

TENTATIVE, SUBJECT TO CHANGE

MEETING OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY, MARYLAND

OPEN SESSION

Tuesday, October 6, 2009

4:30 P.M.-Closed Session, 7:00 P.M.-Open Session
Educational Support Services Building

- I. PLEDGE OF ALLEGIANCE
- II. SILENT MEDITATION IN REMEMBRANCE
- III. AGENDA
Consideration of the agenda for October 6, 2009
- IV. MINUTES
Consideration of the Open and Closed Minutes of September 8, 2009 Exhibit A
- V. SELECTION OF SPEAKERS
- VI. ADVISORY AND STAKEHOLDER GROUPS
- VII. SUPERINTENDENT'S REPORT
- VIII. RECOGNITION OF ADMINISTRATIVE APPOINTMENTS FROM SEPTEMBER 8, 2009 (Dr. Peccia)
- IX. SPECIAL ORDER OF BUSINESS – Presentation of Governor's Commission to the following Board Members: Rodger C. Janssen, Ramona N. Johnson, H. Edward Parker, Lawrence C. Schmidt, and Jacqueline Camp (Ms. Murphy)
- X. OLD BUSINESS
A. Consideration of the following Board of Education Policies (third reading): (Ms. O'Hare)
 - Proposed Deletion of Policy 5170 (replaced by Policy 6402) – STUDENTS: Enrollment and Attendance-Assignment to Special Education Program Exhibit B
 - Proposed Deletion of Policy 5171 (replaced by Policy 6402) – STUDENTS: Enrollment and Attendance-Impartial Due Process Hearing Procedures Exhibit C
 - Proposed New Policy 6402 – INSTRUCTION: Special Education Program and Services Exhibit D

XI. NEW BUSINESS

- A. Consideration of consent to the following personnel matters: (Dr. Peccia)
1. Retirements Exhibit E
 2. Resignations Exhibit F
 3. Leaves of Absence Exhibit G
 4. Administrative Appointments Exhibit H

- B. Consideration of consent to the following contract awards: (Mr. Gay/Mr. Sines)
- Exhibit I

1. Contract Modification: Preventative Maintenance and Repair of Refrigeration Equipment
2. Contract Modification: Repair of Food Services Mechanical Equipment
3. Contract Modification: Speech, Occupational and Physical Therapies, Audiology, and Education of the Deaf/Hard-of-Hearing Using Sign Language
4. Administrator Technology Symposium for Non-Public School Principals
5. Boardmaker Plus
6. Cohort – Administrator I Certification
7. Cohort – BCPS/Towson University Advanced Program in Gifted Education, Grades 3-8
8. Cohort – BCPS Urban Education Leadership Program (Ed.D.)
9. Cohort – Master of Science
10. Cohort – School Library Media
11. Microscopes
12. Shelf Stable Prepackaged Meals
13. Special Education – Early Intervention Services
14. Technology Integration Academy for Non-Public School Teachers
15. Technology Integration Academy for Non-Public School Principals and Teachers
16. Wireless Access Equipment
17. Roof Replacement – Bear Creek Elementary School
18. Roof Replacement – Pot Spring Elementary School
19. Roof Replacement – Prettyboy Elementary School
20. Request to Negotiate: On-Call Architectural Services – Various Schools

XI. NEW BUSINESS (cont)

21. Request to Negotiate: On-Call Civil/Structural Engineering Services – Various Schools
22. Request to Negotiate: On-Call Mechanical/Electrical Engineer Services – Various Schools
23. Fee Acceptance: Mechanical/Engineering Consultant Services for HVAC Renovation – Randallstown High School

C. Consideration of Hearing Officer's Opinion in case #09-24

(Andrew
Nussbaum, Esq.)

D. Consideration of Hearing Officer's Opinion in case #09-36

(Andrew
Nussbaum, Esq.)

XII. INFORMATION

A. Deletion of Superintendent's Rule 5170 – STUDENTS: Enrollment and Attendance-Assignment to Special Education Program

Exhibit J

B. Deletion of Superintendent's Rule 5171 – STUDENTS: Enrollment and Attendance-Impartial Due Process Hearing Procedures

Exhibit K

C. New Superintendent's Rule 6402 – INSTRUCTION: Special Education Program and Services

Exhibit L

XIII. ANNOUNCEMENTS

A. Public comment on the following Board of Education policies (second reading)

- Proposed Deletion of Policy 1301 – COMMUNITY RELATIONS: Use of School Facilities-Child Care
- Proposed Changes to Policy 1320 – COMMUNITY RELATIONS: Use of School Facilities-Contests
- Proposed Deletion of Policy 4263 – PERSONNEL: Compensation Plan-Reimbursement of Transportation

B. General Public Comment

Next Board Meeting
6:30 PM

Tuesday, October 20, 2009
Greenwood

TENTATIVE MINUTES**BOARD OF EDUCATION OF BALTIMORE COUNTY, MARYLAND**

Tuesday, September 8, 2009

The Board of Education of Baltimore County met in closed session at 5:32 p.m. at Greenwood. President JoAnn C. Murphy and the following Board members were present: Mr. James E. Coleman, Mr. Rodger C. Janssen, Ms. Ramona N. Johnson, Mr. Joseph J. Pallozzi, Mr. H. Edward Parker, Ms. Valerie A. Roddy, Lawrence E. Schmidt, Esq., Mr. David Uhlfelder, and Miss Jacqueline Camp. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and staff members were present.

Ms. Murphy reminded Board members of community functions and Board of Education events scheduled in September and October.

Board member, Mr. Earnest E. Hines, entered the room at 5:35 p.m.

Pursuant to the Annotated Code of Maryland, State Government Article, §§10-508(a)(1), (a)(8), and (a)(9) and upon motion of Mr. Janssen, seconded by Mr. Pallozzi, the Board commenced its closed session at 5:37 p.m.

CLOSED SESSION MINUTES

The Board of Education of Baltimore County, Maryland, met in closed session at 5:37 p.m. at Greenwood. President JoAnn C. Murphy and the following Board members were present: Mr. James E. Coleman, Mr. Earnest E. Hines, Mr. Rodger C. Janssen, Ms. Ramona N. Johnson, Mr. Joseph J. Pallozzi, Mr. H. Edward Parker, Ms. Valerie A. Roddy, Lawrence E. Schmidt, Esq., Mr. David Uhlfelder, and Miss Jacqueline Camp. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and the following staff members were present: J. Robert Haines, Esq., Deputy Superintendent; Ms. Rita Fromm, Chief of Staff; Mr. William Lawrence, Assistant Superintendent, Northwest Area; Ms. Verletta White, Assistant Superintendent, Northeast Area; Dr. Manuel Rodriguez, Assistant Superintendent, Southwest Area; Ms. Barbara Walker, Assistant Superintendent, Central Area; Mr. Lyle Patzkowsky, Assistant Superintendent, Southeast Area; Dr. Donald Peccia, Assistant Superintendent, Human Resources; Dr. Alpheus Arrington, Director, Human Resources; Mr. Daniel Capozzi, Staff Relations Manager; Ms. Barbara Burnopp, Chief Financial Officer; Margaret-Ann Howie, Esquire, General Counsel; Ronald Miller, Esquire, Knight, Manzi, Nussbaum & LaPlaca, P.A.; and Ms. Brenda Stiffler, Administrative Assistant to the Board.

Miss Camp exited the room at 5:37 p.m.

Mr. Capozzi updated Board members on future negotiations with collective bargaining units.

CLOSED SESSION MINUTES (cont)

Mr. Capozzi and Ms. Burnopp exited the room at 6:03 p.m. Miss Camp re-entered the room at 6:03 p.m.

Dr. Peccia reviewed with Board members personnel matters to be considered on the evening's agenda.

Ms. Howie discussed with Board members one pending and one potential litigation matter.

On motion of Mr. Pallozzi, seconded by Mr. Parker, the Board adjourned its closed session at 6:19 p.m.

OPEN SESSION MINUTES

The Board of Education of Baltimore County, Maryland, reconvened in open session at 7:00 p.m. at Greenwood. President JoAnn C. Murphy and the following Board members were present: Mr. James E. Coleman, Mr. Earnest E. Hines, Mr. Rodger C. Janssen, Ms. Ramona N. Johnson, Mr. Joseph J. Pallozzi, Mr. H. Edward Parker, Ms. Valerie A. Roddy, Lawrence E. Schmidt, Esq., Mr. David Uhlfelder, and Miss Jacqueline Camp. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and staff members were present.

PLEDGE OF ALLEGIANCE

The open session commenced with the Pledge of Allegiance to the Flag, which was led by Ms. Laura Mullen, followed by a period of silent meditation for those who have served in The Baltimore County Public Schools.

Hearing no additions or corrections to the Open and Closed Minutes of August 11, 2009; and the Report on the Board of Education Work Session of August 25, 2009, Ms. Murphy declared the minutes approved as presented on the Web site.

Ms. Murphy informed the audience of the sessions in which Board members had participated earlier in the afternoon.

SELECTION OF SPEAKERS

After collecting completed sign-up cards, Ms. Murphy announced the names of persons who would be speaking during the public comment portion of the meeting as well as the order in which the persons would be called.

ADVISORY AND STAKEHOLDER COMMENTS

Miss. Olivia Keithley, Baltimore County Student Council (BCSC) President and member of the Superintendent's Student Council Advisory Group, reported on the Council's August 27 annual executive board meeting. Miss Keithley announced that the annual BCSC workshop would be held on October 2, 2009, at Camp Ramblewood.

Ms. Laura Mullen, Chair of the Central Area Educational Advisory Council, announced that its first meeting of the school year would be held on September 24, 2009, at Dulaney High School.

Ms. Gloria Collins, President of the Baltimore County Instructional Assistants & Clerical Employees (BACE), expressed concern over the school system paying BACE employees in the arrears. Ms. Collins asked that BACE representatives be included in the decision-making process in the future.

Ms. Nancy Ostrow, President of the PTA Council of Baltimore County, announced that the PTA has named September as "PTA Membership Month."

Ms. Cheryl Bost, President of the Teachers Association of Baltimore County (TABCO), noted that the state teachers' union has changed its name to "Maryland State Education Association." Ms. Bost stated that TABCO is ready to work with the school system on various issues, such as: data demands, H1N1 virus, and air conditioning in all schools.

