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Division of Early Intervention and Special Education Services  
Policy & Accountability Branch  
Monitoring & Accountability Section  
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# *Early Intervention and Special Education Services Policies and Procedures Audit Tool*



*Accountability to Improve Performance*

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***PART I – Part C Requirements***

*Accountability to Improve Performance*

**SECTION 1: REFERRAL AND SCREENING**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
1.1			<p>A local lead agency shall identify a single point of entry which shall:</p> <ul style="list-style-type: none"> <li>(a) Coordinate all major child find efforts, consistent with 34 CFR §303.302 and COMAR 13A.13.02.04B; and</li> <li>(b) Be available for use by primary referral sources and others who suspect developmental delay in an infant or toddler.</li> </ul> <p>34 CFR §303.302(a)(2); COMAR 13A.13.01.04A(1)</p>
1.2			<p>A local lead agency shall require the referral of a child younger than three (3) years old who:</p> <ul style="list-style-type: none"> <li>(a) Is the subject of a substantiated case of child abuse or neglect; or</li> <li>(b) Is identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.</li> </ul> <p>A local lead agency shall seek parental consent for referral for a child younger than three (3) years old who directly experiences a substantiated case of trauma due to exposure of violence, as defined in Section 320 of the Family Violence Prevention and Services Act, 42 U.S.C. 10401, et seq.</p> <p>34 CFR §303.302(b); COMAR 13A.13.01.04A(2)&amp;(3)</p>
1.3			<p>A local lead agency shall ensure primary referral sources refer an infant or toddler as soon as possible, but in no case more than seven (7) days after the child has been identified.</p> <p>34 CFR §303.303(a)(2)(i); COMAR 13A.13.01.04A(4)</p>
1.4			<p><b>OPTIONAL:</b> A local lead agency or Early Intervention Service (EIS) provider may screen a child younger than three (3) years old to determine whether the child is suspected of having a disability, consistent with 34 CFR 300.320.</p> <p>34 CFR §303.320(a); COMAR 13A.13.01.04B(1)</p>

Item	C/NC	Required Revisions	Requirement
1.5			<p><b>OPTIONAL:</b> If a local lead agency or EIS provider proposes to screen a child, it shall:</p> <ul style="list-style-type: none"> <li>(a) Provide the parent notice of the intent to screen the child to identify whether the child is suspected of having a disability, consistent with 34 CFR §303.421;</li> <li>(b) Provide the parent a description of the parent’s right to request an evaluation at any time during the screening process, in accordance with 34 CFR §§03.32; and</li> <li>(c) Obtain consent before conducting the screening procedures, in accordance with as required in 34 CFR §303.420(a)(1) and Regulation .12 of this chapter.</li> </ul> <p>34 CFR §303.320(a)(1); COMAR 13A.13.01.04B(2)</p>
1.6			<p><b>OPTIONAL:</b> If the result of screening or other available information indicates that the child is suspected of having a disability, the local lead agency shall:</p> <ul style="list-style-type: none"> <li>(a) Provide the parents notice of the results consistent with 34 CFR §303.421 and Regulation .11 of this chapter;</li> <li>(b) Obtain parental consent for evaluation and assessment consistent with 34 CFR §303.420 and Regulation .12 of this chapter; and</li> <li>(c) Conduct an evaluation and assessment of the child in accordance with 34 CFR §303.321 and Regulation .05 of this chapter.</li> </ul> <p>34 CFR §303.320(a)(2)(i); COMAR 13A.13.01.04B(3)</p>
1.7			<p><b>OPTIONAL:</b> Parents may request and consent to an evaluation at any time during the screening process.</p> <p>34 CFR §303.320(a)(3); COMAR 13A.13.01.04B(5)</p>

**SECTION 2: EVALUATION AND ASSESSMENT**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
2.1			<p>A local lead agency shall ensure:</p> <ul style="list-style-type: none"> <li>(a) A child receives a timely, comprehensive, multidisciplinary evaluation, consistent with 34 CFR §§300.321, 303.322, and 303.420(a)(2);</li> <li>(b) A parent provides consent before conducting each evaluation and assessment of a child, consistent with 34 CFR §303.321(1) and Regulation .12 of this chapter; and</li> <li>(c) Evaluations are administered by qualified personnel.</li> </ul> <p>34 CFR §303.321; COMAR 13A.13.01.05A(1)</p>
2.2			<p>In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child’s eligibility. Procedures shall include:</p> <ul style="list-style-type: none"> <li>(a) Administering an evaluation instrument;</li> <li>(b) Taking the child’s history, including interviewing the parent;</li> <li>(c) Identifying the child’s level of functioning in each of the developmental areas identified in Regulation .03B(12) of this chapter;</li> <li>(d) Gathering information from other sources such as family members, other caregivers, medical providers, social workers, and educators to understand the full scope of the child’s unique strengths and needs, if necessary, as required in 34 CFR §303.420(a)(1); and</li> <li>(e) Reviewing medical, educational, and other records.</li> </ul> <p>Evaluations and assessments of a child must be conducted in the native language of the child, unless it is clearly not feasible to do so.</p> <p>34 CFR §§303.321(b); COMAR 13A.13.01.05A(2)-(4)</p>

Item	C/NC	Required Revisions	Requirement
2.3			<p>The written report shall include:</p> <ul style="list-style-type: none"> <li>(a) A statement of the child’s current health status based on a review of pertinent records and medical history;</li> <li>(b) A statement which describes the child’s levels of functioning in each developmental area and the dates of the evaluation and assessment procedures;</li> <li>(c) A statement of criteria, including tests, evaluation materials, and informed clinical opinion; and</li> <li>(d) The signatures and titles of the qualified personnel who administered the evaluation and assessment.</li> </ul> <p>Written reports of evaluations and assessments described shall be included in the child’s early intervention record.</p> <p>COMAR 13A.13.01.05C(1)&amp;(2)</p>
2.4			<p>Qualified personnel directly involved in the diagnosis of the child or in conducting the evaluation and assessment of the child shall determine the child’s eligibility for early intervention services by comparing evaluation results with the criteria for an infant or toddler with a disability as defined in Regulation .03B(29) of this chapter.</p> <p>34 CFR §§303.321(a)(2)(i); COMAR 13A.13.01.05E(1)</p>
2.5			<p>A local lead agency shall ensure informed clinical opinion:</p> <ul style="list-style-type: none"> <li>(a) May be used as an independent basis to establish a child’s eligibility for the EIS when the other instruments do not establish eligibility; and</li> <li>(b) May not be used to negate the results of evaluation instruments used to establish eligibility.</li> </ul> <p>34 CFR §§303.321(a)(3)(ii); COMAR 13A.13.01.05E(3)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
2.6			<p>If the local lead agency determines a child is not eligible, the local lead agency shall provide the parent with prior written notice consistent with 34 CFR §303.421, including the parent’s right to dispute the eligibility determination through dispute resolution mechanisms in accordance with 34 CFR §303.430 and Regulation .14 of this chapter.</p> <p>34 CFR §303.322; COMAR 13A.13.01.05E(6)</p>
2.7			<p>If a child is eligible for EIS as an infant or toddler with a disability, the child and family shall have:</p> <ul style="list-style-type: none"> <li>(a) A multidisciplinary assessment of the unique strengths and needs of the child and the identification of services appropriate to meet those needs; and</li> <li>(b) A family-directed assessment of concerns, priorities, and resources of the family and the identification of the supports and services necessary to enhance the family’s capacity to meet the developmental needs of the child. These assessments may occur simultaneously with the evaluation.</li> </ul> <p>Family assessments shall be conducted in the native language of the family member being assessed, unless clearly not feasible to do so.</p> <p>34 CFR §303.321(a)(1)(ii)&amp;(6); COMAR 13A.13.01.05F(1)&amp;(2)</p>
2.8			<p>The family assessment shall be voluntary for each family member participating in the assessment.</p> <p>34 CFR §303.321(c)(2)(i); COMAR 13A.13.01.05F(4)(a)</p>



**SECTION 3: IFSP TEAM**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
3.1			<p>A local lead agency shall ensure the initial IFSP team meeting and the annual IFSP team meeting to evaluate the IFSP of an infant or toddler with a disability shall be multidisciplinary and include the following participants:</p> <ul style="list-style-type: none"> <li>(a) The parents of the child;</li> <li>(b) The service coordinator who has worked with the family since the initial referral of the child or was designated by the public agency to be responsible for implementation of the IFSP;</li> <li>(c) Individuals directly involved in conducting the evaluations and assessments in accordance with Regulation .05 of this chapter;</li> <li>(d) Individuals who will provide services to the child or the family, as determined appropriate;</li> <li>(e) Other family members, as requested by the parent, if feasible to do so; and</li> <li>(f) An advocate or individual outside the family, if the parent requests that the individual participate.</li> </ul> <p>At a minimum, the IFSP team shall include:</p> <ul style="list-style-type: none"> <li>(a) The parent; and</li> <li>(b) Two or more individuals from separate professions.</li> </ul> <p>34 CFR §303.343(a); COMAR 13A.13.01.06A(1)&amp;(2)</p>
3.2			<p>If an individual listed in §A(1) of this regulation is unable to attend a meeting, arrangements shall be made for the individual’s involvement through other means, including:</p> <ul style="list-style-type: none"> <li>(a) Participating in a telephone conference call;</li> <li>(b) Having a knowledgeable authorized representative attend the meeting; or</li> <li>(c) Making pertinent records available at the meeting.</li> </ul> <p>34 CFR §303.343(a)(2); COMAR 13A.13.01.06A(4)</p>
3.3			<p>The IFSP team meeting shall be conducted:</p> <ul style="list-style-type: none"> <li>(a) In a setting and at a time that is convenient to the family; and</li> <li>(b) In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.</li> </ul> <p>Written notification of the IFSP team meeting shall be provided to the family and other participants early enough before the meeting date to ensure invited individuals will be able to attend.</p> <p>34 CFR §303.342(d)(1)&amp;(2); COMAR 13A.13.01.06B</p>

**SECTION 4: DEVELOPMENT AND REVIEW OF THE IFSP**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirements</i>
4.1			<p>The initial meeting to develop an IFSP for a child evaluated for the first time and determined to be eligible shall be conducted within the 45 days of the referral consistent with 34 CFR §303.310 and Regulation .05 of this chapter.</p> <p>34 CFR §303.342(a); COMAR 13A.13.01.07A</p>
4.2			<p>The local lead agency shall document in the child’s early intervention record the exceptional family circumstances or repeated attempts by the local lead agency or EIS provider to obtain parental consent:</p> <ul style="list-style-type: none"> <li>(a) If child or parent is unavailable to complete the screening, the initial evaluation, the initial assessment of the child and family, or the initial IFSP due to exceptional family circumstances; or</li> <li>(b) The parent has not provided consent for the screening, the initial evaluation or the initial assessment.</li> </ul> <p>Complete the screening, the initial evaluation, the initial assessment, and the initial IFSP meeting as soon as possible after the documented exceptional family circumstances described in §B(2)(b) of this regulation no longer exist or parental consent is obtained for the initial evaluation and initial assessment of the child.</p> <p>34 CFR §303.310(b)&amp;(c); COMAR 13A.13.01.07B(2)(b)&amp;(3)(b)</p>
4.3			<p>Implement the EIS as specified in the IFSP as soon as possible, but not later than 30 days from the date of parent consent, except as provided under 34 CFR §303.345;</p> <p>Ensure that early intervention services are provided consistent with 34 CFR §§303.13(a)(8), 303.26, and 303.344:</p> <ul style="list-style-type: none"> <li>(a) In natural environments, including the home and community settings in which children without disabilities participate, to the maximum extent appropriate; or</li> <li>(b) In a setting other than the natural environment that is most appropriate, as determined by the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment.</li> </ul> <p>34 CFR §303.344(d)(ii)&amp;(f)(1); COMAR 13A.13.01.07B(3)(e)&amp;(f)</p>

