (or for a prekindergarten child to participate in age appropriate activities);
- Provide any other information useful to the team's decision making; and
- Describe the extent to which assessment procedures were not conducted under standard conditions.

The written report shall be provided to the parents in accordance with HCPSS 5 business day procedures prior to the IEP team meeting and the reports must be available at the IEP team meeting. It is best practice to discuss the written assessments with the parents prior to the IEP team meeting. This practice facilitates meaningful participation by the parent in the upcoming meeting. This can be accomplished through an informal meeting or a telephone conference. It must be made clear, however, that the IEP team determines the need for special education and related services.

## Independent Educational Evaluations

An independent educational evaluation conducted by a qualified examiner who is not employed by the school district or another public agency responsible for the education of the student in question. The IDEA grants parents an automatic right to obtain an IEE at their own expense at any time during their student's education. To trigger the parent's right to the IEE at public expense, the district must have conducted an evaluation with which the parent disagrees. The IEE must be conducted subject to "agency criteria" which includes the location of the evaluation and the qualifications of the examiner and must be the same as the criteria the agency uses in conducting its own evaluations. If a parent requests an IEE at public expense, the district has two options:

- File a due process complaint to request a hearing to show that its evaluation is appropriate or
- Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates that the evaluation obtained by the parent did not meet agency criteria.

If a parent requests an IEE, the IEP team should contact the Coordinator of Compliance, Nonpublic Services and Family Support.

## Review of Independent Assessment

If a student presents an Independent Assessment to the IEP team, the team should use the *Review of Independent Assessment Worksheet* to review the assessment and determine if the assessment meets HCPSS criteria for Educational Evaluation. If the assessment does meet the criteria, the IEP team will discuss the recommendations from the assessment and next steps in the IEP process.

## IEP Meeting to Review Assessments and Determine Initial Eligibility

All assessments for initial special education services must be recommended and completed concurrently within 90-calendar days from the receipt of the referral to the completion of the IEP meeting to determine eligibility OR 60-calendar days from receipt of parental consent of the IEP team meeting to determine eligibility. Whichever date comes first must be followed. [See Appendix B: IEP Meeting Checklist: Review of Assessments to Determine Initial Eligibility](#) for details regarding the IEP meeting process.

## Disability Categories

Under IDEA and COMAR there are fourteen (14) disability categories, or codes, that align with the process to determine if a student qualifies for special education. The categories are the following:

- Autism
- Deaf-blindness
- Deafness
- Developmental Delay
- Emotional Disability
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment, including blindness

## Determining Multiple Disabilities

According to COMAR, "Multiple disabilities means concomitant impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational problems that the student cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include students with deaf-blindness."

To qualify for Multiple Disabilities, a student must qualify for a disability in at least TWO of the three categories below:

Cognitive	Sensory	Physical
Autism	Deaf-Blindness	Other Health Impairment
Emotional Disability	Deaf	Orthopedic Impairment
Intellectual Disability	Hearing Impairment	
Specific Learning Disability	Visual Impairment	
Speech-Language Impairment		
Traumatic Brain Injury		

**Notes:**

- Just because a student qualifies for special education under more than one educational disability category, *it does not mean that they automatically require the Multiple disabilities designation.*
- If a student qualifies for the Multiple Disabilities code, multiple supplement forms may be required depending on the specific disabilities identified.
- Multiple Disabilities should be indicated as the primary disability on the cover page, if this category is determined to be most appropriate for the student.
- The impact of each disability should be identified in the impact statement on the PLAAFP (Pt. 2) page.

### Determining Specific Learning Disabilities

MSDE allows school districts to choose from the following two options for determining whether a student has a specific learning disability (SLD):

- determination of responsiveness to intervention through a tiered instructional approach; or
- determination of a pattern of strengths and weaknesses based on individual assessment data.

In addition, IDEA specifies that States may not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.

HCPSS utilizes individual assessment data to determine whether the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development that is relevant to the identification of a specific learning disability, using appropriate assessments. It is important to consider the specific needs related to students who are both gifted and talented and learning disabled when making determinations.

### Criteria for Specific Learning Disability Determination

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

- oral expression;
- listening comprehension;
- basic reading skills;
- reading fluency skills;
- reading comprehension;
- written expression;
- math calculation; or
- math problem solving; and

The student's pattern of strengths and weaknesses is not primarily the result of:

- visual, hearing, or motor disabilities;
- intellectual disability;
- emotional disability;
- cultural factors;
- environmental, cultural, or economic disadvantage;
- lack of appropriate instruction in reading;
- lack of appropriate instruction in math; or
- limited English proficiency.

### Evaluation

To ensure that underachievement in a student suspected of having a specific learning disability is not due to the lack of appropriate instruction in reading or math, the IEP team must, as a part of the evaluation, consider data that demonstrates that:

- Prior to, or as part of the referral process, the student was provided appropriate high-quality, research-based instruction in general education settings, including that the instruction was delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals reflecting formal assessment of student's progress during instruction which was provided to the student's parents.

If the student has not made adequate progress after an appropriate period of time (to be determined by the IEP team), during which both the conditions listed above have been implemented, a referral for an evaluation to determine if the student needs special education and related services must be made. Once the student is referred for an evaluation to determine if the student needs special education and related services, the timelines for evaluation apply. **The evaluation must demonstrate and document the student's performance through the collection and review of multiple sources of information.**

### Pattern of Strengths and Weaknesses

At a minimum, patterns of a student's strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development should be evaluated in terms of the level of performance, the degree of variation among strengths and weaknesses, the frequency of such variation across individuals, and the relevance to the identification of a specific learning disability. Criteria need to account for the fact that some profile variation is typical of non-disabled peers. That is, significant intra-individual differences in score profiles are normal and can be expected to occur among all students. Furthermore, when two assessment scores are compared, the difference between the two scores (i.e., difference score) is nearly always less reliable than the separate scores on which the difference is based. The IEP team will use a variety of assessment procedures that address achievement, including curriculum based measures and classroom performance.

### Observation Requirement

The IEP team must ensure that the student has been observed in the student's learning environment (including the general education classroom setting) to document academic performance and behavior in the areas of difficulty. The IEP team may: 1) use information from an observation before the student was referred for an evaluation; or 2) have at least one member of the IEP team, other than the student's general education teacher, conduct an observation after the referral was made. In the case of a child of less than school age or out of school, an IEP team member must observe the child in an environment appropriate for a child of that age.

The ***Evaluation Report Specific Learning Disability (SLD) Supplement*** form must be completed at the IEP team meeting documenting the requirements listed above including the observation, exclusions, and team determination. A copy is provided to the parent, and a copy is filed with the assessment reports in the assessment folder within the student record.

### Evaluation Report Supplement Forms

The IEP team shall complete the appropriate *Evaluation Report Supplement* form(s) when the suspected disability is Specific Learning Disability (SLD), Developmental Delay (DD), Other Health Impairment (OHI) because of Attention Deficit Hyperactivity Disorder (ADHD), Emotional Disability (ED), or Autism.

## Additional Resources

### HCPSS

- [Physician Cover Letter](#)
- [Physician's Assessment Report Form](#)
- [Referral for Audio Assessment](#)
- [Review of Independent Assessment Form](#)
- [Review of Independent Assessment Recommendation Chart](#)
- [School Referral for a Student Suspected of Having a Disability](#)
- [Teacher Report for a Student](#)
- [Parent Referral and Questionnaire for a Preschool-Kindergarten-Age Child](#)
- [Parent Referral for a Student Suspected of Having a Disability](#)
- [Parent Questionnaire](#)
- [IEP Timelines Chart](#)
- [5 Business Days/60 Calendar Days/90 Calendar Days Tool](#)
- [Guidelines for the Use of the Developmental Delay \(DD\) Eligibility Category](#)
- [Specific Learning Disabilities Canvas Page](#)
- [TIENET Resources](#)
  - [Quick Reference Cards \(Link to Google Folder\)](#)
  - [TIENET Tips](#)

### MSDE

- [MSDE TAB- Parental Consent Under Maryland Law](#)
- [MSDE TAB- Specific Learning Disability TAB and Supplement: Focus on Dyslexia, Dyscalculia and Dysgraphia with Five Questions Parents and Educators Can Ask to Start Conversations](#)

### OSEP

- [IEP Tip Sheet: Participation in Assessment](#)



## Chapter 6

# Developing the IEP

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### Overview

After an IEP team determines a student eligible for special education and related services, the IEP team must develop and initial IEP within 30 calendar days. IEP teams must develop an IEP for every student between the ages of 3 and 21 eligible for special education and related services. The IEP document is developed in collaboration with parents, teachers, and school administrators and conforms to the content requirements of IDEA.



## IEP Meeting to Develop and Approve the Initial IEP

Once the IEP team has established initial eligibility, the team has 30 calendar days to develop and approve a HCPSS IEP. See [Appendix C: IEP Meeting Checklist: Develop and Approve Initial IEP](#) for details regarding the process.

## IEP Content

IEP teams must consider the following:

- The student's strengths;
- The parent's concerns for enhancing the education of their child;
- The results of the initial or most recent evaluation of the student;
- The results of the student's performance on statewide, district-wide, or alternate assessment programs, as appropriate; and
- The student's academic, developmental, and functional needs.

To meet IDEA and COMAR standards, HCPSS uses the TIENET online system to create and store IEPs and IEP documents. The following sections are available in TIENET to include in the IEP; however, every section may not be used depending on the individual student.

## Learning Continuity Plan for Emergency Conditions

Beginning October 1, 2021, an IEP shall include a learning continuity plan to be implemented during emergency conditions in order to ensure that the IEP is proceeding appropriately. Emergency conditions are defined as 10 or more school days during which a child with a disability cannot be provided with an IEP or special education services at school and the school is providing instruction in some form to its students. The learning plan must be developed by an IEP team and must be periodically updated.

IEP planning for emergency conditions shall include methods for providing:

- (a) Special education and related services;
- (b) Supplementary aids, services, program modifications and supports;
- (c) Secondary transition activities;
- (d) ESY services; and
- (e) IEP goals.

## Cover Sheet

The cover sheet lists demographic information about the child and the family, the staff who created the current IEP, IEP meeting dates (including the Annual Review date and Evaluation date), primary disability, areas affected by disability and other information specific to the child's programming.

## Additional IEP Team Meetings

This page is used to list additional members of the IEP team in the case that the IEP meeting for the current IEP was held over the course of multiple days.

## Eligibility

This page is copied from the initial or re-evaluation discussion which describes the most recent evaluation decision.

## Initial Eligibility Snapshot

This page is copied from the initial evaluation discussion which describes the initial evaluation decision.

## District/Statewide Assessments

This page has information regarding the student's participation in district/statewide assessments as well as the student's participation in the Maryland Alternate Assessment. If alternate assessments or standards are discussed, the IEP team completes the *Appendix A* form to determine the student's participation in alternate assessments.

For additional information on the Alternate Education Framework [see current MSDE guidance](#).

In order for the IEP team to make changes to the IEP to instruct the student with alternate standards and/or assess the student with the alternate education assessments aligned with the State's alternate standards, the parent must sign the appropriate consent form.

HCPSS is required to inform the parent of a student with disabilities of State graduation requirements, as specified in COMAR 13A.03.02, and the student's progress toward meeting the requirements.

## Performance Summary

This page includes a summary of Maryland state test scores.

## Present Levels (Part 1)

A statement of the student's present levels of academic achievement and functional performance (PLAAFP), including:

- How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
- For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

Present levels should include data from multiple sources including current psychological or educational assessment results, classroom-based assessments, district and/or statewide assessments, classroom-based observations as well as parent, student and general education teacher input in all relevant areas.

## Present Levels (Part 2)

This page includes parent input, student strengths, and a description of how the student's disability affects their involvement in the general education curriculum.

## Transition (Preferences, Interests and skills)/Secondary Transition Activities

Beginning not later than the first IEP to be in effect when the student turns 14 years old, and updated annually thereafter, the IEP must include a statement of the transition service needs of the student that focuses on the student's course of study. For a student who is age 14, or younger if appropriate, the IEP shall include the following:

- A statement of needed transition services including, if appropriate, a statement of HCPSS' and a participating agency's responsibilities or linkages or both, before the student leaves the secondary school setting.
- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to employment, training and/or education and where appropriate, independent living skills.
- The transition services (including courses of study) needed to assist the student in reaching those goals.
- Beginning not later than one year before the student reaches the age of majority under State law, a statement that the student has been informed of IDEA rights, if any, that will transfer to the student on reaching the age of majority. (In Maryland, 18 years is the age of majority but the rights transfer under limited circumstances. See [Section on Transfer of Rights](#) for additional information.

MSDE requires two transition assessments. One is a required student interview- HCPSS uses the Student Preference/Interest Sheet to support the interview process. The identification of the second assessment is determined by the IEP team and is based on the triangulation of the post-second goals, annual goals, and transition activities.

## Secondary Transition Course of Study/Agency Link

Students with disabilities receiving special education services are entitled to educational services until one of the following occurs:

- the end of the school year in which he/she reaches age 21;
- the student has met the requirements for a high school diploma; or
- obtained a General Education Development (GED).

IEP teams must distribute the [MSDE Secondary Transition Planning booklet](#) at the first annual review where a transition plan is developed and at all subsequent annual reviews. The receipt of the *Transition Planning Guide* serves as the initial linkage between the parent, student, and adult services agencies. The IEP Chairperson must request the parent to sign verifying receipt of the Guide. The receipt should be copied for the parent and the original filed in the transition folder of the IEP. The IEP Chairperson may also accept a verbal acknowledgment of receipt, and this must be documented in the IEP Team Meeting

Minutes. The provision of adult services is dependent upon eligibility and funding and HCPSS personnel cannot make eligibility determinations but should provide parents with sources for additional information on adult services agencies. It is the responsibility of the parent and/or adult student to complete the application process for adult services agencies.

If a participating agency fails to provide agreed upon transition services listed in the student's IEP, HCPSS must, as soon as possible, hold an IEP team meeting to identify alternative strategies needed to address the transition objectives and revise the IEP as appropriate. IDEA does not relieve a participating agency of its responsibility to provide or pay for transition services that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of the agency. Beginning at age 16, or younger if determined appropriate, a student's IEP must include a statement of interagency responsibilities and any needed linkages. The team must indicate whether:

- the student has been referred to a particular agency,
- an agency representative has been invited to the IEP team meeting, and
- services from any agency are anticipated for transition.

The IEP team is to use the eligibility criteria listed in the "Transition Planning Guide" to determine the appropriate agency.

### Special Considerations and Accommodations

The IEP must demonstrate consideration of the following, as applicable:

- 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.
- If a student is limited English proficient, the IEP team shall consider the language needs of the student as these needs relate to the student's IEP.
- If a student is blind or visually impaired, the IEP team shall provide for instruction in:
  - Braille and the use of braille, including textbooks in braille, unless the IEP team determines that instruction in braille is not appropriate for the student in accordance with 34 CFR §300.324(a)(2)(iii), Education Article §8-408, Annotated Code of Maryland, and COMAR 13A.06.06.01; and
  - Orientation and mobility, unless the IEP team determines that instruction in orientation and mobility is not appropriate for the student in accordance with Education Article. §8-408, Annotated Code of Maryland, and §A(6)(b)-(d) of this regulation.
- In the IEP team determines that instruction in orientation and mobility is not appropriate for the student, the IEP team shall order an orientation and mobility assessment, consistent with guidelines established by the Department, that:
  - Includes input from the student's parent or guardian;
  - Includes input from the student's classroom teacher; and
  - Takes into consideration the student's age, current and future needs, ability to function in familiar and unfamiliar areas, and ability to function under various lighting conditions.
- If a student is deaf or hard of hearing, the IEP team shall consider the student's:

- Language and communication needs;
  - Opportunities for direct communication with peers and professional personnel in the student's language and mode of communication;
  - Academic level and full range of needs, including opportunities for direct instruction in the student's language and mode of communication.
- If the IEP team determines that a student with a disability needs a particular device or service, including intervention, accommodations, or other program modifications, to receive FAPE, the student's IEP shall include a statement to that effect.

### Assistive Technology

Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§ 300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's—

- (1) Special education under § 300.39;
- (2) Related services under § 300.34; or
- (3) Supplementary aids and services under §§ 300.42 and 300.114(a)(2)(ii).

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

As a result of the federal mandate, consideration and documentation of AT is a required part of the IEP development process in Maryland.

COMAR states "In developing an IEP, the IEP team SHALL consider and document whether the student requires AT devices and services."

IEP teams must:

- Document the results of their consideration of need for AT during each IEP meeting
- Describe the AT devices and AT services required in the IEP if consideration discussions indicate there is a need.
- Provide the AT devices and services as specified in the IEP.
- Reconsider the student's AT requirements 'as needed, or at least yearly' adjusting the IEP as indicated.

Additional information regarding Assistive Technology, including the referral process, can be found by accessing the *HCPSS Assistive Technology Guide for IEPs and 504 Plan*

### Use of Personal Technology, Assistive Technology, and Tracking Devices

In order to support privacy of all students and staff, and ensure implementation of HCPSS Policy 8080 and Policy 3060 (see below)—while also supporting student's communication and safety needs—the school administrator will require the completion of this form before allowing any student to use certain types of personal technology, assistive technology, and/or tracking devices at school.

HCPSS Policy 8080 defines a personal technology device as any non-HCPSS device that may be used to send or receive data via voice, video or text. This includes, but is not limited to, mobile phones, e-readers, tablets, personal computers, wearable technology, video recorders or other devices equipped with microphones, speakers and/or cameras.

HCPSS Policy 3060 requires that HCPSS review digital tools and authorize only those digital tools that adhere to federal, state and local student data private laws and regulations.

Examples of technology and devices that may require authorization:

GPS location tracking devices (e.g., AngelSense, iTrack)

Communication devices (e.g. GoTalk, Ablenet)

Organization devices (e.g., Tiimo, Goally)

These devices enable audio and/or video monitoring and recording features. As such, they may create privacy concerns for other students and staff if used in school, on the bus, or during school activities. Access the form with [this link](#).

### Functional Behavior Assessment (FBA)

A functional behavior assessment is a tool for identifying what's causing a student's problematic behavior so that the IEP team can develop positive behavioral interventions that reduce or eliminate it. Typically, educators conduct an FBA in response to a student engaging in behavior that interferes with learning or when a student faces a potential long-term disciplinary removal. In conducting an FBA, the FBA team seeks to understand the function of the behavior by examining how the challenging behavior relates to the setting in which it occurs, to conditions existing when the behavior happens, and to events that occur prior to and after the behavior.

### Behavior Intervention Plan (BIP)

Once the FBA is completed, the IEP team uses the information obtained through the assessment and the evaluator's recommendations to develop a plan of action to improve the child's behavior. The BIP focuses on redesigning the student's environment or building new skills that make the problem behavior irrelevant, inefficient, or ineffective in the environment. The BIP should incorporate the FBA's description of the problem behavior and its function. It should include strategies for addressing the behavior that are based on the data and conclusions reached by the individual or individuals who completed the FBA. Also, the BIP should outline when and how often each strategy will be implemented and include a system for monitoring the plan to ensure it is effective.

### HCPSS Procedures for FBAs and BIPs

The process for completing a Functional Behavior Assessment is the same for completing any assessment in terms of consent and timelines. Once the team reviews the FBA, the team will determine if they need to complete a Behavior Intervention Plan. If the team determines the BIP needs to be completed, this should be reviewed at an additional IEP meeting. Additional details can be found on the Behavior Canvas Page.

### Restraint

The local school system or nonpublic school shall provide the parent with written notice in accordance with COMAR 13A.05.01.12A when an IEP team proposes or refuses to initiate or change the student's IEP or behavior intervention plan that includes the use of restraint.

## SECLUSION

It is no longer legal to seclude students in public schools in Maryland. There is no seclusion option in HCPSS.

## RESTRAINT

“Physical Restraint” means a personal restriction that immobilizes or reduces the ability of a student to move the student’s torso, arms, legs or head freely.

- In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm, and when other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.
- Physical Restraint:
  - Shall be removed as soon as the student is calm
  - May not exceed 30 minutes
- In applying physical restraint, school personnel may not:
  - Place a student in a face down position
  - Place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct a staff member's view of a student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso or
  - Straddle a student's torso
- Each time a student is in restraint, school personnel involved in the restraint shall debrief and document:
  - Other less intrusive interventions that have failed or been determined inappropriate
  - The precipitating event immediately preceding the behavior that prompted the use of restraint
  - The behavior that prompted the use of restraint
  - The names of the school personnel who observed the behavior that prompted the use of restraint
  - The names and signatures of the staff members implementing and monitoring the use of restraint
- Documentation shall include a description of the restraint event, including:
  - The type of restraint
  - The length of time in restraint
  - The student's behavior and reaction during the restraint
  - The name and signature of the administrator informed of the use of restraint
- The documentation shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02
- The use of mechanical restraint is prohibited in public agencies and nonpublic schools unless a public agency or nonpublic school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations. Note: the regulation does not prohibit school personnel from using a protective or stabilizing device:
  - As prescribed by a health professional; or
  - For a student with a disability, in accordance with the student's IEP or behavior intervention plan

- Restraint should only be used by Safety Care trained staff with current certification.
- A restraint form must be completed in Synergy for each incident of restraint
- Within 24 hours a parent must be provided oral and written notification of a restraint unless otherwise provided for in the IEP or Behavior Plan
- The school nurse/health assistant must immediately assess the student's physical condition.
- The incident of restraint should be processed with the student:
  - Occurs when the student is calm
  - Considers the student's age
  - Elicits student feedback and understanding of the incident
  - Develops restorative and preventative strategies to address the student and staff needs

In order for the IEP team to include restraint in the IEP (and/or BIP), the parent must sign the appropriate consent form.

#### SUPPORT AND REPORTING RESTRAINT

HCPSS central office staff work with school staff to conduct a review of the student's needs to develop a plan of action when a student has been restrained 7 or more times. After the 10<sup>th</sup> incident of restraint, this information will also be reported to the Maryland State Department of Education (MSDE).

Additionally, at the 10<sup>th</sup> incident of restraint an IEP, 504 or SST meeting will be scheduled to review the student needs. If the student has an IEP or Section 504 plan, the team may meet earlier to address the student's needs and positive behavior interventions to be implemented.

#### EXCLUSION

"Exclusion" means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support and is not physically prevented from leaving or returning to the classroom. The period of time for each exclusion event is limited to no more than 30 minutes. While working on de-escalation strategies with a student, staff may strategically position themselves in the room to deter a student from eloping. Staff may also create learning spaces within a room to deter a student from eloping. Staff may not create a barrier with objects or place furniture in front of a door. Exclusion is permitted but must be minimized and not used as a replacement for seclusion.

Physical Restraint IS...	Physical Restraint is NOT...
<ul style="list-style-type: none"> <li>• The use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student's body.</li> </ul>	<ul style="list-style-type: none"> <li>• Briefly holding a student to calm or comfort the student;</li> <li>• A physical escort, which is the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purposes of inducing a student who is acting out to walk to a safe location;</li> </ul>



	<ul style="list-style-type: none"> <li>• Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Intervening in a fight in accordance with Education Article 7-307, Annotated Code of Maryland.</li> </ul>

## FREQUENTLY ASKED QUESTIONS

### 1. What interventions should be used prior to the use of physical restraint?

School personnel are encouraged to use an integrated tiered system of supports that include an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors. Less restrictive, nonphysical strategies must be unsuccessfully attempted (and fail) or be considered (and determined inappropriate) prior to the use of physical restraint. If a student with a disability is manifesting challenging behaviors, the individualized education program (IEP) team should consider: i) instructional and behavioral interventions; ii) a functional behavior assessment (FBA) and corresponding behavioral intervention plan (BIP); and iii) trauma-informed interventions as appropriate. Physical restraint should be considered as a last resort to address imminent, serious physical harm.

### When can physical restraint be used?

Physical restraint are prohibited in public agencies and nonpublic schools until there is an emergency situation and physical restraint is necessary to protect a

student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate. While physical restraint is allowed in limited circumstances, they are crisis-oriented responses that should not be used in lieu of less intrusive, nonphysical interventions. Under no circumstances should physical restraint be used for discipline or staff convenience. Additionally, parental consent is required. Please see questions 5 and 6 for information on parental consent.

### May physical restraint be included on a student's BIP and IEP?

Once physical restraint has been used or school personnel have made a student-specific determination that it may need to be used through intentional conversation and discussion in the IEP process and development of the IEP as outlined in Question #2, physical restraint may be included on a student's BIP and IEP to address the student's behavior in an emergency, provided that school personnel:

- i) review available data to identify any contraindications to the use of physical restraint based on medical history or past trauma, including consultation with medical or mental health professional as appropriate;
- ii) identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior prior to the use of physical restraint in an emergency situation; and
- iii) obtain written consent from the parent, consistent with Education Article §8-405, Annotated Code of Maryland.

### Does adding physical restraint to a student's BIP and IEP change the circumstances under which these interventions may be used?

No. Physical restraint, even if added to a student's BIP and IEP, may only be used to address the student's behavior in an **emergency situation**. An emergency situation arises when physical restraint is necessary to protect a student or other person from **imminent, serious, physical harm** after less intrusive, nonphysical interventions have failed or been determined inappropriate.