SUPERINTENDENT'S REPORT

Dr. Hairston stated that the school system is looking forward to working together with stakeholder groups this school year. He also noted that President's Obama's education address is a teachable moment for all students.

RECOGNITION OF ADMINISTRATIVE APPOINTMENTS

Dr. Donald Peccia, Assistant Superintendent of Human Resources, recognized the administrative appointments from the August 11, 2009 Board meeting.

<u>NAME</u>	<u>FROM</u>	<u>TO</u>
<u>DAVID E. KONKLE</u> (Effective August 12, 2009)	Pupil Personnel Worker Pupil Personnel Services	Superintendent's Designee Department of Student Support Services

RECOGNITION OF ADMINISTRATIVE APPOINTMENTS (cont)

<u>JOHN R. QUINN</u> (Effective August 12, 2009)	STEM Project Director Howard County Public School System	Executive Director of STEM Division of Curriculum & Instruction Services
<u>CHRISTINE M. SCHUMACKER</u> (Effective August 12, 2009)	Supervisor, Secondary Science Office of Science, PreK-12	Coordinator, Secondary Office of Science, PreK-12
<u>DONNA M. SOCHUREK</u> (Effective August 12, 2009)	Teacher/Resource Office of Alternative Education, Dropout Prevention, and Summer School	Specialist, Home Schooling Office of Alternative Education, Dropout Prevention, and Summer School

OLD BUSINESS

Board of Education Policies

The Board Policy Committee, represented by Mr. Coleman, recommended approval of fourteen (14) policies. This is the third reading.

On motion of Mr. Pallozzi, seconded by Mr. Parker, the Board approved the following proposed policies:

- Proposed Changes to Policy 1270 – COMMUNITY RELATIONS: Community Involvement-Parent/Guardian and Family Involvement
- Proposed Changes to Policy 2352 – ADMINISTRATION: Administrative Operations-Accidents/Medical Emergencies
- Proposed Deletion of Policy 3430 – NON-INSTRUCTIONAL SERVICES: Transportation Services-Procedures for Emergencies
- Proposed Deletion of Policy 4007 – PERSONNEL: General-Health and Safety
- Proposed Changes to Policy 4131 – PERSONNEL: Activities-Professional Growth
- Proposed Deletion of Policy 4132 – PERSONNEL: Activities-Support for Professional Activities
- Proposed Deletion of Policy 4147 – PERSONNEL: Compensation and Related Employee Benefits-Maryland State Retirement and Pension Systems
- Proposed Changes to Policy 4250 – PERSONNEL: Compensation and Related Employee Benefits-Retirement (renumbered to 4010)

OLD BUSINESS (cont)

- Proposed Deletion of Policy 5421 – STUDENTS: Services to Students-Life-Threatening Medical Emergencies
- Proposed Deletion of Policy 6001 – INSTRUCTION: Grouping
- Proposed Deletion of Policy 6305 – INSTRUCTION: Released Time – Religious Instruction
- Proposed Changes to Policy 6306 – INSTRUCTION: Prayer and Bible Reading
- Proposed Changes to Policy 6401 – INSTRUCTION: Gifted and Talented Education Program
- Proposed Changes to Policy 6702 – INSTRUCTION: Extracurricular Activities – Intramural, Informal, and Interscholastic Athletics

FY11 Proposed Capital State Budget

Mr. Pallozzi moved to adopt the FY11 Capital State budget, as presented in Exhibit P. Mr. Parker seconded the motion. The Board approved the budget (favor – 10). Miss Camp, student Board member, did not vote.

PERSONNEL MATTERS

On motion of Mr. Janssen, seconded by Mr. Parker, the Board approved the personnel matters as presented on exhibits Q, R, S, T, U, and V (Copies of the exhibits are attached to the formal minutes).

BUILDING AND CONTRACT AWARDS

The Building and Contracts Committee, represented by Mr. Pallozzi, recommended approval of items 1-11, and 14-17 (exhibit W). Items 12 and 13 were pulled from the agenda. Ms. Johnson separated item 8 for further discussion. Mr. Janssen abstained from voting on item 10, and Mr. Uhlfelder abstained from voting on item 17.

The Board approved items 1-7, 9-11, and 14-17.

1. RGA-134-09 Contract Modification: Math Teacher Professional Development Institute
2. JMI-614-08 Contract Extension: Network-enabled Uninterruptible Power Supply Systems
3. PCR-258-10 Assistive Technology

BUILDING AND CONTRACT AWARDS (cont)

4. RGA-113-10 Baltimore County Public Schools' Principals' Academy
5. PCR-257-10 Personal Protective Equipment
6. JNI-777-10 Principal Leadership for the Whole Child
7. JMI-605-10 Safety Shoes
9. PCR-261-07 Contract Modification: Systemic Renovations – Sudbrook Magnet Middle School
10. JMI-630-08 Contract Modification: Consultant Services – Architectural/ Engineering (A/E) Services-West Towson Elementary School
11. MWE-829-06 Contract Modification: Systemic Renovations – Woodlawn Middle School
14. MBU-502-10 Replacing Windows, Blinds, and Doors – Timber Grove Elementary School
15. MBU-539-09 Baltimore Gas and Electric (BGE) – West Towson Elementary School
16. MBU-539-09 Baltimore County Permits and Development Fees – West Towson Elementary School
17. JNI-767-10 Request to Negotiate: Design Consultant Services for the Hampton Elementary School Renovation and Addition Project

Item 8

Ms. Johnson asked how the school system will integrate the active learning into teaching. Mr. Rex Shepard, Coordinator of Social Studies, responded that this grant permits teachers to develop historical questions and have students assume the role of a historian. During the process, the student will expand his/her critical thinking, make decisions, and solve problems. This program works on the indicator levels so students can look at historical topics instead of specific events. Ms. Johnson asked whether staff would report back on the progress of this program. Mr. Shepard responded that the school system is required to submit an annual report to the U.S. Department of Education. BCPS also has an external evaluator who will be measuring student progress through standardized tests and observation. Ms. Johnson asked how the 60 teachers would be selected. Mr. Shepard responded that the teachers would be selected from the list of schools submitted with the grant proposal.

Ms. Murphy stated that a report on this topic can be presented at a future work session once that data becomes available.

BUILDING AND CONTRACT AWARDS (cont)

The Board approved item 8.

8. JNI-774-10 Teaching American History

BOARD NORMS

On motion of Ms. Roddy, seconded by Mr. Pallozzi, the Board approved the Board of Education's Norms, as presented in exhibit X.

FOCUS AREAS FOR 2009-2010

On motion of Mr. Pallozzi, seconded by Ms. Roddy, the Board approved its focus areas for 2009-2010, as presented in exhibit Y.

INFORMATION

The Board received the following as information:

- A. Revised Superintendent's Rule 1270 – COMMUNITY RELATIONS: Community Involvement-Parent/Guardian and Family Involvement
- B. New Superintendent's Rule 2352 – ADMINISTRATION: Administrative Operations-Health and Safety
- C. New Superintendent's Rule 4010 – PERSONNEL: General
- D. Revised Superintendent's Rule 4131 – PERSONNEL: Professional-Professional Growth
- E. Deletion of Superintendent's Rule 4250 – CLASSIFIED: Permanent: Retirement
- F. Deletion of Superintendent's Rule 6001 – INSTRUCTION – Grouping
- G. Deletion of Superintendent's Rule 6306 – INSTRUCTION – Prayer and Bible Reading
- H. Revised Superintendent's Rule 6401 – INSTRUCTION: Special Programs-Gifted and Talented Education Program

ANNOUNCEMENTS

Ms. Murphy made the following announcements:

- The Southeast Area Education Advisory Council will hold its next meeting on Monday, September 14, 2009, at Patapsco High School and Center for the Arts beginning at 7:00 p.m.
- The Southwest Area Education Advisory Council will hold its next meeting on Wednesday, September 16, 2009, at Hillcrest Elementary School beginning at 7:00 p.m.
- The Northeast Area Education Advisory Council will hold its operating pre-budget hearing on Wednesday, September 23, 2009, at Eastern Technical High School beginning at 7:00 p.m.
- The Board of Education of Baltimore County will hold its next meeting on Tuesday, September 22, 2009, at Greenwood. The meeting will begin with an open session at approximately 5:00 p.m. The Board will then adjourn to meet in closed session. The open session will reconvene at approximately 6:30 p.m. The public is welcome to all open sessions.

Mr. Murphy stated that public comment is one of the opportunities provided so that the Board can hear the views and receive the advice of community members. The members of the Board appreciate hearing from interested citizens and will take their comments into consideration, even though it is not the Board's practice to take action immediately. When appropriate, the Board will refer concerns to the superintendent for follow-up by his staff.

While the Board encourages public input on policy, programs, and practices within the purview of this Board and this school system, this is not the proper avenue to address specific student or employee matters, or to comment on matters that do not relate to public education in Baltimore County. The Board encourages everyone to utilize existing avenues of redress for complaints. Inappropriate personal remarks or other behavior that disrupts or interferes with the conduct of this meeting are out of order.

Ms. Murphy also asked speakers to observe the light system, which lets the speaker know when their allotted time has ended. She asked speakers to conclude their remarks when they see the red light.

PUBLIC COMMENT ON THE PROPOSED DELETION OF POLICY 5170

One person signed up to speak; however, no one was present to speak on the policy.

PUBLIC COMMENT ON THE PROPOSED DELETION OF POLICY 5171

No one from the public signed up to speak on this policy.

PUBLIC COMMENT ON THE PROPOSED NEW POLICY 6402

No one from the public signed up to speak on this policy.

GENERAL PUBLIC COMMENT

Dr. Bash Pharoan asked that the Arabic language be added to the curriculum.

Mr. Tim Chase asked for a collaborative effort of all citizens to “own” the air conditioning problem at Ridgely Middle School, and to come up solutions and solve the problem.

Ms. Laura Mullen asked why the capital budget includes chillers at Old Court Middle School and not Ridgely Middle School. She noted that a rally for Ridgely would be held on September 15, 2009, at the courthouse square.

ADJOURNMENT

Since there was no further business, the Board adjourned its meeting at 7:45 p.m.