Item	C/NC	Required Revisions	Requirements
4.4			<p>Ensure the provision of service coordination to an eligible child and the child’s family, consistent with 34 CFR §§303.12 and 303.31, that includes the:</p> <ul style="list-style-type: none"> <li>(a) Designation of a service coordinator from the profession most immediately relevant to the child’s or family’s needs, or who is otherwise qualified to carry out all applicable responsibilities; and</li> <li>(b) Assignment of responsibility for the implementation of the IFSP and coordination with other agencies and persons.</li> </ul> <p>The name of the service coordinator from the profession most relevant to the child’s or family’s needs who is responsible for:</p> <ul style="list-style-type: none"> <li>(a) Implementing the early intervention services identified in a child’s IFSP;</li> <li>(b) Transition services; and</li> <li>(c) Coordination with other agencies and individuals.</li> </ul> <p>34 CFR §303.344(g); COMAR 13A.13.01.07B(3)(g) &amp; 13A.13.01.08A(6)</p>
4.5			<p>The EIS for an eligible child and the child’s family may commence before the completion of the evaluation and assessments, as described in Regulation .05 if this chapter, if:</p> <ul style="list-style-type: none"> <li>(a) It is determined that EIS are needed immediately by the child and the child’s family;</li> <li>(b) Parental consent is obtained; and</li> <li>(c) An interim IFSP is developed that includes the name of the service coordinator.</li> </ul> <p>34 CFR §303.345; COMAR 13A.13.01.07C(1)</p>

Item	C/NC	Required Revisions	Requirements
4.6			<p>Implement and conduct periodic reviews and annual evaluations of a child’s IFSP consistent with 34 CFR §§303.342 &amp; 303.343.</p> <p>A review of the IFSP for a child and the child’s family must be conducted every six months, or more frequently if the conditions warrant, or if the family requests such a review. The purpose of the periodic review is to determine:</p> <ul style="list-style-type: none"> <li>(a) The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made; and</li> <li>(b) Whether modification or revision of the results, outcomes, or early intervention services identified in the IFSP is necessary.</li> </ul> <p>The review may be carried out by a meeting or by another means that is acceptable to the parents and other participants.</p> <p>A meeting must be conducted on at least an annual basis to evaluate and revise, as appropriate, the IFSP for a child and the child’s family. The results of any current evaluations and other information available from the assessments of the child and family conducted under §303.321 must be used in determining the early intervention services that are needed and will be provided.</p> <p>34 CFR §303.342(b)&amp;(c); COMAR 13A.13.01.07D(3)&amp;(4)&amp;E</p>
4.7			<p>The IFSP shall include a statement of the child’s present levels of physical development, including:</p> <ul style="list-style-type: none"> <li>(a) Vision;</li> <li>(b) Hearing;</li> <li>(c) Health status;</li> <li>(d) Cognitive development;</li> <li>(e) Communication development;</li> <li>(f) Social or emotional development; and</li> <li>(g) Adaptive development.</li> </ul> <p>34 CFR §303.344(a); COMAR 13A.13.01.08A(1)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirements</b>
<b>4.8</b>			<p>A statement of the family’s concerns, priorities, and resources related to enhancing the development of the child as identified through assessment, with the concurrence of the family.</p> <p>34 CFR §303.344(b); COMAR 13A.13.01.08A(2)</p>
<b>4.9</b>			<p>A statement of the measurable results or outcomes considered developmentally appropriate and expected to be achieved for the child and family, consistent with 34 CFR §303.344(c), including:</p> <ul style="list-style-type: none"> <li>(a) Preliteracy;</li> <li>(b) Numeracy;</li> <li>(c) Language skills, and</li> <li>(d) Criteria, procedures, and timeline used to determine the degree to which progress toward achieving the results or outcomes is identified in the IFSP is being made; and</li> <li>(e) Whether modifications or revisions of the expected results or outcomes, or early intervention services identified in the IFSP are necessary.</li> </ul> <p>34 CFR §303.344(c) &amp; (d)(4); COMAR 13A.13.01.08A(3)</p>
<b>4.10</b>			<p>The projected date for the initiation of each early intervention service and the anticipated duration of each service.</p> <p>34 CFR §303.344(f)(1); COMAR 13A.13.01.08A(4)&amp;(5)</p>
<b>4.11</b>			<p>The IFSP shall address the needs of an infant of toddler with a disability and the needs of the family to assist appropriately in the child’s development, as identified by the IFSP team including physical development, cognitive development, communication development, social or emotional development, and adaptive development.</p> <p>34 CFR §303.344(d); COMAR 13A.13.01.08C(1)</p>

Item	C/NC	Required Revisions	Requirements
4.12			<p>The IFSP shall include, to the extent practicable, a statement of the specific early intervention services based on peer-reviewed research that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified in §A(3) of this regulation, including:</p> <ul style="list-style-type: none"> <li>(a) The length, duration, frequency, intensity, and method of delivering the early intervention service, as defined in Regulation .03B of this chapter;</li> <li>(b) A statement that an early intervention service is provided on a year-round basis in the natural environment of the child or service, to the maximum extent appropriate, or a justification as to why an early intervention service will not be provided in the natural environment;</li> <li>(c) The determination of the appropriate setting for providing an early intervention service, including any justification for not providing a particular early intervention service in the natural environment shall be: <ul style="list-style-type: none"> <li>(i) Made by the IFSP Team;</li> <li>(ii) Consistent with the provisions of 34 CFR §§303.13(a)(8), 303.26, and 303.126, and</li> <li>(iii) Based on the child’s outcomes identified by the IFSP Team;</li> </ul> </li> <li>(d) The location of the early intervention services; and</li> <li>(e) The agency fiscally responsible for the service.</li> </ul> <p>34 CFR §303.344(d); COMAR 13A.13.01.08C(2)</p>

**SECTION 5: PROCEDURAL SAFEGUARDS**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
5.1			<p>The local lead agency shall provide a copy of the procedural safeguards to the parents of an infant of toddler with a disability, with prior written notice, in accordance with 34 CFR §303.421(b)(3).</p> <p>34 CFR §303.400; COMAR 13A.13.01.10A(1)</p>
5.2			<p>Consistent with 34 CFR §303.421, a local lead agency shall provide a parent prior written notice a reasonable time before the local lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant’s or toddler’s family.</p> <p>The Prior Written Notice content shall be in sufficient detail to inform the parent of:</p> <ul style="list-style-type: none"> <li>(a) The action that is being proposed or refused;</li> <li>(b) The reasons for taking the action; and</li> <li>(c) The procedural safeguards, as described in Regulation .10A of this chapter, including: <ul style="list-style-type: none"> <li>(i) A description of mediation, consistent with 34 CFR §303.431;</li> <li>(ii) How to file a State complaint, in accordance with 34 CFR §§303.432 through 303.434; and</li> <li>(iii) How to file a due process complaint, consistent with 34 CFR §303.430(d), including any timelines</li> </ul> </li> </ul> <p>The notice shall be written in language that is understandable to the general public, and provided in the native language of the parent, unless it is clearly not feasible to do so. If the native language used by the parent is not a written language, the local lead agency shall ensure that the notice is translated orally or by other means to the parent, and the parent understands the content of the notice. A public agency shall maintain written documentation that the requirements of §C(1) and (2) of this regulation have been met.</p> <p>34 CFR §303.421; COMAR 13A.13.01.11</p>

Item	C/NC	Required Revisions	Requirement
5.3			<p>The local lead agency shall ensure parental consent is obtained before:</p> <ul style="list-style-type: none"> <li>(a) Administering screening procedures under 34 CFR §303.320 that are used to determine whether a child is suspected of having a disability;</li> <li>(b) All evaluations and assessments of a child are conducted, consistent with 34 CFR §303.321 and Regulation .05 of this chapter;</li> <li>(c) Early intervention services are provided to the child;</li> <li>(d) Public benefits or insurance or private insurance is used if such consent is required under §303.520; and</li> <li>(e) Disclosure of personally identifiable information consistent with 34 CFR §303.414.</li> </ul> <p>If a parent does not give consent, consistent with §A(1), (2), or (3) of this regulation, the local lead agency must make reasonable efforts to ensure that the parent:</p> <ul style="list-style-type: none"> <li>(a) Is fully aware of the nature of the evaluation and assessment of the child or early intervention services that would be available; and</li> <li>(b) Understands that the child will not be able to receive the evaluation, assessment, or early intervention service unless consent is given.</li> </ul> <p>The local lead agency shall not use the due process hearing procedures described in Regulation .14C of this chapter to challenge a parent’s refusal to provide any consent that is required in accordance with §A of this regulation.</p> <p>The parents of an infant of toddler with a disability:</p> <ul style="list-style-type: none"> <li>(a) Determine whether they, their infant or toddler with a disability, or other family members will accept or decline any early intervention service at any time; and</li> <li>(b) May decline a service after first accepting it, without jeopardizing other early intervention services.</li> </ul> <p>34 CFR §303.420; COMAR 13A.13.01.12</p>



Item	C/NC	Required Revisions	Requirement
5.4			<p>A local lead agency shall ensure the rights of a child are protected when:</p> <ul style="list-style-type: none"> <li>(a) No parent can be identified;</li> <li>(b) The lead agency or other public agency, after reasonable efforts, cannot locate a parent; or</li> <li>(c) The child is a ward of the State.</li> </ul> <p>The local lead agency shall appoint a surrogate parent no more than thirty (30) days after the local lead agency determines that the child needs a surrogate parent, consistent with §A(1) of this regulation. The written notification in §B(1) of this regulation shall include the name or names of an individual or individuals appropriately qualified to fulfill the role of a surrogate parent, consistent with §A(4) and (5) of this regulation. The local lead agency shall notify State Superintendent of Schools, or the Superintendent’s designee, in writing, of the surrogate parent appointment not more than 10 days after the appointment. The notification described in §B(3) of this regulation shall include the child’s name, the name of the surrogate parent, and any other information deemed applicable.</p> <p>34 CFR §303.422; COMAR 13A.13.01.13A(1)&amp;B</p>
5.5			<p>The Department shall receive and resolve any early intervention State complaint filed by any party regarding any violation of Part C of the Act in accordance with 34 CFR §§303.432-303.434, and COMAR 13A.05.01.15A.</p> <p>Any party may request mediation to resolve a dispute involving any matter related to the provision of early intervention services, including matters arising prior to the filing of a due process complaint, in accordance with 34 CFR §303.431, and COMAR 13A.05.01.15B.</p> <p>The Department shall provide for impartial resolution of individual child complaints concerning any matter related to the provision of early intervention services in accordance with 34 CFR §§303.440-303.449, 34 CFR §§300.507-300.518, and COMAR 13A.05.01.15C. If a parent files a due process complaint to dispute a determination that the child does not meet the criteria for identification as a student with a disability under Part B, the local lead agency is not required to provide the child with early intervention services after the child’s third birthday during the pendency of the due process hearing.</p> <p>34 CFR §303.430; COMAR 13A.13.01.14</p>

**SECTION 6: SYSTEM OF PAYMENT**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
6.1			<p>The use of medical assistance is prohibited, unless the local lead agency provides written notification to the child’s parents and parents’ consent is provided prior to using public benefits, consistent with 34 CFR §303.520. The Maryland Infants and Toddlers program shall monitor implementation of policies and procedures related to the use of medical assistance to pay for early intervention services to eligible children and their families.</p> <p>34 CFR §303.520(a); COMAR 13A.13.02.06E</p>