Imminent, serious, physical harm has the same meaning as serious bodily injury as used in the Individuals with Disabilities Education Act (IDEA). It means bodily injury which involves:

- iv) A substantial risk of death;
- v) Extreme physical pain;
- vi) Protracted and obvious disfigurement; or
- vii) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Physical restraint may not be used except to protect a student or other person from imminent, serious, physical harm, and should only be used by trained personnel. Regardless of

whether it is included in a student's BIP and IEP, physical restraint may not be used as a planned behavioral intervention in response to behavior that does not pose imminent danger of serious, physical harm to self or others. It would also be inappropriate to use physical restraint as a form of punishment or discipline in response to disrespect, noncompliance, insubordination, or out-of-seat behavior.

### **When is parental consent required for physical restraint?**

The IEP team must obtain the written consent of the parent if the team proposes to include physical restraint in the BIP and IEP to address the student's behavior. If the parent does not provide written consent, the IEP team must send the parent written notice within 5 business days of the IEP team meeting that states: i) the parent has the right to either consent or refuse to consent to the use of physical restraint; and ii) if the parent does not provide written consent or a written refusal within 15 business days of the IEP team meeting, the IEP team may implement the proposed use of physical restraint. If the parent provides a written refusal, the IEP team may use the dispute resolution options listed in Education Article §8-413, Annotated Code of Maryland, to resolve the matter.

### **What if an emergency situation arises but the parent refused physical restraint?**

Physical restraint may be used if there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate. This is the case regardless of whether the parent has provided written consent or a written refusal to include physical restraint on a student's BIP and IEP. In any event, each time physical restraint is used, parents must be provided oral or written notification within 24 hours, unless otherwise provided for in a student's IEP and BIP.

### **What if physical restraint is used but is not included on a student's BIP and IEP?**

If restraint is used for a student who has not been identified as a student with a disability, the student must immediately be referred to the school's student services team or an IEP team. If restraint is used for a student with a disability, and the BIP and IEP does not include the use of restraint, the IEP team must meet, in accordance with COMAR 13A.08.03, within 10 business days of the incident to consider the need for a functional behavioral assessment, developing appropriate behavioral interventions, and implementing or revising a BIP.

### When does a physical escort end and a physical restraint begin?

A physical escort is the temporary touching or holding of the hand, wrist, arm, shoulder, or back for purposes of inducing a student who is acting out to walk to a safe location. By definition, a physical escort is not a prolonged action and does not restrict the student's ability to move freely. It is a limited attempt to redirect the student that still allows the student to move from one place to another.

A physical restraint, on the other hand, is a personal restriction that immobilizes or reduces the ability of a student to move the student's body, including the torso, arms, legs, or head. Thus, once a student is held in place for any period of time, with one or more parts of the body no longer able to move freely, the student's movement is being restricted rather than redirected and a physical restraint has begun.

### What must occur after restraint is added to a student's BIP and IEP?

If restraint is used for a student with a disability, and the BIP and IEP includes the use of restraint, the student's BIP and IEP must specify how often the IEP team must meet to review or revise, as appropriate, the student's BIP and IEP, in accordance with COMAR 13A.05.01 and COMAR 13A.08.03. When an IEP team meets to review or revise a student's BIP and IEP, the IEP team must consider:

- viii) Existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint based on medical history or past trauma;
- ix) Information provided by the parent;
- x) Observations by teachers and related service providers;
- xi) The student's current placement; and
- xii) The frequency and duration of restraints events that occurred since the IEP team last met.

## Supplementary Aids and Services

Program modifications or supports for school personnel that will be provided for the student to enable the student to:

- Advance appropriately toward attaining the annual goals;
- Be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
- Be educated and participate with other students with disabilities and students without disabilities in these activities.

Supplementary aids and services must include the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

### Consult Services Defined

- Services provided to a teacher, parent, or other service provider regarding a specific student, designed to support and enhance the implementation of a student's IEP. 13a.05.01.03.B13
- Consult services are a service
- These services can be provided by a special educator, support teacher, school psychologist and/pr a related service provider
- These services are documented in the supplementary aids section of the IEP

\*\*while Assistive Technology can be a consult service, other service providers should be able to address this service in the meeting

- The special educator, occupational therapist or speech-language pathologist should have gathered data prior to the meeting to respond to questions
- If the School Team needs expertise of a member of the Instructional Access Team (IAT), consult with IAT prior to scheduling the meeting to determine if their attendance is required

### Determining the need for Consult Services

Is there a need for the service provider to consult with a specialist in order to implement the goals, objectives and/or supplementary aids?

Is there a need for the parent to consult with a specialist in order to utilize xxxx in the home?

- What:
  - Individualized service
  - Designed to support and enhance the implementation of the student's IEP
  - Required to ensure the student has access to and makes progress in the general education curriculum
- When:
  - When you are discussion student needs
- Where
  - Documented on supplementary aids page
- How: Not directly with the student, but provided on behalf of the student to a teacher, service provider or parent

If you have determined that consult services are required you will denote it on the Supplementary Aids page and define it in the Clarify Location and Manner box

### Consult Services (processes for IEP meetings)

- When the student is being **recommended** for consult services -these services can only be recommended by the provider of that service
  - The service provider must
    - Be alerted when the draft IEP is being developed

- Input their consult services including location and manner
  - Attend the IEP meeting
- When the student is being **reevaluated**
  - the provider of the consult services must
    - Attend the Reevaluation Planning meeting
    - Complete recommended reevaluations
    - Attend the IEP meeting to review assessments
- When the student is being **dismissed** from a service - including consult services
  - The consult service provider must
    - Be alerted when the draft is being developed
    - Complete an assessment data - suggested language - base their decisions on all available data
    - Include the data in PLAAFP 1
    - Attend the IEP meeting

### Instructional and Testing Accommodations

A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and district-wide assessments; and if the IEP team determines that the student must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, a statement of why –

- The student cannot participate in the regular assessment, and
- Why the particular alternate assessment selected is appropriate for the student.

The IEP team must select accommodations on the basis of the individual student's needs. The accommodations must be used consistently for instruction and assessment. When considering adding or removing accommodations, the IEP team should utilize data, which may include trials, teacher observation, and/or assessment reports. The [Maryland Accommodations Manual](#) should be used to guide the decision-making for the IEP team.

### Appendix D: Text-to-Speech, Screen Reader, ASL Video, or Human Reader/Human Signer

For students who require the accommodation of Text-to-Speech, Screen Reader, ASL Video, or Human Reader/Human Signer the Appendix D decision making-tool should be completed. This tool was developed to assist IEP teams in identifying students who may be appropriate candidates to receive these accommodations.

### Extended School Year (ESY) Services

ESY services are the individualized extension of specific special education and related services that are provided to a student with a disability beyond the normal school year, in accordance with the IEP, at no cost to the parents of the student; and meet the standards of the MSDE. The IEP case manager shall ensure that the IEP team determines annually whether the student requires ESY services. This decision does not have to occur at the annual review and may be deferred to a later date, as long as the ESY

decision is made on an annual basis. The IEP team shall consider the following factors in determining ESY eligibility:

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

Following the consideration of the above-listed factors, the IEP team must 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 is eligible for ESY services, the IEP team must determine specific objectives from the goal areas that include critical life skills and relate to the factors that contributed to determination of the need for ESY. When selecting an appropriate number of objectives, the IEP team is to consider the need to focus instruction on a limited number of key skills related to the student’s eligibility factor. Each IEP team needs to use professional judgment with regard to the individual needs of each student when selecting objectives for ESY. The IEP team then recommends services required to provide instruction in the ESY goals/objectives. ESY services depend on the student’s ESY goals/objectives and will most likely vary from those services needed to implement the full IEP. Lastly, the IEP team determines the ESY placement based on ESY eligibility, ESY goals/objectives, and special education and related services.

If the parent declines the offer of ESY services, this should be documented on the services page of the IEP. Parental disagreement with the recommended services or placement must also be documented in this section. The case manager of the student is responsible for confirming transportation needs with parents, completing any required ESY forms, and submitting ESY documentation to the ESY office by required deadlines. Each spring updated instructions, schedules, locations as well as registration, articulation, and transportation forms are provided to special education teachers and related services providers by the DSE.

#### Lack of Attendance During ESY

When the parent waives ESY services or does not make the student available for ESY services, or if the student does not have regular attendance during ESY, the case manager shall convene the IEP team near the mid-point of the first marking period. The IEP team needs to determine whether or not the student’s educational program during the regular school year will be significantly jeopardized as a result of the student not participating in ESY.

The IEP goals and objectives may need to be revised to reflect the student's current level of academic achievement and functional performance rather than those anticipated based on the recommendation for ESY services.

### Additional Explanation for ESY Considerations

Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance a student's integration with nondisabled individuals. Critical life skills include, but are not limited to toileting, feeding, mobility, communication, dressing, self-help, and social/emotional development. In determining critical life skill, it is important to recognize the complicated mixture of academic and behavioral issues that need to be considered. Reading, math, and written language could be considered critical life skills; however, seldom would deficits in these areas alone be considered critical life skills without consideration of the student's age, ability, and the number of years the student has remaining in school.

The following questions may be helpful to the IEP team in determining which goals are related to critical life skills:

- How old is the student?
- How many years does the student have remaining in school?
- Is the skill required across a number of current environments?
- Is the skill required across a number of future environments? And
- If the student does not perform the skill, will someone else have to do it for him or her?

After consideration of the required factors, the IEP team must decide whether or not the benefits the student receives from his or her educational program during the regular school year will be **significantly jeopardized** if the student is not provided ESY services. None of these factors in isolation, or in some combination, necessarily entitles a student to ESY services.

### ESY at the IEP Meeting

The ESY discussion should be held at each Annual Review meeting or before March of the current school year.

### Goals and Objectives

A statement of measurable academic and functional annual goals including benchmarks or short-term instructional objectives related to meeting the student's needs that result from his/her disability to enable the student to be involved in and make progress in the general education curriculum, and meeting each of the student's other educational needs that result from his/her disability; or for a preschool student, as appropriate, to participate in appropriate activities. Goals and objectives are written in measurable terms and are aligned with the State standards.



### Progress Toward Goals

A description of how the student's progress toward meeting the annual goals described above will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. Quarterly progress is reported in Section IV – Goals in the IEP and indicates the student's progress towards the IEP goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the annual review date. If progress is marked "*Not making sufficient progress to meet the goal,*" the IEP team must meet to address the insufficient progress and determine a course of action. IEP progress reports must be provided quarterly with the report cards unless the IEP team determines more frequent reporting is necessary. IEP progress reports must include data references to support the determination as to whether the student is making sufficient progress. Staff must make a good faith effort to assist each student to achieve his/her IEP goals and objectives and to address insufficient progress; however, IDEA does not require that staff be held personally accountable if the student does not achieve the growth projected in the IEP. Quarterly progress reports toward the IEP goals are completed by each service provider and a copy is –

- Attached to the IEP and placed in the student folder; and
- Sent home to the parent along with the quarterly report card.

### Services

A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, including staffing support to be provided to the student, or on behalf of the student. All IEP services are determined based upon data and the professional's recommendation as to what the student needs for the provision of FAPE. Related services are required only when the IEP team determines the student requires the service in order to benefit from special education and has included the service on the IEP.

### Least Restrictive Environment (LRE)

Once the IEP team determines the specialized instruction the student requires, including goals and objectives for instruction, the IEP team decides the type of services that will address the goals and objectives. This decision is referred to as the placement decision. Placement decisions must be made in conformity with the LRE requirements of IDEA. IDEA requires that –

- children with disabilities, including preschool children and children in public or private institutions or other care facilities, must be educated with children who are not disabled to the maximum extent appropriate; and
- special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if 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.

Placement decisions for all children with disabilities, including preschool children, must be made on an individual basis, and may not be based on the child's disability classification or on the need for

accommodations or modifications required in the general education curriculum. The educational placement decision of a student with a disability is made by the IEP team, determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.

In selecting the LRE in which the student will receive services, the IEP team must –

- consider any potential harmful effect on the student or the quality of services that he/she needs;
- ensure the child is educated in the school or typical early childhood setting that he/she would attend if nondisabled, unless his/her IEP requires some other arrangement;
- ensure the placement is as close as possible to the student's home; and
- ensure the student is not removed from education in age-appropriate general education classrooms solely because of needed modifications to the general education curriculum.

The IEP chairperson shall ensure that placement decisions are not based on any of the following factors used alone or in combination:

- Category of disability;
- Configuration of the service delivery model;
- Administrative convenience;
- Availability of educational or related services;
- Availability of space or curriculum content; and
- The methods of service delivery needed by the student.

The HCPSS Director of Special Education and Student Services shall ensure that continuum of alternative placements is available to the extent necessary to implement IEPs; and to meet the needs of students with disabilities for special education and related services; provisions for supplementary services, such as resource room and itinerant instruction, are available in conjunction with general education class placement.

### Continuum of Placement Options

As the designated members of the IEP team complete the draft IEP, the team members should consider the services needed that would enable the child to receive FAPE. If the team members suspect that the draft IEP cannot be implemented in the school in which the student is enrolled or the home school, the team members shall contact a representative from the DSE to review the draft IEP. The representative from DSE may advise the IEP chairperson to invite representatives of other possible placements to attend the IEP team meeting.

If at an IEP team meeting in which the decision is made that the IEP cannot be implemented in the home school or current placement and representatives from other placement options are not in attendance, an additional IEP team meeting must be scheduled to allow representatives of other possible placements to attend and participate in placement discussions. The principal/designee of the current school providing service shall be responsible for contacting a representative from the DSE. After

reviewing the IEP, the representative will assist in planning the subsequent IEP team meeting participants.

### Transportation

If the IEP team determines a student with a disability cannot ride their neighborhood bus or cannot be educated in the school or typical early childhood setting the student would attend if not disabled, the IEP shall document the specialized transportation needs of the student including consideration of the effect transportation may have upon the student in relation to the:

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

If the IEP team determines the student requires special transportation; however, the parent declines special transportation and chooses to transport his or her child, the parent's decision to decline special transportation is documented in the IEP discussion box. If at any time in the future the parent decides to use the special transportation recommended by the IEP team, the parent must contact the school and special transportation will be arranged. All students who receive specialized transportation should have a [Specialized Transportation Articulation Form](#) completed and provided to the bus team to communicate the student's interests and needs.

### Authorization(s)

The Initial IEP must be signed and dated by the parent in order to initiate services. The signed page should be placed in the student's file and a copy uploaded to TIENET.

### Third-Party Billing Program (Medicaid Reimbursement)

Third Party Billing (TPB) is a process to bill the Department of Health and Mental Hygiene (DHMH) for health related services and service coordination provided for special education students. To be eligible for this reimbursement, the student must be qualified for Maryland Medical Assistance (Medicaid), the services must be required by an Individualized Education Program (IEP) or Individualized Family Services Plan (IFSP), and provided by licensed/certified HCPSS staff. The Individuals with Disabilities Education Act (IDEA) guarantees these services to eligible individuals, regardless of reimbursement. However, Third Party Billing provides HCPSS with an opportunity for increased funding to supplement programs and services for students with special education needs. Services eligible for reimbursement to the school system include:

- Audiology
- Mental Health Services (Coming soon!)
- Nursing Services (Coming soon!)
- Occupational Therapy
- Physical Therapy
- Speech and Language Therapy

- Service Coordination
- Transportation

Parents or guardians of eligible students are notified of Third Party Billing at the initial IEP or IFSP meeting and at annual review. Parent authorization is required in order for the school system to obtain reimbursement. For additional information call the Department of Special Education, Third Party Billing Office.

#### **Why do HCPSS Providers bill MA?**

The Board of Education recognizes its responsibilities to provide services for children with disabilities and to pursue funds available from federal sources for this purpose. Accordingly, the **Howard County Public School System** (HCPSS) actively **seeks reimbursement** from the Maryland Medical Assistance Program (Medicaid) **for** health-related services provided to **Medicaid eligible children with disabilities.**"

#### **Flash IEP**

The IEP-in-a-Flash is a truncated version of the IEP that can be provided to General Educators and other staff working with the student.

#### **Annual Goal(s) Progress Report**

The information in this document flows from the progress report section on the Goals page. It is a printer friendly version of the progress report that can be sent to parents and printed and placed in the file.

#### **Maryland Summary of Performance (MSOP)**

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

## When IEPs Must be in Effect

Written informed consent must be obtained from the parent before the initial provision of special education and related services to a student with a disability. After the initiation of special Deeducation services parental consent is not required for the implementation of subsequent IEPs; however, all elements of prior written notice are required for any change in a subsequent IEP. Special education services should be provided without interruption.

Once initial parental consent is obtained, the case manager is responsible for ensuring that:

- Special education and related services are provided consistent with the student's IEP;
- An IEP is in effect at the beginning of each school year; and
- Services are initiated within 5 school days except when the meeting occurs during the summer or a vacation period; or when there are circumstances that require a short delay, such as arranging transportation.
- All service providers responsible for the implementation of the IEP:
  - Have access to the IEP; and
  - Be informed of the service provider's responsibilities, accommodations, modifications and supports that shall be provided for the student in accordance with the students IEP.

If a child has received early intervention services under an IFSP and is determined to be a child with a disability under an IEP, the IEP chairperson shall ensure that an IEP that has been developed by an IEP team is in effect on the child's third birthday. An invitation to the initial IEP meeting shall, at the request of the parent, be sent to the Part C school-based case manager or other representatives of the Part C system to assist with the smooth transition of services. The IEP team shall consider the student's individual family service plan when developing the child's IEP.

## IEP Team Requirements for Informed Consent for Special Education Services

1. Within 30 days of the eligibility determination, the IEP team develops the draft of IEP and holds an IEP team meeting to review the draft.
2. The parent must be provided a copy of the draft IEP at least 5 business days before the meeting.
3. After the IEP team completes the development and review of the initial IEP and approves the IEP, the IEP Chairperson must seek the parent's consent for the initial provision of special education services.
4. Informed consent is obtained on the *Authorizations* page of the IEP.
5. If the parent refuses consent for implementation of the IEP, the refusal of consent is documented within the parent input section of the IEP. Parents should also be encouraged to indicate their refusal on the *Authorizations* form.
6. The case manager is responsible for ensuring the IEP is implemented within 5 days of consent as well as ensuring that each service provider responsible for implementation of the IEP:
  - a. Has access to the IEP; and

- b. Is 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.

## Parent Refuses Consent or Fails to Respond to a Request to Provide Consent to the Provision of Special Education and Related Services

HCPSS staff shall not provide the services listed in the IEP. The student shall not be provided the protections under the IDEA, including the discipline provisions and will not receive accommodations for State and district-wide assessments. HCPSS will not be considered in violation of the requirement to provide FAPE to the student for not providing special education and related services when a parent refuses consent for such services.

## IEP Team Meetings During School Breaks

The principal is responsible for ensuring that special education timelines are met, even during the summer, and that an approved IEP is in effect for each student with a disability at the start of the school year. When necessary, IEP team meetings must be held during the summer break to complete the IEP process. It is recommended that school administrators set aside at least three days throughout the summer to complete IEP team responsibilities. A payroll voucher is submitted to the Third Party Billing Manager in the DSE for reimbursement of services by a staff member who is not an 11-month employee or who does not have a specified number of days of extended year employment. If IEP chairpersons have difficulty obtaining staff to complete the required activities, they should contact their DSE Instructional Facilitator or Resource Teacher.

DSE Instructional Facilitator or Resource Teacher;

## Review and Revision of IEPs

The IEP team must meet annually to review and revise the IEP. In addition, the IEP team should meet upon parent or school-based team member request. Periodic or interim reviews of the IEP may be necessary when completing trials, transitioning to another level, or as a student begins a new program.

### Annual Review Meetings

Prior to the annual review meeting, the case manager is responsible for providing the parents with a draft IEP 5 business days before the meeting (see the Section on the [5 Day Rule](#) for additional information). It is best practice to schedule annual reviews in advance of the due date to allow for any unforeseen cancellations or meetings that must occur over multiple dates. [See the Annual Review section of this Handbook for more details.](#)

## Additional Resources

### HCPSS

- [Parental Consent Form \(For Alternative Assessments and Restraint\)](#)
- [Annual Parent Notification Medical Assistance](#)
- [MA Provider Letter](#)
- [ESY Canvas Page](#)
- [Secondary Transition Canvas Page](#)
- [Secondary Transition Planning Guide for Individuals with Disabilities](#)
- [Instructional Access Team Canvas Page](#)
- [Instructional Access Team Guide](#)
- [Instruction, Intervention and Assessments Canvas Page](#)
- [IEP Development Resources Canvas Page \(Early Intervention\)](#)
- [MA/Third Party Billing Office Canvas Page](#)
- [Use of Personal Technology, Assistive Technology, and Tracking Devices Agreement Form](#)
- [Behavior Supports Canvas Page](#)
- [Information to Help Plan my Child's IEP for Three and Four Year Olds](#)

### MSDE

- [TAB- Secondary Transition: Legal Policy, Implementation, Tools](#)
- [TAB- Student Behavior Interventions: Physical Restraint](#)
- [TAB- Improving Outcomes for Students with Disabilities Consideration & Documentation of Assistive Technology Delivery](#)
- [TAB- Extended School Year](#)
- [MSDE- TIPS to Implement Specially Designed Instruction through Varied Service Delivery Models](#)
- [A Guide for Implementing SDI within an Integrated Tiered System of Supports](#)
- [Guidance for IEP Teams: Participation Decisions for Alternate Assessments and Instruction Using Alternate Standards](#)
- [MSDE Crosswalk for Alt Assessment Participation](#)
- [Maryland Statewide Individualized Education Program Process Guide](#)
- [Guidance for IEP Teams: Participation for the Alternative Assessments and Instruction Using Alternate Standards](#)
- [Alternate Education Framework: Guidance for IEP Teams Working with Students With Significant Cognitive Disabilities](#)

### OSEP

- [LRE \(OSEP\)](#)
- [Placement Tip Sheet \(OSEP\)](#)
- [IEP Tip Sheet](#)
- [IEP Tip Sheet \(2\)](#)
- [Alternate Education Framework](#)
- [Participation in Assessments](#)
- [Measuring Progress Towards Annual Goals](#)
- [Monitoring Student Progress Toward Meeting IEP Goals](#)
- [Basic Disability Etiquette Tips](#)
- [PLAAFs](#)

- [Related Services](#)
- [What is the Statement of Special Education or SDI?](#)
- [What are Supplementary Aids and Services?](#)
- [What are Program Modifications and Supports?](#)

Additional HCPSS Documents

- [Emergency Plan for Students with Disabilities](#)
- [Emergency Plan Guidance Document](#)





## Chapter 7

# Additional IEP Processes

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### Overview

After an initial IEP is developed, additional meetings and processes are required to ensure that a student with a disability continues to receive FAPE. These include Interim Reviews, Re-evaluations, and Annual Reviews

## Annual Review

A student's IEP must be reviewed and revised at a minimum of once annually. In alignment with COMAR 13A.05.01.08, the team should determine whether the annual goals are achieved, address any lack of progress, review data and/or information from assessment procedures, consider information provided by the parent/guardian, and plan for the student's anticipated needs. The team should also discuss any other matters that need to be considered by an IEP Team at that time. Students may have an annual review more than once during a calendar year for various reasons including transition to a new school setting or level, new assessment information being available, etc.

[See Appendix D: IEP Meeting Checklist: Annual Review for details regarding the Annual Review process.](#)

## Periodic Review and/or IEP Amendments

A parent of a student with a disability or an IEP team may request a meeting at any time to review and, as appropriate, revise the student's IEP. HCPSS IEP teams may amend or modify a student's IEP without a meeting **only** when a clerical error was made in the IEP (e.g. IEP decision box reflects one hour of speech/language therapy; however, 1.5 hours was recorded on the IEP services page). Parents are provided with a copy of the amended page(s) to correct the clerical error, along with a cover letter that explains the correction. All of the student's service providers are informed of the clerical error and the subsequent correction to the IEP document. The case manager shall ensure that the parents receive a copy of the amended IEP even if they do not make such a request. A copy of the cover letter described above is filed in the IEP Forms folder in the student record.

Amendments to the IEP can be made at Interim Review IEP Meetings. [See Appendix E: IEP Meeting Checklist: Interim Review for details regarding the meeting process.](#)

## Re-evaluation

### Overview

Reevaluation of a student's continued eligibility for special education and related services must occur at least every 3 years. Reevaluation should be a thoughtful, meaningful, functional, and individualized process that includes review of previous testing, current classroom-based data, and information from all other relevant sources. The reevaluation process may be completed through the comprehensive review of data/reevaluation planning or through formalized assessments completed after a reevaluation planning meeting. The IEP team must ensure that a reevaluation for each student with a disability is completed:

- If the IEP team determines that the educational or related services needs including improved academic achievement and functional performance, of the student warrant a reevaluation;
- If the student's parent or teacher requests a reevaluation; or
- Before determining a student is no longer a student with a disability.

A reevaluation shall not occur more frequently than once a year, unless the parent and public agency agree otherwise and it must occur at least once every 3 years.

### Reevaluation Procedures

The reevaluation process begins with a review of existing evaluation data. This review must include –

1. Evaluations and information provided by the parents of the child;
2. Current classroom-based, local, or State assessments, and classroom-based observations; and
3. Observations by teachers and related service providers.

Based on this review of existing data and input from team members, the IEP team must determine whether any additional data is needed to determine whether the student continues to be a child with a disability and the educational needs of the student. If no additional data is needed, the review of existing evaluation data completes the reevaluation process.

