

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: IFF

Responsible Office: DIVISION OF SPECIAL EDUCATION

SPECIAL EDUCATION PROGRAMS FOR STUDENTS WITH DISABILITIES

A. PURPOSE

To establish guidelines that ensure that infants and toddlers and students with disabilities receive a free, appropriate public education (FAPE) and related services in the least restrictive environment appropriate for the child in accordance with federal and State laws and regulations.

B. BACKGROUND

Federal and State laws and regulations regarding the education of individuals with disabilities, require that Anne Arundel County Public Schools (AACPS) ensure a free, appropriate public education for all children with disabilities residing in Anne Arundel County from birth through the school year in which the child reaches 21 years of age, including children with disabilities who have been suspended or expelled from school.

C. DEFINITIONS

1. ***Free Appropriate Public Education (FAPE)*** – special education and related services that:
 - a. Are provided at public expense, under public supervision and direction;
 - b. Meet the standards of the Maryland Department of Education and the Individuals with Disabilities Education Act (IDEA);
 - c. Include preschool, elementary, and secondary education; and
 - d. Are provided in conformance with the requirements of the child’s individualized education program.
2. ***Individualized Education Program (IEP)*** – a written statement for a student with a disability that is developed, reviewed, and revised in accordance with federal

regulations and the Code of Maryland Regulations (COMAR) 13A.05.01.08-09.

3. ***Individualized Family Services Plan (IFSP)*** – a written plan for providing early intervention and other services to an eligible child and the child’s family, consistent with federal regulations, and:
 - a. Developed jointly by the family and appropriate qualified personnel involved in the provision of early intervention services;
 - b. Based on a multidisciplinary evaluation and assessment of the child and the assessment of the child’s family; and
 - c. Includes services necessary to enhance the development of the child and the capacity of the family to meet the special needs of the child.
4. ***Related Service*** – transportation and such developmental, corrective, and other supportive services as may be required to assist a child with disabilities to benefit from special education, including the early identification and assessment of disabling conditions in children. Related services do not include a surgically implanted medical device, the optimization of the device’s functioning, maintenance of the device, or replacement of the device.
5. ***Infants and Toddlers with Disabilities*** –
 - a. A child, birth through two years old, who is eligible for early intervention services, as documented by appropriate qualified personnel, as having a developmental delay as defined below; or
 - b. A child, three years old until the beginning of the school year following the child’s fourth birthday, who:
 - i. Previously received early intervention services; and
 - ii. Is identified as a child with a developmental delay or disability, in accordance with IDEA and State law.
6. ***Special Education*** – specially designed instruction, at no cost to parents/guardians, to meet the unique needs of a child with a disability, including:
 - a. Instruction in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - b. Instruction in physical education.

7. ***Student with a Developmental Delay*** – a student within the age range of three years old through seven years old assessed and evaluated in accordance with the COMAR 13A.05.01.05-.06 as having:
 - a. A 25 percent or greater delay in adaptive, cognitive, communicative, emotional, physical, or social development;
 - b. Atypical development or behavior as defined in COMAR 13A.13.01.03B(12)(b);
or
 - c. A diagnosed physical or mental condition as defined in COMAR 13A.13.01.03B(12)(c).
8. ***Student with Disabilities*** – a student three years old through the end of the school year in which the student turns 21 years old:
 - a. Evaluated in accordance with federal and State guidelines as having autism; deaf-blindness; an emotional disability; a hearing impairment, including deafness; an intellectual disability; multiple disabilities; an orthopedic impairment; other health impairment; a specific learning disability; a speech or language impairment; a traumatic brain injury; or a visual impairment, including blindness; and
 - b. Who because of the impairment needs special education and related services.

D. PROCEDURES

1. Programs and services for children eligible for special education and related services, including students with a developmental delay, shall be provided in compliance with all applicable federal and State laws and regulations, including requirements governing:
 - a. Notification;
 - b. Consent;
 - c. The educational assessment process;
 - d. Independent educational evaluation;
 - e. Appointment of a parent surrogate
 - f. Confidentiality of educational records;
 - g. Extended school year services;

- h. Least restrictive environment as defined on an individual basis;
 - i. Due process procedures;
 - j. Timelines;
 - k. The IEP process;
 - l. Related services;
 - m. Development and implementation of the IEP, the IFSP for children from birth through two years of age, or the Extended IFSP for children ages two through the beginning of the school year following the child's fourth birthday;
 - n. Services for private and parochial students with disabilities; and
 - o. Transition planning.
2. Measures shall be taken to encourage and facilitate the active and informed participation of parents/guardians of infants and toddlers and students with disabilities in all aspects of the educational decision-making process. Due process procedures as detailed in federal and State laws and regulations and local policies shall be used.
3. Programs for infants and toddlers and students with disabilities shall be administered in accordance with the *eHandbook for Special Education, Guideline and Procedures* developed by the AACPS Department of Special Education in compliance with federal and State laws and regulations and revised as needed.

Regulation History: Developed by Superintendent 04/05/06
Reviewed by Board of Education 04/05/06; 06/27/23
Issued 10/18/06; Revised 05/02/12; 09/06/23

Note Previous Regulation History: Replaces Regulation 605.06, issued 07/12/78 and revised 01/17/90

Legal References: Individuals with Disabilities Education Act; 34 C.F.R. Part 300; Section 8-403 of the Education Article; Code of Maryland Regulations 13A.05.01 Provision of a Free and Appropriate Public Education, 13A.05.02 Administration of Services for Students with Disabilities, and 13A.13.01 Provision of Early Intervention Services to Infants and Toddlers and Their Families.