**SECTION 7: PART C TO B TRANSITION**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
7.1			<p>A local lead agency shall refer the toddler to the local school system for the jurisdiction in which the toddler resides, with parental consent as required under §303.414, if a toddler is referred to a local lead agency less than 45 days before the toddler’s third birthday.</p> <p>34 CFR §300.124(b); COMAR 13A.13.01.09A(4)</p>
7.2			<p>A local lead agency shall ensure steps and services are identified to support a toddler’s smooth transition, consistent with 34 CFR §§303.209 and 303.344(h) to:</p> <ul style="list-style-type: none"> <li>(a) Preschool special education;</li> <li>(b) The extended IFSP Option; or</li> <li>(c) Other appropriate services.</li> </ul> <p>34 CFR §§303.209 &amp; 303.344(h); COMAR 13A.13.01.09B(1)</p>
7.3			<p>The local lead agency shall:</p> <ul style="list-style-type: none"> <li>(a) Develop transition outcomes on a child’s IFSP, at the IFSP meeting closest to the child’s second birthday, or on the child’s initial IFSP, if the child is referred after the child’s second birthday; and</li> <li>(b) Convene an IFSP team meeting for transition planning, consistent with requirements in 34 CFR §303.342(d) and (e) and 303.343(a), with the approval of the parents of the toddler, not less than 90 days, and at the discretion of all parties, not more than 9 months before the toddler’s third birthday, to discuss services the toddler may be eligible to receive.</li> </ul> <p>34 CFR §§303.342(d)&amp;(e) and 303.343(a); COMAR 13A.13.01.09B(2)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
7.4			<p>If a toddler with a disability may be eligible for preschool special education services, consistent with COMAR 13A.05.01, the local lead agency, with the approval of the toddler's family, shall convene and IFSP team meeting, as described in §B(2)(b) of this regulation, with:</p> <ul style="list-style-type: none"> <li>(a) The toddler's family;</li> <li>(b) A representative of the local school system; and</li> <li>(c) The toddler's service coordinator.</li> </ul> <p>34 CFR §303.209(c)(1); COMAR 13A.13.01.09B(3)</p>
7.5			<p>If the local lead agency determines that a toddler with a disability is not potentially eligible for preschool special education services, the local lead agency, with the approval of the toddler's family, shall make reasonable efforts to convene an IFSP team meeting, as described in §B(2)(b) of this regulation with:</p> <ul style="list-style-type: none"> <li>(a) The toddler's family;</li> <li>(b) The toddler's service coordinator; and</li> <li>(c) Providers of other appropriate services.</li> </ul> <p>34 CFR §303.209(c)(2); COMAR 13A.13.01.09B(4)</p>
<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
7.6			<p>The IFSP team meeting described in §B(2)(b) of this regulation may occur less than 90 days before the toddler's third birthday, with clear written documentation, if:</p> <ul style="list-style-type: none"> <li>(a) The toddler is unavailable;</li> <li>(b) The family requests a delay because of other family reasons; or</li> <li>(c) The toddler was referred after 33 months of age.</li> </ul> <p>COMAR 13A.13.01.09B(5)</p>
7.7			<p>If the IFSP team meeting described in §B(5) of this regulation occurs less than 90 days before the toddler's third birthday, the local lead agency shall make reasonable attempts to conduct the IFSP team meeting as soon as possible to allow for appropriate transition planning.</p> <p>COMAR 13A.13.01.09B(6)</p>
7.8			<p>The IFSP team shall develop a transition plan as part of the child's IFSP that includes:</p> <ul style="list-style-type: none"> <li>(a) Steps for the toddler with a disability and the toddler's family to exit from the Part C program; and</li> <li>(b) The identification of transition services the toddler or toddler's family needs.</li> </ul> <p>COMAR 13A.13.01.09B(7)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>7.9</b>			<p>The local lead agency shall provide the toddler’s parents with:</p> <ul style="list-style-type: none"> <li>(a) An annual notice consistent with 303.211(b)(1); and</li> <li>(b) Information regarding community options and service delivery models if a toddler: <ul style="list-style-type: none"> <li>(i) Continues to receive early intervention services in accordance with an Extended IFSP; or</li> <li>(ii) Begins to receive preschool special education services in accordance with an IEP.</li> </ul> </li> </ul> <p>COMAR 13A.13.01.09B(8)</p>
<b>7.10</b>			<p>If a toddler with a disability may be eligible for preschool special education services, the local school system shall convene an IEP team meeting to determine the child’s eligibility for Part B preschool special education services, consistent with COMAR 13A.05.01.</p> <p>COMAR 13A.13.01.09B(9)</p>
<b>7.11</b>			<p>The local school system IEP team meeting described in §B(9) of this regulation shall:</p> <ul style="list-style-type: none"> <li>(a) Be convened in a timely manner such that eligibility is determined before the toddler’s third birthday; and</li> <li>(b) The toddler’s service coordinator or other Part C representative as a required team member, to participate in the review of existing data on the child’s progress and performance on IFSP outcomes, unless the family requests, in writing, that a Part C representative not participate in the IEP team eligibility meeting.</li> </ul> <p>COMAR 13A.13.01.09B(10)</p>
<b>7.12</b>			<p>If a toddler is determined eligible for Part B preschool special education services, and parents wish for their child to receive services, the parents shall provide informed written consent, consistent with Regulation .12 of this chapter and COMAR §13A.05.01.13 to:</p> <ul style="list-style-type: none"> <li>(a) Continue early intervention services through an Extended IFSP, including an educational component, as required by §303.344(c); or</li> <li>(b) Receive preschool special education services through an IEP as a student with a disability in accordance with 34 CFR §300.324 and COMAR §13A.05.01.08, and no longer receive Part C services.</li> </ul> <p>COMAR 13A.13.01.09B(11)</p>

Item	C/NC	Required Revisions	Requirement
7.13			<p>If the parent chooses the Extended IFSP Option the local lead agency shall:</p> <ul style="list-style-type: none"> <li>(a) Acknowledge the parent’s choice and their child’s eligibility by providing the parent prior written notice, in accordance with 34 CFR §300.503 and COMAR §13A.05.01.12; and</li> <li>(b) Ensure that early intervention services identified on a toddler’s IFSP includes an educational component that promotes school readiness and incorporates: <ul style="list-style-type: none"> <li>(i) Preliteracy;</li> <li>(ii) Language; and</li> <li>(iii) Numeracy skills.</li> </ul> </li> </ul> <p>COMAR 13A.13.01.09C(1)</p>
7.14			<p>A parent may choose to terminate participation in early intervention services through an IFSP, at any time after the Extended IFSP Option is chosen, and choose preschool special education services through an IEP. The parent shall notify the local lead agency, in writing, of the choice to terminate early intervention services under the Extended IFSP Option. The local lead agency shall notify the local school system of the parent’s decision to request preschool special education services through an IEP.</p> <p>COMAR 13A.13.01.09D(1-3)</p>
7.15			<p>If a child’s family chooses to terminate early intervention services under an Extended IFSP and initiate services through an IEP, a redetermination of the toddler’s eligibility for special education services in accordance with COMAR 13A.05.01 is not required. Within 45 days of receiving written notification, as described in §D(3) of this regulation, the local school system shall convene an IEP team meeting to develop an IEP and determine the educational placement, in accordance with §F of this regulation.</p> <p>COMAR 13A.13.01.09D(4)&amp;(5)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>7.16</b>			<p>Once a child’s parent makes the choice to terminate early intervention services through an Extended IFSP and pursue services through an IEP, through written notification to the local lead agency, as described in §D(2) of this regulation, the parent cannot continue services through an Extended IFSP beyond the date that IEP services are to begin; or the beginning of the school year following the child’s fourth birthday, whichever occurs sooner.</p> <p>COMAR 13A.13.01.09D(6)</p>
<b>7.17</b>			<p>In order to ensure a seamless delivery of services, the local lead agency shall continue to provide early intervention services under and Extended IFSP until the IEP services are to begin or until the beginning of the school year following the child’s fourth birthday, whichever occurs sooner.</p> <p>COMAR 13A.13.01.09D(7)</p>
<b>7.18</b>			<p>The Maryland Infants and Toddlers Program, local lead agencies, and public agencies shall ensure a smooth transition of a toddler from Part C EIS to preschool, in accordance with 34 CFR §303.211(b)(6)(ii). The local lead agency shall convene an IFSP team meeting transition planning meeting, consistent with requirements in 34 CFR §303.342(d) and (e) and 303.343(a), with the approval of the child’s family to discuss any preschool special education services that the child may receive and other community options.</p> <p>COMAR 13A.13.01.09E(1)&amp;(2)</p>
<b>7.19</b>			<p>The IFSP transition planning meeting described in §E(2) of this regulation shall occur not fewer than 90 days, or at the discretion of all parties, not more than 9 months before the toddler will no longer be eligible to receive EIS.</p> <p>COMAR 13A.13.01.09E(3)</p>
<b>7.20</b>			<p>The participants of the IFSP team meeting shall include:</p> <ul style="list-style-type: none"> <li>(a) The toddler’s service coordinator;</li> <li>(b) The child’s family; and</li> <li>(c) A representative of the local school system.</li> </ul> <p>COMAR 13A.13.01.09E(4)</p>
<b>7.21</b>			<p>The IFSP team meeting described in §E(2) of this regulation may be held less than 90 days before the beginning of the school year following the child’s fourth birthday, if there is written documentation that:</p> <ul style="list-style-type: none"> <li>(a) The child is unavailable because of illness; or</li> <li>(b) The family requests delay because of other family reasons.</li> </ul> <p>COMAR 13A.13.01.09E(5)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>7.22</b>			<p>If the IFSP transition planning meeting described in §E(2) of this regulation is held less than 90 days before the beginning of the school year following the child's fourth birthday, reasonable attempts must be made to conduct the meeting as soon as possible to allow for appropriate transition planning.</p> <p>COMAR 13A.13.01.09E(6)</p>
<b>7.23</b>			<p>The local school system shall convene an IEP team meeting for the purpose of IEP development, consistent with COMAR 13A.05.01.07 - .10, before the beginning of the school year following the child's fourth birthday if the parent wishes to consider preschool special education services.</p> <p>COMAR 13A.13.01.09E(7)</p>
<b>7.24</b>			<p>If the parent chooses to receive preschool special education services through an IEP, the local school system shall:</p> <ul style="list-style-type: none"> <li>(a) Convene an IEP team meeting for the purpose of IEP development;</li> <li>(b) At the request of the family, invite the toddler's service coordinator or other representatives of the local lead agency to attend the IEP team meeting;</li> <li>(c) Develop an IEP, taking into consideration the IFSP, in accordance with 34 CFR §§300.323(b), 300.324 and COMAR §13A.05.01.07-.10;</li> <li>(d) Consider Extended School Year services for a toddler transitioning to preschool special education services through an IEP whose third birthday falls after the end of one school year and before the beginning of the next school year, consistent with COMAR §13A.05.01.08B(2); and</li> <li>(e) Ensure the IEP is in effect at the beginning of the school year, in accordance with COMAR 13A.05.01.09D(2).</li> </ul> <p>COMAR 13A.13.01.09F</p>