A reevaluation shall occur:

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

### Re-evaluation Planning IEP Meeting

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

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

[See Appendix F: IEP Meeting Checklist: Re-evaluation Planning for details regarding the IEP Meeting process.](#)

### Re-evaluation Review of Assessments IEP Meeting

If during the Reevaluation Planning meeting the IEP team determines the need for additional data, the public agency shall conduct assessment procedures. The results of assessment procedures shall be used by the IEP team in reviewing, and, as appropriate, revising the student's IEP within 90 days of the meeting when the IEP team determined the need for additional data.

[See Appendix G: IEP Meeting Checklist: Re-evaluation Part II- Review of Assessments for details regarding the meeting process.](#)

### Reevaluation Before Change in Eligibility

An IEP team must reevaluate a student before determining that a student is no longer a student with a disability. This reevaluation is not required before the termination of a student's eligibility under IDEA due to graduation with a Maryland High School Diploma or exceeding the age eligibility (21 years of age) for FAPE. If a student exits the school system prior to age eligibility with a certificate, reevaluation is required. Graduation with a diploma constitutes termination of services (change of placement). Grades and passage of the State's tests to graduate may be used as a form of evaluation. At the last annual review IEP team meeting, in the student's senior year or last year of entitlement (up to 21 years), the parent is given notice as to completion of service because of graduation (termination of eligibility). For a student whose eligibility terminates due to graduation with a Maryland High School Diploma or who exceeds the age of eligibility (21 years of age) for FAPE, the IEP team shall provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.

### Reevaluation – Frequently Asked Questions

*1. If the IEP team is considering dismissal from all services or some service(s), is it mandatory to complete formal assessments?*

No, formal assessments are not mandatory, but data must be specific and clear.

Scenario #1: If the child is going to be dismissed from all services, the IEP team completes the *Reevaluation Report*, filling in all appropriate areas. If all data supports dismissal, completion of "Part IV. Decision of the IEP Team: Verification of a Disability and Eligibility for Special Education Services" indicates that the child does not continue to be a child with an educational disability and does not continue to need special education and related services. The remainder of the *Reevaluation Report* does not need to be completed. Note: The parent has a right to request a formal assessment be conducted to determine if the student continues to have an educational disability.\*

Scenario #2: If the child is going to be dismissed from one service, the IEP team meets to review the data presented in the area(s) services are recommended to be discontinued. The *Reevaluation Report* is completed if this decision is part of a reevaluation. If not part of a reevaluation, the data is included in the appropriate part of the IEP, e.g. the PLAAFP if it is an annual review or the documentation box on the services page if a meeting is held specifically for the purpose of dismissal. If a written summary report (signed by the service provider) is provided, attach it to the IEP. Note: The parent has a right to request a formal assessment be conducted to verify that the student no longer qualifies for the service.\*

*2. If one team member feels that standardized tests are needed, do all professionals involved need to administer standardized tests in their area of expertise?*

Scenario #1: If the purpose of the additional data relates to questions about disability mismatch, then the appropriate professionals conduct a formal assessment to answer the diagnostic questions.

Scenario #2: If the purpose of the additional data is to consider dismissal from special education services, then each professional may decide how to obtain the needed data.

Scenario #3: If one team member feels standardized tests will answer their questions about goals for the IEP, and there are no questions about eligibility, then formal assessments in one area may be completed. Caution: Carefully consider the assessments you choose and whether they will provide complete information about goals and objectives. The other professionals may decide how to obtain the needed data. A Woodcock-Johnson-IV should not be given in isolation.

\*Note: For any of the scenarios above, the parent may request formal assessments be conducted. The team should ask the parent what information the parent is seeking about the child. Based on the parent response, diagnostic questions must be determined (if any) and then based on these questions, the team and individual assessors decide how to gather the data to answer the questions.

*3. What should the course of action be if one or more IEP team members does not want to recommend a formal reevaluation for one or both of the following reasons:*

- A change in disability code would not affect the student's educational programming.
- The student may no longer qualify for special education services.

It is the professional and ethical responsibility of the IEP team and its members to complete a formal reevaluation if there are questions about the accuracy of the educational disability and/or the student's eligibility for special education services.

*4. If, at any time, it is determined that additional data are needed, does the IEP team have until the reevaluation date to compile/complete the additional data?*

The IEP team must meet to review the additional data within 90 days of the meeting to recommend further assessment **or** by the reevaluation date, whichever comes first. This 90-day timeline also includes revisions to the students IEP, as appropriate.

*5. Should the SLD Supplement, ED Supplement, ADHD Supplement, Autism Supplement, and/or Developmental Delay Supplement be used when completing the Reevaluation Report?*

Yes

*6. Does the school have to complete formal assessments if requested by the parents?*

The IEP team, with parent input, must determine if there are diagnostic questions. If so, the team decides how to gather the data to answer the questions. This may include formal assessments.

## Transfer Students (Out-of-State and Out-of-County IEPs), Comparable Services and FAPE Requirements for K-12 Students

### Students Transferring Within the State

Students with an IEP that was in effect in a local education agency (LEA) within the State of Maryland who enroll in another Maryland public agency must be provided with a free appropriate public education (FAPE), in consultation with the parent, including services comparable to what is on their existing IEP, until the receiving LEA either adopts the IEP from the previous LEA, or develops, adopts, and implements a new IEP for the student. If the student has a current IEP for which an annual review meeting has not been convened for over a year, the IEP team must consult with the family about the supports that will be provided for the student until the team determines the most appropriate way to proceed. The IEP team will consider whether updated assessments are needed, whether there is sufficient information to adopt the existing IEP, or whether to develop, adopt, and implement a new IEP for the student. If assessments are needed, they may need to be expedited, as appropriate, to ensure that an IEP is in place for the student prior to the start of the school year.

For details on the IEP process see the following:

[Appendix H: IEP Meeting Checklist: Move-ins from Within the State of Maryland \(PreK\)](#)

[Appendix I: IEP Meeting Checklist: Move-ins from Within the State of Maryland \(K-12\)](#)

### Students Transferring from Outside of the State

A student moving into Maryland with an IEP in effect from another state must be provided with a FAPE, in consultation with the parent, including services comparable to what is on their IEP, until the new LEA determines whether it is necessary to conduct an evaluation to determine the student's eligibility in Maryland, and if the student continues to be eligible, develops, adopts, and implements a new IEP for the student. If the team determines that assessments are necessary to determine the student's eligibility within the state of Maryland, it is considered an initial assessment. If the student has a current IEP for which an annual review meeting has not been convened for over a year, the IEP team must consult with the family about the supports that will be provided until the team determines the most appropriate way to proceed. The IEP team will consider whether updated assessments are needed, or whether there is sufficient information to develop, adopt, and implement a new IEP for the student. If assessments are needed, they should be expedited, as appropriate, to ensure that an IEP is in place for the student prior to the start of the school year.

For details on the IEP process see the following:

[Appendix J: IEP Meeting Checklist: Move-ins from Out of the State of Maryland \(PreK\)](#)

[Appendix K: IEP Meeting Checklist: Move-ins from Out of the State of Maryland \(K-12\)](#)

### Parent Consent for the Initiation of Services on the New IEP

Parental consent is only required at the first initiation of special education services in Maryland. Additional consent for services is not required. Parental consent to the initial provision of special

education and related services continues to be in effect when a student transfers between local education agencies, regardless of whether the transfer is in or out of state, unless the new LEA determines that it is necessary to conduct an initial evaluation to determine eligibility in the new jurisdiction. Accordingly, it is an individual case-by-case determination whether or not parental consent is needed to initiate services when the Maryland IEP is drafted. In cases where no initial evaluation was conducted, no parental consent is required to begin implementation of the Maryland IEP.

### Students Transferring in Mid-Evaluation Process

Students may move in and out of the LEA when they are in the middle of the evaluation process. It is critical that the receiving LEA be informed of the fact that the evaluation process has been started (either initial or reevaluation), as well as where in the process the student is; what assessments, if any, have been started and completed; and the anticipated timeline. Federal permit an extension of time if a student transfers between LEAs while they are mid process. The parent must agree to the extended date and be notified of the extension in writing. The completion of the evaluation process should be expedited even if there is an agreement to extend.

### Students Transferring During the Summer

It is essential that students transferring into new LEAs during the summer have an IEP in place prior to the start of the school year if at all feasible. There must be a determination of whether additional assessments are needed to determine eligibility and/or present levels of academic achievement and functional performance, or student needs, to develop, adopt and implement a new IEP prior to the start of the school year. If assessments are warranted, they may need to be expedited to ensure the development of an appropriate IEP prior to the start of the school year, if at all possible. If the parent requests that the new LEA convene the IEP team prior to the start of the school year and the LEA refuses to do so, the school must provide prior written notice for the parent of the refusal. The prior written notice must include, among other content, an explanation of why the school team determined that conducting the meeting was not necessary to ensure the provision of FAPE to the student.

### Transmittal of Student Records

The new LEA in which the child enrolls must promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous LEA in which the child was enrolled. The new school in which the child enrolls shall request the child's records as soon as possible, but in no case more than 3 business days of enrollment. The previous school in which the child was enrolled shall transfer records within 3 business days of receiving a formal request of records from the new school. Parental consent to transfer records between public schools is not required. All efforts to obtain an incoming student's record must be documented and retained in the student's file. Documentation must also be retained when a student's record is sent to the new jurisdiction.

## Comparable IEPs

Other states and Maryland counties often have different procedures and practices for developing and implementing IEPs. Therefore, they may have content that is unlike what would be offered by the HCPSS. Keep in mind the following:

### IEP Development – Methodology, Teacher, Materials Not Required

- The IDEA does not expressly mandate that the particular teacher, materials to be used, or instructional methods (methodology) be included in a student’s IEP.
- The IDEA requires that related service personnel and paraprofessionals working with students with disabilities be adequately trained. However, no matter how severe a student's disabilities are, the IDEA does not require a district to specify a service provider's qualifications or training in the child's IEP.

### LOOK-FORS WHEN REVIEWING A TRANSFER IEP

Read through the transfer IEP for any of the following

- Psychiatric services
- Interpretive dance therapy, art therapy or other alternative therapies
- Names of specific methodologies, devices, or tools
- Names of specific staff members
- Other information that requires consultation with your IF or RT for support

### PLEASE NOTE

- Don’t perpetuate MISTAKES! If you see something in the transfer IEP that is a mistake, then don’t copy it into the HCPSS IEP.
- For a student coming to the HCPSS from a nonpublic placement, contact your IF. This will require a Central Education Placement Team (CEPT) meeting to consider the full continuum of services, what comparable services are and where they can be provided.
- Make sure the out-of-county or out-of-state IEP that you received was in effect. If the parents did not sign authorization for initiation of services, you only have a draft IEP, or the IEP was developed but never implemented, then discuss with your IF during your consultation on the case.
- Data should be collected on the out of state/out of county IEP goals until you have developed an HCPSS IEP
- **If there is information in the old IEP that will not be included in the Comparable IEP, be sure to document it in the meeting minutes.**

## Transitioning a child from Infants and Toddlers Services- IFSP Services (Part C of IDEA) to IEP Services (Part B of IDEA)

[Refer to Determining Eligibility for Special Education Services \(Part B\) in Chapter 2 of this Handbook](#)



## Compensatory Services

There may be incidents where a student's services were missed (due to extended closure). In these instances, the IEP team should convene and discuss the impact of those missed services. If there was an impact the IEP Team would determine how much (if any) compensatory services are owed to the student. The school's special education resource teacher or instructional facilitator should be involved in these discussions. The final determination should be documented in the meeting minutes and those minutes should be forwarded to the Coordinator of Compliance, Nonpublic Services, and Family Support to communicate next steps for the family to access those services.

## Revocation of Consent of Special Education and Related Services (School-aged)

### Withdrawal from Special Education and Related Services (Prekindergarten)

Parents/guardians must provide written consent for students to receive special education and related services. The authorization page of the initial IEP is the consent required to begin the provision of services. There is no requirement of written consent to continue providing service, so long as the student remains eligible.

In line with COMAR 13A.05.01.13, the parent/guardian has the right to revoke their consent for all services at any time. The term revocation is used when referencing students of school-age as they are bound by compulsory attendance laws. When the parent/guardian of a student who is not of school-age chooses to decline services offered, this is considered a withdrawal. If the parent/guardian of a student in your building chooses to revoke/withdraw their consent for the provision of all special education or related services, the process below should be followed. Services on an IEP are considered the FAPE offer. Parents are **not able** to revoke consent for part of those services.

## Overview of the Revocation/Withdrawal Process

### School Team Responsibilities

- Communicate directly with the parent/guardian to get the request in writing
- Note the date of the request
- Continue to provide special education and related services until the end date identified in the prior written notice
- Share the documentation with DSE and school staff, as appropriate
- Manage the student file

### DSE Compliance Team Responsibilities

- Provide prior written notice to the parent/guardian in line with COMAR 13A.05.01.13(5)
- Communicate next steps with the school team regarding service delivery and record keeping.
- Serve as point of contact for the parent/guardian for any questions related to the process.

## What does revocation of consent look like?

The revocation of consent must be in writing. If a parent states their intention in a phone call or conference, please request that they affirm that in writing. Should the parent make the statement in an IEP Team Meeting, it should be documented in the IEP Team Meeting Report and the parent should also be informed that they need to provide the request in writing. Any written format should be accepted by a school team and there is no specific language that needs to be included, however the written notice must be such that the DSE Compliance Office can determine the name of the student and ensure that whoever submitted the request is the person that holds educational rights for the student.

## The Revocation/Withdrawal Process

- The school team must receive the request for revocation in writing. If the parent makes the request verbally, ask that they put it in writing as soon as possible.
- Note the date the request was received. If the request is in a traditional written format, date stamp the letter. If the request is in email, the date will be included in the communication.
- Upload a copy of the written request into TIENET as a file-based document. Label the document: *Request for Revocation/Withdrawal dated XXXX* (dependent on student's age).
- Email a copy of the revocation/withdrawal request to the identified contact in the DSE Compliance Office and carbon copy your Instructional Facilitator, Resource Teacher, and School Administrator(s) on the email. Within the body of the email, include the following student information:
  - Student's Full Name
  - Service School
  - Date of Birth
  - Current Case Manager
- A letter will be sent that provides the parent/guardian with the prior written notice required before services cease. The letter will include a projected date upon which the services will end (*for school-aged students only*).
- The letter will be mailed to the family in various formats by the DSE Compliance Office along with a copy of the current Procedural Safeguards booklet. Applicable DSE and school staff will be included on that mailing, including Resource Teacher, Instructional Facilitator, School Admin, and Special Ed ITL.
- School teams **should continue to provide service and collect data until the date identified** in the letter to the parent (*for school-aged students only*). The IEP team must also continue all IEP processes and meetings while awaiting the date to discontinue services.
- A follow-up email will be sent directly to the Special Education Case Manager outlining next steps, which include:
  - Printing the letter for the special education file
  - Uploading documentation to TIENET
  - Contacting TIENET support to have student deactivated
  - Contacting school staff to have student withdrawn in Synergy and transferring file (*for prekindergarten only - see below for specific prekindergarten responsibilities*)

- Upon the date listed in the prior written notice, the student is returned to general education and will no longer be provided with special education or related services. The school is not required to amend the student's educational record to remove any references to the student's receipt of special education and related services, in accordance with 34 CFR §300.9(c)(3).
- If the student is attending any placement outside of their home school due to the provision of FAPE, the student will return to their home school. DSE staff will communicate with the home school to prepare them for the student's return.

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### Prekindergarten Withdrawal - School Staff Responsibilities

Students are withdrawn from the system when they are no longer accessing special education services at the prekindergarten level. In order to reflect that, there are additional responsibilities for prekindergarten staff. A follow-up email will be sent to remind you of the following steps:

1. Submit transportation form in TIENET to discontinue transportation services, if applicable.
2. Submit a request to have the student deactivated in TIENET.
3. Work with your front office staff to have the student withdrawn in Synergy.
4. Ensure that all student documents are in the cumulative file.
5. Follow all guidelines regarding the transfer of student records from your school and forward the student record to Early Intervention Services through the interoffice mail system. The envelope should be sent to the attention of Tina Eder. Please include this [cover sheet](#) for our records (must be downloaded to fill in information).

Students may be re-enrolled at any time to continue receiving services. They are directed to contact EIAT/Child Find to request an IEP Team Meeting. When this occurs, EIAT will request updated registration information (when applicable) and retrieve the student's cumulative file from Early Intervention Service. They will hold the meeting to reinitiate services.

## Additional Resources



## Chapter 8

# Alternative Placements

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### Overview

As part of the IEP team process, the IEP team must determine the Least Restrictive Environment the student can receive FAPE. This may or may not be the student's current placement or home school. The HCPSS has a continuum of placement options that the IEP team can consider.

## Continuum of Placement Options Overview

As the designated members of the IEP team complete the draft IEP, the team members should consider the services needed that would enable the child to receive FAPE. If the team members suspect that the draft IEP cannot be implemented in the school in which the student is enrolled or the home school, the team members shall contact a representative from the DSE to review the draft IEP. The representative from DSE may advise the IEP chairperson to invite representatives of other possible placements to attend the IEP team meeting.

If at an IEP team meeting in which the decision is made that the IEP cannot be implemented in the home school or current placement and representatives from other placement options are not in attendance, an additional IEP team meeting must be scheduled to allow representatives of other possible placements to attend and participate in placement discussions. The principal/designee of the current school providing service shall be responsible for contacting a representative from the DSE. After reviewing the IEP, the representative will assist in planning the subsequent IEP team meeting participants.

## Regional Programs

HCPSS offers a wide range of programs for children ages birth-21. The programs address an array of needs, including those related to speech, hearing, vision, physical, cognitive, communication, social or emotional, and adaptive development. If through the IEP process, a student's needs cannot be met in their home school, they may be able to receive services in another comprehensive school with a specialized program.

## CEPT Process Overview

Students who require services that cannot be met in a comprehensive school hold an IEP team meeting with the Central Educational Placement Team (CEPT) to determine placement. Placement may be at one of the two HCPSS Public Separate Day Schools (Cedar Lane School or Bridges) or at a Non-Public School.

### CEPT Process

The Central Education Placement Team (CEPT) meets weekly to discuss student cases where a change in programming is needed to ensure the student makes meaningful progress. The process involves the steps in the graphic below. More specific details about the process and how schools can actively participate are outlined in this document. If there are questions about the CEPT process, please reach out to Jessica Caire, Facilitator for the Central Education Placement Team.



	Referrals to CEPT mean that you have exhausted <u>all</u> resources available in your school program.	
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<b>Implementing Interventions and Data Collection</b>	<ul style="list-style-type: none"> <li>• Interventions are things that are done beyond what is available to all other students and are customized to meet a student’s individual needs.</li> <li>• Data captured should be quantitative.</li> <li>• Data should align with the information captured in the IEP progress reports.</li> <li>• Utilizing interventions includes accessing resources available for additional support (behavior specialists, BCBA’s, etc.)</li> </ul>	<p style="text-align: center;"><a href="#">Summary of Interventions form</a></p> <p style="text-align: center;"><a href="#">Addendum form</a> (for use if the student has had more placement changes then there are spaces on the original form)</p>
<b>Documenting a Referral to CEPT</b>	<ul style="list-style-type: none"> <li>• DSE staff must be present when a referral to CEPT is made.</li> <li>• Discussion in the <i>IEP Team Meeting Report</i> should include:             <ul style="list-style-type: none"> <li>○ what parts of the IEP cannot be implemented at the current school (may be not available, needed with more intensity, or not able to be sustained)</li> <li>○ consideration or other programs and specifically why they were rejected</li> <li>○ reasons for referral to the CEPT</li> </ul> </li> <li>• The team should ensure that the IEP is reflective of current performance and supports.</li> <li>• The team should not provide an in depth description of any additional program options where a representative is not at the meeting. (<i>Avoid having a CEPT before the CEPT</i>)</li> <li>• Parents/guardians should be provided with the resource documents available. If they have further questions, they can be connected with Jessica Caire directly.</li> </ul>	<p><a href="#">Parent/Guardian Resources</a></p>

<p style="text-align: center;"><b>Packet Development and Submission</b></p>	<ul style="list-style-type: none"> <li>• The packet should be compiled as soon as possible after the IEP meeting is held to make the referral.</li> </ul>	<p style="text-align: center;"><a href="#">CEPT Checklist</a></p>
	<ul style="list-style-type: none"> <li>• The CEPT Checklist separates needed documents into categories. It allows for teams to “divide and conquer” in compiling.</li> <li>• Packets go through three rounds of review prior to a student being scheduled for a CEPT meeting - the reviews look at content, quality of documents, and adherence to procedure.</li> <li>• Feedback and items for revisions are provided back to DSE staff so that they can support the school team with needed next steps.</li> </ul>	
<p style="text-align: center;"><b>Participation in CEPT Meetings</b></p>	<ul style="list-style-type: none"> <li>• Norms <ul style="list-style-type: none"> <li>○ Remain engaged with cameras on.</li> <li>○ Keep conversation moving forward by summarizing and using the meeting framework. (<i>structure of discussion is consistent from meeting to meeting</i>)</li> <li>○ Be mindful of your body language and use of tone.</li> <li>○ Understand that placement can be a sensitive topic for students and their families/guardians.</li> </ul> </li> <li>• Roles and responsibilities <ul style="list-style-type: none"> <li>○ <u>CEPT team members</u> - guide discussion, with equal voice from all parties, to reach a placement determination within the meeting timeframe</li> <li>○ <u>Sending School</u> - present the current strengths and needs of the student, and describe what they need that cannot be provided in their current environment</li> <li>○ <u>Potential Receiving Programs</u> - determine if the student’s IEP can be implemented in their school program</li> </ul> </li> </ul>	<p style="text-align: center;"><a href="#">CEPT Meeting Framework</a></p> <p style="text-align: center;"><a href="#">CEPT Process Responsibilities</a></p>



	<ul style="list-style-type: none"> <li>○ CEPT team members will also complete the <i>IEP Team Meeting Report</i> for the meeting</li> </ul>	
<b>Follow-Up Responsibilities</b>	<ul style="list-style-type: none"> <li>• After packet submission, all further documentation will be completed by CEPT team members, including IEP revisions and transportation forms.</li> <li>• Updates about students who are awaiting nonpublic placements will be provided by CEPT team members, as they are available.</li> <li>• Start dates for students who will be attending a public, separate, day school (Bridges or Cedar Lane) will be provided in the CEPT in most cases.</li> <li>• For students awaiting nonpublic placements, once an acceptance is received and a start date is identified, an email will be sent to the admin and ITL.</li> </ul>	

### General Tips and Tricks

- CEPT determines placement for students who need more restrictive placement; and also less restrictive placements when a student is currently in a public or private, separate, day school.
- Notify your DSE support team as soon as you have concerns about a student's progress and their ability to be successful in your school.
- If you are concerned about a student's progress and feel that the student may need more than what is available in your program, start tracking your interventions on the Summary of Interventions form.
- Have someone else review the IEP Team Meeting Report when the referral is made to ensure it accurately documents the meeting.
- Employ a team approach to compiling the packet, to expedite a placement determination and transition to a different environment.
- ONLY receiving programs can determine if an IEP can be implemented or not in their program. Don't put yourself in the position where you are speaking for a program that you don't currently work in!
- Avoid predetermining a next placement through your discussions with families.

## HCPSS Procedures for Providing FAPE to Students with IEPs in Local Adult Correctional Facilities (LACF) Located in Howard County

HCPSS is required to provide special education and related services to students with disabilities

incarcerated in LACFs (jails) located within the jurisdiction of HCPSS.

HCPSS is not required to provide special education and related services to students with disabilities incarcerated in state-operated adult correctional institutions under the jurisdiction of the DPSCS. The Maryland Department of Labor is responsible for providing special education and related services within these institutions. HCPSS may choose to work collaboratively with the Maryland Department of Labor to provide special education and related services to students with disabilities but is not required to do so.

HCPSS is not required to provide special education and related services to students with disabilities at a Department of Juvenile Services (DJS) residential facility. These students are currently served either by the DJS, Juvenile Services Education Program (JSEP).

## Home and Hospital

The Home and Hospital Teaching Program (HHT) is designed to provide instructional continuity to students who are unable to attend their regular school of enrollment due to a:

- Physical crisis
- Emotional crisis.
- Pregnancy.
- Chronic Health Impairment.

It is a short-term, interim instructional service mandated by State law with specific guidelines for program implementation and delivery for up to 60 days. These educational services enable students to continue their academic work and to remain current with their peers as they heal and prepare for their return back to the school building. The Home and Hospital teaching program is provided only during the academic year except for students whose Individualized Education Programs provide for additional instruction beyond the regular school calendar. Depending on the needs of the student, instruction can be provided in the home of the student, in a hospital, in a community setting, virtually, or a hybrid combination to meet the needs of the student.

School Based Teams and Special Education Teams along with consultation from the Home and Hospital Teaching Program will meet to assist in problem solving best practice for students.

### 1. **Once a student with a disability has been determined eligible to receive Home and Hospital Teaching (HHT), what are the obligations of the IEP team?**

If a student with a disability is unable to participate in their school of enrollment and is provided HHT because of a physical or emotional condition, consistent with COMAR 13A.03.05.04A, the

IEP team must meet to review and revise the student's IEP. It is the responsibility of the IEP team to: 1) determine the instructional services to be provided to the student as long as the medical restrictions apply, and 2) develop a plan for returning the student to a school-based program. The IEP team should capture this information in both the prior written notice and the IEP document and consider the student's availability for both special education and related services, as appropriate.