Respectfully submitted,

Joe A. Hairston
Secretary-Treasurer

/bls

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 6, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED DELETION OF BOARD OF EDUCATION POLICY 5170 – ASSIGNMENT TO SPECIAL EDUCATION PROGRAM**

ORIGINATOR: Judith Smith, Executive Director, Department of Liberal Arts

RESOURCE PERSON(S): Patricia Lawton, Director, Office of Special Education
J. Stephen Cowles, Esquire, Associate General Counsel, Law Office

RECOMMENDATION

That the Board of Education approves the proposed deletion of Policy 5170 Special Education Programs and Services. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 5170

**Policy Analysis for
Board of Education Policy 5170
Assignment to Special Education Program**

Statement of Issues Addressed By the Proposed Policy

Board of Education Policy 5170 is being recommended for deletion as the policy is being replaced by proposed Board of Education Policy 6402.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the deletion of this policy.

Relationship to Other Board of Education Policies

Board of Education Proposed Policy and Rule 6402, *Instruction*.

Legal Requirement

COMAR 13A.05.01 Provision of a Free Appropriate Public Education

The purpose of this regulation is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. These requirements are outlined in proposed Board of Education Policy 6402.

Similar Policies Adopted by Other School Systems

The following policies were reviewed:

- Montgomery County, Policy IOB - Education of Students with Disabilities;
- Frederick County, Section 508 and Reg. 400.22 Special Education;
- Carroll County, Policy IGBA Program for Students with Disabilities–1992; and,
- Prince George’s County.

Each of these school systems has outlined in the policies noted above the commitment to providing a free, appropriate, public education to students with disabilities similar to proposed Board of Education Policy 6402.

Draft of Proposed Policy

Attached

Other Alternative Considered By Staff

No other alternatives were considered.

Timeline:

First reading – August 25, 2009

Public comment – September 8, 2009

Third reading – October 6, 2009

STUDENTS: Enrollment and Attendance

Assignment to Special Education Program

All students with disabilities, birth through twenty years, residing within the jurisdiction of Baltimore County or living in a state operated program who are disabled, regardless of the nature or severity of the disability, and determined to be in need of special education and/or related services will be provided a free, appropriate education in the least restrictive environment.

Enrollment of students in special education programs and services shall be based on the verification of the existence of an educational disabling condition by the local school Admission, Review, and Dismissal committee. The Individual Education Program shall designate the appropriate program level or placement.

Parent(s) or legal guardian(s) shall be consulted by appropriate school personnel prior to the assignment of a student to a special education program or school.

Legal Reference: Educational Article, Sec. 8-301-8-307 and 8-401-8-416
Annotated Code of Maryland (13A.05.01)
State Board of Education Bylaw
Programs for Students with Disabilities

Policy
Adopted: 11/21/68
Revised: 11/11/76
Revised: 7/11/85
Revised: 6/13/91]

Board of Education of Baltimore County

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 6, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED DELETION OF BOARD OF EDUCATION POLICY 5171 – IMPARTIAL DUE PROCESS HEARING PROCEDURE**

ORIGINATOR: Judith Smith, Executive Director, Department of Liberal Arts

RESOURCE PERSON(S): Patricia Lawton, Director, Office of Special Education
J. Stephen Cowles, Esquire, Associate General Counsel, Law Office

RECOMMENDATION

That the Board of Education approves the proposed deletion of Policy 5171 Special Education Programs and Services. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 5171

**Policy Analysis for
Board of Education Policy 5171
Impartial Due Process Hearing Procedures**

Statement of Issues Addressed By the Proposed Policy

Board of Education Policy 5171 is being recommended for deletion as the policy is being replaced by proposed Board of Education Policy 6402.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the deletion of this policy.

Relationship to Other Board of Education Policies

Board of Education Proposed Policy and Rule 6402, *Instruction*.

Legal Requirement

COMAR 13A.05.01.15 Procedural Safeguards – State Complaints, Mediation and Due Process
This regulation provides that a parent of a student with a disability may file a State Complaint, or request a Mediation/Due Process Hearing when there is a dispute about any matter related to the identification, evaluation, educational placement, or the provision of a free, appropriate, public education to a student with a disability. These procedures are outlined in proposed Board of Education Policy 6402.

Similar Polices Adopted by Other School Systems

The following policies were reviewed:

- Montgomery County, Policy IOB - Education of Students with Disabilities;
- Frederick County, Section 508 and Reg. 400.22 Special Education;
- Carroll County, Policy IGBA Program for Students with Disabilities–1992; and,
- Prince George’s County.

Each of these school systems has outlined in the policies noted above the procedures for filing State Complaints and Mediation/Due Process Hearings for students with disabilities similar to proposed Board of Education Policy 6402.

Draft of Proposed Policy

Attached

Other Alternative Considered By Staff

No other alternatives were considered.

Timeline:

- First reading – August 25, 2009
- Public comment – September 8, 2009
- Third reading – October 6, 2009

STUDENTS: Enrollment and Attendance

Assignment to Special Education Programs: Impartial Due Process Hearing Procedures

The Baltimore County Board of Education assures that handicapped children and their parents or guardians, who are residents of Baltimore County, are guaranteed procedural safeguards with respect to a free appropriate public education.

Parents will have an opportunity for an impartial “due process” hearing conducted by a certified independent hearing officer who is not an employee of the Baltimore County Public Schools. At the hearing, both the parents and representatives of the Baltimore County Public Schools shall have the opportunity to present evidence and testimony. Approved procedures for the initiation and conduct of the hearing which meet the legal requirements will be distributed to parents seeking such action.

A parent of a handicapped child or the Baltimore County Public Schools may initiate a hearing to review the proposal of the Baltimore County Public Schools or the refusal of the Baltimore County Public Schools to initiate or change:

1. the identification
2. the evaluation
3. the educational placement of the child; or
4. the provision of a free, appropriate education to the child.

Legal Reference: State Board of Education Bylaw 13A.05.01.07A Local Hearing Procedures

Policy
Adopted: 11/11/76
Revised: 10/12/78
Revised: 06/16/83]

Board of Education of Baltimore County

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 6, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED NEW BOARD OF
EDUCATION POLICY 6402 – SPECIAL EDUCATION PROGRAMS
AND SERVICES**

ORIGINATOR: Judith Smith, Executive Director, Department of Liberal Arts

RESOURCE

PERSON(S): Patricia Lawton, Director, Office of Special Education
J. Stephen Cowles, Esquire, Associate General Counsel, Law Office

RECOMMENDATION

That the Board of Education approves the proposed new Policy 6402 Special Education Programs and Services. This is the third reading.

Attachment I – Policy Analysis
Attachment II – New Policy 6402

**Policy Analysis for
Board of Education Policy 6402
Special Education Programs and Services**

Statement of Issues Addressed By the Proposed Policy

Board of Education Policy 6402 sets out the overarching philosophy regarding the provisions of special education and related services to students with disabilities in a manner consistent with federal and state law.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by adding this Policy.

Relationship to Other Board of Education Policies

Board of Education Policy 6401, *Gifted and Talented Education Program*.

Board of Education Policy 6400, *Magnet Schools and Programs*.

Legal Requirement

1. 20 U.S.C. §1401 (Individuals, with Disabilities Education Improvement and Act of 2004).
2. 34 CFR §§300.1 et. seq.
3. Annotated Code of Maryland Education Article §§8-301-8-307 and §§8-401-8- 41
4. COMAR 13A.05.01.01 and 13A.05.01.02 et. Seq.

Similar Polices Adopted by Other School Systems

1. Anne Arundel County Public Schools, Policy IFF, *Special Education and Programs for Students with Disabilities*.
2. Baltimore City Public Schools, Board Rule 511, *Students with Disabilities-1992*.
3. Carroll County Public Schools, Policy IGBA, *Program for Students with Disabilities*.
4. Frederick County Public Schools, Section 508 and Reg. 400.22, *Special Education*.
5. Montgomery County Public Schools, Policy IOB, *Education with Disabilities*.

Draft of Proposed Policy

Attached

Other Alternative Considered By Staff

Staff considered the option of not having a policy for special education students and programs as the school system is already providing the services pursuant to legal requirements, but determined a Policy similar to the Gifted and Talented Education Program Policy would be more appropriate.

Timeline:

First reading – August 25, 2009

Public comment – September 8, 2009

Third reading – October 6, 2009

INSTRUCTION: SPECIAL EDUCATION PROGRAMS AND SERVICES

I. GUIDELINES

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY IS COMMITTED TO THE PRINCIPLES ARTICULATED IN FEDERAL AND STATE LAW REGARDING THE PROVISION OF A FREE, APPROPRIATE PUBLIC EDUCATION (FAPE), THE PROTECTION OF THE RIGHTS OF ELIGIBLE STUDENTS WITH DISABILITIES, AND THE PRINCIPLE THAT EVERY CHILD CAN LEARN AND SUCCEED. THE BOARD OF EDUCATION IS COMMITTED TO PROVIDING EQUITY AND EXCELLENCE IN EDUCATION BY PROVIDING EACH STUDENT WITH AN INSTRUCTIONAL ENVIRONMENT THAT NURTURES POTENTIAL AND ENHANCES ACADEMIC SUCCESS. WITH THESE TENETS IN MIND, THE BOARD RECOGNIZES EVERY STUDENT IN THE BALTIMORE COUNTY PUBLIC SCHOOLS WHO EXHIBITS SPECIAL NEEDS SHOULD HAVE ACCESS TO APPROPRIATE EDUCATIONAL SERVICES.
- B. THE BOARD RECOGNIZES THAT STUDENTS WITH DISABILITIES SHOULD BE PROVIDED WITH APPROPRIATE SERVICES, SUPPORTS, ACCOMMODATIONS, AND MODIFICATIONS TO ADDRESS INDIVIDUAL NEEDS, TO PROMOTE STUDENT GROWTH, AND TO RECEIVE EDUCATIONAL BENEFIT. THE BOARD RECOGNIZES THAT THE SCHOOL SYSTEM MUST PROVIDE A CONTINUUM OF APPROPRIATELY DIFFERENTIATED EDUCATIONAL EXPERIENCES, SERVICES, AND PLACEMENTS FOR STUDENTS, FROM BIRTH THROUGH AGE 21. THEREFORE, THE BOARD WILL MAKE SPECIAL EDUCATION SERVICES AVAILABLE TO ALL STUDENTS WITH DISABILITIES AND SPECIAL EDUCATION SERVICES WILL BE PROVIDED IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS.