***PART II – Part B Requirements***

*Accountability to Improve Performance*



**SECTION 7: PART C TO B TRANSITION (cont.)**

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>7.25</b>			<p>A public agency shall convene an IEP team meeting to determine if a child in transition from a local infants and toddlers program has a disability or developmental delay that requires the provision of special education and related services, in accordance with COMAR 13A.13.01.09B(10).</p> <p>34 CFR §300.124(c); COMAR 13A.05.01.06B</p>
<b>7.26</b>			<p>For the initial IEP team meeting of a child who was previously served by a local infants and toddlers program, the IEP team shall, at the request of the child’s parent, invite the local infants and toddlers program service coordinator or other representatives of the local infants and toddlers program to assist with the smooth transition of services, in accordance with COMAR 13A.13.01.09F.</p> <p>34 CFR §300.321(f); COMAR 13A.05.01.07A(8)</p>
<b>7.27</b>			<p>If a child transitioning from a local infants and toddlers program is determined to be a student with a disability or developmental delay in accordance with Regulation .06B of this chapter, the public agency shall:</p> <ul style="list-style-type: none"> <li>(a) Ensure that an IEP team meets in a timely manner to determine a child’s eligibility for special education and related services before the child’s third birthday;</li> <li>(b) Invite the child’s local infants and toddlers service coordinator or other representatives of the local infants and toddlers program to assist with a smooth transition of services, consistent with Regulation .07A(8) of this chapter; and</li> <li>(c) Ensure that the student’s IEP is in effect on the student’s third birthday in accordance with Regulation .09 of this chapter if a child’s family chooses to receive preschool special education services.</li> </ul> <p>COMAR 13A.05.08A(2)(a)</p>
<b>7.28</b>			<p>The IEP team shall consider the student’s individual family service plan when developing the child’s IEP, in accordance with §A(2)(a)(i) of this regulation.</p> <p>34 CFR §300.323(b); COMAR 13A.05.08A(2)(b)</p>

**SECTION 8: REFERRAL**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>8.1</b>			<p>A local school system shall ensure that all students with disabilities, three (3) years old through the end of the school year in which the student turns twenty-one (21) years old, residing within the jurisdiction of the local school system are located, identified, evaluated, and provided services consistent with 20 U.S.C. §§1400 – 1419, 34 CFR 300 and 301, Education Article, §§8-401 – 8-415, Annotated Code of Maryland, and COMAR 13A.05.01.</p> <p>34 CFR §300.111(a); COMAR 13A.05.02.13A(1)</p>
<b>8.2</b>			<p>Students under §A(1) of this regulation include:</p> <ul style="list-style-type: none"> <li>(a) Students with disabilities attending private schools within the jurisdiction of the local school system;</li> <li>(b) Highly mobile students;</li> <li>(c) Migrant students;</li> <li>(d) Homeless students, as defined in COMAR 13A.05.09;</li> <li>(e) Wards of the State, as defined in 34 CFR §300.45 and Education Article §8-412, Annotated Code of Maryland; and</li> <li>(f) Students who are suspected of being a student with a disability under 34 CFR §300.8 and in need of special education, even though they are advancing from grade to grade, in accordance with 34 CFR §300.101.</li> </ul> <p>34 CFR § 300.111; COMAR 13A.05.02.13A(2)</p>
<b>8.3</b>			<p>Each local school system shall locate, identify, and evaluate all students with disabilities who are enrolled by their parents in nonpublic schools, including religious elementary and secondary schools located within the jurisdiction of the local school system, in accordance with 34 CFR §§300.130-300.144 and COMAR 13A.05.02.13A.</p> <p>34 CFR § 300.131(a); COMAR 13A.05.01.16B(1)</p>

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>8.4</b>			<p>A student with a suspected disability who may need special education shall be referred, in writing, to a public agency by the student’s parent or a representative of a public agency.</p> <p>34 CFR § 300.301(b); COMAR 13A.05.01.04A(1)&amp;(2)</p>
<b>8.5</b>			<p>A public agency shall promptly request parental consent to assess a student to determine if the student needs special education and related services when, prior to referral, the student has not made adequate progress after an appropriate period of time when provided instruction, and whenever a student is referred for an evaluation.</p> <p>34 CFR §300.300(a); COMAR 13A.05.01.04A(3)</p>
<b>8.6</b>			<p>The public agency shall ensure that assessment procedures are administered as needed and the student’s parent receives written notice of any assessment procedure the public agency proposes or refuses.</p> <p>34 CFR § 300.304(a); COMAR 13A.05.01.04B(1)</p>
<b>8.7</b>			<p>The public agency shall provide the student’s parent written notice if the public agency determines that no additional data is needed or does not suspect the student of being a student with a disability or a student with a developmental delay.</p> <p>34 CFR §300.305(d)(1); COMAR 13A.05.01.04B(2)</p>

**SECTION 9: ASSESSMENT**

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
9.1			<p>A public agency shall obtain written parental consent in accordance with 34 CFR §300.300 before conducting assessment procedures as described in Regulations .05B and .06D of this chapter.</p> <p>34 CFR §300.300(a); COMAR 13A.05.01.13A(1)</p>
9.2			<p>The public agency shall ensure that testing and assessment materials and procedures used to assess a student’s need for special education and related services are selected and administered in a manner which is not racially or culturally discriminatory.</p> <p>34 CFR §300.304(c)(1)(i); COMAR 13A.05.01.05A</p>
9.3			<p>A student shall be assessed in all areas related to the suspected disability using a variety of assessment tools and strategies to gather sufficient relevant functional, cognitive, developmental, behavioral, academic, and physical information, as well as information provided by the parent to enable to IEP team to determine:</p> <ul style="list-style-type: none"> <li>(a) If the student is a student with a disability;</li> <li>(b) The student’s educational needs;</li> <li>(c) The content of a student’s IEP, including information related to enabling the student to be involved in and progress in the general curriculum, or, for preschool students, to participate in appropriate activities; and</li> <li>(d) Each special education and related service needed by a student, regardless of whether the need is commonly linked to the student’s disability.</li> </ul> <p>34 CFR §300.304(b); COMAR 13A.05.01.05B(1)&amp;(2)</p>
9.4			<p>A single procedure may not be used as the sole criterion for determining if a student is a student with a disability or for determining an appropriate educational program for a student.</p> <p>34 CFR §300.304(b)(2); COMAR 13A.05.01.05B(3)</p>
9.5			<p>Initial assessments for students with disabilities who transfer from one public agency to another in the same school year shall be expeditiously coordinated with the student’s prior and subsequent public agency to ensure prompt completion of an initial evaluation.</p> <p>34 CFR §300.304(c)(5); COMAR 13A.05.01.05B(4)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>9.6</b>			<p>If a student is suspected of being a student with a Specific Learning Disability (SLD), or is a student with an SLD, at least one member of the IEP team, other than the student's regular education teacher, shall observe the student in the student's learning environment, including the regular classroom setting, to document academic performance and behavior in the area(s) of difficulty.</p> <p>34 CFR §300.307(b); COMAR 13A.05.01.05B(5)(a)</p>
<b>9.7</b>			<p>In determining whether the student has an SLD, the IEP team shall:</p> <ul style="list-style-type: none"> <li>(i) Use information from an observation in routine classroom instruction and monitoring of the student's performance that occurred before the child was referred for an evaluation; or</li> <li>(ii) Have at least one member of the IEP team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained.</li> </ul> <p>If a student is younger than school age or not in school, an IEP team member shall observe the student in an environment appropriate for a student of that age.</p> <p>34 CFR §300.307(b); COMAR 13A.05.01.05B(5)(b)&amp;(c)</p>
<b>9.8</b>			<p>A public agency shall ensure that testing and assessment materials and procedures used to assess a student's need for special education and related services are technically sound and provided and administered in the student's native language or other mode of communication 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 administer.</p> <p>34 CFR §300.304(c)(1)(ii); COMAR 13A.05.01.05C(1)</p>
<b>9.9</b>			<p>A standardized test administered to a student shall be valid for the specific purpose for which is it used and administered by trained and knowledgeable personnel in conformance with the instructions provided by the producer of the test.</p> <p>34 CFR §300.304(c)(1)(iii)-(iv); COMAR 13A.05.01.05C(2)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>9.10</b>			<p>The public agency shall ensure that tests and other assessment materials are not limited to procedures designed to provide a single general intelligence quotient and include procedures tailored to assess specific areas of educational need and the extent to which a student with limited English is a student with a disability, rather than measuring a student's English language skills.</p> <p>34 CFR §300.304(c)(2); COMAR 13A.05.01.05C(3)</p>
<b>9.11</b>			<p>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.</p> <p>34 CFR §300.304(c)(3); COMAR 13A.05.01.05C(4)</p>
<b>9.12</b>			<p>A report of assessment procedures administered to a student in each area of suspected disability shall be available to the parents, consistent with Education Article, § 8-405, Annotated Code of Maryland, and to the IEP team at the time of the evaluation.</p> <p>COMAR 13A.05.01.05D(1)</p>
<b>9.13</b>			<p>Each report of assessment procedures shall be written, dated, and signed by the individual who conducted the assessment and shall include:</p> <ul style="list-style-type: none"> <li>(a) A description of the student's performance in each area of suspected disability;</li> <li>(b) Relevant information in accordance with §B(2) of this regulation;</li> <li>(c) Instructional implications for the student's participated in the general curriculum or, for a preschool student, participated in appropriate activities; and</li> <li>(d) A description of the extent to which assessment procedures were not conducted under standard conditions, consistent with 34 CFR §300.304(c).</li> </ul> <p>COMAR 13A.05.01.05D(2)&amp;(3)</p>

**SECTION 10: EVALUATION, REEVALUATION, & ELIGIBILITY**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>10.1</b>			<p>An IEP team shall complete an initial evaluation of a student, consistent with 34 CFR §300.301(c)(1) within sixty (60) days of parental consent for assessments in accordance with Regulation.13A of this chapter and 90 days of the public agency receiving a written referral in accordance with Regulation .04A of this chapter.</p> <p>34 CFR §300.301(c)(1); COMAR 13A.05.01.06A(1)</p>
<b>10.2</b>			<p>The time line for completion of the initial evaluation described in §A(1) of this regulation does not apply, in accordance with 20 U.S.C. §1414(a)(1)(C)(ii) if the parent of the student repeatedly fails or refuses to produce the student for assessments, or a student enrolls in a different public agency before the completion of the initial evaluation started in the student’s former public agency of enrollment.</p> <p>34 CFR §300.301(d); COMAR 13A.05.01.06A(2)</p>
<b>10.3</b>			<p>The exceptions to the time line described in §A(2) of this regulation apply only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation and the parent and subsequent public agency agree to a specific time for completion of the evaluation.</p> <p>34 CFR §300.301(e); COMAR 13A.05.01.06A(3)</p>
<b>10.4</b>			<p>To conduct an evaluation, the IEP team shall draw on information from a variety of sources including existing data; current classroom-based, local, and Statewide assessments; parent input; and observations by teachers and related service providers. The IEP team shall carefully consider and document information used as a basis of the team’s decision.</p> <p>34 CFR §300.305(a)(1); COMAR 13A.05.01.06C(1)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>10.5</b>			<p>The IEP team shall document its decision. The written decision shall include information provided by the parent, results of assessment procedures used as a basis for determination, a statement as to whether the assessment procedures were valid for the purposes intended and valid for the student, and whether the student is a student with a disability.</p> <p>34 CFR 300.306(a)(1); COMAR 13A.05.01.06C(2)</p>
<b>10.6</b>			<p>The IEP team may not determine that a student is a student with a disability if the determinant factor is a lack of appropriate instruction in reading, defined in §1208(3) of the Elementary and Secondary Education Act of 1965, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and oral reading skill, and reading comprehension strategies; a lack of instruction in math; or limited English proficiency.</p> <p>34 CFR 300.306(b)(1); COMAR 13A.05.01.06C(3)</p>
<b>10.7</b>			<p>The IEP team shall provide the parent with a copy of the IEP team decision.</p> <p>34 CFR 300.306(a)(2); COMAR 13A.05.01.06C(4)</p>
<b>10.8</b>			<p>In determining whether a student has an SLD, consistent with 20 U.S.C. §1414(b)(6) and 34 CFR §300.307, a public agency:</p> <ul style="list-style-type: none"> <li>(a) May use a process that determines whether a student responds to scientific research-based interventions as part of assessment procedures, as described in 20 U.S.C. §1414(b)(2) and (3) and in accordance with Regulation .05 of this chapter;</li> <li>(b) May use alternative research-based procedures for determining whether a student has a specific learning disability; and</li> <li>(c) May not be required to use a severe discrepancy between intellectual ability and achievement.</li> </ul> <p>34 CFR 300.307(a); COMAR 13A.05.01.06D(1)</p>