**2. When should the IEP team meeting occur?**

The IEP team should convene as soon as possible to avoid a disruption in the provision of special education and related services to the student. According to the HHT regulation, HHT is required to begin no later than 10 school days following the local school system's receipt of: 1) notification that the student is unable to attend school, and 2) verification of the need for services. Once the local school system has received both requirements, the IEP team should be prepared to meet within 10 school days as well, so that HHT can begin timely and in accordance with the student's IEP. If the IEP team cannot meet within 10 school days, HHT may still begin so that the student has access to instruction. The IEP team should meet as soon as possible, however, because failure to implement a student's IEP as written raises concerns about the delivery of a free appropriate public education.

**3. How does the IEP team carry out its obligation to determine the special education and related services to be provided on HHT?**

The IEP team should consider the availability of the student to receive special education and related services that will enable the student to progress in the general education curriculum and advance toward achieving their IEP goals. While the HHT regulations applicable to all students focus on instruction, it is important for the IEP team to also consider what related services may be appropriate for a student with a disability, considering the student's current physical or emotional condition. The IEP team should also consider additional services to address the condition that precipitated the need for HHT, as appropriate. The IEP team should communicate with the HHT coordinator in the event that the IEP team determines the student should receive services beyond what home and hospital teachers can provide. For students with disabilities, the services to be provided are determined by the IEP team at the time the student goes out on HHT.

**4. Are students with disabilities limited to the minimum amount of instruction?**

No. While the HHT regulations establish a minimum amount applicable to all students (i.e., 6 hours of instruction per week for a full-day program and 3 hours of instruction per week for a half-day program), the IEP team must make an individualized determination for a student with a disability and may determine that a student requires more than the minimum amount of instruction. Just as in the school of enrollment, instruction for a student with a disability is driven by the IEP document. While there is no minimum amount established for related services, the IEP team must also make an individualized determination as to the amount of related services, if any, which will be provided.

5. **How does the IEP team carry out its obligation to develop a plan for returning the student to a school-based program?**

The IEP team should consider what aspects of the student's physical or emotional condition are preventing the student from participating in the school of enrollment and seek to mitigate them to the extent possible. The services provided in the plan to return the student to a school-based program should include supports both in the student's home and in the future educational placement. This could include a range of activities, including, but not limited to, provision of HHT in a location such as a library to get the student comfortable in a public setting, participation in a school activity of the student's choice with the assistance of school system staff, or a change in educational placement to a more structured, supportive setting.

If the IEP team needs to observe the student while on HHT, then it should ensure that qualified staff are available. The HHT staff providing instruction may, but do not necessarily, have training in conducting observations, and the qualifications will vary depending on the needs of the IEP team. The goal is to return the student to a school-based program as soon as possible. Thus, this planning should occur when a student with a disability first goes out on HHT, not when the student approaches the end of their initial eligibility for HHT.

6. **Can HHT be used for students with disabilities awaiting another placement?**

No. HHT is not appropriate for students with disabilities who are waiting for a change of placement or awaiting enrollment in a nonpublic school or alternative program. To continue the provision of a free appropriate public education, the local school system must provide services in the school of enrollment while the student is awaiting an appropriate placement. Instead of HHT, the student may require increased supports, such as a self-contained classroom or additional staffing, as determined by the IEP team.

7. **Can HHT be used for students with disabilities removed for disciplinary action?**

No. HHT is not appropriate for students with disabilities who have been removed from their school of enrollment for disciplinary reasons. The removal of a student with a disability from the student's current educational setting and the provision of educational services must conform to the provisions of 34 CFR §§300.101 and 300.530—300.536, Education Article, §7-305, Annotated Code of Maryland, and COMAR 13A.08.03. The instructional setting for the provision of educational services to a student who has been removed from school in accordance with 34 CFR §300.121(d) and COMAR 13A.08.03 may not be a student's home.

8. **Once the student is able to return to the school of enrollment, what are the obligations of the IEP team?**

When the period of treatment or convalescence ends, the IEP team must: 1) review and revise the IEP; and 2) determine the appropriate placement in the least restrictive environment.

9. **Is there a limit on the amount of time a student with a disability may receive HHT?**

It depends. If a student with a disability is receiving HHT due to a physical condition, there is no time limit, provided that the physical condition is re-verified as required by the local school system. If, however, a student with a disability is receiving HHT due to an emotional condition, then both the HHT coordinator and the IEP team must be aware that placement in the home

may not exceed 60 consecutive school days (except in rare cases for which the IEP team has determined that it is necessary to meet the individualized needs of the student). *Further explanation of the time limit follows.*

This time limit exists independent of the requirement that the emotional condition be re-verified by the local school system, and should be considered by the IEP team when reverification is approaching, in the event that:

- a) the IEP team has determined that a change in placement is not appropriate,
- b) the student is unable to return to the school of enrollment despite good faith attempts to implement the plan for returning the student to a school-based program, and
- c) the professional judgment of the practitioner verifying the emotional condition is that HHT should be continued. While the convergence of these facts is not common, it is possible.

With documentation of these facts by the IEP team, HHT may be extended beyond 60 consecutive school days if necessary to meet the continuing needs of the student.

To the maximum extent appropriate, students with disabilities are to be educated with students who are not disabled. 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. If utilizing HHT for a portion of the school day would meet the student's needs, then it should be included as part of a revised plan for returning the student to a school-based program. Repeat extensions of HHT beyond 60 consecutive school days will be subject to additional scrutiny.

**10. If the practitioner who verified the emotional condition advises that HHT should continue, what actions should the IEP team take?**

The IEP team should meet to review the IEP in order to determine whether additional supplementary aids and services or other supports are required to assist the student in returning to a school-based program. The student may require a change to another school within the local school system, a self-contained classroom, a public or private therapeutic day placement, a hospital placement, or a public or private therapeutic residential placement. The IEP team may also determine that additional assessments are needed, such as psychological or psychiatric assessments, to ensure that all of the student's needs arising from the disability, which may be impacting the student's ability to attend school, are properly identified and addressed through the IEP. Finally, the IEP team should review and revise its plan for returning the student to a school-based program as needed.

**11. May the local school system assess the student during HHT?**

Yes. The IEP team may, at any time, following a review of existing data, determine there is a need to gather additional information in order to appropriately provide for the student's needs

to ensure the provision of a free appropriate public education in the least restrictive environment. If the IEP team determines additional assessments are warranted to address previously unidentified needs of the student, the IEP team may seek consent for assessments to determine whether there are additional unidentified needs that may be impacting the student's ability to attend school.

**12. What happens if a student with a disability on HHT refuses to accept instruction?**

It is the responsibility of the local school system to determine the underlying cause for this behavior and modify the student's IEP, as necessary. If a student continues to refuse instruction, despite the local school system's attempts to work out a solution with the student and their parent or guardian, then the local school system may implement its truancy procedures, as appropriate.

(Education Article, §7-301, Annotated Code of Maryland & COMAR 13A.03.05.03D(1))

For additional information consult page 11 on the [Home and Hospital Handbook](#)

## Students Parentally Placed in Private/Religious Schools or on Home Instruction

### Consultation Responsibilities

IDEA 2004 requires HCPSS to solicit timely and meaningful consultation from private school representatives and representatives of parents of parentally placed private school children with disabilities<sup>1</sup> regarding Child Find, the proportionate share of federal funds, and the provision of services to private/religious school students located in the county, as well as about the consultation process. In HCPSS this process is coordinated by the County Diagnostic Center.

### Referrals for Consideration of Special Education Services

Parents of students who attend private/religious schools located in Howard County or whose children are being home schooled<sup>2</sup> should contact the County Diagnostic Center (410-313-7046) to begin the referral process.

Additional information related to referral procedures can be found in the *Child Find* section of these guidelines.

### Assessment and Evaluation

After the initial referral is made, the procedures described in the *Assessment, Evaluation portions* of the *Initial Referral* section of these guidelines are followed.

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1. "Parentally placed private school children with disabilities" means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of

elementary or secondary school in IDEA 2004 and in the Annotated Code of Maryland. Education Article §1-101(g) defines elementary and secondary education as “education and programs of education from and including preschool through the end of high school and their equivalent. Private elementary schools include all state-approved or church-exempt educational programs for students, including preschool students.”

2. The legal term for home schooling in Maryland is “home instruction program,” which is a program in which a child is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age. COMAR 13A.10.01.01.

### IEP Team Responsibilities

If the student attends a private/religious school, a representative from the student’s school must be invited to all IEP team meetings. If a representative of the private school cannot attend, the IEP team must use other methods to ensure participation by the private/religious school, such as conference calls.

### Resident Preschool Student Who Attends a Private/Religious School in Howard County

Identification of an educational disability or developmental delay for resident preschool students who attend a private/religious school in Howard County follow the same procedures as described in the *Child Find* section of these guidelines. An IEP is developed for eligible resident preschoolers.

### Resident School-Aged Student Who Attends a Private/Religious School or is Home School in Howard County

If a resident school-aged student who attends a private/religious school located in Howard County or is home schooled is found eligible for special education, and the parents are interested in seeing what IEP services would be available for the student should he/she enroll in the HCPSS, the team develops a complete initial IEP. The IEP team informs the parents that, should they choose to enroll the student in the HCPSS, the recommended IEP will be implemented.

If the parents make clear their intention to continue to enroll the student in a private school or remain on home schooling and are not interested in a public program or placement for the student, the HCPSS need not develop an IEP for the student. If the parents decline services, this should be documented on the Service Plan form.

### Resident Student Who Attends a Private/Religious School in Another Jurisdiction

A student who resides in Howard County but attends a private/religious school in another jurisdiction is not eligible under IDEA to be evaluated by the HCPSS, unless they are seeking a FAPE from HCPSS. If the parent is seeking services while remaining in the private/religious school, the student must be evaluated by the

public school system where his/her private/religious school is located. If the student is found eligible, the jurisdiction develops a Service Plan for the student.

If the parent requests HCPSS to develop an IEP for his/her child, the student's home school would approach this as a reevaluation, i.e., the IEP team reviews the existing documentation, determines whether any additional assessment is needed, and ultimately develops an IEP for an eligible student. The student does not have to withdraw from the private/religious school or enroll in HCPSS for this service. The parent then would have the option of enrolling the student in HCPSS and receiving the IEP services or remaining at the private/religious school and receiving services based on the Service Plan from the jurisdiction in which the private/religious school is located.

*Note:* IDEA 2004 requires a school district to obtain parental consent before releasing information about a parentally placed private school child to the school district where the child's parents reside.

### Nonresident Preschool or School-Aged Student Who Attends School in Howard County

If a nonresident preschool or school-aged student who attends an MSDE-approved school in Howard County<sup>3</sup> is found eligible for special education, the IEP team develops a Service Plan, unless the parents decline all services. If the parents decline services, this should be documented.

### Development of a Service Plan

If a preschool nonresident or a school-aged resident or nonresident elects to have the child continue to attend the private or religious school or if a resident elects to remain on home schooling but wishes to have the child receive services from HCPSS, the IEP team develops a Service Plan for the student by completing the Service Plan form, which is available as a document in the Howard County IEP Program. The plan includes only those services that HCPSS, after consultation with representatives of private and religious schools and with representatives of parents of parentally placed private school children with disabilities and in accordance with IDEA 2004, has determined it will provide to private/religious students, and for which the student has been found eligible by the evaluation IEP team. Services provided must be secular, neutral, and nonideological.

*Note:* Historically, HCPSS has provided limited direct special education service in academic areas (reading, math, written language), direct speech-language services, and consultative occupational therapy services for eligible students. See the HCPSS Department of Special Education intranet website for a copy of the current decisions.

Written informed parental consent must be obtained before the provision of services under an initial Service Plan.



Services will be provided at the student's HCPSS home school, if the parent is a Howard County resident, or at a HCPSS school located in the vicinity of the student's private/religious school, if the parent is a nonresident.

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3. Private child care programs including home child care programs, family day care, and home instruction, **are not** included in the definition of private schools.

### Transportation

Parents are requested to provide transportation to receive services. If parents request transportation, the HCPSS must provide it, but with the reduction of number of therapy/instructional sessions provided to the student. The cost of transportation is calculated as part of the proportionate share of federal funds provided to school systems to be used for services to these students. If a parent is unable to provide transportation for their child and requests transportation be provided, contact the Instructional Facilitator at the County Diagnostic Center (410-33-7046) for information about the reduced number of therapy/instructional sessions the student may receive.

### Local School Responsibilities

The HCPSS school site that provides services to a student under a Service Plan is responsible for conducting an annual review of the plan at the end of each school year. The parent must be provided with written notice of the IEP team meeting. Copies of all documents must be placed in the student's confidential file. The school must send a prior notice of the IEP team's decisions to the parent.

At least once every three years, the school site IEP team conducts reevaluation planning and reevaluation determinations for the student. If the students continues to be eligible for special education services, a new Service Plan developed.

### Department of Special Education Responsibilities

The Department of Special Education must maintain in its records and provide MSDE with the number of parentally placed students evaluated, the number of children determined to be children with disabilities, and the number of children who receive special education services. In addition, documentation must be maintained concerning private/religious school students who are found eligible but whose parents decline any services.

### Parental Right to Due Process

A parent of a student who is enrolled in a private or religious school or is being home schooled may request mediation or a due process hearing regarding HCPSS' Child Find responsibilities, i.e., screening, evaluation, and eligibility determination, only. The request for mediation or hearing must be filed with

HCPSS, and a copy forwarded to the Office of Administrative Hearings. Parents of such students are not entitled to mediation or due process concerning the services that HCPSS has determined it will provide to eligible students who do not enroll in HCPSS. However, a complaint may be filed with MSDE.

## Development of a Service Plan

*Note: If an initial Service Plan is presented and the parents choose not to take advantage of the service, the child count code at the bottom of the LRE page must reflect that the student is eligible and is NOT receiving services. The initial eligibility page of the Service Plan should have a date of IEP development (the date of the meeting where the Service Plan was presented to the IEP team), but the date of parental consent to initiate services and the date the IEP goes into effect would both be left blank. The Service Plan would then be force finalized by TIENET Support before the service plan is finalized.*

### Resident Student attending a private/religious school in another jurisdiction

A student who resides in Howard County but attends a private/religious school in another jurisdiction is not eligible under IDEA to be evaluated by the HCPSS, **unless they are seeking a FAPE from HCPSS, i.e., an offer of all services needed through an IEP.**

Extended School Year services are not included in an HCPSS Service Plan offer.

### Transportation

Parents are requested to provide transportation to receive services. If parents request transportation, the HCPSS must provide it, but with a reduction of the number of therapy/instructional sessions provided to the student. The cost of transportation is calculated as part of the proportionate share of federal funds provided to school systems to be used for services to these students. If a parent is unable to provide transportation for their child and requests transportation be provided, the Coordinator, Countywide Services at the CDC (410-313-7046) must be contacted for information about the reduced number of therapy/instructional sessions the student may receive.

### Follow-up Responsibilities

- The HCPSS school site that provides services to a student under a Service Plan is responsible for conducting an annual review of the plan at the end of each school year.
- Nonresidents must submit a completed *Verification of Enrollment and Attendance for Students Parentally Placed in a Private/Religious School Located in Howard County* form at the beginning of each school year.
- At least once every 3 years, the school site IEP team conducts reevaluation planning and makes reevaluation determinations for the student. If the student continues to be eligible for special education services, a new Service Plan is developed.

## Services Agreement

The Department of Special Education has determined that the services offered through special education to eligible students with disabilities for the upcoming school year will be provided in the student's home school for Howard County residents and in a school near the private/religiously affiliated school for non-Howard County residents. These services include and are limited to the following:

- Screening, evaluation, and identification of children who are suspected as having a disability; this process is known as Child Find.
- Direct speech services by a speech-language pathologist in the areas of articulation and fluency to children who are eligible, not to exceed one hour per week.
- Direct services by a special educator to children who are eligible, not to exceed one hour/period per day (based on school schedule) of direct classroom instruction in reading, written language, and mathematics. When students are also eligible for language services through a speech-language assessment, areas of need may be incorporated into the academic objectives of a Service Plan and provided during academic intervention if appropriate.
- One time consultation from an occupational therapist for children who are eligible.

\*The services listed above are also afforded to home-schooled students.

Service Plans are in effect from September through June, following the HCPSS school calendar. In June, the schools' IEP team will meet with families to discuss progress and determine if continued service is required. At that time, a new Service Plan may be developed for the upcoming school year. Students who start services after May 15<sup>th</sup> will carry over their service plans into and through the following year.

**The point of entry is the County Diagnostic Center.** If parents of children in private/religiously affiliated schools call the home school to begin the referral process, the parent should be directed to call the County Diagnostic Center at 410-313-7046.

## Discipline for Students With a Disability

### Overview

The procedural requirements for disciplinary removals of students with disabilities differ depending upon the length and type of removal. School staff have more flexibility when a student is provided with continuing education opportunities within the school building or when the student is removed for less than 10 school days. When a student is removed for more than 10 school days, school staff must follow specific procedural requirements, which may include a manifestation determination IEP team meeting, referral to the Superintendent/designee, and/or designation of an interim alternative educational setting (IAES).

## Types of Disciplinary Removals

**In-School Intervention:** The removal within the school building of a student from his or her current educational program where the student is afforded the opportunity to continue to appropriately progress in the general education curriculum; receive the special education and related services specified on the IEP; receive instruction commensurate with the program afforded to the student in the general education classroom; and participate with peers as he or she would in their current education program to the extent appropriate.

**In-School Suspension:** The removal within the school building of a student from his or her current education program for up to but not more than 10 school days in a school year for disciplinary reasons determined by the school principal/designee.

**Short-term Suspension:** The removal of a student from school for up to, but not more than 10 school days for disciplinary reasons determined by the school principal/designee.

**Extended Suspension for More than 10 Days:** The removal of a student from school for a specified period of time, longer than 10 school days, for disciplinary reasons approved by the Superintendent/designee.

**Suspension:** The application of in-school suspension, short-term suspension, or extended suspension.

**45 Day Removal to an Interim Alternative Education Setting (IAES):** The Superintendent/designee may remove a student with a disability for up to 45 school days to an IAES if, while at school, on school premises, or at a school function, the student carries or possesses a weapon; knowingly possesses or uses an illegal drug; sells or solicits the sale of a controlled substance; or inflicts serious bodily injury on another person.

## Other Possible Actions

**Student Reassignment:** Students may be reassigned from the school in their attendance area to another Howard County school for special circumstances when the Superintendent/designee and the parent agree to such reassignment.

**Protections for Students Not Yet Eligible:** Students not yet eligible for special education services may receive the disciplinary protections of eligible students if the school is deemed to have knowledge of the student's disability prior to the behavior that led to the disciplinary action.

**Referral to Law Enforcement:** HCPSS personnel shall report a crime committed by a student with a disability to appropriate law enforcement authorities consistent with State law.

## Length of Disciplinary Removals

### Removals for No More Than 10 Days

A principal may remove a student with a disability from his or her current placement for not more than 10 consecutive or cumulative school days for any violation of school rules to the same extent students without disabilities are removed. Services do not have to be provided to students with disabilities during the first 10 days of removal if services are not provided to students without disabilities.

### Removals for More than 10 Days

A student with a disability may be removed for more than 10 consecutive or cumulative school days for a violation of school rules, to the same extent removal is applied to students without disabilities, if the student's IEP team determines the behavior subject to the removal is **not** a manifestation of the student's disability. If the violation of school rules is not a manifestation of the student's disability, the student may be removed, but the student must:

- Continue to receive educational services in another setting so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals in the student's IEP;
- Receive as appropriate a functional behavioral assessment (FBA) and behavioral intervention plan (BIP), or modifications to an existing BIP designed to address the behavioral violation and to prevent its recurrence.

Removals that are recommended to exceed 10 school days must be determined by the Superintendent/designee. If, while at school, on school premises, or at a school function, the student carries or possesses a weapon; knowingly possesses or uses an illegal drug; sells or solicits the sale of a controlled substance; or inflicts serious bodily injury on another person, the Superintendent/designee may remove the student for up to 45 school days to an IAES.

## In-School Options

### In-School Intervention

An in-school intervention, meeting the standards set forth below, will **not** count towards the student's days of suspension if **all of the four** criteria are met.

1. A continuance of appropriate progress in the general education curriculum.
2. The provision of special education and related services on the IEP.
3. The provision of instruction commensurate with the program afforded to the student in the general education classroom.
4. Participation with peers as they would in their current education program to the extent appropriate.

School staff must document the in-school intervention in the student records management system but are not required to report this data as part of the annual MSDE disciplinary reporting requirements. Additionally, the *In-School Intervention Data Sheet* form is completed to document how each in-school intervention is provided to the student.

## In-School Suspension

An in-school suspension is a removal of a student from the student's current education program within the school building by the school principal. An in-school suspension counts towards the student's suspension days and must be documented in the student records management system. Students may not be removed for more than 10 school days in a school year for disciplinary reasons without continuing to receive a free and appropriate public education (FAPE). A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective. The principal shall provide the student's parents with written notification of the in-school suspension action taken by the school in accordance with HCPSS Discipline Policy 9200. The current school of enrollment shall make provision for the student's education during the in school suspension. After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer. When a student has been assigned to in-school suspension, he or she may attend extracurricular activities scheduled after the regular school day.

In-School Suspension vs. In-School Intervention	
In-School Suspension includes <b>any</b> of the following:	In-School Intervention occurs if <b>all</b> of the following criteria are met:
Removal of general education instruction for the time removed; therefore, impacting progress in the general education curriculum	A continuance of appropriate progress in the general education curriculum
Not providing special education and related services according to the IEP	The provision of special education and related services on the IEP
Not providing instruction commensurate with the program afforded to the student in the general education classroom	The provision of instruction commensurate with the program afforded to the student in the general education classroom
Lack of appropriate peer interaction	Participation with peers as they would in their current education program to the extent possible

## Out of School Options

### Short-Term Suspensions

When a student is removed from school for up to, but not more than 10 school days for disciplinary reasons by the school principal, the school is required to promptly provide the student or the student's parent or guardian due process in accordance with HCPSS Discipline Policy 9200. When a student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, they may be removed immediately and the due process provided as soon as possible. If the principal finds that an extended suspension or expulsion is warranted, the principal will immediately report the matter in writing to the Superintendent/designee. There are times when a parent will ask for a manifestation determination meeting as a result of a suspension, even though the suspension does not constitute a change of placement (more than 10 days). In this instance,

school personnel are not obligated to hold a manifestation determination IEP team meeting but if school personnel determine the student is exhibiting a pattern of behaviors, which may lead to a possible change of placement, best practice is to hold an interim IEP team meeting to:

- Review the student’s behaviors that led to suspension(s);
- Review the student’s BIP; or
- Determine the need for a FBA and BIP.

When a student’s behavior impedes the learning of the student or others, the IEP team must consider strategies, including positive behavior intervention strategies. If the team determines that a FBA/BIP is warranted, the IEP must be amended to include at least one behavior goal as well as objectives to support the goal.

### Extended Suspensions

If a proposed suspension, including the cumulative in-school, short-term, extended, or bus suspension, would cause a student with disabilities to be subject to removal from the current educational setting for more than 10 school days per school year, the IEP team must complete a manifestation determination meeting.

## Manifestation Determinations

### Overview

Within **10 school days** of any decision to change the placement of a student with a disability because of a violation of the HCPSS Student Code of Conduct, the HCPSS, the parent, and relevant members of the IEP team (as determined by the parent and the school team) shall review all relevant information in the student’s file including the student’s IEP, any teachers’ observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or
2. If the conduct in question was the direct result of the school’s failure to implement the IEP.

The conduct must be determined to be a manifestation of the student’s disability if the IEP team, including the parent, makes the determination that either of the two criteria listed above are applicable for the student.

## 45 Day Removal to an Interim Alternative Educational Setting (IAES) for Drugs, Weapons, or Serious Bodily Injury Offenses

### Overview

The Superintendent/designee may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student’s disability in cases where a student:

- Carries or possesses a weapon to or at school, on school premises, or to or at a school function;

- Knowingly possesses or uses illegal drugs<sup>9</sup>, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. Serious bodily injury “involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

The IEP team will determine the IAES, which must enable the student to:

- (1) Progress in the general curriculum;
- (2) Receive the services and modifications included in the student's IEP;
- (3) Meet the goals of the student's IEP; and
- (4) Receive services and modifications designed to address the behavior to prevent its recurrence.

#### IAES IEP

An Interim Alternative Educational Setting (IAES) IEP shall be created prior to the student attending the alternative setting. The IAES IEP should be created and approved through the IEP process with the parent providing input and receiving prior written notice. The team must indicate the goals and objectives the student will work on while in the IAES as well as the services, accommodations, and modifications required for the student to meet those goals and make progress in the general education curriculum. The IEP team must indicate dates to review progress of the IAES IEP, and staff must provide progress updates during the indicated time frame on the IEP.

It is the sending school case manager’s responsibility to ensure:

- The IEP team meets to develop and approve an IAES IEP prior to the student attending the IAES;
- All relevant IAES staff receive a copy of the IAES IEP (and any supporting documents such as a BIP or emergency plan) and have an understanding of their responsibility regarding implementation;
- Parents receive progress notifications in the appropriate time frame; and
- The IEP team holds IEP meetings, as appropriate, to discuss progress towards the IAES goals and objectives and in the general curriculum.

It is the IAES staff’s responsibility to ensure:

- The receipt of all necessary documentation to provide the student FAPE;
- The implementation of the student’s IAES IEP (and any additional documents such as a BIP);
- The collection of data towards the student’s IAES IEP goals and objectives; and
- The communication with the home school and parent regarding student progress while attending the IAES.