LEGAL REFERENCES: 20 U.S.C. §1401 (*INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004*)
34 CFR §300.1 *ET. SEQ.*
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §§8-301 – 8-307 AND §8-401 – 8-416
COMAR 13A.05.01.01 *ET. SEQ.*

POLICY
ADOPTED:

BOARD OF EDUCATION OF BALTIMORE COUNTY

**BALTIMORE COUNTY PUBLIC SCHOOLS
TOWSON, MARYLAND 21204**

October 6, 2009

RETIREMENTS

<u>NAME</u>	<u>POSITION</u>	<u>SCHOOL/OFFICE</u>	<u>YRS. OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Michael Bond	Assistant Principal	Golden Ring Middle	26.0	09/01/09
Linda Crofoot	Administrative Secretary III	Timonium/Budget	30.1	10/01/09
Kathleen Fagan	Classroom Teacher	Rodgers Forge Elementary	30.0	10/01/09
Lois Hansford	Bus Attendant	Transportation	42.9	07/01/09
Diane Hendry	Music Teacher	Hampton Elementary	14.0	09/01/09
James Iglehart	Bus Attendant	Transportation	12.7	07/01/09
Kathy Kraus	Para-Health	Lansdowne High	9.3	09/01/09
William Leake	Music Teacher	Oliver Beach Elementary	18.5	07/01/09
Laura McIntyre	Art Teacher	Woodbridge Elementary	30.0	02/01/10
Georgeanne Trummert	Administrative Secretary III	Hernwood Elementary	24.1	10/01/09
Joan Scherr	Administrative Secretary III	Glyndon Elementary	35.0	09/01/09

As of 09/21/2009

**BALTIMORE COUNTY PUBLIC SCHOOLS
TOWSON, MARYLAND 21204**

October 6, 2009

RESIGNATIONS

ELEMENTARY – 8

Logan Elementary School

Janet M. McGrain, 09/04/09, 4.0 yrs.
Elementary/Special School Nurse

Red House Run Elementary School

Michael A. Otto, 06/30/09, 1.0 yr.
Music – Vocal

Riderwood Elementary School

Melissa S. Wilder, 09/02/09, 15.0 yrs.
Technology Integration

Sandalwood Elementary School

Tiffany N. Harris, 10/30/09, 8.0 yrs., 2.0 mos.
Grade 2 - .5
Facilitator - .5

Scotts Branch Elementary School

Holly M. Seibel, 09/23/09, 7.0 yrs.
Art

Elizabeth A. Wolff, 06/30/09, 5.0 mos.

Grade 5

Shady Springs Elementary School

Tatyana V. Kozikova, 09/11/09, 3.0 yrs.
ESOL

Summit Park Elementary School

Kathleen T. Quinn-O'Brien, 09/18/09, 5.0 yrs., 3.0 mos.
Library Science Media

SECONDARY – 8

Dundalk High School

Raquel B. Perucchi, 09/04/09, 10.0 days
Spanish

Kenwood High School

Michael S. Derry, 09/16/09, 6.0 yrs.
Social Worker

Old Court Middle School

Melinda S. Alder, 09/04/09, 10.0 days
Mathematics

Parkville Middle School

Amy N. Wineland, 06/30/09, 7.0 yrs.
Science

Patapsco High School

Matthew D. Procopio, 09/02/09, 9.0 days
Technology Education

Pikesville Middle School

Linda J. Pierno-Derengowski, 09/11/09, 15.0 days
English

Woodlawn High School

Kere Y. Boyd, 08/19/09, 6.0 yrs.
Guidance

Bhumika D. Dalwadi, 09/09/09, 14.0 days

Science

CENTRAL OFFICE - 1

Kathleen J. Harmon, 09/23/09, 7.0 yrs. 2.0 mos.
Office of Personnel Services
Employee Benefits Officer

SEPARATIONS FROM LEAVE – 3

Sarah S. Atherton, granted Academic Leave, 07/01/08-06/30/09, resigning 06/30/09, 6.0 yrs.

Jessica A. Long, granted Child Rearing Leave, 11/18/07-06/30/09, resigning 06/30/09, 6.0 yrs., 3.0 mos.

Tara M. Perry, granted Second Child Rearing Leave, 03/13/07-03/13/09, resigning 06/30/09, 7.0 yrs.

**BALTIMORE COUNTY PUBLIC SCHOOLS
TOWSON, MARYLAND 21204**

October 6, 2009

LEAVES

CHILD REARING LEAVES

JENNIFER ALLEN – (Guidance Counselor) Parkville High School
Effective November 1, 2009, through June 30, 2011

JENNIFER BULLOCK DELFINO – (Elementary) Sandy Plains Elementary School
Effective September 28, 2009, through June 30, 2011

RONESHA THOMPSON – (Assistant Principal) Woodholme Elementary School
Effective September 15, 2009, through June 30, 2011

UNUSUAL OR IMPERATIVE LEAVE

PAULA J. WARFIELD – (Paraeducator) Formerly Perry Hall High School
Effective August 24, 2009, through June 30, 2010

BALTIMORE COUNTY PUBLIC SCHOOLS

RECOMMENDED APPOINTMENTS

October 6, 2009

NAME

FROM

TO

SHAUNTA LINDSEY

(Effective October 7, 2009)

Admissions Specialist/Evaluation
Coordinator
Rock Creek Academy, Inc.

Coordinator, School Support
and Compliance

(Replacing Renard Adams, transferred to Coordinator of Research, Department of Research, Accountability,
and Assessment)

ANGELA EUCULANO-LEIGH

(Effective October 7, 2009)

Specialist
Grants Compliance

Supervisor
Mandatory Programs
and Equitable Services

(New Position)

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 6, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

RE: **RECOMMENDATIONS FOR AWARD OF CONTRACTS**

ORIGINATOR: J. Robert Haines, Esq., Deputy Superintendent

PERSON(S): Rick Gay, Manager, Office of Purchasing
Michael G. Sines, Executive Director, Department of Physical Facilities

RECOMMENDATION

That the Board of Education approves the following contract recommendations.

See the attached list of contract recommendations presented for consideration by the Board of Education of Baltimore County.

RLG/caj

Appendix I – Recommendations for Award of Contracts – Board Exhibit

**Recommendations for Award of Contracts
Board Exhibit – October 6, 2009**

The following contract recommendations are presented for consideration by the Board of Education of Baltimore County.

- 1. Contract Modification:** Preventative Maintenance and Repair of Refrigeration Equipment
Contract #: MBU-550-07

Term: N/A **Extension:** N/A **Contract Ending Date:** 5/31/12
Estimated award value: \$ 1,250,000
Estimated modification amount: \$ 425,000
New estimated total award value: \$ 1,675,000

Board meeting date: October 6, 2009

Description:

On May 22, 2007, the Board approved this contract. The initial cost of all preventative maintenance and repairs was underestimated. This modification will ensure that services and repairs can be accomplished throughout the term of the contract.

Recommendation:

Award of contract modification is recommended to:

Air Tech Refrigeration and Mechanical Baltimore, MD
Contractors, Inc.

Responsible school or office: Department of Planning and Support
Operations

Contact person: Michele Prumo

Funding source: Operating budget

2. Contract Modification: Repair of Food Services Mechanical Equipment
Contract #: MBU-549-07

Term: N/A **Extension:** N/A **Contract Ending Date:** 5/31/12
Estimated award value: \$ 750,000
Estimated modification amount: \$ 300,000
New estimated total award value: \$ 1,050,000

Board meeting date: October 6, 2009

Description:

On May 22, 2007, the Board approved this contract. The initial cost of all services and repairs was underestimated. This modification will ensure that services and repairs can be accomplished throughout the term of the contract.

Recommendation:

Award of contract modification is recommended to:

Total Kitchen Care, LLC

Crofton, MD

Responsible school or office:

Department of Planning and Support
Operations

Contact person:

Michele Prumo

Funding source:

Operating budget

3. Contract Modification: Speech, Occupational and Physical Therapies, Audiology, and Education of the Deaf/Hard-of -Hearing Using Sign Language

Contract #: PCR-237-09

Term: N/A **Extension:** N/A **Contract Ending Date:** N/A

Estimated award value: \$ N/A

Estimated modification amount: \$ N/A

New estimated total award value: \$ N/A

Board meeting date: October 6, 2009

Description:

The Board approved this contract on June 9, 2009. This contract modification consists of Assignment and Assumption and Consent to Assignment of the above contract to Travis Consulting – Cobb Pediatric Team from Travis Consulting, LLC. Travis Consulting – Cobb Pediatric Team is assuming Travis Consulting’s current service contracts to provide special education and related services to BCPS. They will provide these services as currently provided under the existing contract.

Recommendation:

Award of contract assignment is recommended to:

Travis Consulting – Cobb Pediatric Team Atlanta, GA

Responsible school or office: Department of Special Programs PreK-12

Contact person: Sonja Karwacki

Funding source: Operating budget

4. Contract: Administrator Technology Symposium for Non-public School Principals
Contract #: RGA-118-10

Term: 9 months **Extension:** 0 **Contract Ending Date:** 6/30/10
Estimated annual award value: \$ 80,399
Estimated total award value: \$ 80,399

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of no-bids received: N/A
No. of bids received: N/A

Description:

This contract consists of a professional development program to provide non-public school administrators with the information and strategies they need to bolster their skills as 21st century leaders. The program consists of five days of face-to-face workshops, participation in an online professional learning network, and a professional library of print materials that participants will use during the program and as on-going reference materials. Participants will work with consultants during meetings and in cohorts of 20-25 members in an online community to share ideas, strategies, and resources.

Recommendation:

Award of contract is recommended to:

Consultants:

Susan Brooks-Young	Lopez, WA
Dan Morris	Aurora, CO
Gene Bias	Orlando, FL

Materials:

ISTE (International Society for Technology and Education)	Eugene, OR
Corwin Press	Thousand Oaks, CA
Penguin Group	New York, NY
Harper Paperbacks	Scranton, PA

Responsible School or Office: Department of Professional Development

Contact person: Barbara Bisset

Funding source: Grant funds

5. Contract: Boardmaker Plus
Contract #: JN1-778-10

Term: 1 year **Extension:** 0 **Contract Ending Date:** 10/30/10
Estimated annual award value: \$ 55,000
Estimated total award value: \$ 55,000

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract consists of the purchase of the Boardmaker Plus software for use with special students. Included in the price are two days of on-site training with follow-up.