Item	C/NC	Required Revisions	Requirement
10.9			<p>The IEP team shall determine that a student has an SLD if the student does not achieve adequately for the student's age or meet State-approved grade level standards when provided with learning experiences appropriate for the student's age and ability levels in one or more of the following areas:</p> <ul style="list-style-type: none"> <li>(a) Oral expression;</li> <li>(b) Listening comprehension;</li> <li>(c) Basic reading skills;</li> <li>(d) Reading fluency skills;</li> <li>(e) Reading comprehension;</li> <li>(f) Written expression;</li> <li>(g) Mathematics calculation; or</li> <li>(h) Mathematics problem solving; and</li> </ul> <p>The student's lack of achievement is not primarily the result of:</p> <ul style="list-style-type: none"> <li>(a) A visual, hearing, or motor impairment;</li> <li>(b) Intellectual disability;</li> <li>(c) Emotional disability;</li> <li>(d) Cultural factors;</li> <li>(e) Environmental, cultural, or economic disadvantage; or</li> <li>(f) Limited English proficiency.</li> </ul> <p>34 CFR 300.307(b); COMAR 13A.05.01.06D(2)</p>
10.10			<p>The IEP team may use:</p> <ul style="list-style-type: none"> <li>(a) Does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in §D(2) of this regulation, when using a process based on the student's response to scientific research-based intervention; or</li> <li>(b) Exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development.</li> </ul> <p>34 CFR 300.307(b); COMAR 13A.05.01.06D(3)</p>

Item	C/NC	Required Revisions	Requirement
10.11			<p>To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the IEP team shall consider, as part of the evaluation:</p> <ul style="list-style-type: none"> <li>(a) Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and</li> <li>(b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction that was provided to the student's parent.</li> </ul> <p>34 CFR 300.307(b); COMAR 13A.05.01.06D(4)</p>
10.12			<p>When a student is suspected of having an SLD, the IEP team shall prepare a written report that includes:</p> <ul style="list-style-type: none"> <li>(a) A statement of whether the student has a specific learning disability;</li> <li>(b) The basis for making the determination;</li> <li>(c) The relevant behaviors, if any, noted during the observation of the student;</li> <li>(d) The relationship of the behaviors to the student's academic functioning;</li> <li>(e) The educationally relevant medical findings, if any;</li> <li>(f) The determination of the IEP team concerning the effects of visual, hearing, or motor disability, intellectual disability, emotional disability, cultural factors, environmental or economic disadvantage, or limited English proficiency on the student's achievement level;</li> <li>(g) If the student participated in a process to assess the student's response to scientific, research-based intervention as described in §D(1) of this regulation, the: <ul style="list-style-type: none"> <li>(i) Instructional strategies used and the student-centered data collected;</li> <li>(ii) Documentation that the student's parents were notified of the Department's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;</li> <li>(iii) Strategies for increasing the student's rate of learning; and</li> <li>(iv) Parents' right to request an evaluation; and</li> </ul> </li> <li>(h) The written certification of each IEP team member as to whether the written report reflects the member's conclusion.</li> </ul> <p>If the written report does not reflect an IEP team member's conclusion, the team member shall submit a separate statement presenting the team member's conclusion.</p> <p>34 CFR 300.307(b); COMAR 13A.05.01.06D(5)&amp;(6)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>10.13</b>			<p>The determination of an SLD shall be made by an IEP team as described in Regulation .07A of this chapter and include at least one person qualified to conduct individual diagnostic assessments of students in accordance with 34 CFR §300.308(b) and Regulation .05 of this chapter.</p> <p>34 CFR 300.307(b); COMAR 13A.05.01.06D(7)</p>
<b>10.14</b>			<p>A public agency shall obtain written parental consent in accordance with 34 CFR §300.300 before conducting assessment procedures as described in Regulations .05B and .06D of this chapter.</p> <p>34 CFR 300.300; COMAR 13A.05.01.13A(1)</p>
<b>10.15</b>			<p>A public agency shall obtain written parental consent before the initial provision of special education and related services to a student with a disability. A public agency may not provide special education and related services consistent with 34 CFR §300.300 if a student's parent:</p> <ul style="list-style-type: none"> <li>(a) Refuses to provide the public agency consent for the initiation of special education related services; or</li> <li>(b) Fails to respond to a request by the public agency to provide consent for the initiation of special education and related services.</li> </ul> <p>If a parent refuses to provide consent for the initiation of special education and related services, the public agency may not provide special education and related services to the student by using procedures described in Regulation .15B and C of this chapter and consistent with 34 CFR §300.300.</p> <p>34 CFR §§300.300(b)(1) – (3); COMAR 13A.05.01.13B(1) – (3)</p>
<b>10.16</b>			<p>On request, a public agency shall provide the parent with information about where an independent educational evaluation may be obtained and the public agency's criteria applicable for independent educational evaluations consistent with 34 CFR §300.502. If a parent disagrees with the evaluation obtained by the public agency, the parent may request an independent educational evaluation at public expense. When a parent requests an independent educational evaluation at public expense, the public agency shall provide an independent educational evaluation or file a due process complaint in accordance with Regulation .15C of this chapter, to demonstrate that the public agency's evaluation is appropriate.</p> <p>34 CFR §300.502(a)&amp;(b); COMAR 13A.05.01.14B(1)&amp;(2)</p>

Item	C/NC	Required Revisions	Requirement
10.17			<p>A public agency shall ensure that a reevaluation of each student with a disability is conducted in accordance with 34 CFR §§300.303 and 300.305 and Regulation .05 of this chapter:</p> <ul style="list-style-type: none"> <li>(a) If the public agency determines that the educational and related services needs, including improved academic achievement and functional performance of the student, warrant reevaluation;</li> <li>(b) If the student’s parent or teacher request a reevaluation; or</li> <li>(c) Before determining a student is no longer a student with a disability.</li> </ul> <p>34 CFR §§300.303(a) &amp; 300.305(e)(2); COMAR 13A.05.01.06E(1)</p>
10.18			<p>In accordance with 34 CFR §300.303(b), a reevaluation shall occur:</p> <ul style="list-style-type: none"> <li>(a) Not more frequently than once a year, unless the parent and public agency agree otherwise; and</li> <li>(b) At least once every three (3) years, unless the parent and public agency agree that a reevaluation is not necessary.</li> </ul> <p>34 CFR §300.303(b); COMAR 13A.05.01.06E(2)</p>
10.19			<p>The IEP team shall review existing assessment data in accordance with §C of this regulation. On the basis of review, and input from the student’s parents, the IEP team shall identify what additional data, if any, is needed to determine:</p> <ul style="list-style-type: none"> <li>(a) Whether the student continues to be a student with a disability;</li> <li>(b) The educational needs of the student;</li> <li>(c) The present levels of academic achievement and related developmental needs of the student;</li> <li>(d) Whether additions or modifications to special education and related services are needed to enable the student to meet the measurable annual goals in the student’s IEP and to participate in the general curriculum; and</li> <li>(e) Whether the student continues to need special education and related services.</li> </ul> <p>34 CFR §300.305(a)(2); COMAR 13A.05.01.06E(3)&amp;(4)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>10.20</b>			<p>If the IEP team determines the need for additional data, the public agency shall conduct assessment procedures in accordance with Regulation .05B of this chapter. The results of assessment procedures shall be used by the IEP team in reviewing, and, as appropriate, revising the student's IEP in accordance with Regulation .08B of this chapter within 90 days of the IEP team meeting as described in §E(4) of this regulation.</p> <p>34 CFR §300.305(c); COMAR 13A.05.01.06E(5)&amp;(6)</p>
<b>10.21</b>			<p>The IEP team shall notify the parents, in accordance with Regulation .12B of this chapter, if the IEP team determines that no additional data is needed to determine:</p> <ul style="list-style-type: none"> <li>(a) Whether the student with a disability continues to be a student with a disability; and</li> <li>(b) The student's educational needs.</li> </ul> <p>34 CFR §300.305(d)(1)(i); COMAR 13A.05.01.06E(7)</p>
<b>10.22</b>			<p>The notification described in §E(7) of this regulation shall include the decision of the IEP team and the basis of the determination and the right of the parents to request a public agency to conduct assessment procedures to determine:</p> <ul style="list-style-type: none"> <li>(a) Whether the child continues to be a student with a disability; and</li> <li>(b) Their child's educational needs.</li> </ul> <p>34 CFR §300.305(d)(1)(ii); COMAR 13A.05.01.06E(8)</p>
<b>10.23</b>			<p>A public agency shall conduct assessment procedures in accordance with Regulation .05 of this chapter determining that a student is no longer a student with a disability.</p> <p>34 CFR §300.305(e)(1); COMAR 13A.05.01.06E(9)</p>

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>10.24</b>			<p>A public agency is not required to conduct assessment procedures unless requested to do so by the student's parent or before the termination of a student's eligibility in accordance with this chapter due to:</p> <ul style="list-style-type: none"> <li>(a) Graduation from secondary school with a regular high school diploma; or</li> <li>(b) Exceeding the age of eligibility for FAPE in accordance with Regulation .01 of this chapter.</li> </ul> <p>34 CFR §300.305(d)(2); COMAR 13A.05.01.06E(10)</p>
<b>10.25</b>			<p>A public agency shall consolidate a reevaluation meeting with other IEP team meetings for a student with a disability to the extent possible.</p> <p>34 CFR §300.324(a)(5); COMAR 13A.05.01.06E(12)</p>