## Additional Resources

### HCPSS

- [CEPT Documents \(Link to Google Drive folder\)](#)
- [Service Plan Documents \(Link to Google Drive folder\)](#)
- [Specialized Transportation Articulation Form](#)
- [Home and Hospital Handbook](#)
- [Home and Hospital Canvas Page](#)
- [Policy 9200- Student Discipline](#)

### MSDE

- [MSDE- School Discipline Basics & Integrating Supports: A Focus on Students with Disabilities](#)
- [MSDE TAB- Incarcerated Youth with Disabilities, ages 18-21](#)

### OSEP

- [Explanation of Educational Setting](#)



## Chapter 9

# Procedural Safeguards

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### Overview

Procedural safeguards protect the rights of children with disabilities and their parents. The law also includes various ways to resolve parent-school disputes.

## Procedural Safeguards Document

Document the parent's receipt of the Procedural Safeguards- Parental Rights document. A copy of the Procedural Safeguards- Parental Rights document must be given to the parent of a student only one time a school year. An additional copy must also be given to the student's parent:

- Upon initial referral or parent request for evaluation;
- At their child's initial evaluation IEP team meeting;
- Upon receipt of the first State complaint in a school year;
- Upon receipt of the first due process complaint in a school year;
- In accordance with the discipline procedures in §300.530(h); and
- Upon request by a parent.

## Verbal and Written Explanation of the Parents' Guide to Habilitative Services

HCPSS are to provide the parents of a disability verbal and written information about access to habilitative services, including a copy of the Maryland Insurance Administration's Parents' Guide to Habilitative Services, at the following times:

- The transition meeting for a child moving from the Maryland Infants and Toddlers program to a local school system;
- A child's initial Individualized Education Program (IEP) meeting;
- At least one time each year at a child's Individualized Education Program meeting; and
- On the approval or denial of a parent's request for a related service to enable a child with a disability to benefit from special education.

The verbal explanation is:

*Local school systems are required to share with you that your child may be eligible to access additional habilitative services through your private insurance carrier. Additional information is included in the Maryland Insurance Administration's Parents' Guide to Habilitative Services.*

## School Observations

HCPSS parents are welcome to visit their children's schools. For safety and security reasons, all visitors, including parents, are asked to report to the front office upon arrival. Parents must obtain advance approval from the school administrator to visit an individual classroom or to sit in on a class. Teachers may request that a visit be rescheduled based on the instructional needs and the best interests of the students. If parents wish for others to visit a school or classroom, this may be scheduled by calling the school office. If parents request an individual observe their child in class, the parents will complete a *Release of Education Records* form. The school administrator will arrange for a co-observer for all observations by staff other than the student's parents. The co-observer may be a school staff member or a representative from the DSE.

## Educational Records

The parent of a student with a disability must be given the opportunity to inspect and review all the student's educational records with respect to the identification, evaluation, and educational placement,

and the provision of FAPE. The principal is responsible for implementing the [Howard County Public School Policy 9050](#) and corresponding implementation procedures for *Student Records and Confidentiality*, which address inspection and review of a student's records by parents. Parents must also be afforded access to educational records before any meeting regarding the student's IEP or due process hearing related to identification, evaluation, FAPE, or educational placement of the student. Parents are notified of confidentiality policies and procedures, and directory information in the *Calendar & Handbook for the Howard County Public School System* that is distributed annually to each parent by the HCPSS Public Information Office.

### Parents' Rights to Access Their Child's Education Records

Educational records are those which contain personally identifiable information.

Personally identifiable information includes:

- The name of the student, the student's parent, or other family member;
- The address of the student;
- A personal identifier such as the student's Social Security number or student number; and
- A list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

HCPSS must comply with parent's request to inspect and review educational records without unnecessary delay and before any meeting regarding an IEP, a hearing, a resolution session, and in no case more than 45 days after the request has been made.

The right to inspect and review education records includes:

- The right to a response to reasonable requests for explanations and interpretation of the records;
- The right to request copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect or review the records; and
- The right to have a representative of the parent inspect and review the records.

### Parents' Request for Explanation and Interpretation of Records

The principal or Instructional Facilitator for Nonpublic Services and Special Education Compliance shall respond promptly to reasonable requests from the parent or eligible student for explanations and interpretations of records.

### Parents' Request for Copies of Student Records

The parent has the right to request HCPSS provide copies of the records **if failure to provide those copies would effectively prevent the parent from exercising the right to inspect or review the records.**

*HCPSS Policy 9050-PR Implementation Procedures for Student Records and Confidentiality Section 5D (effective March 13, 2008) states: If, for any valid reason such as working hours, distance between record location sites, or health, a parent cannot personally inspect and review a student's education*

*record, the school will arrange for the parent or eligible student to obtain copies of the record. A fee may be charged by the school if the parent requests copies of any or all of the student's records **if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.** When a fee is charged for copying, HCPSS has established a fee of \$.20 per page, only if the cost is over \$1.00. For large volume copying, HCPSS' best practice is to estimate the number of pages requested by the parent, obtain payment from the parent, and then copy the student record pages requested. If the actual fee exceeds the estimate, the difference will be refunded.*

### Storage of Student Records

Each student has one educational record including cumulative records, special education records, 504 records, discipline records, and health records.

- Student records are kept in a file that can be locked in the administrative or counseling suite.
- Health records are maintained in the Health suite.
- Discipline and child abuse records are maintained in a separate secure confidential file in the principal's office.

### Transfer of Student Records

When a student leaves Howard County, the educational records stay at the last school of enrollment. Records should not be sent to the next level, e.g. from elementary to middle. The student's record continues to be maintained at the last school of enrollment for 6 years or until the student reaches the age of 21.

**Transfer from school-to-school within Howard County** – Originals of all records should be sent including health, discipline, special education, and 504 records. Keep copies of attendance card, test card, annual school performance card, immunization and residency documents.

**Transfer from Howard County school to a Maryland public school** – Originals of all records should be sent including health, discipline, special education, and 504 records. Keep copies of attendance card, test cards, annual school performance card, immunization and residency documents, and most recent IEP (listed below\*) and 504 information.

**Transfer from Howard County school to outside Maryland or to any private school – Copies of records should be sent. Attendance card, test cards, annual school performance card, immunizations, discipline records, 504 information, and most recent IEP information (listed below\*)** \*Upon receipt of a written request from a school, or with written parent or eligible student request, the following special education information in the student's file should be sent:

- Current IEP and IEP implemented during the previous school year
- Pertinent data related to the goals and objectives on the current IEP

- IEP team meeting minutes on the *IEP Team Report* and/or the *Reevaluation Report* since the last evaluation or reevaluation (Note: If last reevaluation did not include formal assessments with written reports, send the most recent assessment report for each area assessment.)
- Most recent assessment reports (all reports except psychological and psychiatric (These reports must be requested separately from the Department of Psychological Services or the CDC)
- Medical Assistance information

### Student Record When HCPSS Places a Student in a Nonpublic School

When HCPSS' CEPT places a student in a nonpublic school to receive FAPE, the student remains a HCPSS student. The student's record is maintained at the home school until the student changes levels. For example, if a fifth-grade student remains placed at the nonpublic school for sixth grade, the student record is sent to the districted middle school based upon the student's residency. If a student attended Homewood or a regional program when placed by CEPT at the nonpublic school, the student record is returned to the student's home school.

### Maintenance Procedures for Student Records

Each student has one educational record, including cumulative records, special education records, 504 records, and health records. Health records are maintained in the health suite. All others are maintained together in one location, either an administrative area or counseling suite. Records are accessible only to authorized individuals. Special education records shall be stored in the PowerSchool (TIENET) database or the student's physical file. When possible, current documents should be uploaded and stored in the PowerSchool database. See a list of documents on the [file folder labels](#).

The special education ITL or special education teacher shall review student records before a student's records are transferred from the Regional Early Childhood Center (RECC) to first grade, fifth grade to sixth grade, from eighth grade to ninth grade, and after a student graduates from secondary school, completes a program adopted by the Board of Education, leaves school, or reaches the age of 21. Student records shall be reviewed annually during May and June, and prior to transfer to another school to determine that

- Student records are up-to-date and in usable condition.
- Obsolete information is not included.

The special education ITL or special education teacher shall re-file or remove from the student records outdated and obsolete data and information as outlined in the "Special Education" section below.

If the student leaves HCPSS, the student records should be maintained at the last school of enrollment. The records should not be sent on to the next level, i.e. elementary, middle, high. If the last school of

attendance at graduation or when moving from Howard County is Homewood, the records would be sent back to the home school for maintenance.

The special education ITL or special education teacher shall remove and shred the following information/data that is more than six (6) years old:

- Samples of student work

The special education ITL or special education teacher shall remove the following documents that are more than **six (6)** years old and store them in a folder within the student records titled “Outdated Information.”

- Assessment reports other than the psychological and psychiatric reports
- Test protocols and informal information
- IEPs
- Summaries of IEP team meeting discussions and decisions
- Documentation of services provided (logs, etc.)
- Observation logs
- ESY data collection
- Secondary Student Progress Report
- Performance information documenting progress toward IEP goals and objectives

If the student has been assessed through Alternative Maryland State Assessment Program, the special education ITL or special education teacher shall place the student’s score report within the student folder titled “Assessments and Evaluations.”

## Retention of Student Records

Parents of students who have received special education services or students who have received special education services and who have reached the age of majority will be notified with a letter titled [Parent Notice of Student Record Disposal](#) of intent to destroy the student records 6 years from when the student:

- Graduates from secondary school;
- Completes a program adopted by the Board of Education;
- Leaves school;
- Is dismissed from special education services; or
- Reaches the age of 21.

The parents, or students who have reached the age of majority, can at any time before the destruction date, request to review and/or pick up copies of the records after the file is no longer active. Test protocols should not be copied for the parent or student.

IEPs, summaries of IEP team meeting discussions and decisions, assessment reports, and medical assistance information shall be maintained in the student folder at the school the student attends/last attended according to the state minimum standards for the retention of student records.

## Amending Records

**Parent input is provided after an IEP meeting:** The IEP meeting report is meant to document discussion during the meeting. For input after the meeting follow the guidance below.

Respond to the parent that you are in receipt of their information and will:

Print and staple the e-mail to the minutes and in the file and upload into TIENETet if:	Schedule an additional meeting to address parent concerns if:
<ul style="list-style-type: none"> <li>The content of the feedback was directly addressed in the IEP meeting</li> <li>Feedback is related to spelling and/or grammar errors</li> </ul>	<ul style="list-style-type: none"> <li>The feedback brings up concerns not discussed in the IEP meeting</li> </ul>

## Procedural Safeguards: Written Complaints, Mediation and Due Process Overview

Students with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free and appropriate public education (FAPE). HCPSS staff strive to resolve disagreements with families but families and the HCPSS may at times need to access informal dispute resolution measures or the formal procedural safeguards of complaint, mediation, and due process to resolve disagreements. These safeguards are outlined in the document *Parental Rights, Maryland Procedural Safeguards Notice*. In addition, parents who allege HCPSS has discriminated against his/her child on the basis of a disability may file a complaint with the Office of Civil Rights (OCR). On request, parents shall be informed of any free or low cost legal and other relevant services available in the area. Other rights of parents include an opportunity to examine records pertaining to their child. Refer to the Educational Records Section for additional information.

### Informal Dispute Resolution Measures

When working with parents, each staff member should make every effort to resolve issues regarding the education of the student. If disputes arise, staff members should strive to keep the lines of communication open and inform the parents that the school wants to work with them to reach an agreement. If assistance is needed, the DSE instructional facilitator or DSE resource teacher should be contacted.

Parents should also be informed of the option of accessing the state sponsored IEP Meeting Facilitation project which provides highly trained facilitators to assist IEP team members to communicate and collaborate on a mutually agreed upon IEP. IEP Facilitation can minimize the need for more formal means of resolving disagreements such as mediation and due process hearings. IEP Meeting Facilitation



may be requested by contacting the Family Support and Resource Center at email [fsrc@hcpss.org](mailto:fsrc@hcpss.org) or call 410 313-7161.

Parents may wish to discuss their issue with a disinterested (unbiased) third party such as the Family Support and Resource Center or an appropriate alternative dispute resolution entity that would explain the benefits of the mediation process and encourage parents to use the process.

## Formal Dispute Resolution Measures

### State Complaints

An organization or individual may file a signed written complaint with MSDE regarding an alleged violation of IDEA or State law, regarding the education of students with disabilities by HCPSS. The HCPSS DSE provides parents and other interested parties with information regarding the procedures for filing a complaint. The complaint shall allege a violation that occurred not more than 1 year prior to the date that the complaint is received by MSDE. Either party to the complaint shall be given the opportunity to submit additional information and documentation about the allegations in the complaint, which will be considered in making the final decision. Following the receipt of the complaint, MSDE conducts an investigation of any complaint that meets the requirements. The MSDE issues a written decision called a letter of findings to the complainant that addresses each allegation and contains:

- Findings of facts and conclusions;
- The reasons for the final decision; and
- Procedures for effective implementation of the final decision including, as appropriate, technical assistance, negotiations, and corrective actions required to achieve compliance.

The letter of findings is issued within 60 days unless exceptional circumstances exist with respect to the State complaint that requires an extension of the time limit; or the complainant and the public agency agree to extend the time line in order to engage in mediation or other alternative means of dispute resolution set forth in IDEA. MSDE sets aside any part of a State complaint that is being addressed in a due process hearing until the conclusion of the hearing, when the MSDE receives a State complaint that is also the subject of a due process hearing; or contains multiple issues of which one or more are part of a due process hearing. Any issue in a state complaint that is not part of a due process hearing will be resolved by MSDE in the complaint process within the required timelines. MSDE will inform the complainant that a due process hearing decision is binding when a complainant raises an issue in a State complaint that was the subject of a previous due process hearing decision involving the same parties.

### OCR Complaint

A complaint can be filed with the OCR under Section 504 of the Rehabilitation Act of 1973, alleging discrimination against a student on the basis of a disability. Upon notification from OCR of a complaint filing, the student's school is notified by the DSE Office of Nonpublic Services and Special Education Compliance. The DSE works with school staff to timely respond to the complaint with the requested documentation and a response to the allegations. Additional investigatory methods may include an onsite visit or phone interviews with staff.

OCR staff may utilize a variety of approaches to resolve the complaint including early complaint resolution. If OCR determines that violations of Section 504 (and the Americans with Disabilities Act) occurred, they prescribe corrective actions that must be taken by HCPSS in regard to the student and/or the school system as a whole. If corrective actions are required, the DSE will work collaboratively with the school to complete and report back the required actions.

### Mediation

Mediation is an informal dispute resolution process required by IDEA. It is a voluntary process where parents and HCPSS attempt to resolve differences with the assistance of an impartial mediator from the [Office of Administrative Hearings \(OAH\)](#). A parent or the HCPSS may request mediation when there is a dispute about any matter related to the identification, evaluation, educational placement, or the provision of FAPE to a student with a disability.

Parents may request mediation forms from the DSE or through contacting the OAH. If a parent or guardian requests mediation from the IEP team, the parent should be directed to the DSE Coordinator of Special Education Compliance and Dispute Resolution, who will provide the parent with forms to file with the OAH. There may be times when HCPSS requests mediation to resolve differences with families. HCPSS may not request mediation if the parent refuses to authorize implementation of an initial IEP. A party to the mediation has the right to be accompanied or advised by counsel.

Mediations are closed proceedings and all discussion that occurs during the mediation are confidential and cannot be used in any subsequent due process hearing or other civil proceeding. The mediation session must be held within 20 days of the date the request is received by HCPSS, unless the party filing the request agrees to a longer time period. If the parties reach a complete or partial agreement, the agreement is put into writing and signed by both parties. The mediation agreement is legally enforceable in any state court of competent jurisdiction or in a district court of the United States. Following mediation, the DSE Office of Nonpublic Services and Special Education Compliance works with the school to complete any agreed upon actions. The school administrator is responsible for ensuring implementation of a mediation decision in consultation with the Office of Nonpublic Services and Special Education Compliance. Documentation regarding mediation agreements is maintained in the Office of Nonpublic Services and Special Education Compliance. Mediation may not be used to deny or delay a parent's right to a hearing on the parent's due process complaint or to deny any other rights afforded to parents.

### Due Process Hearings

A due process hearing is a legally binding administrative proceeding in which a final decision is rendered by the administrative law judge (ALJ). A parent or HCPSS may file a due process complaint on any matter related to the identification, evaluation, or educational placement, or the provision of FAPE to a student with a disability. The procedures are governed by the Rules of Procedure of the OAH and special

education law. The OAH staff schedule all due process hearings. HCPSS is represented by counsel at all due process hearings. Parents may be represented by counsel or represent themselves.

A written request for a due process hearing must be filed no later than 2 years after the violation is alleged to have occurred. IDEA provides an exception to this limit if the parent was prevented from requesting the hearing due to specific misrepresentations by the HCPSS that it had resolved the problem forming the basis of the complaint; or the HCPSS withheld information from the parent that was required under IDEA to be provided to the parent.

The HCPSS must convene a resolution session (see description below) with the parent within 15 days of receipt of the parent's due process request, unless both parties agree, in writing, not to conduct the session, or agree to use mediation through the OAH. If, through the resolution session, the HCPSS is not able to resolve the issues to the parent's satisfaction within 30 days of the receipt of the due process hearing request, a hearing may then be held and the timeline for issuing a decision commences (within 45 days). If the parties agree in writing to waive the use of a resolution session and go directly to a due process hearing without attempting mediation, the hearing must be held and a decision issued within 45 days of the date of the agreement not to mediate. If the parties agree to attempt to resolve the issues subject to the hearing request through mediation and waive the resolution session, but are unsuccessful, a hearing may be held and a decision issued within 45 days of the date the parties agreed to waive the resolution session.

The ALJ issues a written decision, which is final for the purposes of judicial review.

Copies of the decision are sent directly to the parents and the HCPSS. The Coordinator for Special Education Compliance and Dispute Resolution shall inform appropriate HCPSS personnel or agency personnel of due process hearing decisions. The school-based administrator is responsible for ensuring implementation of hearing decisions, in consultation with the office of DSE Nonpublic Services and Special Education Compliance. The parties have the right to appeal within 120 days of the ALJ's decision.

Documentation may be maintained in the student's educational record at the school where service is provided, and at the Office of Nonpublic Services and Special Education Compliance.

### Child's Status During Proceedings

Unless the parent and the HCPSS agree on an alternative placement, the student shall remain in the current educational placement during the pendency of the hearing.

### Resolution Session

HCPSS is required under IDEA to convene a resolution meeting when a parent requests only a due process hearing; however, the resolution meeting may be waived if both the parents and the HCPSS agree in writing to waive such meeting or agree to use the mediation process described above. The resolution session is intended to provide an opportunity to resolve issues in the parent's due process

request in an efficient and effective manner, so that parents and public agencies can avoid a due process hearing.

The HCPSS must convene the resolution session with the parents and the relevant member or members of the IEP team (determined by the parents and HCPSS) who have specific knowledge of the facts identified in the complaint. A HCPSS representative with decision-making authority on behalf of HCPSS must attend the meeting. A HCPSS attorney may not attend the resolution meeting unless the parent is represented by counsel. This meeting must occur within 15 days of receiving notice of the parent's request for due process hearing unless both parties agree, in writing, to waive the resolution setting or agree to use mediation to try to resolve the dispute.

At the resolution session, the parents discuss their complaint and the facts that form the basis for the complaint. HCPSS is provided an opportunity to resolve the complaint. If the case is not resolved within 30 days of the receipt of the parent's request for a due process hearing, a due process hearing is scheduled.

In the case that a resolution is reached at a resolution session, the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the agency who has the authority to bind HCPSS. This agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States. If the parties execute such an agreement, a party may void such an agreement within 3 business days of the agreement's execution. If HCPSS is unable to obtain the participation of the parent in the resolution session after reasonable efforts have been made and documented, HCPSS may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint. A due process hearing may occur by the end of the resolution period, if the parties have not resolved the dispute that formed the basis of the due process complaint.

### Expedited Due Process Hearings

A parent may request an expedited due process hearing when –

- A student is subject to a change of placement due to a violation of a student code of conduct;
- The parents disagree with the manifestation determination; or
- When the student is placed in an interim alternative educational setting.

In addition, an expedited due process hearing shall occur if, at the time of the hearing request, the student is not enrolled and attending an approved educational program.

HCPSS may pursue an expedited due process hearing when staff believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

An expedited due process hearing must occur within 20 school days of the date the complaint is filed. In an expedited due process hearing, the ALJ must make a determination within 10 school days after the hearing. Unless the HCPSS and the parent agree in writing to waive the resolution session, or agree to

mediate, a resolution session must occur within 7 days of receiving notice of the due process complaint and the due process hearing may proceed unless the matter has been resolved to the satisfaction of the parent and the HCPSS within 15 days of the receipt of the due process complaint.

The ALJ has the authority to return the student with a disability to the placement from which he or she was removed if the hearing officer determines that the removal was in violation school officials' authority or if the ALJ determines the behavior was a manifestation of the child's disability. Additionally, the ALJ may order a change of placement to an appropriate IAES for not more than 45 school days if it is determined that maintaining the current placement is substantially likely to result in injury to the child or others. If HCPSS school staff in conjunction with the DSE believe that returning the child to the original placement is substantially likely to result in injury to the student or to others, an additional 45-day removal by the OAH may be pursued.

## Additional Resources

### HCPSS

- [Student Record Access Form](#)
- [Request for Records and Release of Records](#)
- [Special Ed Folder Labels \(New\)](#)
- [Charge for Copies Letter](#)
- [Student Records Review Worksheet](#)
- [A Parent's Guide to 504 and IEP Services in Howard County Public Schools](#)
- [A Parent's Guide to Special Education Services in Howard County Public Schools](#)
- [A Parent's Guide to Emergency Evacuation Procedures for Students with Disabilities](#)
- [A Parent's Guide to Specialized Transportation for Students with Disabilities](#)
- [Family Support and Resource Center](#)
- [Special Ed Facilitated IEP Meetings](#)
- [Referral to the Local Care Team](#)

### MSDE

- [Parental Rights: Maryland Procedural Safeguards Notice](#)
- [Parents Guide to Habilitative Services](#)
- [MSDE Documents and Resources for Families](#)
  - [Includes Translated Versions of the Maryland Procedural Safeguards Notice, and Secondary Transition Planning Guide](#)
- [MSDE Parent Series](#)

## Appendix A (Click titles for printable version of each checklist)

### IEP Meeting Checklist: Review Referral Information and Determine the Need for Assessments

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#### Before the meeting

#### Receive Written Parent or School Referral

- Date stamp referral
- Upload to TIENET

#### Schedule IEP Meeting on master IEP calendar

- Schedule meeting as soon as possible while still providing at least 10-calendar days of notice
- Be mindful of timeline- All assessments for initial special education services must be recommended and completed within 90-calendar days from the **receipt of the referral** to the completion of the IEP team meeting to determine eligibility

#### Inform the registrar or designated secretary to input (“flag”) the student in the HCPSS Student

**Management System.** If the student is not viewable in TIENET within two hours, contact TIENET Admin for support.

#### **Gather the following information prior to IEP meeting date for each area of concern and provide to the parent documents you plan to discuss at least 5 business days prior to IEP meeting**

- [School Referral form/ Referral for a Student Suspected of Having a Disability form](#) if the parent or person outside the school initiated the referral
- [Parent Questionnaire form](#) – PK-K
- [Parent Questionnaire form](#) – School Age
- [Teacher Report](#) form from each teacher including Related Arts/Electives
- Existing data (including State and local assessments)
- Observations by teachers or related service providers
- Classroom-based assessments
- Work samples
- File review
- Report Cards
- Behavior/Attendance Records
- Attempted interventions and data reflecting the student’s response
- Data and information from the school’s problem solving team

#### Create New Meeting Process, ensuring to select both *IEP Team Meeting Notice* and *IEP Team Meeting Report*

- Complete *Notice of Individualized Education Program (IEP) Team Meeting*** (within TIENET, go to *Meeting Process*):
    - Parents receive the notice at least 10 days before meeting
    - Select purpose(s) from drop down menu: *Initial Referral: Initial referral for special education. Review existing information, and if appropriate, determine the need for assessment(s).*
    - Invite student if age 14 or older within the IEP year
    - Ensure notice lists all required IEP team members, including not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment
    - On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.)
  