Recommendation:

Award of contract is recommended to:

DynaVox Systems, LLC

Pittsburgh, PA

Responsible school or office:

Department of Liberal Arts

Contact person:

Dr. Judith Smith

Funding source:

Grant funds

6. Contract: Cohort – Administrator I Certification
Contract #: RGA-913-10

Term: 11 months **Extension:** 0 **Contract Ending Date:** 11/30/10
Estimated annual award value: \$ 93,750
Estimated total award value: \$ 93,750

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract is for a cohort program, beginning January 2010, to provide 15 graduate credit-hours in leadership training leading to certification as an Administrator I for BCPS teachers.

Recommendation:

Award of contract is recommended to:

Towson University

Baltimore, MD

Responsible school or office:

Department of Professional Development

Contact person:

Barbara Bisset

Funding source:

Operating budget

7. **Contract:** Cohort – BCPS/Towson University Advanced Program in Gifted Education, Grades 3-8

Contract #: RGA-914-10

Term: 1 year, 6 months **Extension:** 0 **Contract Ending Date:** 6/30/11

Estimated annual award value: \$ 55,000

Estimated total award value: \$ 82,500

Board meeting date: October 6, 2009

Bid issued: N/A

Pre-bid meeting date: N/A

Due date: N/A

No. of vendors issued to: N/A

No. of bids received: N/A

No. of no-bids received: N/A

Description:

This contract is for a cohort program, beginning January 2010, to provide 15 graduate credit-hours in teaching techniques for gifted education to BCPS teachers.

Recommendation:

Award of contract is recommended to:

Towson University

Baltimore, MD

Responsible school or office:

Department of Professional Development

Contact person:

Barbara Bisset

Funding source:

Operating budget

8. Contract: Cohort – BCPS Urban Education Leadership Program (Ed.D.)
Contract #: RGA-917-10

Term: 4 years, 3 months **Extension:** 0 **Contract Ending Date:** 3/31/14
Estimated annual award value: \$ 58,235
Estimated total award value: \$ 247,500

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract consists of a cohort program, beginning January 2010, to provide 66 graduate credit-hours to obtain a Doctorate in Educational Leadership for BCPS employees.

Recommendation:

Award of contract is recommended to:

Morgan State University	Baltimore, MD
Responsible school or office:	Department of Professional Development
Contact person:	Barbara Bisset
Funding source:	Operating budget

9. Contract: Cohort – Master of Science
Contract #: RGA-915-10

Term: 1 year, 11 months **Extension:** 0 **Contract Ending Date:** 11/30/11
Estimated annual award value: \$ 103,125
Estimated total award value: \$ 206,250

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract is for a cohort program, beginning January 2010, to provide 33 graduate credit-hours in leadership training leading to a Master of Science in Human Resource Development/Educational Leadership for BCPS teachers.

Recommendation:

Award of contract is recommended to:

Towson University

Baltimore, MD

Responsible school or office:

Department of Professional Development

Contact person:

Barbara Bisset

Funding source:

Operating budget

10. Contract: Cohort – School Library Media
Contract #: RGA-916-10

Term: 4 years **Extension:** 0 **Contract Ending Date:** 12/31/13
Estimated annual award value: \$ 56,250
Estimated total award value: \$ 225,000

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract is for a cohort program, beginning January 2010, to provide 36 graduate credit-hours to obtain a Master of Science degree in School Library Media.

Recommendation:

Award of contract is recommended to:

Towson University	Baltimore, MD
Responsible school or office:	Department of Professional Development
Contact person:	Barbara Bisset
Funding source:	Operating budget

11. Contract: Microscopes
Contract #: PCR-260-10 (Commonwealth of Virginia contract #E194-359-09)

Term: 9 months **Extension:** 0 **Contract Ending Date:** 6/30/10
Estimated annual award value: \$ 142,345
Estimated total award value: \$ 142,345

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract consists of providing Omega 200C – LED rechargeable monocular microscopes to the remaining 69 elementary schools not so equipped. Microscopes will be used as part of the reworked curriculum entitled Wee Beasties, scheduled for full implementation this school year. Purchasing this equipment allows students in all elementary schools to have exposure to sophisticated technology, and increasing their preparedness for more extensive use of microscopes in middle school and advanced science courses.

Board Policy 3210 and §5-112, Paragraph (3) of the Education Article of the Annotated Code of Maryland allows BCPS to utilize contracts awarded or negotiated by other government agencies.

Recommendation:

Award of contract is recommended to:

Alpha & Omega Services, Inc.	Darnestown, MD
Responsible school or office:	Office of STEM
Contact person:	Dr. John Quinn
Funding source:	Operating budget

13. Contract: Special Education – Early Intervention Services
Contract #: PCR-256-10

Term: 5 years **Extension:** 0 **Contract Ending Date:** 10/31/14
Estimated annual award value: \$ 500,000
Estimated total award value: \$ 2,500,000

Board meeting date: October 6, 2009
Bid issued: July 30, 2009
Pre-bid meeting date: August 26, 2009
Due date: September 2, 2009
No. of vendors issued to: 11
No. of bids received: 6
No. of no-bids received: 0

Description:

This contract consists of providing behavioral consultation for children aged birth to five. Services include:

- Direct special education service delivery, as defined by a child’s Individualized Family Service Plan (IFSP) or Individualized Education Plan (IEP).
- Participation in Child Find Assessment Services.
- Provision of early childhood behavioral support services.

Recommendation:

Award of contract is recommended to:

Arbor E&T LLC dba Care Resources	Baltimore, MD
County Therapy Associates, LLC	Whiteford, MD
Delta-T Group Maryland, Inc.	Columbia, MD
EBS – Educational Based Services	Concordville, PA
The Maryland Therapy Network, Inc.	Bel Air, MD

Responsible school or office: Department of Special Programs PreK-12

Contact person: Sonja Karwacki

Funding source: Operating and grant funds

14. Contract: Technology Integration Academy for Non-public School Teachers
Contract #: RGA-120-10

Term: 9 months **Extension:** 0 **Contract Ending Date:** 6/30/10
Estimated annual award value: \$ 160,000
Estimated total award value: \$ 160,000

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract consists of training, beginning October 2009, of non-public school teachers to create a model for infusing technology into the classroom curriculum. Non-public school teachers will work in small teams to develop technology projects and activities for a unit they can implement with students immediately.

Recommendation:

Award of contract is recommended to:

Tech4Learning, Inc.

San Diego, CA

Responsible school or office:

Department of Professional Development

Contact person:

Barbara Bisset

Funding source:

Grant funds

15. Contract: Technology Integration Academy for Non-public School Principals and Teachers

Contract #: RGA-119-10

Term: 9 months **Extension:** 0 **Contract Ending Date:** 6/30/10

Estimated annual award value: \$ 59,625

Estimated total award value: \$ 59,625

Board meeting date: October 6, 2009

Bid issued: N/A

Pre-bid meeting date: N/A

Due date: N/A

No. of vendors issued to: N/A

No. of bids received: N/A

No. of no-bids received: N/A

Description:

This contract consists of training, beginning October 2009, of non-public school teachers and principals participating in the continuing Webinar series *Teaching in Practice*. The series will feature 40 Webinars over the course of 2009-2010. Each session will be at least 60 minutes in length, with 45 minutes of presenter content. The balance of the session will feature interactive elements such as audience question and answer and polls. The series, *Technology in Practice*, will highlight practical tools and strategies to help educators most effectively improve the educational experience and capture value from new and existing technology investments.

Recommendation:

Award of contract is recommended to:

International Society for Technology
Education

Eugene, OR

Responsible school or office:

Department of Professional Development

Contact person:

Barbara Bisset

Funding source:

Grant funds

16. Contract: Wireless Access Equipment
Contract #: JMI-609-10 (Central Susquehanna Intermediate Unit Cooperative Bidding Program)

Term: 5 years **Extension:** 0 **Contract Ending Date:** 9/30/14
Estimated annual award value: \$ 1,480,000
Estimated total award value: \$ 7,400,000

Board meeting date: October 6, 2009
Bid issued: N/A
Pre-bid meeting date: N/A
Due date: N/A
No. of vendors issued to: N/A
No. of bids received: N/A
No. of no-bids received: N/A

Description:

This contract consists of wireless access equipment and on-going support. Xirrus equipment allows for multiple (30+) wireless clients to access the BCPS network at one time.

Board Policy 3210 and §5-112, Paragraph (3) of the Education Article of the Annotated Code of Maryland allows BCPS to utilize contracts awarded or negotiated by other government agencies.

Recommendation:

Award of contract is recommended to:

Xirrus

Thousand Oaks, CA

Responsible school or office:

Department of Technology

Contact person:

Michael Goodhues

Funding source:

Operating budget

17. Contract: Roof Replacement – Bear Creek Elementary School
Contract #: MWE-803-10

Term: N/A	Extension: N/A	Contract Ending Date: N/A
Initial estimated contract value: \$		1,695,929
Estimated contingency amount: \$		169,593
Estimated total award value: \$		1,865,522

Board meeting date:	October 6, 2009
Bid issued:	N/A
Pre-bid meeting date:	N/A
Due date:	N/A
No. of vendors issued to:	N/A
No. of bids received:	N/A
No. of no-bids received:	N/A

Description:

This project consists of the removal of the existing roof system and the installation of approximately 72,189 square feet of a four-ply, built-up, cold-coat surface, and gravel roof system with a 20-year warranty.

Recommendation:

Award of contract is recommended to:

Pennsylvania Education Joint Purchasing Council (Weatherproofing Technologies, Inc.)	Ashburn, VA
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Responsible school or office: Department of Physical Facilities

Contact person: Michael G. Sines

Funding source: Capital budget

18. Contract: Roof Replacement – Pot Spring Elementary School
Contract #: MWE-805-10

Term: N/A	Extension: N/A	Contract Ending Date: N/A
Initial estimated contract value: \$		1,473,089
Estimated contingency amount: \$		147,309
Estimated total award value: \$		1,620,398

Board meeting date:	October 6, 2009
Bid issued:	N/A
Pre-bid meeting date:	N/A
Due date:	N/A
No. of vendors issued to:	N/A
No. of bids received:	N/A
No. of no-bids received:	N/A

Description:

This project consists of the removal of the existing roof system and the installation of approximately 60,345 square feet of a four-ply, built-up, cold-coat surface, and gravel roof system with a 20-year warranty.