**SECTION 11: IEP TEAM**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>11.1</b>			<p>A public agency shall ensure that the IEP team for a student with a disability includes:</p> <ul style="list-style-type: none"> <li>(a) The parents of the student;</li> <li>(b) Not less than one regular education teacher of the student, if the student is or may be participating in the regular education environment;</li> <li>(c) Not less than one special education teacher, or not less than one special education provider of the student;</li> <li>(d) A representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, and knowledgeable about the general curriculum and about the availability of resources of the public agency;</li> <li>(e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in §A(1)(b)-(d) of this regulation;</li> <li>(f) Other individuals, at the discretion of the parent or public agency, who have knowledge or special expertise regarding the student, including related service personnel, as appropriate; and</li> <li>(g) The student, if appropriate.</li> </ul> <p>34 CFR §300.321(a); COMAR 13A.05.01.07A(1)</p>
<b>11.2</b>			<p>If a student does not have a regular teacher, or is younger than school age, the regular educator described in §A(1)(b) of this regulation shall be an individual qualified to teach a student of the student’s age.</p> <p>COMAR 13A.05.01.07A(2)</p>
<b>11.3</b>			<p>If the student does not attend the meeting, the public agency shall take other steps to ensure that the student’s preferences and interests are considered.</p> <p>34 CFR §300.321(b)(2); COMAR 13A.05.01.07A(4)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>11.4</b>			<p>If an invited representative of a participating agency does not attend the meeting, the public agency shall take other steps to obtain the involvement of the agency in the planning and provision of transition services.</p> <p>COMAR 13A.05.01.07A(5)</p>
<b>11.5</b>			<p>If a student with a disability attends a nonpublic school and is receiving, or may receive, special education and related services from a public agency, the public agency shall invite a representative of the nonpublic school. If a representative of the nonpublic school does not attend the meeting, the public agency shall take other steps to obtain the involvement of the nonpublic school, including individual conference telephone calls.</p> <p>COMAR 13A.05.01.07A(6)&amp;(7)</p>
<b>11.6</b>			<p>A public agency shall ensure that an IEP team meets to conduct an evaluation before the initial provision of special education and related services to a student with a disability in accordance with Regulation .06 of this chapter; and to develop, review, and revise, as appropriate, a student's IEP in accordance with 34 CFR §300.324.</p> <p>34 CFR §300.301(a); COMAR 13A.05.01.07B(1)</p>
<b>11.7</b>			<p>A public agency shall ensure that meetings to determine a student's need for extended school year services are conducted early enough in the school year to provide the parent the opportunity to request mediation or file a due process complaint in accordance with Regulation .15B and C of this chapter.</p> <p>COMAR 13A.05.01.07B(2)</p>
<b>11.8</b>			<p>A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and public agency agree that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed.</p> <p>34 CFR §300.321(e)(1); COMAR 13A.05.01.07C(1)</p>



<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>11.9</b>			<p>A member of the IEP team may be excused from attending an IEP team meeting, in whole or in part, in accordance with 34 CFR §300.321(e)(2), when the meeting involves a modification to or discussion of the member's area of curriculum or related service, if, before the IEP team meeting, the parent and the public agency consent to the excusal of the team member and the member submits a written summary of input into the development of the IEP to the student's parent and the IEP team.</p> <p>34 CFR §300.321(e)(2); COMAR 13A.05.01.07C(2)</p>
<b>11.10</b>			<p>The agreement of the parent and the public agency described in §C(1) of this regulation and the consent described in §C(2)(a) of this regulation shall be in writing, in accordance with 34 CFR §300.321(e).</p> <p>34 CFR §300.321(e); COMAR 13A.05.01.07C(3)</p>
<b>11.11</b>			<p>A public agency shall take steps to ensure that one or both of the parents of the student with a disability are present or are afforded an opportunity to attend and participate at meetings of the IEP team. The parent of a student with a disability shall be provided with written notice in advance of the meeting. Reasonable notice shall be at least ten (10) days in advance of the meeting, unless an expedited meeting is being conducted to address disciplinary issues, determine the placement of the student with a disability not currently receiving educational services, or meet other urgent needs of the student to ensure the provision of FAPE.</p> <p>34 CFR §300.322(a); COMAR 13A.05.01.07D(1)&amp;(2)</p>
<b>11.12</b>			<p>Consistent with Education Article, §8-405(c), Annotated Code of Maryland, appropriate school personnel shall provide the parent of a student with a disability an accessible copy of each assessment, report, data chart, draft Individualized Education Plan (IEP), or other document the IEP team or other multidisciplinary team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting; and the completed IEP not later than five (5) business days after a scheduled IEP or other multidisciplinary team meeting.</p> <p>COMAR 13A.05.01.07D(3)</p>

Item	C/NC	Required Revisions	Requirement
11.13			<p>Efforts to obtain the participation of the parent include scheduling the IEP meeting at a mutually agreed upon time and place and indicating, as part of the written notice:</p> <ul style="list-style-type: none"> <li>(a) The purpose, time, date, and location of the meeting;</li> <li>(b) Who will be in attendance;</li> <li>(c) That the parents may invite other individuals to attend and participate as a member of an IEP team as described in §A(1)(f) of this regulation; and</li> <li>(d) That the determination of the knowledge or special expertise of an individual is made by the party who invited the individual in accordance with 34 CFR §300.321(c).</li> </ul> <p>34 CFR §300.322(b)(1); COMAR 13A.05.01.07D(4)</p>
11.14			<p>If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual, video conference, or teleconference calls, consistent with 34 CFR §300.328. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parent to attend and has a record of its attempts to arrange a mutually agreed on time and place, such as:</p> <ul style="list-style-type: none"> <li>(a) Detailed records of telephone calls made or attempted and the results of those attempts;</li> <li>(b) Copies of correspondence sent to the parent and any responses received; or</li> <li>(c) Detailed records of visits made to the parent’s home or place of employment and the results of those visits.</li> </ul> <p>34 CFR §300.322(d); COMAR 13A.05.01.07D(7)&amp;(8)</p>
11.15			<p>The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for a parent with deafness or whose native language is other than English.</p> <p>34 CFR §300.322(e); COMAR 13A.05.01.07D(9)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>11.16</b>			The public agency shall provide a copy of the IEP to the parent at no cost.  34 CFR §300.322(f); COMAR 13A.05.01.07D(10)
<b>11.17</b>			The public agency responsible for the provision of FAPE to a student with a disability shall provide a copy of the procedural safeguards to the parents of a student with a disability once a year.  34 CFR §300.504(a); COMAR 13A.05.01.11A(1)
<b>11.18</b>			A copy of the procedural safeguards should also be given to the student's parents on: <ul style="list-style-type: none"> <li>(a) Initial referral as described in Regulation .04 of this chapter;</li> <li>(b) Parental request for evaluation as described in Regulation .06 of this chapter;</li> <li>(c) Department receipt of an individual's first State complaint, as described in Regulation .05A of this chapter, in the school year, as described in 34 CFR §§300.151 – 300.153;</li> <li>(d) The parent's first due process complaint in a school year, as described in Regulation .15C of this chapter; and</li> <li>(e) Parental request.</li> </ul> 34 CFR §300.504(a); COMAR 13A.05.01.11A(2)
<b>11.19</b>			A public agency shall 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.  COMAR 13A.05.01.11C
<b>11.20</b>			On request, parents shall be informed of any free or low cost legal and other relevant services available in the area.  COMAR 13A.05.01.11D

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>11.21</b>			<p>In accordance with the confidentiality procedures of 34 CFR 99, 34 CFR §§300.610 – 300.626, and COMAR 13A.08.02, the parent of a student with a disability shall be given the opportunity to inspect and review all of the student’s records relating to the identification, evaluation, and educational placement, and the provision of FAPE.</p> <p>34 CFR §300.613; COMAR 13A.05.01.11E</p>
<b>11.22</b>			<p>A public agency shall ensure the confidentiality of personally identifiable information in accordance with 34 CFR 99, 34 CFR §§300.601 – 300.626, and COMAR 13A.08.02.</p> <p>34 CFR §300.623(a); COMAR 13A.05.01.11F</p>
<b>11.23</b>			<p>In accordance with Education Article §8-412, Annotated Code of Maryland, a public agency shall ensure that the rights of a student with a suspected or identified disability are protected by the appointment of a parent surrogate when:</p> <ul style="list-style-type: none"> <li>(a) The parent cannot be identified;</li> <li>(b) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or</li> <li>(c) The student is a ward of the State.</li> </ul> <p>34 CFR §300.519(a); COMAR 13A.05.01.11G</p>
<b>11.24</b>			<p>A public agency shall provide written notice to the parent of a student with a disability before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student.</p> <p>34 CFR §300.503(a); COMAR 13A.15.01.12A(1)</p>

**SECTION 12: DEVELOPMENT OF THE IEP**

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>12.1</b>			<p>A public agency shall ensure that an IEP team meets to develop an IEP for a student with a disability within thirty (30) days of the evaluation.</p> <p>34 CFR 300.306(c)(2); COMAR 13A.05.01.08A(1)</p>
<b>12.2</b>			<p>In developing an IEP, the IEP team shall consider and document:</p> <ul style="list-style-type: none"> <li>(a) Strengths of the student;</li> <li>(b) Concerns of the parent for enhancing the education of the student;</li> <li>(c) Results of the initial or most recent evaluation;</li> <li>(d) Communication needs of the student;</li> <li>(e) Whether the student requires assistive technology devices and services;</li> <li>(f) The results of the student’s performance on Statewide, district-wide, or alternative assessment programs, as appropriate; and</li> <li>(g) The academic, developmental, and functional needs of the student.</li> </ul> <p>34 §300.324(a)(1); COMAR 13A.05.01.08A(3)</p>
<b>12.3</b>			<p>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.</p> <p>34 CFR §300.324(a)(2)(i); COMAR 13A.05.01.08A(4)</p>
<b>12.4</b>			<p>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.</p> <p>34 CFR §300.324(a)(2)(ii); COMAR 13A.05.01.08A(5)</p>
<b>12.5</b>			<p>If a student is blind or visually impaired, the IEP team shall provide for instruction in:</p> <ul style="list-style-type: none"> <li>(a) 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</li> <li>(b) 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.</li> </ul> <p>34 CFR §300.324(a)(2)(iii); COMAR 13A.05.01.08A(6)(a)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>12.6</b>			<p>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:</p> <ul style="list-style-type: none"> <li>(a) Includes input from the student's parent or guardian;</li> <li>(b) Includes input from the student's classroom teacher; and</li> <li>(c) 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.</li> </ul> <p>COMAR 13A.05.01.08A(6)(b)</p>
<b>12.7</b>			<p>If a student is deaf or hard of hearing, the IEP team shall consider the student's:</p> <ul style="list-style-type: none"> <li>(a) Language and communication needs;</li> <li>(b) Opportunities for direct communication with peers and professional personnel in the student's language and mode of communication;</li> <li>(c) Academic level and full range of needs, including opportunities for direct instruction in the student's language and mode of communication.</li> </ul> <p>34 CFR §300.324(a)(2)(iv); COMAR 13A.05.01.08A(7)</p>
<b>12.8</b>			<p>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.</p> <p>COMAR 13A.05.01.08A(8)</p>
<b>12.9</b>			<p>As a member of the IEP team, a regular education teacher of the student shall, to the extent appropriate, participate in the development of the student's IEP. Participation includes assisting in the determination of appropriate positive behavioral interventions and strategies for the student and supplementary aids and services, program modifications, and supports for school personnel, consistent with 34 CFR §300.320(a)(4) and Regulation .09A(1)(d) of this chapter.</p> <p>34 CFR §300.324(a)(3); COMAR 13A.05.01.08A(9)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>12.10</b>			<p>The IEP team shall consider a student’s need for transportation as a related service as defined in Regulation .03B(65) of this chapter to assist a student to benefit from special education in accordance with 34 CFR §300.34.</p> <p>34 CFR §300.34(a) COMAR 13A.05.01.08A(10)</p>
<b>12.11</b>			<p>A public agency shall ensure that the IEP team meets periodically, but not less than annually, to review and revise the IEP, as appropriate, to:</p> <ul style="list-style-type: none"> <li>(a) Determine whether the annual goals for the student are being achieved;</li> <li>(b) Address any lack of expected progress in the annual goals or in the general curriculum;</li> <li>(c) Review data and information from assessment procedures conducted as part of the reevaluation in Regulation .06 of this chapter, as appropriate;</li> <li>(d) Address any information about the student provided to or by the parent;</li> <li>(e) Address the student’s anticipated needs; and</li> <li>(f) Discuss other matters, as identified on the notice of the IEP team meeting.</li> </ul> <p>34 CFR §300.324(b); COMAR 13A.05.01.08B(1)</p>
<b>12.12</b>			<p>A parent of a student with a disability or a public agency may request a meeting at any time to review and, as appropriate, revise the student’s IEP.</p> <p>COMAR 13A.05.01.08B(3)</p>
<b>12.13</b>			<p>After an annual IEP meeting for a school year, the parent of a student with a disability and the public agency may agree to develop a written document amending or modifying a student’s IEP without convening an IEP team meeting as described in §B(1) of this regulation.</p> <p>34 CFR §300.324(a)(4)(i); COMAR 13A.05.01.08B(4)</p>
<b>12.14</b>			<p>If a student’s IEP is amended, the public agency shall ensure the IEP that incorporates amendments is accessible to the student’s service providers, as described in Regulation .09D(5) of this chapter and provided, on request, to the student’s parent, consistent with 34 CFR §300.324(a)(6).</p> <p>34 CFR §300.324(a)(4)(ii); COMAR 13A.05.01.08B(6)</p>