  - Mail/e-mail both the *IEP Team Meeting Notice* and *Parent Input form***
    - Document on contact log
    - For students prior to Kindergarten, use the [Information To Help Plan My Child's IEP form](#)
  
  - Send *Teacher Report form* to teachers who work directly with the student**
    - For students prior to Kindergarten, use the [Information To Help Plan My Child's IEP form](#)

**Confirm attendance of Parent and members of the school team, including general educator**

    - Document multiple attempts for parent to attend on contact log
    - For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator
  
  - Confirm student attendance** (for student age 14 or older, if the student will be 14 during the upcoming IEP year)
  
  - Prepare information/forms/sections in the Meeting Process for the meeting**
- 

#### **At the Meeting**

- Introduction of team members**
  
- Review and correct listing of IEP team participants on the *IEP Team Report* to reflect attendees**
  - Do not update Meeting Notice

**Confirm parent receipt of Parental Rights Booklet and record in IEP Team Report**
  
- State the purpose of meeting.**
  - The purpose of the meeting is to review the referral information and determine if there is a need to obtain additional data or if assessments are needed



**Complete the IEP Team Meeting Report.** Document the review and discussion in the *Eligibility > Initial Referral* box. Review the following (as appropriate):

- [School Referral](#) form or [Referral for a Student Suspected of Having a Disability](#) form, if the parent or person outside the school initiated the referral
- [Parent Questionnaire](#) form
- [Teacher Report](#) form from each teacher including Related Arts/Electives
- Existing data (including State and local assessments)
- Observations by teachers or related service providers
- Classroom-based assessments
- Work samples
- File Review (Including behavior/attendance records)
- Attempted interventions and data reflecting the student’s response
- Data and information from the school’s problem solving team (e.g., Student Support Team, Instructional Intervention Team), if available

**Determine diagnostic question(s)**

YES	NO
<input type="checkbox"/> Recommend appropriate assessments	<input type="checkbox"/> Refer back to Problem Solving Team, if appropriate
<input type="checkbox"/> Obtain written parental consent for evaluation	
<input type="checkbox"/> Schedule IEP Meeting to review assessments within the timeline: <ul style="list-style-type: none"> <li>• Reference your <a href="#">60/90 timeline</a></li> <li>• See procedural safeguard for clarification</li> </ul>	

**After the meeting**

**Review IEP Team Meeting Report**

- For all areas of documented discussions/decisions, select the “Add to IEP” box
- Run spell check
- Finalize *IEP Team Meeting Report*

**File/upload all paperwork**

**Provide the parent(s) copy of IEP Team Meeting Report no later than five business days after the meeting**

**Assessments recommended:**

Yes	No
<input type="checkbox"/> Complete assessments, after written consent received	<input type="checkbox"/> <b>File documents in student's cumulative folder</b>
	<input type="checkbox"/> Submit a request to TIENET admin for deactivation

\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\*

## IEP Meeting Checklist: Review of Assessments to Determine Initial Eligibility

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### Before the meeting

#### Schedule IEP Meeting on master IEP calendar

- **Note: Check calendar. The meeting may have been scheduled at IEP: Initial Referral**
- *For students transitioning from Part C services, schedule the meeting prior to the child's 3<sup>rd</sup> birthday (IFSP) or prior to the beginning of the school year after the child's 4<sup>th</sup> birthday (Extended IFSP). The IEP must be in effect by the child's 3<sup>rd</sup> birthday if the family does not choose to extend the IFSP. If the family chooses to extend the IFSP, the IEP must be in effect by the beginning of the next school year after the child's 4<sup>th</sup> birthday.*

#### Create and Mail/e-mail **Notice of Individualized Education Program (IEP) Team Meeting** (within TIENET, go to Meeting Process):

- Parents **receive** the notice at least 10 calendar days before meeting- document receipt on contact log
- Select purpose(s) from drop down menu: *Review assessment results and determine eligibility for special education and related services*
- Invite student if age 14 or older within the upcoming IEP year
- Ensure notice lists all required IEP team members, including not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment
- On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.)

#### **Confirm attendance of Parent and school team, including general educator**

- Document multiple attempts to gain parent attendance- document contact on contact log
- *For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator.*

#### **Provide the parent(s) copies of assessment reports and other data used to discuss eligibility at least five business days prior to the scheduled IEP team meeting**

- Educational
- Psychological
- Speech/Language
- OT/PT
- Adapted Physical Education
- Physician's Assessment
- Other: informal assessments, work samples, FBA

- For students prior to Kindergarten, a Collaborative Assessment and Evaluation Summary is used. This incorporates multiple areas that were assessed into one document.
- If a student is transitioning from Part C services, the Part C team will release their assessments for review by the IEP team to determine eligibility.

**Create a new IEP document, labeled as an “initial” along with the meeting date, in TIENET with the following sections:**

- Student Information (Cover Sheet)
  - Eligibility
  - Initial Eligibility Snapshot
  - *If the student was determined eligible at the age of 3 but the family chose the Extended IFSP option, the IEP Team may choose to update assessments or may use the previously established eligibility information.*
- 

#### **At the Meeting**

**Introduction of team members**

**Review and correct listing of IEP team participants on the Cover Sheet of the IEP to reflect attendees (Do not edit the *IEP Meeting Notice*)**

**Confirm parent receipt of [Parental Rights Booklet](#) and document in the notes of the IEP meeting**

#### **State the purpose of meeting**

- The purpose of the meeting is to review assessment results, consider the evaluation results, and determine eligibility for special education and related services

#### **Review assessments and conduct Evaluation Process**

- Each evaluator **summarizes** the results of assessments. Capture summary on the Team report in the Eligibility > Initial Eligibility section
- *Discussions to Support Decisions* section should include a **summary** of formal and informal assessment results
- Determine if the student is a student with a disability by answering each diagnostic question
  - If student is found to qualify, when all pages are attached to this IEP, record assessment results in appropriate summary of assessment finding in the PLAFFP 1
  - Clearly document the team's basis for decision

**Complete supplement form(s), as appropriate, (within TIENET – Supplement forms) for students evaluated for any or all of these disabilities:**

- Specific Learning Disability
  - Obtain signatures on the SLD Supplement
- Emotional Disability
- Developmental Delay
- Attention Deficit Hyperactivity Disorder

- Autism

If Eligible	If NOT Eligible
<input type="checkbox"/> <b>Determine who will develop the IEP</b> (If student is transitioning from part C, family must choose to move to IEP or continue with an extended IFSP. Ensure that appropriate date is documented on initial eligibility page.)	<input type="checkbox"/> Consider referral to a school-based team for possible interventions and recommendations to address continued concerns regarding the student, as appropriate <a href="#">Use QRC for De-activation</a>
<input type="checkbox"/> Schedule IEP team meeting to develop and approve the IEP (within 30 calendar days and prior to the end of the 90-day timeline)	

**After the meeting**

- File/upload all paperwork**

If Eligible	If NOT Eligible
<input type="checkbox"/> <b>Create a <a href="#">Special Education Folder system</a></b>	<input type="checkbox"/> <b>File Cover page and Eligibility Section</b> of the IEP with other paperwork in the student’s school record.
<input type="checkbox"/> <b>File documents</b> in the appropriate folders within the folder system in the student record	<input type="checkbox"/> <b>Submit</b> a request to the registrar or designated secretary to remove the student’s designation (“de-flag”) for special education in Synergy.
<input type="checkbox"/> <b>Schedule next IEP team meeting</b> (must be held within 30 calendar days and prior to the end of the 90-day timeline) <a href="#">**Use this Timeline Chart for reference**</a>	<input type="checkbox"/> <b>Request deactivation</b> of student in TIENET through “Admin Support” in TIENET. Provide the name of the student, date decision was made and reason for request.
<input type="checkbox"/> <b>Do not</b> finalize the IEP document. Add the other appropriate sections to develop the IEP, add assessment results to the PLAFFP 1 section, see initial IEP checklist	

- Provide the parent(s) copies of the completed documents not later than five business days after the meeting.**
  - Document receipt on contact log

**Transitioning from IFSP**

**Part C-** the IEP must be in effect by the child's 3<sup>rd</sup> birthday if the family does not choose extended IFSP. NOTE: Do NOT choose first date of school as the "Date Initial IEP is in Effect" as the default date. The date of the meeting is the date the initial IEP is in effect.

IEP must be in effect for children 3-6 years old within 30 calendar days and prior to the end of the 90-day timeline.

**Extended IFSP-** document date on eligibility form, date of Parent Consent-Continue Early intervention services through and IFSP at age 3. Make sure to request deactivation through TIENET support.

**Dates on NEW IEP if coming off of Extended IFSP:**

Date local school system was notified of parent decision to request services through an IEP must be filled in.

Date extended IFSP services ended must also be filled in – should be same date as the date initial IEP is in effect.

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

## IEP Meeting Checklist: Develop and Approve the Initial IEP

---

### Before the meeting:

- Schedule IEP on master IEP calendar and hold IEP meeting within 30 calendar days of determining eligibility**
  - *For students transitioning from Part C services, schedule the meeting prior to the child's 3<sup>rd</sup> birthday (IFSP) or prior to the beginning of the school year after the child's 4<sup>th</sup> birthday (Extended IFSP). The IEP must be in effect by the child's 3<sup>rd</sup> birthday if the family does not choose to extend the IFSP. If the family chooses to extend the IFSP, the IEP must be in effect by the beginning of the next school year after the child's 4<sup>th</sup> birthday.*
  
- Create New Meeting Process, ensuring to select both *IEP Team Meeting Notice* and *IEP Team Meeting Report***
  
- Complete *Notice of Individualized Education Program (IEP) Team Meeting*** (within TIENET, go to *Meeting Process*):
  - Parents receive the notice at least 10 days before meeting
    - Document receipt on contact log
  - Select purpose(s) from drop down menu:
    - INITIAL IEP: Develop and Approve an Initial IEP.
    - INITIAL IEP: Develop and Approve an Initial IEP, including discussion of transition for students 14 years of age or older. (If student is turning 14 within the next year)
    - ESY: Consider eligibility for Extended School Year Services (if applicable)
  - Ensure notice lists all required IEP team members, including not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment
  - On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.)
  
- Mail both the *IEP Team Meeting Notice* and *Parent Input form***
  - Document on parent contact log
  - *For students prior to Kindergarten, use the *Information To Help Plan My Child's IEP form**
  
- Collect completed *Teacher Input Forms* from general education teachers who work with the student.**
  - Use the input to help develop the draft IEP.
  - *For students prior to Kindergarten, use the *Information To Help Plan My Child's IEP form**

**Collaborate with the student’s general education teachers to gather data necessary for IEP development**

- Collect and summarize data on student progress on current IEP goals and objectives.
- Collect and summarize data on student progress on grade-level curriculum.
- For students prior to Kindergarten, grade-level curriculum also includes school readiness data using Early Learning Skills Assessment (ELSA).
- For students prior to Kindergarten, teacher input can be obtained using the *Preschool Educational Report* or the *PreK Educational Report* (both found on the *EIAT Child Find Canvas page*). Input can include information from early childhood providers in HCPSS or other daycare/preschool programs.

**Complete *Transition Planning Checklist* for students aged 14 and older**

- Conduct two transition assessments to gather data for transition. One assessment should be completed using the *Student Career Preference/Interest Sheet*.

**Add the following sections to the Draft created for the initial IEP**

- Cover Sheet
- Eligibility Page
- Initial Eligibility Snapshot
- District/Statewide Assessments
- Performance Summary
- PLAAFP (Pt. 1)
  - [Reference the HCPSS PLAAFP Goals and Objectives Rubric](#)
  - [Reference the DSE Instruction, Assessment and Intervention Canvas page](#)
- PLAAFP (Pt. 2)
- Transition (Preferences, Interests, and Skills)- (If student is turning 14 in the next year)
  - [Reference the Secondary Transition Canvas Page](#)
- Secondary Transition Activities- (If student is turning 14 in the next year)
- Secondary Transition Course of Study/Agency Link- (If student is turning 14 in the next year)
- Special Considerations and Accommodations
- Instructional and Testing Accommodations
- Supplementary Aids, Services, Program Modification
- ESY (If discussing)
- Goals and Objectives
- Services
- Least Restrictive Environment (LRE)
- Authorizations
- Medical Assistance (If Applicable)
- Flash IEP
- Annual Goal(s) Progress Report
- LRE



- Maryland Summary of Performance (for 12<sup>th</sup> graders)

**Collect completed *Parental Input for IEP* form, enter into the draft IEP and use to support IEP development**

- On the PLAAFP2 page (under the section titled “What is the parental input regarding (student)’s educational program?”), type the date received and input the information submitted by the parent/guardian.
- Additional parent input can be gathered during the meeting and added to this section as well, or included in the *IEP Team Meeting Report* which can be used to flow into the IEP.
- Document attempts to gather parent input in parent contact log

**Provide the parent a copy of Draft IEP, teacher reports, and relevant data/work samples at least five business days prior to the IEP meeting. Send home blank copies of Discussion for Alternate Assessments, Appendix D, ESY or other pages that will be discussed at the meeting. Document on parent contact log. Only send the following pages of the Draft IEP:**

- Cover Sheet (labeled Draft)
- District/Statewide Assessments
- Performance Summary
- PLAAFP (Pt. 1)
- PLAAFP (Pt. 2)
- Transition (Preferences, Interests, and Skills)- (If student is turning 14 in the next year)
- Secondary Transition Activities- (If student is turning 14 in the next year)
- Secondary Transition Course of Study/Agency Link- (If student is turning 14 in the next year)
- Special Considerations and Accommodations
  - BIP (If applicable)
- Instructional and Testing Accommodations
- Supplementary Aids, Services, Program Modification
- Goals and Objectives

**Confirm attendance of parent and General Education Teacher**

- Document attempts to contact parent on contact log
- *For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator*

**Confirm student attendance** (for student who are turning 14 in the next year)

- If the student is unable to attend, obtain and document information on the student’s preferences and interests

**Bring the following information to the IEP meeting:**

- Draft of IEP (Initial)
- Parent Rights Booklet, Parents Guide to Habilitative Services, Transition Planning Guide (if applicable)

- Teacher Reports
- All relevant data, work samples, etc.

**At the Meeting:**

**Introduction of team members**

**Review and correct listing of IEP team participants on additional IEP team participants page**

- Do not edit the Meeting Notice page

**Confirm parent receipt of Parental Rights Booklet by checking box on cover page**

- Provide copy of Parents Guide to Habilitative Services and read aloud the verbal explanation:
  - “Local school systems are required to share with you that your child may be eligible to access additional habilitative services through your private insurance carrier. Additional information is included in the Maryland Insurance Administration’s Parents’ Guide to Habilitative Services.”
- If student is 14 years and older, provide copy of Transition Guide, getting parent signature of receipt

**State purposes of meeting:**

- INITIAL IEP: Develop and Approve an Initial IEP.
- INITIAL IEP: Develop and Approve an Initial IEP, including discussion of transition for students 14 years of age or older. (If student is turning 14 within the next year)
- ESY: Consider eligibility for Extended School Year Services (if applicable)

**Present and review the Sections of the IEP. Document discussions and decisions for each relevant section on IEP Team Meeting Report.**

- Services
  - If student qualifies for specialized Transportation, add services to IEP

**Authorization**

- Obtain parental consent (signature) for initiation of services
- Review and obtain signature for students eligible for medical assistance

**Complete Implementation date on:**

- Eligibility page
  - Initial IEP development (date of meeting)
  - Date of parent consent of initiation of service
    - Consent at Meeting – date of meeting
    - No Consent at Meeting
      - Returned consent - date of return
      - No consent – hold IEP Team Meeting
  - Date of Initial IEP in effect

- Cover Sheet – annual review date

Select the “Initial IEP” and “Approved” boxes on Cover Sheet

**After the meeting:**

**Review *IEP Team Meeting Report***

- For all areas of documented discussions/decisions, select the “Add to IEP” box
- Run spell check
- Finalize *IEP Team Meeting Report*

**Finalize the IEP document after parent has signed consent, within 3 business days**

**If Specialized Transportation was approved, ensure *Transportation Request Form* was completed in TIENET and then Finalize**

**File/upload all paperwork**

**Provide the parent(s) copy of *IEP Team Meeting Report* and completed IEP no later than five business days after the meeting**

- Document on parent contact log

**Schedule training and/or review of IEP with school personnel working with the student and parents, as appropriate**

**Send out a copy of the *Flash IEP* and get staff signature(s) of receipt**

**For children prior to age 6, complete the *Early Childhood Accountability System (ECAS) entrance data* within 8 weeks of the initial IEP initiation date. Submit to *Office of Early Intervention***

\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\*

## IEP Meeting Checklist: Annual Review

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Before the meeting

**Schedule the IEP Team meeting on the master IEP meeting calendar for your school.**

- **In the student's documents in TIENET, use the drop down to create a new document and select *Meeting Process*.**
  - Label the document "Annual held XX/XX/XX" and ensure that both boxes for *IEP Team Meeting Notice* and *IEP Team Meeting Report* are selected.
  - De-select *Manifestation Worksheet* (unless that is also a purpose for your meeting).
- **Complete the *Notice of Individualized Education Program (IEP) Team Meeting* within TIENET:**
  - Select relevant purpose(s) from the insert statements available.
    - Annual Review: Conduct Annual Review of the IEP, including discussion of transition for students 14 years of age or older
    - ESY: Consider eligibility for Extended School Year Services (if relevant)
    - Any other relevant purposes
  - Invite the student if age 14 or older within the IEP year.
  - Ensure notice lists all required IEP team members, including not less than one general education teacher of the student if the student is or may be participating in the general education environment.
  - On the notice, do not include names of those invited by the parents (e.g. lawyers, advocates, family members other than parents, etc.).
- **Mail and/or e-mail both the *IEP Team Meeting Notice* and *Parental Input for IEP Development* form so that it is received by the parent at least 10 calendar days prior to the meeting.**
  - Document the date the Meeting Notice was sent to the parent in parent contact log
- **Send *Teacher Input Form* to general education teachers who work with the student.**
- **Collaborate with the student's general education teachers to gather data necessary for IEP development.**
  - Collect and summarize data on student progress on current IEP goals and objectives.
  - Collect and summarize data on student progress on grade-level curriculum.
  - For students prior to Kindergarten, grade-level curriculum also includes school readiness data using Early Learning Skills Assessment (ELSA).
  - For students prior to Kindergarten, teacher input can be obtained using the *Preschool Educational Report* or the *PreK Educational Report* (both found on the *EIAT Child Find*

*Canvas page*). Input can include information from early childhood providers in HCPSS or other daycare/preschool programs.

- **Complete *Transition Planning Checklist* for students who will be turning 14 within the IEP year.**
  - Conduct two transition assessments to gather data for transition. One assessment should be completed using the *Student Career Preference/Interest Sheet*.
- **Collect completed *Teacher Input Forms* from general education teachers who work with the student.** Use the input to help develop the draft IEP.

**Add the following sections to the Draft created for the annual IEP:**

- Cover Sheet
- Eligibility Page
- Initial Eligibility Snapshot (If still within the initial timeframe)
- District/Statewide Assessments
- Performance Summary
- PLAAFP (Pt. 1)
  - [Reference the HCPSS PLAAFP Goals and Objectives Rubric](#)
  - [Reference the DSE Instruction, Assessment and Intervention Canvas page](#)
- PLAAFP (Pt. 2)
- Transition (Preferences, Interests, and Skills)- (If student is turning 14 in the next year)
  - [Reference the Secondary Transition Canvas Page](#)
- Secondary Transition Activities- (If student is turning 14 in the next year)
- Secondary Transition Course of Study/Agency Link- (If student is turning 14 in the next year)
- Special Considerations and Accommodations
- Instructional and Testing Accommodations
- Supplementary Aids, Services, Program Modification
- ESY (If discussing)
- Goals and Objectives
- Services
- Least Restrictive Environment (LRE)
- Authorizations
- Medical Assistance (If Applicable)
- Flash IEP
- Annual Goal(s) Progress Report
- LRE
- Maryland Summary of Performance (for 12<sup>th</sup> graders)

**Analyze current data and complete the following sections of the draft IEP:**

- Cover Sheet
- District/Statewide Assessments
- Performance Summary
- PLAAFP (Pt. 1)
  - [Reference the HCPSS PLAAFP Goals and Objectives Rubric](#)
  - [Reference the DSE Instruction, Assessment and Intervention Canvas page](#)
- PLAAFP (Pt. 2)
- Transition (Preference, Interests and Skills) - 13/14 and older
  - [Reference the Secondary Transition Canvas Page](#)
- Secondary Transition Activities - 13/14 and older
- Secondary Transition Course of Study/Agency Link - 13/14 and older
- Special Considerations and Accommodations
- Instructional and Testing Accommodations
- Supplementary Aids, Services, Program Modification
- Goals and Objectives

**Collect completed *Parental Input for IEP* form, enter into the draft IEP, and consider as part of the draft IEP development.**

- On the PLAAFP2 page (under the section titled “What is the parental input regarding (student)’s educational program?”), type the date received and input the information submitted by the parent/guardian.
- Additional parent input can be gathered during the meeting and added to this section as well, or included in the *IEP Team Meeting Report* which can be used to flow into the IEP.
- Document attempts to gather parent input in parent contact log

**Provide the parent with a copy of Draft IEP, teacher reports, and relevant data/work samples at least five business days prior to the IEP meeting. Send home blank copies of other pages that will be discussed at the meeting (Discussion of Alternate Assessments, ESY, Services, LRE, etc.). Document on parent contact log. Only send the following pages of the Draft IEP:**

- Cover Sheet (labeled Draft)
- District/Statewide Assessments
- Performance Summary
- PLAAFP (Pt. 1)
- PLAAFP (Pt. 2)
- Transition (Preferences, Interests, and Skills)- (If student is turning 14 in the next year)
- Secondary Transition Activities- (If student is turning 14 in the next year)
- Secondary Transition Course of Study/Agency Link- (If student is turning 14 in the next year)
- Special Considerations and Accommodations
  - BIP (If applicable)
- Instructional and Testing Accommodations
- Supplementary Aids, Services, Program Modification

- Goals and Objectives

**Confirm attendance of the parent/guardian and general education teacher**

- Document any contact with the parent regarding the meeting, and previous attempts to hold the meeting on parent contact log
  - **Confirm student attendance** (for students 14 or older, or who will turn 14 during that IEP year)
    - If the student is unable to attend, obtain and document information on the student's preferences and interests.
- 

**During the meeting**

- **Introduce IEP team members and positions.**
- **Review and correct listing of IEP team participants using the Cover Page or Additional IEP Team Meetings page of the IEP and the *IEP Team Meeting Report***
  - Do not make updates to the *IEP Meeting Notice*

**Document that the parent/guardian received the Parental Rights Booklet**

- Provide a copy of Parents' Guide to Habilitative Services and read aloud the verbal explanation.
  - "Local school systems are required to share with you that your child may be eligible to access additional habilitative services through your private insurance carrier. Additional information is included in the Maryland Insurance Administration's Parents' Guide to Habilitative Services."
- If the student will be 14 years and older during that IEP year, provide a copy of the Transition Guide. Student and parent/guardian signatures are required to acknowledge receipt of the guide.

**State the purpose(s) of the meeting:**

- Annual Review: Conduct Annual Review of the IEP, including discussion of transition for students 14 years of age or older
- ESY: Consider eligibility for Extended School Year Services (if relevant)
- Any other relevant purposes

**Review progress on current goals and objectives**

- Progress should be documented in the PLAAFP 1 pages of the IEP
- Document discussions/decisions in *IEP Team Meeting Report*

**Present and review the drafted Sections of the IEP that were sent home.**

- Document discussions and decisions for each section on *IEP Team Meeting Report*

**Discuss and document discussions and decisions for each section that was not drafted in advance including District/Statewide Assessments (Discussion for Participation in Alternate Assessments), ESY, Services, and LRE.**

- Services
  - If the student qualifies for specialized transportation, add as a related service to the IEP

#### **Update Cover Sheet**

- Check that dates are correct
- Select “Approved” box
- Double check meeting participants

#### **Document meeting on parent contact log**



#### *Tips and Advice*

- Since the IEP and related documents are provided to the parent/guardian in advance of the meeting, the team does not need to read each page verbatim.
- Use the *IEP Team Meeting Report* to record all discussion/decisions from the meeting. This information will be able to flow into the IEP following the meeting by checking the box to “Add to IEP with Date” when finalized.
- The IEP team needs to determine and document the start date for the new IEP to go into effect. See [IEP Implementation Guidance](#) for more details.

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#### **After the Meeting**

- **Review *IEP Team Meeting Report*.**
  - Check the meeting notes for required elements of Prior Written Notice
  - Review that all invitees and their titles are documented on the *IEP Team Meeting Report* and that “yes” or “no” are selected to indicate attendance
  - For all areas of documented discussions/decisions, select the “Add to IEP” box
  - Review and revise all documents to check for errors in spelling, grammar, etc.
  - Finalize the *IEP Team Meeting Report*

**Finalize the IEP document (once all pages are complete) within 3 business days.**

- Be sure to check that you have accurately listed all team meeting attendees.



- Check that the annual review date was updated correctly.
- Clear the listing of the previous IEP Meetings and only include dates needed to complete the annual review for the new IEP.
- **If Specialized Transportation was approved, ensure the *Transportation Request Form* was completed in TIENET and finalized.**
  - Complete/revise the [Specialized Transportation Articulation Form](#) and upload into TIENET.

**File/upload all paperwork.**

- **Provide the parent(s)/guardian(s) with a copy of the *IEP Team Meeting Report* and finalized IEP so that they receive it no later than five business days after the meeting.**
  - If the IEP was not completed and a continuation meeting will be held, provide a Draft IEP that includes the updates from the meeting for review prior to the continuation.
  - Document on parent contact log
- **Schedule training and/or review of IEP with school personnel working with the student and parent(s)/guardian(s), as appropriate.**
- **Develop any new materials outlined in the supplementary aides, attain assistive technology that was approved, and put any other measures into place that were agreed upon by the IEP team in advance of implementing the new IEP.**
- **Provide staff with an accessible a copy of the IEP or Flash IEP (electronic or hard copy) and get staff signature(s) of receipt.**



*Finishing the Process*

- Parents must receive a finalized copy of the IEP team meeting report and IEP prior to implementation and start date of services. The current IEP will continue to be implemented until the start date for the new IEP to go into effect.