Recommendation:

Award of contract is recommended to:

Pennsylvania Education Joint Purchasing Council (Weatherproofing Technologies, Inc.)	Ashburn, VA
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Responsible school or office:	Department of Physical Facilities
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Contact person:	Michael G. Sines
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Funding source:	Capital budget
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19. Contract: Roof Replacement – Prettyboy Elementary School
Contract #: PCR-250-10

Term: N/A	Extension: N/A	Contract Ending Date: N/A
Initial estimated contract value: \$		623,381
Estimated contingency amount: \$		62,338
Estimated total award value: \$		685,719

Board meeting date:	October 6, 2009
Bid issued:	N/A
Pre-bid meeting date:	N/A
Due date:	N/A
No. of vendors issued to:	N/A
No. of bids received:	N/A
No. of no-bids received:	N/A

Description:

This project consists of the removal of the existing roof system and the installation of approximately 34,405 square feet of a combination shingle and four-ply, built-up, cold-coat surface, and gravel roof system with a 20-year warranty.

Recommendation:

Award of contract is recommended to:

Pennsylvania Education Joint Purchasing Council (Weatherproofing Technologies, Inc.)	Ashburn, VA
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Responsible school or office: Department of Physical Facilities

Contact person: Michael G. Sines

Funding source: Capital budget

20. Request to Negotiate: On-Call Architectural Services – Various Schools
Contract #: JN1-772-10

Term: 2 Year **Extension:** N/A **Contract Ending Date:** N/A
Estimated annual award value:
Estimated modification amount:
Estimated total award value: Not-to-exceed \$300,000 per consultant per year

Board meeting date: October 6, 2009

Description:

The Department of Physical Facilities requires the use of architectural consultants on an “on-call” basis to address requests for investigations, preparation of cost estimates, and development of designs for various building systems. All procedures in the Board of Education’s Policy and Rule 3260 were followed to advertise, qualify, and select consultants.

On September 15, 2009, the Selection Committee met to review submissions received from twenty-one (21) of the qualified firms to consider the consultants’ “expressions of interest” for on-call architectural services. The Selection Committee recommends that approval be given to begin contract negotiations with the six (6) firms listed below.

Funding for these services is available within each of the various projects to which the consultants will be assigned.

Recommendation:

Approval is recommended to negotiate with:

Colimore Thoemke Architects	Baltimore, MD
Gilbert Architects, Inc.	Owings Mills, MD
Grimm + Parker Architects	Calverton, MD
GWWO, Inc.	Baltimore, MD
Murphy & Dittenhafer, Inc.	Baltimore, MD
URS Corporation	Hunt Valley, MD

Responsible school or office: Department of Physical Facilities

Contact person: Michael G. Sines

Funding source: Capital budget

21. Request to Negotiate: On-Call Civil/Structural Engineering Services – Various Schools

Contract #: JNI-770-10

Term: 2 Year **Extension:** N/A **Contract Ending Date:** N/A

Estimated annual award value:

Estimated modification amount:

Estimated total award value: Not-to-exceed \$300,000 per consultant per year

Board meeting date: October 6, 2009

Description:

The Department of Physical Facilities requires the use of consultants on an “on-call” basis to address requests for investigations, preparation of cost estimates, and development of designs for various civil/structural systems. All procedures in the Board of Education’s Policy and Rule 3260 were followed to advertise, qualify, and select consultants.

On September 11, 2009, the Selection Committee met to review submissions received from eight (8) of the qualified firms to consider the consultants’ “expression of interest” for on-call civil/structural engineering services. The Selection Committee recommends that approval be given to begin contract negotiations with the four (4) firms listed below.

Funding for these services is available within each of the various projects to which the consultants will be assigned.

Recommendation:

Approval is recommended to negotiate with:

Brudis and Associates	Columbia, MD
Johnson, Mirmiran and Thompson	Sparks, MD
KCI Technologies	Sparks, MD
Whitney, Bailey, Cox and Magnani	Towson, MD

Responsible school or office: Department of Physical Facilities

Contact person: Michael G. Sines

Funding source: Capital budget

22. Request to Negotiate: On-Call Mechanical/Electrical Engineering Services – Various Schools

Contract #: JNI-769-10

Term: 2 Year **Extension:** N/A **Contract Ending Date:** N/A

Estimated annual award value:

Estimated modification amount:

Estimated total award value: Not-to-exceed \$300,000 per consultant per year

Board meeting date: October 6, 2009

Description:

The Department of Physical Facilities requires the use of consultants on an “on-call” basis to address requests for investigations, preparation of cost estimates, and development of designs for various mechanical/electrical systems. All procedures in the Board of Education’s Policy and Rule 3260 were followed to advertise, qualify, and select consultants.

On September 14, 2009 the Selection Committee met to review submissions received from thirteen (13) of the qualified firms to consider the consultants’ “expressions of interest” for on-call mechanical/electrical engineering services. The Selection Committee recommends that approval be given to begin contract negotiations with the seven (7) firms listed below.

Funding for these services is available within each of the various projects to which the consultants will be assigned.

Recommendation:

Approval is recommended to negotiate with:

Century Engineering	Hunt Valley, MD
James Posey Associates, Inc	Baltimore, MD
Johnson, Mirmiran & Thompson	Sparks, MD
Kibart, Inc.	Towson, MD
Schlenger/Pitz & Associates, Inc.	Timonium, MD
Spears/Votta & Associates, Inc.	Baltimore, MD
URS	Hunt Valley, MD

Responsible school or office: Department of Physical Facilities

Contact person: Michael G. Sines

Funding source: Capital budget

23. Fee Acceptance: Mechanical/Engineering Consultant Services for HVAC
Renovation – Randallstown High School

Contract #: MBU-531-09

Term: N/A **Extension:** N/A **Contract Ending Date:** N/A

Estimated contract value: \$445,324

Estimated contingency amount: 8,906

Estimated total award value: \$454,230

Board meeting date: October 6, 2009

Description:

Professional mechanical/engineering consultant services will be required to assist Baltimore County Public Schools (BCPS) with the design of the HVAC renovation at Randallstown High School. The services will include preparing schematic design, design development phase, and construction document phase; assisting with bidding and construction administration phase services; preparing estimates; and making state submissions.

On May 1, 2009, the Selection Committee met, reviewed, and discussed the proposals submitted by seventeen (17) pre-qualified mechanical engineering consultants. Based on the discussion, the Selection Committee recommends that approval be given to begin contract negotiations with James Posey Associates, Inc., as the highest ranked firm for the project.

A fee of \$445,324 has been negotiated for services stated in the first paragraph. Approval of a 2% (\$8,906) contingency is also requested at this time.

Recommendation:

Approval of negotiated fee is recommended to:

James Posey Associates, Inc.

Baltimore, MD

Responsible school or office:

Department of Physical Facilities

Contact person:

Michael G. Sines

Funding source:

Capital budget

STUDENTS: Enrollment and Attendance

Assignment to Special Education Program

1. Definition

As used herein, “Students with Disabilities” means those children who have been determined through appropriate assessment as having temporary or longterm special education needs arising from cognitive, emotional, or physical factors or any combination of these. Their ability to meet general educational objectives is impaired to a degree whereby the services available in the general education program are inadequate in preparing them to achieve their educational potential.

2. Identification

Each local elementary and/or secondary school will implement procedures for identifying, locating, and evaluating children within its community who are disabled and in need of these special education programs and services. All students identified through these “Child Find” procedures will be reported to the Maryland State Department of Education using the Special Services Information System.

3. Assessment

An appropriate assessment in the student’s primary language must be conducted for all students identified through established screening procedures as potentially in need of special education programs and services. Assessments are to be conducted individually. Each student must be assessed in all areas where there is a suspected need for special education services.

All assessments must be multi-disciplinary and conducted by personnel certified or licensed in the designated area.

The Maryland State Bylaw for Students with Disabilities requires that an “educational assessment be completed for school age children.” It included appraisal of current function in:

- a. Reading, mathematics, spelling
- b. Written and oral language
- c. Perceptual motor functioning.

Upon receipt of the results of the in-depth assessment, the local school Admission, Review, and Dismissal team will confirm the existence of a disabling condition, specify the instructional and related services needs, and determine the appropriate level of special education program.

4. Placement

Students with disabilities shall be educated in the least restrictive appropriate program level (Levels I through IV) and served in compatible age, developmental, and instructional groupings. Program accessibility shall be assured through identified barrier-free elementary, middle, and high schools.

To the maximum extent appropriate, students with disabilities, including students in private or other care facilities, are to be educated with students who are not disabled. Any placement in special classes, special schools, or removal of students with disabilities from the general education environment should occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily.

Enrollment of students in special education programs and related services shall be based on the verification of the existence of an educational disabling condition and need for special education and/or related services by the local Admission, Review, and Dismissal team (including the student as appropriate and his/her parents.)

Baltimore County will insure that a continuum of alternative placements is available to meet the needs of the students with disabilities as set forth in his/her written Individualized Education Plan.

Each disabled student's educational placement will be determined annually and will be based on his/her Individualized Education Plan. Unless the Individualized Education Plan requires other arrangements, the student with a disability will be educated in the school he or she would attend, if not disabled.

Placements in Levels I through IV may be arranged by the local school administrators. Placements in Levels V and VI will be made by the Office of Special Education. Placements in Levels I through IV which require assignment to a school outside the student's usual attendance area will be made by the Office of Special Education.

Legal Reference: Education Article, §§ 8-301 to 8-307 and §§ 8-401 to 8-416
Annotated Code of Maryland (13.05.0 1)

Rule
Approved: 11/21/68
Revised: 7/11/85
Revised: 3/13/91]

Superintendent of Schools

STUDENTS: Enrollment and Attendance

Assignment to Special Education Program: Impartial Due Process Hearing Procedures

1. Definitions

- a. “Handicapped child” means a child through the age of twenty (20) who has been determined through appropriate assessment as having temporary or long-term special educational needs arising from cognitive, emotional, or physical factors, or any combination of these whose ability to meet general educational objectives is impaired to a degree whereby the services available in the general education program are inadequate in preparing the child to achieve his/her educational potential. A handicapped child is one who has been described as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having a specific learning disability, who because of these impairments, needs special education and related services.
- b. “Parent” means a parent, a guardian, a person acting as a parent of a child, or a parent surrogate who has been appointed for the child.
- c. “Special Education” means instruction, at no cost to the parent, specially designed to meet the unique needs of the handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

2. How to Request a Hearing

A written request for Hearing shall be filed with the Coordinator of the Office of Special Education, Baltimore County Public Schools, 6901 Charles Street, Towson, Maryland 21204, on forms supplied by that office.