**SECTION 13: IEP DOCUMENT**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
13.1			<p>The IEP for a student with a disability shall include:</p> <ul style="list-style-type: none"> <li>(a) A statement of the student’s present levels of academic achievement and functional performance, including: <ul style="list-style-type: none"> <li>(i) How the student’s disability affects the student’s involvement and progress in the general curriculum; or</li> <li>(ii) For a preschool student, as appropriate, how the disability affects the student’s participation in appropriate activities;</li> </ul> </li> <li>(b) Measurable academic and functional goals, including benchmarks or short-term instructional objectives related to: <ul style="list-style-type: none"> <li>(i) Meeting the student’s needs that result from the student’s disability to enable the student to be involved in and make progress in the general curriculum, and meeting each of the student’s other educational needs that result from the student’s disability;</li> <li>(ii) For a preschool student, as appropriate, to participate in appropriate activities.</li> </ul> </li> <li>(c) 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;</li> <li>(d) Program modifications or supports for school personnel that will be provided for the student to enable the student to: <ul style="list-style-type: none"> <li>(i) Advance appropriately toward attaining the annual goals;</li> <li>(ii) Be involved in and make progress in the general curriculum;</li> <li>(iii) Participate in extracurricular activities and other nonacademic activities; and</li> <li>(iv) Be educated and participate with other students with disabilities and students without disabilities;</li> </ul> </li> <li>(e) An explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class and in the activities, as described in §A(1)(e) of this regulation;</li> <li>(f) A statement of any appropriate individual accommodations that are needed to measure the student’s academic achievement and functional performance on Statewide or district-wide assessments, consistent with 34 CFR §300.320(a)(6);</li> <li>(g) If the IEP team determines that a student may not participate in a particular Statewide or district-wide assessment, documentation by the team of: <ul style="list-style-type: none"> <li>(i) Why the assessment, or part of an assessment, is not appropriate for the student;</li> <li>(ii) How the student will be assessed; and</li> <li>(iii) Why a particular alternate assessment is appropriate; and</li> </ul> </li> <li>(h) The projected dates for initiation of services, and modifications as described in §A(1)(c) and (d) of this regulation, including the anticipated frequency, location, and duration.</li> </ul> <p>34 CFR §300.320; COMAR 13A.05.01.09A(1)</p>



<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
13.2			<p>An IEP shall include how a parent is to be regularly informed of the student's progress toward the annual goals and the extent to which the progress is sufficient to enable the student to achieve the goals within a year. A parent of a student with a disability shall be informed of the student's progress at least as often as a parent is informed of a nondisabled student's progress.</p> <p>34 CFR §300.320(a)(3); COMAR 13A.05.01.09B(1)&amp;(2)</p>
13.3			<p>A public agency shall make a good faith effort to achieve the goals of a student's IEP.</p> <p>COMAR 13A.05.01.09B(3)</p>
13.4			<p>A public agency shall ensure that an IEP is in effect before special education and related services are provided to a student with a disability within its jurisdiction, including students with disabilities placed in or referred to a nonpublic school by the public agency, or those incarcerated in an adult correctional facility and in need of special education or related services from the local school system as described in §C(1) of this regulation.</p> <p>COMAR 13A.05.01.09D(1)</p>
13.5			<p>A public agency shall have in effect for a student with a disability at the beginning of a school year.</p> <p>34 CFR §300.323(a); COMAR 13A.05.01.09D(2)</p>
13.6			<p>A public agency shall implement an IEP as soon as possible after the meeting where the IEP is developed or revised, except:</p> <ul style="list-style-type: none"> <li>(a) When the meeting occurs during the summer or a vacation period; or</li> <li>(b) When there are circumstances that require a short delay, such as working out transportation arrangements.</li> </ul> <p>COMAR 13A.05.01.09D(3)&amp;(4)</p>

Item	C/NC	Required Revisions	Requirement
13.7			<p>Each service provider, as defined in COMAR 13A.05.02.03B(3), responsible for the implementation of the IEP for a student with a disability shall:</p> <ul style="list-style-type: none"> <li>(a) Have access to the IEP; and</li> <li>(b) Be informed of the service provider’s specific responsibilities, accommodations, modifications, and supports that shall be provided for the student in accordance with the student’s IEP.</li> </ul> <p>34 CFR §300.323(d); COMAR 13A.05.01.09D(5)</p>
13.8			<p>When a student with a disability with an IEP in effect in accordance with §D of this regulation transfers from one public agency to another public agency in the State, as specified in 34 CFR §300.323(e), the public agency in which the student intends to enroll, in consultation with the student’s parents, shall provide FAPE to the student, including services comparable to those identified in the former public agency’s IEP, until the public agency:</p> <ul style="list-style-type: none"> <li>(a) Adopts the student’s IEP from the former public agency; or</li> <li>(b) Develops, adopts, and implements the IEP.</li> </ul> <p>34 CFR §300.323(e); COMAR 13A.05.01.09E(1)</p>
13.9			<p>When a student with a disability with an IEP in effect in accordance with §D of this regulation transfers to a public agency in Maryland from another state, as specific in 34 CFR §300.323(f), the public agency in which the student intends to enroll, in consultation with the student’s parents, shall provide FAPE to the student, including services comparable to those identified in the former public agency’s IEP, until the public agency:</p> <ul style="list-style-type: none"> <li>(a) Conducts an evaluation in accordance with 34 CFR §§300.304 – 300.311 and Regulations .05 and .06 of this chapter; or</li> <li>(b) Develops a new IEP, if appropriate, consistent with 34 CFR §300.320 and Regulation .09 of this chapter.</li> </ul> <p>34 CFR §300.323(f); COMAR 13A.05.01.09E(2)</p>

Item	C/NC	Required Revisions	Requirement
13.10			<p>To facilitate the transition of a student described in §E(1) or (2) of this regulation, the new public agency in which the student enrolls shall take reasonable steps to promptly obtain the student's records from the previous public agency in which the child was enrolled, pursuant to 34 CFR §99.31(a)(2), including:</p> <ul style="list-style-type: none"> <li>(a) The student's IEP;</li> <li>(b) Supporting documents; and</li> <li>(c) Any other records related to the provision of special education or related services to the student.</li> </ul> <p>34 CFR §300.323(g)(1); COMAR 13A.05.01.09E(3)</p>
13.11			<p>Beginning July 1, 2008, each public agency shall use the Maryland Online IEP or an IEP product that conforms to the form and format of the Maryland Online IEP, in accordance with 34 CFR §§300.320 – 300.328 and Regulations .08 - .10 of this chapter.</p> <p>COMAR 13A.05.01.09F</p>
13.12			<p>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.</p> <p>IEP planning for emergency conditions shall include methods for providing:</p> <ul style="list-style-type: none"> <li>(a) Special education and related services;</li> <li>(b) Supplementary aids, services, program modifications and supports;</li> <li>(c) Secondary transition activities;</li> <li>(d) ESY services; and</li> <li>(e) IEP goals.</li> </ul> <p>Maryland House Bill 714</p>

**SECTION 14: LEAST RESTRICTIVE ENVIRONMENT (LRE)**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
14.1			<p>A public agency shall ensure that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled; and special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services, as described in Regulation .09A(1)(d) and (e) of this chapter, cannot be achieved satisfactorily.</p> <p>34 CFR §300.114(a)(2); COMAR 13A.05.01.10A(1)&amp;(2)</p>
14.2			<p>A public agency shall ensure that a continuum of alternative placements is available to the extent necessary to implement the IEP and to meet the needs of students with disabilities for special education and related services. Alternative placements include the settings as listed in Regulation .03B(71) of this chapter and provisions for supplementary services, such as resource room and itinerant instruction, are available in conjunction with regular class placement.</p> <p>34 CFR §300.115(a); COMAR 13A.05.01.10B</p>

Item	C/NC	Required Revisions	Requirement
14.3			<p>A public agency shall ensure that:</p> <ol style="list-style-type: none"> <li>(1) The educational placement decision of a student with a disability is:               <ol style="list-style-type: none"> <li>(a) Made by the IEP team;</li> <li>(b) Made in conformity with the LRE provision of the Act and Regulation .10 of this chapter;</li> <li>(c) Determined at least annually;</li> <li>(d) Based on the student's IEP; and</li> <li>(e) As close as possible to the student's home;</li> </ol> </li> <li>(2) Unless the IEP of a student requires some other arrangement, the student is educated in the school or typical early childhood setting that the student would attend if not disabled.</li> <li>(3) In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs;</li> <li>(4) A student with a disability is not removed from education in an age-appropriate regular classroom or typical early childhood setting solely because of needed modifications in the general curriculum; and</li> <li>(5) If the IEP team determines a student with a disability cannot be educated in the school or typical early childhood setting the student would attend if not disabled, the IEP shall document the specialized transportation needs of the student as defined in Regulation .03B(81) of this chapter, including consideration of the effect transportation may have on the student in related to the:               <ol style="list-style-type: none"> <li>(a) Student's age and disability;</li> <li>(b) Specialized equipment needs of the student;</li> <li>(c) Personnel needed to assist the student during transportation;</li> <li>(d) Amount of time involved in transporting the student; and</li> <li>(e) Distance the student will be transported.</li> </ol> </li> </ol> <p>34 CFR §300.116; COMAR 13A.05.01.10C(1)</p>

Item	C/NC	Required Revisions	Requirement
14.4			<p>If a public agency provides a preschool program for students without disabilities, the public agency shall ensure that the requirements of §B of this regulation are met. If a public agency does not provide a preschool program for students without disabilities, the public agency:</p> <ul style="list-style-type: none"> <li>(a) Is not required to initiate a program as described in §C(2) of this regulation to satisfy the requirements of §B of this regulation; and</li> <li>(b) May meet the requirements of §B of this regulation through alternative methods including: <ul style="list-style-type: none"> <li>(i) Providing opportunities for preschool students with disabilities to participate in preschool programs operated by other agencies;</li> <li>(ii) Placing preschool students with disabilities in private school programs for nondisabled preschool students or private school preschool programs that integrate students with disabilities and nondisabled students; and</li> <li>(iii) Locating classes for preschool students with disabilities in regular elementary schools.</li> </ul> </li> </ul> <p>COMAR 13A.05.01.10C(2)&amp;(3)</p>
14.5			<p>If a student with a disability is unable to participate in the student’s school of enrollment and is provided instruction at home because of a physical or emotional condition, consistent with COMAR 13A.03.05.04A, the IEP team shall meet to review and revise the student’s IEP. The IEP team shall:</p> <ul style="list-style-type: none"> <li>(a) Determine instructional services to be provided to the student in accordance with Regulations .08 and .09 of this chapter and COMAR 13A.03.05, as long as the medical restrictions apply; and</li> <li>(b) Develop a plan for returning the student to a school-based program.</li> </ul> <p>COMAR 13A.05.01.10C(5)(a)&amp;(b)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>14.6</b>			<p>When the period of treatment or convalescence ends, the IEP team shall:</p> <ul style="list-style-type: none"> <li>(a) Review and revise the IEP, in accordance with Regulations .08 and .09 of this chapter; and</li> <li>(b) Determine the appropriate placement in the LRE, in accordance with this section.</li> </ul> <p>COMAR 13A.05.01.10C(5)(c)</p>
<b>14.7</b>			<p>Educational placement in the home, for a student with an emotional condition, may not exceed 60 consecutive school days.</p> <p>COMAR 13A.05.01.10C(5)(d)</p>
<b>14.8</b>			<p>A student's home may not be used as an instructional setting for a student with a disability waiting for:</p> <ul style="list-style-type: none"> <li>(a) Placement in a nonpublic special school, in accordance with Regulation .16A of this chapter; or</li> <li>(b) A change of placement, in accordance with Regulation .10 of this chapter.</li> </ul> <p>COMAR 13A.05.01.10C(5)(e)</p>