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

## IEP Meeting Checklist: Interim Review

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### Before the meeting

- **Schedule IEP meeting on master IEP meeting calendar**
- **Create New Meeting Process, ensuring to select both *IEP Team Meeting Notice* and *IEP Team Meeting Report***
- **Complete *Notice of Individualized Education Program (IEP) Team Meeting*** (within TIENET, go to *Meeting Process*):
  - Parents receive the notice at least 10 days before meeting
  - Select purpose(s) from the drop down menu (see examples):
    - Interim Review: Conduct interim review and amend IEP, if appropriate
    - Interim Review: Conduct interim review to address parental concerns
  - Invite student if age 14 or older within the IEP year
  - Ensure notice lists all required IEP team members, including not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment
  - On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.)
- **Mail/e-mail both the *IEP Team Meeting Notice* and *Parent Input* form at least 10 days in advance of the meeting**
  - **Document on parent contact log**
- **Send *Teacher Report* form.**
  - **Gather the following information prior to meeting date, providing a copy to the parent(s) at least 5 days prior to the IEP Team Meeting**
    - Updated classroom performance
    - Any data that supports the purpose of the meeting
    - Teacher Reports
    - Document on parent contact log
  - **Create an *IEP Team Meeting Report***
    - **Confirm attendance of Parent and General Education Teacher**
      - Document parent contact on contact log
  - **Confirm student attendance** (for student age 14 or older, if the student will be 14 during the upcoming IEP year)

**At the Meeting**

- **Introduce IEP team members**
  
- **Review and correct listing of IEP team participants/or additional IEP team participants page**
  - Do not edit Meeting Notice

**State purposes of IEP meeting:**

- Conduct Interim Review
- Other purposes as applicable
  
- **Review and document in the *IEP Team Meeting Report* discussions of the following:**
  - Classroom performance
  - Progress, updated data, etc.
  - Parent Questions/Concerns
  - Teacher Questions/Concerns

**Discuss the actions may need to be taken:**

- Does the data warrant revisions to the IEP?

Yes, revisions are warranted	No, revisions are not warranted
<ul style="list-style-type: none"> <li>• Document discussion and decisions in the appropriate sections on the IEP Team Meeting Report</li> </ul>	<ul style="list-style-type: none"> <li>• Document IEP remains appropriate</li> </ul>
<ul style="list-style-type: none"> <li>• Create a new IEP, label as Amendment (include date of meeting) and copy current IEP</li> </ul>	
<ul style="list-style-type: none"> <li>• Make additions, deletions, revisions as needed to the appropriate pages of the IEP</li> </ul>	
<ul style="list-style-type: none"> <li>• Select "Amendment" on the Cover Page</li> </ul>	

**Document meeting on parent contact log After the meeting**

- **Review *IEP Team Meeting Report***
  - For all areas of documented discussions/decisions, select the "Add to IEP" box
  - Run spell check
  - Finalize *IEP Team Meeting Report*

**Finalize the IEP document once all items are completed, within 3 business days**

- **File/upload all paperwork**

- **Provide the parent(s) copy of *IEP Team Meeting Report* and completed IEP (if changes were made to the IEP) no later than five business days after the meeting.**
  - Document on parent contact log

**Schedule training and/or review of IEP with school personnel working with the student and parents, as appropriate.**

- **Send out a copy of the *Flash IEP* and get staff signature(s) of receipt (if changes were made to IEP)**

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

## IEP Meeting Checklist: Re-evaluation planning

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### Before the meeting

- **Schedule IEP meeting on master IEP meeting calendar no less than 90 days prior to the existing reevaluation due date**
  - **Contact itinerant personnel as needed based on the student's current disability and/or areas of suspected disability**
    - Adapted Physical Education Teacher, Occupational Therapist, Physical Therapist, Psychologist, Vision Teacher, Hearing Teacher, Speech Language Pathologist, Assistive Technology Team member
  - **Create New Meeting Process, selecting *IEP Team Meeting Notice*, *IEP Team Meeting Report***
  - **Complete *Notice of Individualized Education Program (IEP) Team Meeting*** (within TIENET, go to *Meeting Process*):
    - Parents receive the notice at least 10 days before meeting
    - Select purpose(s) from drop down menu: *RE-evaluation planning meeting*
    - Invite student if age 14 or older within the IEP year
    - Ensure notice lists all required IEP team members, including not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment
    - On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.)
  - **Mail/e-mail both the *IEP Team Meeting Notice* and *Parent Input form***
    - Document on parent contact log
  - **Send *Teacher Report form* to general educators.**
- Confirm attendance of Parent and General Education Teacher**
- Document attempts for parent to attend on parent contact log.
- **Confirm student attendance** (for student age 14 or older, if the student will be 14 during the upcoming IEP year)
    - If the student is unable to attend, obtain and document information on the student's preferences and interests

**Gather data related to student progress on the IEP, present levels of performance and other areas of concerns.**

- Information provided by the parent
- Classroom based assessments and observations
- Curriculum based assessments
- Checklists
- Informal assessments
- Work samples
- Information from general educators
- Behavioral data as appropriate

**Complete the following sections for the meeting:**

- Eligibility Section of the team report, select continue Eligibility/Reevaluation- select Reevaluation report- you **may** complete this section, do not complete team decision section until meeting

**Provide the parent(s) a copy of the following at least five business days prior to the scheduled IEP team meeting**

- Draft of *Reevaluation Report* (including Summary of Current Data-completed)
- Document on parent contact log

**At the meeting**

- **Introduce IEP team members**
- **Review and correct listing of IEP team participants/or additional IEP team participants page**
- **Document parent receipt of Parental Rights Booklet**
- **State the purpose of the IEP meeting**
  - The purpose of the IEP Meeting is to review current data including present levels of educational performance, information from the parent, and educational needs of the student to determine if the student continues to be a student with a disability, and if the student continues to need special education and related services or if additional data is needed.
- **Review the draft of the *Reevaluation Report***
  - Document current data in *Section 1: Summary of Current Data*
- **Discuss and document the student's educational needs in *Section II: Educational Needs of the Child***
- **Discuss and complete *Section III: Decision of the IEP Team***
  - Determine if additional data is needed to determine eligibility. See table below for details.

Yes, additional data needed; Recommending assessments	No, additional data not needed; NOT recommending assessments
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<ul style="list-style-type: none"> <li>• <b>Complete: Section IV: Determine Additional Data Needed</b></li> </ul>	<ul style="list-style-type: none"> <li>• Create IEP revision- Label Reevaluation</li> </ul>
<ul style="list-style-type: none"> <li>• Discuss and generate diagnostic questions</li> </ul>	<ul style="list-style-type: none"> <li>• Complete the <i>Cover Sheet</i>, updating the Reevaluation Date and carry over the entire IEP, including <i>Continued Eligibility Data</i> Section of the IEP</li> </ul>
<ul style="list-style-type: none"> <li>• Discuss and document areas to collect informal data.</li> </ul>	<ul style="list-style-type: none"> <li>• Complete all discussion/documentation as required in the <i>IEP Team Meeting Report</i></li> </ul>
<ul style="list-style-type: none"> <li>• Identify the formal assessments recommended to address diagnostic questions</li> </ul>	<ul style="list-style-type: none"> <li>• Complete appropriate Supplement(s) (if needed)</li> </ul>
<ul style="list-style-type: none"> <li>• Obtain written parental consent to complete formal assessments (if recommended)</li> </ul>	
<ul style="list-style-type: none"> <li>• Discuss schedule for completing assessments and holding the IEP meeting to review assessments. The team has 90 calendar days from the IEP team meeting where assessments were recommended to the completion of the IEP team meeting reaffirming eligibility or dismissing from special education services.</li> </ul>	

- **Complete the *IEP Team Meeting Report* documenting the basis for determination/decisions of the team.**

**Document meeting on parent contact log**

#### **After the meeting**

- **Review *IEP Team Meeting Report* and *Reevaluation Report***
  - For all areas of documented discussions/decisions, select the “Add to IEP” box if an IEP was created, (no additional data was needed)
  - Run spell check
  - Finalize *IEP Team Meeting Report*
- **Finalize the IEP document once all items are completed, within 3 business days (if you went to assessments, there is no IEP created)**

**File/upload all paperwork**

- **Provide copies of the following documents to the parent(s) no later than five business days after the meeting:**
  - *IEP Team Meeting Report*
  - *IEP if no additional data was needed*
  - Consent for assessments, if formal assessments were recommended
  - Document on parent contact log
  
- **Establish a tentative IEP meeting date to review assessments, if recommended, on or before the date reevaluation is due** (if not completed at the meeting)
  - Remember the 90-day timeline also includes the revisions to the IEP therefore; assessments should be reviewed around 60 days to leave time for IEP revisions

**Contact parents to obtain written parental consent for assessment(s) if they were unable to attend and assessments were recommended, or if they did not sign consent at the IEP Team Meeting**

- Document on parent contact log

**Complete assessments, if recommended, when written parental consent is obtained**

- If formal assessments are recommended, a second Reevaluation IEP team meeting is held (see *Reevaluation Part II- Review of Assessments* checklist)
- A third IEP meeting *may* be required after the Reevaluation Part II meeting, if changes are needed to the IEP

\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\*



## IEP Meeting Checklist: Reevaluation Part II - Review of Assessments

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### Before the meeting

- **Schedule IEP meeting on master IEP calendar**
  - On or before the date reevaluation is due
  - Completing Assessments and IEP revisions are all due within the 90-day timeline
  
- **Create and mail/e-mail *Notice of Individualized Education Program (IEP) Team Meeting* to parent:**
  - Select purpose from Insert Statements: Review assessment results, complete the evaluation process, if appropriate, and determine eligibility for Special Education and related services
  - Invite student if age 14 or older
  - Ensure notice lists all required IEP team members, including not less than one regular education teacher of the student, if the student is or may be participating in the general education environment
  - Document on parent contact log

**Ensure all recommended assessments completed**

  - Confirm attendance of parent and General Education Teacher
  
- **Confirm student attendance** (for student age 14 or older)
  - Provide the parent(s) copies of the following at least five business days prior to the scheduled IEP team meeting:**
    - Copy of all assessment reports
    - BLANK copies of any appropriate supplement forms
    - Any other relevant data, work samples, informal measures that will be discussed at meeting
    - Document on parent contact log
  
  - Create IEP using the revision process, labeled “revision/reevaluation”.**
    - Go to the most recently finalized IEP, click on ‘more’, click on ‘create revision of this document.’
    - All pages from the previous IEP should stay attached to this IEP.

### At the meeting

- Introduce team members and Review and correct listing of IEP team participants.
- Offer the parent a copy of [Parental Rights Booklet](#) and document receipt in meeting minutes
- State the purpose of the meeting (review assessment results, complete the evaluation process, if appropriate, determine eligibility for Special Education and related services.)

### Offer parent(s) a copy of each assessment report(s)

- Review assessments
  - Each evaluator **summarizes** the results of assessments completed in the team report
    - Document discussion under Continued Eligibility/Reevaluation > Reevaluation- Review Assessments**
      - *Discussions to Support Decisions* section should include a **summary** of formal and informal assessment results in the team report
      - Determine if the student is a student with a disability in the team report
  - Complete the *Cover Sheet* and *Continued Eligibility Data Section of the IEP (Reevaluation)*
- Complete Supplement form(s) (within TIENET – Supplemental Forms) for students evaluated:
  - A Supplemental Form must be completed for students evaluated for:
    - Specific Learning Disability
    - Emotional Disability
    - Developmental Delay
    - Autism
    - Attention Deficit Hyperactivity Disorder
  - Obtain signatures on the SLD supplement **before** the meeting ends

Determine if any changes to the IEP are required as a result of the new assessment data

Yes	No
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<ul style="list-style-type: none"> <li>For agreed-upon changes, make the adjustments on the amendment at this IEP meeting,</li> </ul> <p><b>OR:</b></p> <ul style="list-style-type: none"> <li>Schedule an IEP meeting to be held within the 90-day timeline if changes to the IEP are recommended. However, if another IEP meeting needs to take place between this meeting and the next (for ESY or annual), finalize this IEP at this meeting with updated eligibility information and use the next IEP to adjust, making sure to stay within the 90 –day timeline.</li> </ul>	<ul style="list-style-type: none"> <li>If no changes are needed, update the evaluation date on the cover page of the IEP, ensuring the eligibility page is completed.</li> <li>Follow dismissal checklist if student is being returned to general education.</li> </ul>
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- Document meeting on parent contact log**

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### After the meeting

- Review IEP Team Meeting Report**
  - For all areas of documented discussions/decisions, select the “Add to IEP” box
  - Run spell check
  - Finalize the *IEP Team Meeting Report*

**Finalize the IEP document once all items are completed, within 3 business days, unless IEP is being updated.**

**NOTES:**

- IEP must be finalized before reevaluation due date.
  - If the IEP needs updating, a meeting must be held and the IEP finalized within a 90-day timeline.
  - If other IEP meetings need to be held in the next 30 days, such as ESY discussion or annual review, finalize this IEP with updated eligibility page and eligibility date and make adjustments to the IEP at the upcoming IEP meeting.
- If Specialized Transportation was approved, ensure *Transportation Request Form* was completed in TIENET and Finalize.**

**File/upload all paperwork.**

- Provide the parent(s) copy of *IEP Team Meeting Report* and completed IEP no later than five business days after the meeting.**
  - Document on parent contact log

**IF the IEP was not completed and changes are needed:**

- **Schedule an IEP meeting and prior to the end of the 90-day timeline, if changes to the IEP are recommended (if not completed at the IEP meeting). If other IEP meetings need to be held in the next 30 days, such as ESY discussion or annual review, finalize this IEP with updated eligibility page and eligibility date and adjust the IEP at the upcoming IEP meeting.**
- **Provide the parent(s) copies of the completed documents not later than five business days after the meeting (if not received at the meeting).**
  - Document on parent contact log
- **File/upload all paperwork**

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

## IEP Team Meeting Checklist: Move-ins Within the State of Maryland (Prior to K)

Parent may initiate contact at a HCPSS elementary school by contacting Office of Early Intervention Services, or by contacting Child Find		
<p><b><i>If parent initiates the request at a school,</i></b> the school should inform the parent to contact OEIS (X7017) or Child Find (X7046) to complete registration.</p>	<p><b><i>If parent initiates the request by calling Child Find,</i></b> Child Find will arrange for parent to come in and complete registration.</p>	<p><b><i>If parent contacts OEIS,</i></b></p> <ul style="list-style-type: none"> <li>• OEIS will inform parent to contact Child Find (X7046).</li> <li>• OEIS will notify Child Find that the parent will call to schedule an appointment to come in and complete registration.</li> </ul>

### **In-State IEP, Child Registered and Enrolled in HCPSS Gen Ed PreK Program**

Parent may initiate contact at a HCPSS elementary school by completing the PreK application and is accepted based on eligibility requirements. <b><i>Registration is completed at the PreK school.</i></b>
<ul style="list-style-type: none"> <li>• Prior to or after starting in the HCPSS PreK program, the PreK school convenes IEP team to develop/approve IEP in Howard County.</li> <li>• Comparable services are offered until the IEP team convenes this IEP meeting. If comparable services are clearly not available at the PreK school, contact OEIS for assistance. (Not applicable for students registering during the summer)</li> <li>• If additional assessments are needed to determine eligibility in Maryland, contact OEIS to determine who will complete the assessments. 410-313-7017</li> </ul>

**\*\*\*If child is enrolled in a HCPSS program as a Learning Together Peer (LTP),** the school-based team will be responsible for the screening and assessment process. The process will be completed at the service school. If you need additional assistance, please call OEIS at 410-313-7017.

#### **Child Find will:**

1. **Review all registration paperwork to make sure the information is complete to establish residency (completed by the front desk at the IEP meeting appointment)**
  - a. This includes registration form, parent identification, birth certificate, lease/deed, proof of residence, etc.
  - b. Registration is date stamped.

- c. Health inventory, immunization record, and emergency cards are not completed until the child is determined eligible and is completed by the receiving school team.

**Obtain release of records from sending jurisdiction for the complete record.**

- d. Records from sending jurisdiction may be sent to the receiving RECC or home school team.
- e. Obtain a copy of the active IEP.
  - a. If the most current IEP is an initial IEP, it must be a signed copy of the IEP.
  - b. If the most current IEP is expired, then use the expired IEP.

**Activate child's registration information in TIENET.**

- f. Complete registration for the child in the HCPSS Student Management System (Synergy).
- g. Once all registration is complete, go to the HCPSS tab in Synergy and click "send to TIENET" to activate the child in TIENET.
- h. If a student enrolls over the summer, a meeting to determine placement needs to occur before the start of the school year.

**Schedule IEP Meeting to determine comparable IEP services.**

- i. IEP Team Meeting should be held as soon as possible.
- j. IEP Team will offer comparable services until a HC IEP is developed/approved.
- k. Contact OEIS if service and placement options outside of assigned RECC need to be considered.
- l. The IEP team may offer an initial family contact or home visit prior to the IEP meeting. The purpose of this contact would be to meet the child/parent, discuss the continuum options that may be considered, as well as answer any additional questions prior to the IEP meeting.

**Assign an Interim Case Manager (ICM) from the Child Find Team**

2. **Create New Meeting Process, ensuring to select both *IEP Team Meeting Notice* and *IEP Team Meeting Report***

**Contact OEIS Resource Teacher and RECC team leader (or Elementary School SLP, if speech only concerns) to notify of IEP meeting date/time.**

- a. Arrangements can be made for phone participation or Facetime/Skype participation, as necessary.
3. **Complete *Notice of Individualized Education Program (IEP) Team Meeting*** (within *TIENET*, go to *Meeting Process*):
    - a. Parents receive the notice at least 10 days before meeting.
    - b. Select the purpose(s) from drop-down menu: *Interim Review and Determine comparable services*
    - c. Ensure that the notice lists all required IEP team members (*For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator*).
    - d. On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.).
  4. **Provide the *IEP Team Meeting Notice* to the family**

**Bring the following information to the IEP meeting:**

- a. Parent Rights Booklet, Parents Guide to Habilitative Services, A Parent's Guide to Understanding Your IEP Rights and Responsibilities in Maryland

**Prepare information/forms/sections for the meeting:**

- b. Create a New Amendment IEP – label as Comparable Services: New to HCPSS.
- c. Include the following pages to be completed **at the IEP meeting**:
  - *Cover page (keep dates from out of county IEP except for the IEP Team Meeting Date)*
  - **Eligibility page** – *keep all dates from out of county IEP, completed as student is already eligible for special education and related services in the State of Maryland. Information should be entered DIRECTLY onto the eligibility page of the IEP, and it not included in the IEP Team Report. Do NOT use the "initial eligibility" section of the team report because this will force the initial eligibility snapshot onto the IEP.*
  - *Services- start dates 7 business days after meeting date, end dates same as out of county IEP*
  - *LRE*
  - **The paper IEP from out of county is implemented as a guide for instruction (goals and objectives) and supports (supplementary aids, accommodations, special considerations).**
  - **A copy of the "mini IEP" is sent home to the parents within 5 business days after the IEP meeting.**

**Gather and summarize the following information prior to IEP meeting date. Send home any summary or documents you plan to present 5 business days prior to the IEP meeting.**

- d. If a child is enrolled in a childcare or preschool program, teacher input can be obtained using the [Preschool Educational Report eForm](#) or the [PreK Educational Report eForm](#). (This form requires parent signature).
- e. File review of most recent assessments and IEP (from sending jurisdiction).

**Confirm attendance of IEP Meeting participants:**

- f. Includes parent(s), general education teacher (if appropriate), and other RECC or home school representatives that may need to be present for placement decisions (as appropriate).
- g. *For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator.*

**At the Meeting:**

1. **Introduce team members**
2. **Review and correct listing of IEP team participants on the IEP Team Report to reflect attendees**
  - a. *For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator.*
  - b. *If child is in a co-taught PreK class, then the general educator should attend the meeting,*

**Confirm parent receipt of Parental Rights Booklet by checking box on cover page**

- c. Provide a copy of Parents Guide to Habilitative Services (read written statement) and Parents' Guide to Understanding Your IEP Rights and Responsibilities. Check this box on the IEP's cover page as well.

**State the purposes of meeting**

- d. The purpose of the meeting is to determine comparable services
  - e. The out of county IEP is reviewed:
    - a. to determine if additional assessment information is required, and
    - b. to determine comparable services in HCPSS (Not applicable for students registering during the summer)
3. **Complete the *Record Review Worksheet* and the *IEP Team Meeting Report*** documenting review and discussion of the following in the appropriate sections on the IEP Team Meeting Report:
- a. *Information To Help Plan My Child’s IEP form*
  - b. Information obtained during interview or home visit (if appropriate)
  - c. Observations by teachers or related service providers during a home or community visit (if appropriate)
  - d. If a child is enrolled in a childcare or preschool program, review information obtained using the [Preschool Educational Report eForm](#) or the [PreK Educational Report eForm](#).
  - e. File review of most recent assessments and IEP
  - f. Existing data and records (from sending jurisdiction)

**Determine if there is a need for assessment information or if the reevaluation is due:**

- g. **If more information is needed to implement the IEP, or if the team has eligibility questions, proceed with “Yes” process below.**

Yes	No
<input type="checkbox"/> Reevaluation Due: Schedule and hold Reevaluation Planning IEP team meeting	<input type="checkbox"/> Review proposed draft IEP
<input type="checkbox"/> Reevaluation Due: Check with last school of attendance to determine if they had already started the reevaluation process	<input type="checkbox"/> Discuss any changes/adjustments made to implement comparable services
<input type="checkbox"/> Additional assessment information needed: Recommend appropriate assessments	<input type="checkbox"/> Follow IEP Checklist for Interim Review

4. **Determine comparable services and LRE based on current, active IEP (If most current IEP is expired, use expired IEP).** This is not applicable for students registering during the summer. HC IEP will need to be developed/approved before the start of the new school year.
- a. Review Supplemental Aids and Services and Special Considerations and Accommodation pages and document any discussions related to HCPSS’s implementation. If there are any services on the supplementary aids page, then determine what comparable services will be provided.
  - b. Determine comparable services based upon the IEP from the other county. Document discussions and decisions related to services and determine an appropriate LRE on corresponding IEP pages and the IEP Team Report. Start services 7 business days after IEP mtg.
    - a. *For students UNDER 6 (regardless of program), use the Early Childhood LRE codes.*
  - c. Make sure to discuss and document transportation needs (on the Services and LRE pages).



- a. If specialized Transportation is required, complete the discussion box on the team report, mark the IEPs' transportation question on the LRE page as a 'yes', and fill out a *Transportation Request Form* (TRF) in Tienet. Finalize the TRF form (this sends the request to Transportation. Note: The IEP does not need to be finalized in order for the TRF to finalize.

**\*In-state IEP transfers do not require parental authorization.**

5. Review [Considerations After Determining Comparable Services](#)  
Review New Student Folder (green) with parent and discuss where information will be sent
6. Select the "Approved" box on Cover Sheet

**After the meeting, Child Find will:**

1. **Review IEP Team Meeting Report**
  - a. For all areas of documented discussions/decisions, select the "Add to IEP" box if available.
  - b. Run spell check and review for completeness, clarity and grammar.
  - c. Finalize the *IEP Team Meeting Report*.
2. **Finalize the IEP document once all items are completed, within 3 business days (Contact TIENET Support).**
3. **If Specialized Transportation was approved, ensure that the *Transportation Request Form* was completed in TIENET and finalized.**
4. **File/Upload all paperwork.**
5. **Provide the parent(s) a copy of the *IEP Team Meeting Report* and finalized IEP no later than five business days after the meeting.**

**After the meeting, the RECC will:**

1. **Assign a school-based IEP Case Manager to complete the following steps.**
  2. **Review documents from the IEP Meeting held at Child Find**
  3. **Contact the parent to discuss child's transition to their school**
    - a. Child must start as soon as possible.
    - b. The RECC team may offer an initial family interview or home visit. The purpose of this contact would be to gather information and meet the student/family.
- Obtain additional documents from parent to complete registration**
- c. List of additional items can be provided to parent
  - d. Additional documents include: immunization record, health inventory, and emergency cards.
- Once the child starts school, gather the following information to assist with the eligibility and/or develop/approve IEP meetings.**
- e. [Parent Questionnaire form](#) – PK-K
  - f. *Data or classroom observations*
  - g. Observations by teachers or related service providers during a home or community visit

- h. If a child is enrolled in a childcare or preschool program, teacher input can be obtained using the [Preschool Educational Report eForm](#) or the [PreK Educational Report eForm](#). (This form requires parent signature).
  - i. File review of most recent assessments and IEP (from sending jurisdiction)
  - j. Send home any summary or documents you plan to present 5 business days prior to IEP meeting
- If assessments were recommended:**
- k. Complete assessments after written consent is received.
  - l. Schedule the IEP meeting to review assessments within timeline.
  - m. Follow IEP checklist *Review Assessments*.