3. Time of Hearing

Upon receipt of the written request, a hearing will be scheduled within twenty (20) calendar days. Within forty-five (45) days from the receipt of the request for hearing, the hearing shall be held and a written decision mailed to each of the parties. The hearing officer may grant an extension beyond this time period at the request of either party, but the time may not be extended beyond sixty (60) days.

4. Rights Prior to Hearing

- a. A parent has the right to inspect and copy, at reasonable times, both before any hearing and otherwise, all records of the Baltimore County Public Schools, its agents, and employees, pertaining to the child, including all tests or reports upon which the proposed action may be based.
- b. A parent shall have the right to obtain an independent educational assessment of the child. The Baltimore County Public Schools shall provide to a parent, on request, information about where an independent educational assessment may be obtained. This independent educational assessment shall be at public expense if the parent disagrees with the assessment obtained by the Baltimore County Public Schools. However, the Baltimore County Public Schools may initiate a hearing to show that its assessment is appropriate. If the final decision is that the assessment of the Baltimore County Public Schools is appropriate, the parent still has the right to an independent educational assessment but not at the public expense. The results of such an assessment must be considered by the Baltimore County Public Schools in any decision concerning placement or the provision of a free, appropriate education to the child.

5. Rights to Representation

A parent shall have the right to be accompanied and advised by counsel or other individuals with special knowledge or training with respect to the problems of handicapped children at any stage during the hearing process. The cost of such representation shall be borne by the parent of the child. The Baltimore County Public Schools shall inform the parent of any free or low-cost legal or other related services available in the area.

Representatives of the Baltimore County Public Schools have the right to be represented by council.

6. Conduct of the Hearing

- a. Within 45 days after it receives a request for review, the Office of Special Education shall appoint a hearing officer. The hearing officer shall be knowledgeable in the fields and areas of significance to the educational review of the child. The hearing officer will be selected from a list of ten hearing officers maintained in the Office of Special Education. Unless otherwise agreed by both parties, the hearing officer shall be chosen in rotating alphabetical sequence from the officers on the list. A person who was directly responsible for the recommendation of a proposed action, or who has furnished significant advice or

consultation in reference to the recommendation, may not serve as a hearing officer. A hearing conducted pursuant to these regulations may not be conducted by the School Board or by an employee of the Baltimore County Public Schools or by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

- b. The hearing shall be closed unless the parent requests that the hearing be open to the public. All persons present shall be identified for the record at the initiation of the hearing. The parent has the right to have the child who is the subject of the hearing present.
- c. The parent of a child may require the attendance and testimony of employees of the Baltimore County Public Schools who may have direct knowledge pertinent to the subject of the inquiry by requesting the attendance of such employee in writing through the Office of Special Education at least five (5) school days prior to the scheduled hearing date. Due consideration will be given to minimizing interference with the regular duties of employees called to testify.
- d. Both the parent and the representatives of the Baltimore County Public Schools shall have the opportunity to present competent and relevant evidence, both in documentary form and through witnesses.
- e. Parties shall have the right to prohibit the introduction of any evidence at a hearing that has not been disclosed to that party at least five (5) calendar days before the hearing.
- f. Each side will be afforded the opportunity to confront and cross-examine witnesses called by the other and will be afforded a reasonable time to present its case.
- g. The hearing officer may request an independent educational assessment, which shall be at public expense.
- h. It shall be the initial responsibility of the party proposing any action to present evidence which supports its appropriateness. Evidence opposing the action shall then be presented. The responsibility for explaining the initial placement recommendation shall be upon the Baltimore County Public Schools. A placement shall be deemed appropriate if it provides special education and related services which: are provided at public expense, under public supervision and direction, and without charge; meet the standards of the Maryland State Board of Education; are provided in conformity with an individualized education program; meet the educational needs of the child; and cannot be provided in any

significantly less restrictive programs which would satisfy these needs equally well.

- i. The Baltimore County Public Schools shall arrange for a written or electronic verbatim record of the hearing unless all parties agree that this record need not be made. Such written or electronic verbatim record shall be made available upon request to the parent appealing the decision at no more than the actual cost of duplication.
- j. The decision of the hearing officer shall be based on the testimony and documented information on the record at the hearing before the hearing officer.
- k. After a hearing has been requested and held in the manner provided, the parent, or upon request, his/her counsel or representative of record shall be informed in writing of the final decision, including a statement of the findings and conclusions upon which it is based. The findings and conclusions in any placement decision shall (1) specify the nature and severity of any handicaps the child has, (2) any special educational needs the child has as a result of those handicaps, (3) any modification of the child's individualized educational program to meet those needs, and (4) shall identify a placement that will provide the child with the required appropriate program. The parent or the counsel or representative shall also be informed by the hearing officer of his/her right to appeal, and the procedure for taking that appeal to the next highest authority. The decision of the hearing officer is final unless a party to the hearing appeals the decision in the manner set forth.
- l. When a hearing is requested by a parent concerning a proposed placement action and the child is at the time enrolled in a free educational program, the Baltimore County Public Schools may not effect any change in the child's placement status without the consent of the parent, or pursuant to a decision of the hearing officer, whichever occurs first, except in emergency situations. The decision of the hearing officer shall be implemented as soon as possible but no sooner than fourteen (14) school days nor later than thirty (30) school days after the decision; provided, that during the pendency of an appeal, unless Baltimore County Public Schools and the parent otherwise agree, the child shall remain in the current placement.
- m. When a hearing is requested concerning a proposed placement action and the child is not currently receiving free educational services, the child shall be placed immediately if the parent consents and a special expedited hearing schedule shall apply. In these cases, the hearing shall be held within twenty (20) calendar days of request; a written decision shall be issued within fifteen (15) calendar days of

the hearing; and the decision shall be implemented within fifteen (15) school days of the decision unless specifically stayed pending appeal or otherwise by the hearing officer. During the pendency of an appeal, unless the Baltimore County Public Schools and the parent otherwise agree, the child shall remain in his or her then current educational placement; or, if the child is not yet receiving free educational services either because the parent did not consent to immediate placement or for any other reason, the child shall be placed in the local public school program until all such appeals have been concluded, if the parent consents.

7. Appeals

If either the representative of the Baltimore County Public Schools or the parent of the child feel aggrieved by the findings and decision of the hearing officer, they may request that the Maryland State Board of Education review the case as it relates to the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. Any such request for review shall be made in writing to the Maryland State Board of Education within thirty (30) calendar days of the final decision of the Baltimore County Public Schools.

Rule

Approved: 11/11/76

Revised: 10/12/78

Revised: 03/16/83]

Superintendent of Schools

INSTRUCTION: SPECIAL PROGRAMS

SPECIAL EDUCATION PROGRAM AND SERVICES

I. GUIDELINES

A. DEFINITIONS

1. THE TERM STUDENT WITH A DISABILITY REFERS TO A STUDENT WHO IS LOCATED, IDENTIFIED, AND EVALUATED IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AS HAVING A DEVELOPMENTAL DELAY, MENTAL RETARDATION, HEARING IMPAIRMENTS (INCLUDING DEAFNESS), SPEECH OR LANGUAGE IMPAIRMENTS, VISUAL IMPAIRMENTS (INCLUDING BLINDNESS), EMOTIONAL DISTURBANCE, ORTHOPEDIC IMPAIRMENTS, AUTISM, TRAUMATIC BRAIN INJURY, OTHER HEALTH IMPAIRMENTS, OR SPECIFIC LEARNING DISABILITIES; AND WHO, BECAUSE OF THE IMPAIRMENT, NEEDS SPECIAL EDUCATION AND RELATED SERVICES.
2. IN ACCORDANCE WITH STATE AND FEDERAL LAW, THE TERM FREE, APPROPRIATE PUBLIC EDUCATION (FAPE) MEANS SPECIAL EDUCATION AND RELATED SERVICES THAT ARE PROVIDED BY THE SCHOOL SYSTEM AT PUBLIC EXPENSE; MEET THE STANDARDS OF THE STATE EDUCATIONAL AGENCY; INCLUDE EDUCATION IN PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; AND ARE PROVIDED CONSISTENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP), WHICH WAS DEVELOPED PURSUANT TO STATE AND FEDERAL LAW AND REGULATION.
3. AN IEP IS THE WRITTEN DOCUMENT THAT OUTLINES THE GOALS AND OBJECTIVES TO BE ACHIEVED BY THE STUDENT, THE SPECIAL EDUCATION AND RELATED SERVICES TO BE PROVIDED TO THE STUDENT, THE INSTRUCTIONAL AND TESTING ACCOMMODATIONS DETERMINED APPROPRIATE, AND THE LEAST

RESTRICTIVE ENVIRONMENT IN WHICH TO PROVIDE THE SERVICES TO A STUDENT WITH A DISABILITY.

4. IN ACCORDANCE WITH FEDERAL AND STATE REGULATIONS, IN ORDER TO IMPLEMENT THE IEP IN THE LEAST RESTRICTIVE ENVIRONMENT, THE PUBLIC AGENCY MUST ENSURE THAT:
 - a. TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH DISABILITIES, INCLUDING CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO ARE NONDISABLED; AND
 - b. SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL OF CHILDREN WITH DISABILITIES FROM THE REGULAR EDUCATIONAL ENVIRONMENT OCCURS ONLY IF THE NATURE OR SEVERITY OF THE DISABILITY IS SUCH THAT EDUCATION IN REGULAR CLASSES WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE ACHIEVED SATISFACTORILY.