**SECTION 15: EXTENDED SCHOOL YEAR (ESY)**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>15.1</b>			At least annually, the IEP team shall determine whether the student requires the provision of extended school year services in accordance with Education Article, §8-405, Annotated Code of Maryland.  COMAR 13A.05.01.08B(2)(a)
<b>15.2</b>			The IEP team shall consider: <ul style="list-style-type: none"> <li>(a) Whether the student’s IEP includes annual goals related to critical life skills;</li> <li>(b) Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break in the regular school year and a failure to recover those lost skills in a reasonable time;</li> <li>(c) The student’s degree of progress toward mastery of IEP goals related to critical life skills;</li> <li>(d) The presence of emerging skills or breakthrough opportunities;</li> <li>(e) Interfering behaviors;</li> <li>(f) The nature and severity of the disability; and</li> <li>(g) Special circumstances.</li> </ul> COMAR 13A.05.01.08B(2)(b)
<b>15.3</b>			The IEP team shall determine whether the benefits the student with a disability gains during the regular school year will be significantly jeopardized if that student is not provided with an educational program during a normal break in the regular school year.  34 CFR 300.106(a)(2); COMAR 13A.05.01.08B(2)(c)
<b>15.4</b>			If a student requires extended school year services, the IEP shall include the specific special education and related services to be provided beyond the regular school year consistent with Regulation .08B(2) of this chapter.  34 CFR §300.106 (b)(1)(i); COMAR 13A.05.01.09A(2)



**SECTION 16: SECONDARY TRANSITION**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>16.1</b>			<p>For a student with a disability who is fourteen (14) years old, or younger if appropriate, the written notice shall indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student, and the public agency will invite the student.</p> <p>34 CFR §300.322(b)(2)(i)(A); COMAR 13A.05.01.07D(5)</p>
<b>16.2</b>			<p>When a purpose of the IEP meeting is to consider transition services, in accordance with 34 CFR §§300.320(b) and 300.321(b) and Regulation .09 of this chapter, the public agency shall ensure that the IEP team invites:</p> <ul style="list-style-type: none"> <li>(a) The student; and</li> <li>(b) A representative of any other agency that is likely to be responsible for providing or paying for transition services, with the consent of the student’s parent or student if the student has reached age of majority in accordance with Education Article, §8-412.1, Annotated Code of Maryland.</li> </ul> <p>34 CFR §§300.321(a)(7) &amp; (b)(3); COMAR 13A.05.01.07A(3)</p>
<b>16.3</b>			<p>For a student with a disability who is 16 years old, or younger if appropriate, the written notice shall include the information in §D(4) of this regulation and shall identify any other agencies that may be invited to send a representative, consistent with §A(3)(b) of this regulation.</p> <p>34 CFR §300.321(b)(1); COMAR 13A.05.01.07D(6)</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>16.4</b>			<p>Beginning not later than the first IEP to be in effect when a student turns 14 years old, and younger if appropriate, and updated annually, consistent with Education Article, §21-305, Annotated Code of Maryland, the student's IEP shall include:</p> <ul style="list-style-type: none"> <li>(a) The transition services, including course of study needed to assist the student in reaching those goals;</li> <li>(b) Appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and independent living, as appropriate; and</li> <li>(c) A statement of needed transition services including, if appropriate, a statement of a public agency's and a participating agency's responsibilities or linkages, or both, before the student leaves the secondary school setting.</li> </ul> <p>34 CFR §300.320(b); COMAR 13A.05.01.09A(3)(a)</p>
<b>16.5</b>			<p>If a participating agency fails to provide agreed-on transition services contained in a student's IEP, the public agency responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of:</p> <ul style="list-style-type: none"> <li>(a) Identifying alternative strategies to meet the transition objectives; and</li> <li>(b) If necessary, revising the student's IEP.</li> </ul> <p>34 CFR §300.324(c)(1); COMAR 13A.05.01.09A(3)(b)</p>
<b>16.6</b>			<p>Beginning not later than one (1) year before the student reaches the age of majority under State law, the IEP shall include a statement that the student has been informed of the student's rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority in accordance with Education Article, §8-412.1, Annotated Code of Maryland.</p> <p>COMAR 13A.05.01.09A(4)</p>
<b>16.7</b>			<p>On termination of a student's eligibility for services, in accordance with COMAR 13A.03.02 and as described in §E(10)(b) of this regulation, a public agency shall provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals, in the Exit Document, in accordance with 34 CFR §300.305(e)(3).</p> <p>34 CFR §300.305(e)(3); COMAR 13A.05.01.06E(11)</p>

**SECTION 17: RESTRAINT AND SECLUSION**

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
17.1			<p>The use of physical restraint is 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.</p> <p>COMAR 13A.08.04.05A(1)(a); DEI/SES TAB 19-02</p>
17.2			<p>Once physical restraint has been used or school personnel have made a student-specific determination that it may need to be used consistent with §A(1)(a) of this regulation, physical restraint may be included in a student’s behavioral intervention plan or IEP to address the student’s behavior in an emergency situation, provided that school personnel:</p> <ul style="list-style-type: none"> <li>• 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 professionals as appropriate;</li> <li>• Identify the less intrusive, nonphysical interventions that will be used to respond to the student’s behavior until physical restraint is used in an emergency situation; and</li> <li>• Obtain written consent from the parent, consistent with Education Article, §8-405, Annotated Code of Maryland.</li> </ul> <p>COMAR 13A.08.04.05A(1)(b); DEI/SES TAB 19-02</p>
17.3			<p>Physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint.</p> <p>COMAR 13A.08.04.05A(1)(c); DEI/SES TAB 19-02</p>
17.4			<p>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.</p> <p>COMAR 13A.08.04.05A(1)(d); DEI/SES TAB 19-02</p>

Item	C/NC	Required Revisions	Requirement
17.5			Physical restraint: <ul style="list-style-type: none"> <li>• Shall be removed as soon as the student is calm; and</li> <li>• May not exceed 30 minutes.</li> </ul> COMAR 13A.08.04.05A(1)(e); DEI/SES TAB 19-02
17.6			In applying physical restraint, school personnel may not: <ul style="list-style-type: none"> <li>• Place a student in a face down position;</li> <li>• 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</li> <li>• Straddle a student's torso.</li> </ul> COMAR 13A.08.04.05A(1)(f); DEI/SES TAB 19-02
17.7			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: <ul style="list-style-type: none"> <li>• As prescribed by a health professional; or</li> <li>• For a student with a disability, in accordance with the student's IEP or behavior intervention plan.</li> </ul> COMAR 13A.08.04.05A(2); DEI/SES TAB 19-02

Item	C/NC	Required Revisions	Requirement
17.8			<p>Each time a student is in a restraint, school personnel involved in the restraint shall debrief and document:</p> <ul style="list-style-type: none"> <li>• Other less intrusive interventions that have failed or been determined inappropriate;</li> <li>• The precipitating event immediately preceding the behavior that prompted the use of restraint;</li> <li>• The behavior that prompted the use of a restraint;</li> <li>• The names of the school personnel who observed the behavior that prompted the use of restraint; and</li> <li>• The names and signatures of the staff members implementing and monitoring the use of restraint.</li> </ul> <p>Documentation shall include a description of the restraint event, including:</p> <ul style="list-style-type: none"> <li>• The type of restraint;</li> <li>• The length of time in restraint;</li> <li>• The student's behavior and reaction during the restraint; and</li> <li>• The name and signature of the administrator informed of the use of restraint.</li> </ul> <p>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.</p> <p>COMAR 13A.08.04.05A(3); COMAR 13A.08.04.05A(4); DEI/SES TAB 19-02</p>
17.9			<p>Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.</p> <p>COMAR 13A.08.04.05A(5); DEI/SES TAB 19-02</p>
17.10			<p>If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's pupil services team or an IEP team.</p> <p>COMAR 13A.08.04.05C(1); DEI/SES TAB 19-02</p>
17.11			<p>If restraint or seclusion is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint or seclusion, the IEP team shall meet, in accordance with COMAR 13A.08.03, within 10 business days of the incident to consider:</p> <ul style="list-style-type: none"> <li>• The need for a functional behavioral assessment;</li> <li>• Developing appropriate behavioral interventions; and</li> <li>• Implementing a behavioral intervention plan.</li> </ul> <p>COMAR 13A.08.04.05C(2); DEI/SES TAB 19-02</p>

<b>Item</b>	<b>C/NC</b>	<b>Required Revisions</b>	<b>Requirement</b>
<b>17.12</b>			<p>If restraint or seclusion is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint or seclusion, the student's IEP or behavior intervention plan shall specify how often the IEP team shall meet to review or revise, as appropriate, the student's IEP or behavior intervention plan, in accordance with COMAR 13A.05.01 and 13A.08.03.</p> <p>COMAR 13A.08.04.05C(3); DEI/SES TAB 19-02</p>
<b>17.13</b>			<p>When an IEP team meets to review or revise a student's IEP or behavior intervention plan, the IEP team shall consider:</p> <ul style="list-style-type: none"> <li>(a) Existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint or seclusion based on medical history or past trauma;</li> <li>(b) Information provided by the parent;</li> <li>(c) Observations by teachers and related service providers;</li> <li>(d) The student's current placement; and</li> <li>(e) The frequency and duration of restraints or seclusion events that occurred since the IEP team last met.</li> </ul> <p>COMAR 13A.08.04.05C(4); DEI/SES TAB 19-02</p>
<b>17.14</b>			<p>The local school system or nonpublic school shall provide the parent of the student 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 or seclusion.</p> <p>COMAR 13A.08.04.05C(5); DEI/SES TAB 19-02</p>

<i>Item</i>	<i>C/NC</i>	<i>Required Revisions</i>	<i>Requirement</i>
<b>17.15</b>			<p>The IEP team shall obtain the written consent of the parent if the team proposes to include restraint or seclusion in the behavior intervention plan or IEP to address the student’s behavior.</p> <p>If the parent does not provide written consent, the IEP team shall send the parent written notice within 5 business days of the IEP team meeting that states:</p> <ul style="list-style-type: none"> <li>• The parent has the right to either consent or refuse to consent to the use of restraint or seclusion; and</li> <li>• 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 restraint or seclusion.</li> </ul> <p>If the parent provides 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.</p> <p>COMAR 13A.08.04.05C(6); DEI/SES TAB 19-02</p>
<b>17.16</b>			<p>A public agency may not use seclusion as a behavioral health intervention for a student.</p> <p>Md. Code, Education §7–1102(b)</p>