**4. Provide parents with *Information to Help Plan My Child's IEP***

- a. To be returned to case manager for HC IEP development (if appropriate)

**Complete process for Develop/Approve the HCPSS IEP**

- b. A HCPSS IEP must be developed/approved within 30 days.
- c. *Medical Assistance will be completed for the HCPSS IEP*
- d. *For Summer Move-Ins: a HCPSS IEP should be developed and approved before the first day of school.*

**[\\*\\*See Comparable Services section of this handbook for additional information](#)**

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

## IEP Meeting Checklist: Move-ins from Within the State of Maryland (K-12)

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### Before the meeting:

#### Receive/Request records from sending school

- Date stamp registration (designated school secretary)
- File any received documents in Student Record/cumulative file
- Document contact with sending system to request records each time a request is made

#### Obtain a copy of the IEP (including any expired documents)

- If the most current IEP is an initial IEP, it must be a *signed* copy of the IEP
- If the most current IEP is expired, then you will use the expired IEP (please consult with your DSE support staff)
- If the most current IEP has never actually been implemented (please consult with your DSE support staff)

#### Ask the registrar or designated secretary at your school to flag the student in the Student Information System as a student with an IEP. Information will be transferred to TIENET within an hour

- Note: If the student has the word 'inactive' in front of his/her name in TIENET, contact TIENET support to RE-activate the student.

#### Schedule an IEP Meeting as soon as possible

- It is permissible to hold the meeting within 10 days in order to expedite this process- the 10-day waiver is not required
- If the student enrolls over the summer, follow these steps, however, the **HCPSS must have an IEP in effect at the start of the school year**. This might mean adopting the student's IEP from the previous school system until an HCPSS IEP is developed and approved.

#### Create a new IEP Meeting Process in TIENET

- When creating the meeting process, select *IEP Meeting Notice* and *IEP Team Meeting Report*. Deselect the *Manifestation Worksheet* so that it does not appear as a part of the meeting process.
- Select the purpose(s) from the dropdown menu: *MOVE-IN: Review student records and conduct an evaluation to determine the student's eligibility in the state of Maryland. Determine the need for assessments, if appropriate. Develop and approve comparable services IEP.*
- Ensure that the *IEP Meeting Notice* lists all required IEP team members, including at least one general education teacher of the student, if the student is or may be participating in the general education environment

- Invite the student if they are turning 14 years old within the IEP year or are older than 14.
- On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.) Their attendance will be captured in the IEP Team Meeting Report.

On the IEP team report, click “Y” for the question “Is this a move-in meeting for a student with an existing IEP?” to open the *Record Review Worksheet*. Click “Student has an IEP from a Maryland County.”

Mail/e-mail home the *IEP Team Meeting Notice, Parental Rights (Maryland Procedural Safeguards) and Parent’s Guide to Habilitative Services*

Confirm attendance of team members

- Document attempts to contact parent via phone log or contact log

#### At the Meeting:

Complete introductions of team members.

Review and correct the listing of IEP team participants on the *IEP Team Report* to reflect attendees and on the IEP cover page. Gain parent permission to hold the meeting with team members present (if different than listed on the notice) and document in the IEP Team Report.

Confirm parent receipt of *Parental Rights* handbook and other parent resources by checking the boxes on the cover page of the IEP and documenting in the IEP Team Report

State the purposes of the meeting

- **MOVE-IN:** Review student records and develop and approve a comparable services IEP for a student with an IEP from within the state of Maryland. Determine the need for assessments, if appropriate.

Complete the *Record Review Worksheet*

Determine the need for assessment information based on the out-of-county IEP and discussion with the *Record Review Worksheet*:

Assessments Recommended	Assessments not Recommended
Open new IEP as an amendment IEP. Complete Comparable Services IEP (see below)	Open new IEP as an amendment IEP. Complete Comp. Services IEP (see below)
Obtain written consent for assessments	<i>Develop and approve full Howard County IEP at future IEP meeting (create as an Amendment IEP)</i>

Follow <i>Reevaluation Process (See Reevaluation-Review Assessments Checklist)</i>	
After reevaluation process is complete, develop and approve the full Howard County IEP (create as <i>Reevaluation IEP</i> ) at the next IEP meeting	

Determine **comparable services and LRE based on the current, active IEP (if the most current IEP is expired, use the expired IEP). The following sections of the IEP should be completed:**

- Cover Page
- Services
- LRE

**Review Special Considerations, Instructional Testing Accommodations, and Supplementary Aids and Services pages and document any discussions related to HCPSS' implementation.**

- Use the goals from the current IEP to guide the discussion.
- Progress towards the goals will need to be documented while the comparable services IEP is in place.

**Select the "Approved" box on Cover Sheet**

**After the meeting:**

**Review the *IEP Team Meeting Report***

- Ensure that meeting discussions and decisions are accurately captured.
- For appropriate areas of documented discussions/decisions, select "Yes" for the "Add to IEP" box
- Edit your work for spelling, grammar, etc.
- Finalize the *IEP Team Meeting Report*

**Finalize the IEP document reflecting comparable services by asking TIENET Support to force finalize the IEP (all comparable IEPs need to be force finalized).**

**If Specialized Transportation was approved, ensure that the *Transportation Request Form (TRF)* and [Specialized Transportation Articulation Form](#) were completed and the *Transportation Request Form* in TIENET was finalized. Ensure that specific student transportation needs are well documented on the form to include equipment, staff, etc.**

Note - the IEP does not need to be finalized first for the TRF to be finalized.

**File all documents (IEP team report, IEP, relevant supplement forms) in the student's special education file or uploaded to TIENET.**

- Provide the parent(s) with a copy of the *IEP Team Meeting Report*, IEP and any additional forms within five business days of the meeting**
  
- If assessments are recommended:**
  - Complete assessments once written consent is received.
  - Schedule the IEP Meeting to review assessments within the timeline. Follow the *Reevaluation-Review of Assessments Checklist* to continue with this process.
  
- If assessments are not recommended:**
  - Finalize the HC IEP documenting comparable services (Contact Tienet Support to force finalize the document)
  - Draft and approve the full IEP at a subsequent IEP meeting, This will be considered an amendment. The Annual Checklist can be used for this process, but this does NOT need to be considered an Annual IEP.
  
- Implement the comparable services IEP:**
  - All teachers and service providers who will be working with the student need to receive and review the IEP as well as have an understanding of their role in implementing the comparable services IEP
  - The paper copy of the out-of-state IEP will be provided to staff as necessary
  - If the student enrolls during the summer and the comparable services IEP can not be completed by the beginning of the school year, the IEP team will need to implement the out-of-county IEP.
  - If the student enrolls during ESY and was found eligible for ESY that summer, then ESY would be considered an extension of the current school year for that student so comparable services would be required. A full IEP would be developed concurrently with implementation of the comparable services.
  - Staff must document progress while providing comparable services. Create a Google Document or other method of documentation since there will not be an available IEP Progress Report in TIENET

**[\\*\\*See Comparable Services section of this handbook for additional information](#)**

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

# IEP Meeting Checklist: Move-ins from Out of the State of Maryland (PreK)

## Out-of-State IEP, Child Not Attending Gen Ed Prek Program in HCPSS

<p>Parent may initiate contact at a HCPSS elementary school, by contacting Office of Early Intervention Services, or by contacting Child Find</p>		
<p><b><i>If parent initiates request at a school,</i></b> the school will inform parent to contact OEIS (X7017) or Child Find (X7046) to complete registration.</p>	<p><b><i>If parent initiates by calling Child Find,</i></b> Child Find will arrange for parent to come in and complete registration.</p>	<p><b><i>If parent contacts OEIS,</i></b></p> <ul style="list-style-type: none"> <li>• OEIS will inform parent to contact Child Find (X7046).</li> <li>• OEIS will notify Child Find that the parent will call to schedule an appointment to come in and complete registration.</li> </ul>

## Out-of-State IEP, Child Registered and Enrolled in HCPSS Gen Ed PreK Program

<p>Parent may initiate contact at a HCPSS elementary school by completing the Pre-K application and is accepted based on eligibility requirements. <b><i>Registration is completed at the Prek school.</i></b></p>
<ul style="list-style-type: none"> <li>• Prior to or after starting in the HCPSS PreK program, the PreK school convenes an IEP team meeting to determine if the child is eligible in Maryland.</li> <li>• Comparable services are implemented until the IEP team reconvenes. If comparable services are clearly not available at the PreK school, contact OEIS for assistance. (Not applicable for students registering during the summer)</li> <li>• If additional assessments are needed to determine eligibility in Maryland, the school based team will be responsible for completing the assessments.</li> </ul>

\*\*\*If a child is enrolled in a HCPSS program as a Learning Together Peer (LTP), the school-based team will be responsible for the screening and assessment process. The process will be completed at the service school. If you need additional assistance, please call OEIS at 410-313-7017.

### Before the meeting, Child Find will:

1. **Review all registration paperwork to make sure the information is complete to establish residency (completed by the front desk at the IEP meeting appointment)**
  - This includes registration form, parent identification, birth certificate, lease/deed, proof of residence, etc.
  - Registration is date stamped.
  - Health inventory, immunization record, and emergency cards are not completed until the child is determined eligible and is completed by the receiving school team.

**2. Obtain release of records from sending jurisdiction for complete record.**

- Records from sending jurisdiction may be sent to Child Find.
- Obtain a copy of the active IEP.
  - If the most current IEP is an initial IEP, it must be a signed copy of the IEP.
  - If the most current IEP is expired, then use the expired IEP.
- Begin Student Record / cumulative file

**3. Activate child's registration information in the TIENET.**

- Complete registration for the child in the HCPSS Student Management System (Synergy).
- Once all registration is complete, go to the HCPSS tab in Synergy and click "send to TIENET" to activate the child in TIENET.
- If a student enrolls over the summer, a meeting to develop/approve a HCPSS IEP needs to occur before the start of the school year if the child is found eligible in the state of Maryland.

**4. Schedule IEP Meeting to review out of state records, determine the need for assessments, and determine comparable IEP services**

- IEP Team Meeting should be held as soon as possible.
- IEP Team will offer comparable services until a Howard County IEP is developed/Approved
- Contact OEIS if service and placement options outside of assigned RECC need to be considered.
- The IEP team may offer an initial family contact or home visit prior to the IEP meeting. The purpose of this contact would be to meet the child/parent, discuss the continuum options that may be considered, as well as answer any additional questions prior to the IEP meeting.

**5. Assign an Interim Case Manager (ICM) from the Child Find Team**

**6. Create New Meeting Process, ensuring to select both *IEP Team Meeting Notice* and *IEP Team Meeting Report***

- Contact OEIS Resource Teacher and RECC team leader (Or Elementary School SLP, if speech is only concern) to notify of IEP meeting date/time
- Arrangements can be made by phone participation or virtual participation as necessary

**7. Complete *Notice of Individualized Education Program (IEP) Team Meeting* (within *TIENET*, go to *Meeting Process*):**

- Parents receive the notice at least 10 days before meeting
- Select purpose(s) from drop down menu:

***MOVE-IN: Review student records and conduct an evaluation to determine the student's initial or continued eligibility for special education. Determine the need for assessments, if appropriate. Develop and approve comparable services IEP.***



- Ensure notice lists all required IEP team members (*For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator*)
- On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.)

**9. Provide the *IEP Team Meeting Notice* to the family**

**10. Bring the following information to the IEP meeting:**

- Parent Rights Booklet, Parents Guide to Habilitative Services, A Parent’s Guide to Understanding Your IEP Rights and Responsibilities in Maryland

**11. Gather and summarize the following information prior to the IEP meeting date. Send home any summary or documents you plan to present 5 business days prior to the IEP meeting (if relevant).**

- If a child is enrolled in a childcare or preschool program, teacher input can be obtained using the [Preschool Educational Report eForm](#) or the [PreK Educational Report eForm](#). (This form requires parent signature).
- File review of the most recent assessments and IEP (from sending jurisdiction)

**12. Confirm attendance of IEP Meeting participants:**

- Includes parent(s), general education teacher (if appropriate), and other RECC or home school representatives that may need to be present for placement decisions (as appropriate).
- For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator.

**At the Meeting, Child Find will:**

**1. Introduce team members**

**2. Review and correct listing of IEP team participants on the *IEP Team Report* to reflect attendees**

- *For students prior to Kindergarten who are not enrolled in a general education program, the early childhood special educator may also serve as the general educator.*
- *If the child is in a co-taught PreK class, then the general educator shall attend the meeting.*

**3. Confirm parent receipt of Parental Rights Booklet by checking box on cover page**

- Provide a copy of Parents Guide to Habilitative Services (read written statement) and Parents Guide to Understanding Your IEP Rights and Responsibilities. Check this box on the Cover Page as well.

**4. State the purpose of meeting**

- The purpose of the meeting is to ***review student records and determine the need for assessments. Develop and approve comparable services IEP.***

**5. Discuss and document** the required information in the Record Review Worksheet and the IEP Team Meeting Report

- Click “Y” for the question “Is this a move-in meeting for a student with an existing IEP?” to open the *Record Review Worksheet*. Click “Student has an IEP from another state/country.”
- Use the following for discussion in the appropriate sections of the IEP Team Meeting Report:
  - Parent input
  - If a child is enrolled in a childcare or preschool program, review information obtained using the Preschool Educational Report eForm or the PreK Educational Report eForm.
  - File review of most recent assessments and IEP
  - Existing data and records (from sending jurisdiction)

**6. Determine the need for assessments based on out of state IEP and record review:**

Additional Assessments Needed	Additional Assessments Not Needed
Have parent sign appropriate consent forms for assessments	Document the discussion from the Move-In Worksheet in the Reevaluation- Review Assessment box (Eligibility > Continued Eligibility/Reevaluation)
Open new IEP as an INITIAL- include the following pages: Cover Page (use dates from previous IEP), Services (start date is beginning of school year OR 7 days after the IEP meeting; end date is same as previous IEP), LRE. Label “Comparable Services/Initial”	Open and complete relevant Supplement Forms  *Note that the RE-Eval Worksheet does NOT need to be completed.
	Open new IEP as a REEVALUATION- include the following pages: Cover Page (use IEP meeting date as Re-eval date), Eligibility, Services (start date is beginning of school year OR 7 days after IEP meeting), LRE. Label “Comparable

	Services/Re-eval”
Complete Comparable Services IEP (see below)	Complete Comparable Services IEP (see below)
<i>The receiving IEP team conducts the Evaluation following the Initial Evaluation timeline. After the evaluation, if eligible the team will draft and approve the Initial IEP within 30 days. This IEP will be an INITIAL IEP and authorization will be required to implement.</i>	<i>The receiving IEP team will need to draft and approve an IEP within 30 days. This IEP will be an AMENDMENT or ANNUAL. Copy the eligibility page from the comparable services IEP. Consent is not needed to implement services.</i>

7. Determine comparable services and LRE based on current, active IEP (If most current IEP is expired, use expired IEP).
  - a. Review Supplemental Aids and Services and Special Considerations and Accommodation pages and document any discussions related to HCPSS’s implementation. If there are any services on the supplementary aids page, then determine what comparable services will be provided.
  - b. Determine comparable services based upon the IEP from the other state. Document discussions and decisions related to services and determine an appropriate LRE on corresponding IEP pages and the IEP Team Report. Start services 7 business days after IEP mtg.
    - i. For students UNDER 6 (regardless of program), use the Early Childhood LRE codes.
  - c. Make sure to discuss and document transportation needs (on the Services and LRE pages).
  - d. If specialized Transportation is required, complete the discussion box on the team report, mark the IEPs’ transportation question on the LRE page as a ‘yes’, and fill out a Transportation Request Form (TRF) in Tienet. Finalize the TRF form (this sends the request to Transportation. Note: The IEP does not need to be finalized in order for the TRF to finalize.
8. Review Supplemental Aids and Services and Special Considerations and Accommodation Pages and document any discussions related to HCPSS’s implementation.
9. Review Considerations After Determining Comparable Services
10. Review New Student Folder (green) with parent and discuss where information will be sent

11. Select the “Approved” box on Cover Sheet

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**After the meeting, Child Find will:**

1. **Review & finalize the *IEP Team Meeting Report***
    - For all areas of documented discussions/decisions, select the “Add to IEP” box
    - Run spell check and review for completeness, clarity and grammar
    - Finalize *IEP Team Meeting Report*
  2. **Select Approved on Cover Sheet and Add “Comparable Services”**
    - Finalize IEP within 3 business days
      - You may need to contact TIENET Admin to force finalize if comparable services were approved
  3. **Complete Transportation Request Form in TIENET (as appropriate)**
  4. **File/upload all paperwork**
  5. **Provide the parent(s) copy of the finalized *IEP Team Meeting Report* and IEP documents no later than five business days after the meeting**
  6. **Close out folder and send to the receiving school team**
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**After the meeting, the RECC will:**

1. **Assign a school-based IEP Case Manager to complete the following steps.**
2. **Review documents from the IEP Meeting held at Child Find**
3. **Contact the parent to discuss child’s transition to their school**
  - Child must start as soon as possible
  - The RECC team may offer an initial family interview or home visit. The purpose of this contact would be to gather information and meet the student/family.
4. **Obtain additional documents from parent to complete registration**
  - List of additional items can be provided to parent
  - Additional documents include: immunization record, health inventory, and emergency cards.

5. **Once the child starts school, gather the following information to assist with the eligibility and/or develop/approve IEP meetings.**
  - [Parent Questionnaire form](#) – PK-K
  - *Data or classroom observations*
  - Observations by teachers or related service providers during a home or community visit
  - If a child is enrolled in a childcare or preschool program, teacher input can be obtained using the *Preschool Educational Report* or the *Pre-K Educational Report*. (This form requires parent signature).
  - File review of most recent assessments and IEP (from sending jurisdiction)
  - Send home any summary or documents you plan to present 5 business days prior to IEP meeting
  
6. **If eligibility was not determined at Child Find, the RECC Team will complete the assessment process to determine eligibility in Maryland.**
  - Schedule and hold the initial eligibility meeting within 60-days of when consent for evaluations was obtained. Note - the date of parental consent is considered day 1.
  - Determine initial eligibility following HCPSS guidelines.
  - HCPSS Initial IEP must be developed/approved within 30 days of Initial Eligibility Meeting
  
7. **Provide parents with *Information to Help Plan My Child's IEP***
  - To be returned to case manager for HC IEP development (if appropriate)
  
8. **Complete process for Develop/Approve Initial IEP**
  - A HCPSS Initial IEP must be developed/approved within 30 days.
  - *Initial IEP Authorization and Medical Assistance will be completed for the Initial HCPSS IEP*
  - *For Summer Move-Ins: a HC IEP should be developed and approved by September 29<sup>th</sup> in order to be included in our yearly Child Count.*

**\*\*See Comparable Services section of this handbook for additional information**

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***

# IEP Meeting Checklist: Move-Ins from Out of the State of Maryland (K-12)

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## Before the meeting:

### Receive/Request records from sending school

- Date stamp registration (designated school secretary)
- File any received documents in Student Record/cumulative file
- Document contact with sending system to request records each time a request is made

### Obtain a copy of the IEP (including any expired documents)

- If the most current IEP is an initial IEP, it must be a *signed* copy of the IEP
- If the most current IEP is expired, then you will use the expired IEP (please consult with your DSE support staff)
- If the most current IEP has never actually been implemented (please consult with your DSE support staff)

### Ask the registrar or designated secretary at your school to flag the student in the Student Information System as a student with an IEP. Information will be transferred to TIENET within an hour

- Note: If the student has the word 'inactive' in front of his/her name in TIENET, contact TIENET support to RE-activate the student.

### Schedule an IEP Meeting as soon as possible

- It is permissible to hold the meeting within 10 days in order to expedite this process- the 10-day waiver is not required
- If the student enrolls over the summer, follow these steps, however, the **HCPSS must have an IEP in effect at the start of the school year**. This might mean adopting the student's IEP from the previous school system until an HCPSS IEP is developed and approved.

### Create a new IEP Meeting Process in TIENET

- When creating the meeting process, select *IEP Meeting Notice* and *IEP Team Meeting Report*. Deselect the *Manifestation Worksheet* so that it does not appear as a part of the meeting process.
- Select the purpose(s) from the dropdown menu: *MOVE-IN: Review student records and conduct an evaluation to determine the student's eligibility for Special Education. Determine the need for assessments, if appropriate. Develop and approve comparable services IEP.*
- Ensure that the *IEP Meeting Notice* lists all required IEP team members, including at least one general education teacher of the student, if the student is or may be participating in the general education environment

- Invite the student if they are turning 14 years old within the IEP year or are older than 14.
- On the notice, do not include names of those invited by the parent (e.g. lawyers, advocates, etc.) Their attendance will be captured in the IEP Team Meeting Report.

In the IEP Team Report, click “Y” for the question “Is this a move-in meeting for a student with an existing IEP?” to open the *Record Review Worksheet*. Click “Student has an IEP from another state/country.”

Mail/e-mail home the *IEP Team Meeting Notice, Parental Rights (Maryland Procedural Safeguards) and Parent’s Guide to Habilitative Services*

Confirm attendance of team members

- Document attempts to contact parent via contact log

**At the Meeting:**

Complete introductions of team members.

Review and correct the listing of IEP team participants on the *IEP Team Report* to reflect attendees and on the IEP cover page. Gain parent permission to hold the meeting with team members present (if different than listed on the notice) and document in the IEP Team Report.

Confirm parent receipt of *Parental Rights* handbook and other parent resources by checking the boxes on the cover page of the IEP and documenting in the IEP Team Report

State the purposes of the meeting

- Review student records and conduct an evaluation to determine the student's eligibility special education services. Determine the need for assessments, if appropriate. Develop and approve comparable services IEP.

Complete the *Record Review Worksheet*

Determine if additional assessments are needed based on the out-of-state IEP and discussion with the *Record Review Worksheet*:

Additional Assessments Needed	Additional Assessments Not Needed
Have parent sign appropriate consent forms for assessments (upload to TIENET)	Document the discussion from the Move-In Worksheet in the Reevaluation- Review

	Assessment box (Eligibility > Continued Eligibility/Reevaluation)
Open new IEP as an INITIAL- include the following pages: Cover Page, Services, LRE. Label "Comparable Services"	Open and complete relevant Supplement Forms *Note that the RE-Eval Worksheet does NOT need to be completed.
	Open new IEP as a REEVALUATION- include the following pages: Cover Page, Eligibility, Services, LRE. Label "Comparable Services/Reeval"
	Open and complete Supplement Forms (as needed)
Complete Comparable Services IEP (see below)	Complete Comparable Services IEP (see below)
<i>The IEP team conducts the Evaluation following the Initial Evaluation timeline. After the evaluation, the team will draft and approve the IEP within 30 days. This IEP will be an INITIAL IEP and authorization will be required to implement.</i>	<i>The IEP team will need to draft and approve an IEP within 30 days. This IEP will be an AMENDMENT or ANNUAL. Copy the eligibility page from the comparable services IEP. Consent is not needed to implement services.</i>

**Determine comparable services and LRE based on the current, active IEP (if the most current IEP is expired, use the expired IEP). The following sections of the IEP should be completed:**

- Cover Page
- Eligibility page (if eligibility was determined at the meeting)
- Services
- LRE

**Review Special Considerations, Instructional Testing Accommodations, and Supplementary Aids and Services pages and document any discussions related to HCPSS' implementation.**

- Use the goals from the current IEP to guide the discussion
- Progress towards the goals will need to be documented while the comparable services IEP is in place

**Make sure to discuss and document transportation needs (on the Related Services and LRE Transportation sections of the team report)**



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**After the meeting:**

**Review the *IEP Team Meeting Report***

- Ensure that meeting discussions and decisions are accurately captured.
- For appropriate areas of documented discussions/decisions, select “Yes” for the “Add to IEP” box
- Edit your work for spelling, grammar, etc.
- Finalize the *IEP Team Meeting Report*

**Finalize the IEP document reflecting comparable services by asking TIENET Support to force finalize the IEP (all comparable IEPs need to be force finalized).**

**If Specialized Transportation was approved, ensure that the *Transportation Request Form (TRF)* and [Specialized Transportation Articulation Form](#) were completed and the *Transportation Request Form* in TIENET was finalized. Ensure that specific student transportation needs are well documented on the form to include equipment, staff, etc.**

Note - the IEP does not need to be finalized first for the TRF to be finalized.

**File all documents (IEP team report, IEP, relevant supplement forms) in the student’s special education file or uploaded to TIENET.**

**Provide the parent(s) with a copy of the *IEP Team Meeting Report*, IEP and supplement forms, if appropriate, within five business days of the meeting**

**If assessments are recommended to determine eligibility:**

- Complete assessments once written consent is received.
- Schedule the IEP Meeting to review assessments within the timeline. Follow the *Initial Eligibility- Review of Assessments Checklist* to continue with this process.

**If eligibility was determined:**

- Finalize the HC IEP documenting comparable services (Contact Tienet Support to force finalize the document)
- Draft and approve the full IEP within the 30 day timeline (OR by the beginning of the school year). This will be considered a Reevaluation. The Annual Checklist can be used for this process, but this does NOT need to be considered an Annual IEP.

**Implement the comparable services IEP:**

- All teachers and service providers who will be working with the student need to receive and review the IEP as well as have an understanding of their role in implementing the comparable services IEP
- The paper copy of the out-of-state IEP will be provided to staff as necessary
- If the student enrolls during the summer and the comparable services IEP can not be completed by the beginning of the school year, the IEP team will need to implement the out-of-state IEP.

- If the student enrolls during ESY and was found eligible for ESY that summer, then ESY would be considered an extension of the current school year for that student so comparable services would be required. A full IEP would be developed concurrently with implementation of the comparable services.
- Staff must document progress while providing comparable services. Create a Google Document or other method of documentation since there will not be an available IEP Progress Report in TIENET

**\*\*See Comparable Services section of this handbook for additional information**

**\*\*Remember to have parent(s) fill out the [IEP Meeting Survey Form](#) after the meeting to provide feedback.\*\***