5. THE TERM RELATED SERVICES MEANS TRANSPORTATION, AND SUCH DEVELOPMENTAL, CORRECTIVE, AND OTHER SUPPORTIVE SERVICES THAT ARE REQUIRED TO ASSIST A STUDENT WITH A DISABILITY TO BENEFIT FROM SPECIAL EDUCATION, AND INCLUDES THE EARLY IDENTIFICATION AND ASSESSMENT OF DISABLING CONDITIONS IN CHILDREN. THESE SERVICES MAY INCLUDE SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES; INTERPRETING SERVICES; PSYCHOLOGICAL SERVICES; PHYSICAL AND OCCUPATIONAL THERAPY; RECREATION, INCLUDING THERAPEUTIC RECREATION; SOCIAL WORK SERVICES; SCHOOL NURSE SERVICES; COUNSELING SERVICES, INCLUDING REHABILITATION COUNSELING; ORIENTATION AND MOBILITY SERVICES; AND ASSISTIVE TECHNOLOGY SERVICES AND DEVICES. AN IEP TEAM DETERMINES WHICH RELATED SERVICES ARE

NECESSARY TO ENABLE A STUDENT WITH A DISABILITY TO RECEIVE FAPE.

6. SPECIAL EDUCATION MEANS “SPECIALLY DESIGNED INSTRUCTION,” WHICH IS PROVIDED AT NO COST TO PARENTS/GUARDIANS, AND IS DESIGNED TO MEET THE UNIQUE NEEDS OF A STUDENT WITH A DISABILITY. IN ACCORDANCE WITH STATE AND FEDERAL LAW, SPECIALLY DESIGNED INSTRUCTION MEANS ADAPTING, AS APPROPRIATE TO THE NEEDS OF AN ELIGIBLE CHILD, THE CONTENT, METHODOLOGY, OR DELIVERY OF INSTRUCTION TO ADDRESS THE STUDENT'S UNIQUE NEEDS RESULTING FROM THE DISABILITY AND ENSURING THE STUDENT’S ACCESS TO THE GENERAL CURRICULUM SO THAT HE OR SHE CAN MEET THE EDUCATIONAL STANDARDS THAT APPLY TO ALL CHILDREN WITHIN JURISDICTION OF THE PUBLIC AGENCY.

B. ELIGIBILITY AND IEP DEVELOPMENT

1. THE OFFICE OF SPECIAL EDUCATION WILL MAINTAIN A SYSTEM FOR IDENTIFYING CHILDREN FROM BIRTH THROUGH THE END OF THE SCHOOL YEAR IN WHICH THE STUDENT TURNS 21 WHO MAY BE DISABLED AND IN NEED OF SPECIAL EDUCATION AND RELATED SERVICES.
2. FOR CHILDREN NOT CURRENTLY ATTENDING A BALTIMORE COUNTY PUBLIC SCHOOL PROGRAM, REFERRALS ARE MADE THROUGH THE CHILD FIND PROCESS. REFERRALS MAY BE MADE DIRECTLY BY PARENTS/GUARDIANS BUT ARE ALSO MADE, WITH PARENTAL CONSENT, BY HEALTH CARE PROVIDERS, SOCIAL WORKERS, CHILD CARE PROVIDERS, AND OTHER INDIVIDUALS FAMILIAR AND CONCERNED ABOUT THE CHILD’S DEVELOPMENT.
3. FOR CURRENT STUDENTS, ANY STUDENT WHO DEMONSTRATES ACADEMIC AND SKILL DEFICITS OR INTERFERING BEHAVIORS THAT INDICATE A POSSIBLE PRESENCE OF A DISABLING CONDITION MAY BE

REFERRED TO THE IEP TEAM, IN WRITING, FOR IDENTIFICATION AND EVALUATION. THE STUDENT CAN BE REFERRED BY THE PARENTS, LEGAL GUARDIAN, OR PARENT SURROGATE; THE SCHOOL'S STUDENT SUPPORT TEAM; INDIVIDUAL SCHOOL PERSONNEL (TEACHERS, COUNSELOR, ADMINISTRATORS, ETC.); OR OTHER AGENCIES AND PROFESSIONALS.

4. FOLLOWING THE REFERRAL, THE IEP TEAM WILL CONVENE TO REVIEW EXISTING DATA AND DETERMINE WHETHER THE STUDENT IS SUSPECTED OF HAVING A DISABILITY THAT QUALIFIES THE STUDENT FOR SERVICES UNDER IDEA. IF THE STUDENT IS NOT SUSPECTED OF HAVING A DISABILITY, THE PARENT/GUARDIAN SHALL RECEIVE WRITTEN NOTICE OF THE DECISION NOT TO ASSESS AND EVALUATE THE STUDENT AS WELL AS NOTICE OF THE PROCEDURAL RIGHTS TO APPEAL.
5. IF THE STUDENT IS SUSPECTED OF HAVING A DISABILITY UNDER IDEA, THE IEP TEAM SHALL CONDUCT ASSESSMENTS AND AN EVALUATION OF THE STUDENT. FOR AN IEP TEAM TO DETERMINE A STUDENT ELIGIBLE FOR SPECIAL EDUCATION SERVICES, THE IEP TEAM MUST VERIFY THAT: 1) THE STUDENT HAS A CURRENT IMPAIRMENT UNDER THE STATE AND FEDERAL REGULATIONS, 2) DUE TO THE IMPAIRMENT, THERE IS AN ADVERSE EDUCATIONAL IMPACT, AND 3) THE STUDENT REQUIRES SPECIAL EDUCATION AND RELATED SERVICES TO ADDRESS HIS OR HER NEEDS.
6. TO DETERMINE ELIGIBILITY UNDER IDEA, THE IEP TEAM MUST CONSIDER DATA FROM A VARIETY OF SOURCES INCLUDING, BUT NOT LIMITED TO, FORMAL AND/OR INFORMAL ASSESSMENTS RELATED TO THE STUDENT'S SUSPECTED AREA OF DISABILITY. THE DATA MAY INCLUDE REPORTS OF INDIVIDUALLY ADMINISTERED ACHIEVEMENT TESTS, APTITUDE TESTS, TEACHER REPORTS, PARENT/GUARDIAN INFORMATION, ACADEMIC HISTORY, GRADES, CLASSROOM OBSERVATIONS, AND/OR OTHER EXTENUATING CIRCUMSTANCES THAT MAY

HAVE AN IMPACT ON THE STUDENT'S BEHAVIOR AND ACADEMIC PERFORMANCE.

7. UPON DETERMINATION OF ELIGIBILITY AFTER CONDUCTING THE EVALUATION, THE IEP TEAM SHALL DEVELOP AN INDIVIDUALIZED EDUCATION PROGRAM FOR THE STUDENT AS SOON AS POSSIBLE FOLLOWING THE ELIGIBILITY DETERMINATION, BUT NO LATER THAN 30 DAYS. THE IEP TEAM SHALL IDENTIFY THE STUDENT'S STRENGTHS, NEEDS, AND DETERMINE BEHAVIORAL OR OTHER SUPPORTS NECESSARY TO PROVIDE SPECIAL EDUCATION SERVICES. THE IEP IS THE WRITTEN DOCUMENT THAT OUTLINES THE GOALS, OBJECTIVES, SUPPORTS, ACCOMMODATIONS, SERVICES, AND ENVIRONMENT NECESSARY TO ENSURE THAT THE STUDENT IS ABLE TO RECEIVE EDUCATIONAL BENEFIT.
8. PARENT/GUARDIAN CONSENT MUST BE RECEIVED IN ORDER FOR THE STUDENT TO RECEIVE SPECIAL EDUCATION SERVICES UNDER THE INITIAL IEP. AFTER THE INITIAL IEP, PARENT/GUARDIAN CONSENT IS NOT REQUIRED TO CONTINUE SERVICES WHEN CHANGES ARE MADE TO THE SPECIAL EDUCATION SERVICES. PARENTS/GUARDIANS HAVE THE UNILATERAL RIGHT TO WITHDRAW CONSENT FOR SERVICES AND HAVE THE STUDENT RETURNED TO THE GENERAL EDUCATION ENVIRONMENT WITHOUT SPECIAL EDUCATION SUPPORTS.

C. PLACEMENT

1. THE IEP TEAM WILL ENSURE THAT, TO THE MAXIMUM EXTENT APPROPRIATE, THE STUDENT WITH A DISABILITY IS EDUCATED WITH STUDENTS WHO ARE NON-DISABLED AND IN THE LEAST RESTRICTIVE ENVIRONMENT. THE IEP TEAM WILL CONSIDER PLACEMENT IN THE GENERAL EDUCATION CLASSROOM WITH APPROPRIATE SUPPLEMENTARY AIDS, SERVICES, AND SUPPORTS. IF EDUCATIONAL BENEFIT CANNOT BE RECEIVED IN THAT ENVIRONMENT, THEN THE TEAM

WILL CONTINUE OTHER OPTIONS ON THE CONTINUUM OF SERVICES AND PLACEMENT.

2. A STUDENT'S PLACEMENT WILL BE BASED ON THE NEEDS, SERVICES, AND GOALS AND OBJECTIVES REFLECTED IN THE STUDENT'S IEP. THE STUDENT IS TO BE EDUCATED IN THE SCHOOL THAT HE OR SHE WOULD ATTEND IF NON-DISABLED, UNLESS THE GOALS AND OBJECTIVES AND SERVICES CANNOT BE IMPLEMENTED IN THAT SCHOOL.
3. THE IEP APPROVED BY THE IEP TEAM SHALL BE IMPLEMENTED AS SOON AS POSSIBLE FOLLOWING THE TEAM DECISION AND THE PARENT/GUARDIAN RECEIVING WRITTEN NOTICE OF THE DECISION.
4. A CONTINUUM OF ALTERNATIVE PLACEMENTS WILL BE AVAILABLE TO THE STUDENT INCLUDING SPECIAL EDUCATION AND RELATED SERVICES RANGING FROM CONSULTATIVE SERVICES TO SELF-CONTAINED CLASSES IN SEPARATE SCHOOLS.

D. APPEAL PROCESS

1. REASONABLE EFFORTS WILL BE MADE AT THE SCHOOL LEVEL THROUGH THE IEP TEAM PROCESS TO RESOLVE DISAGREEMENT(S) BETWEEN PARENTS/GUARDIANS AND OTHER IEP TEAM MEMBERS CONCERNING THE STUDENT'S PROGRAM, SERVICES, AND RECOMMENDATIONS.
2. IF THE DISAGREEMENT(S) CANNOT BE RESOLVED AT THE SCHOOL LEVEL, A REQUEST FOR ASSISTANCE OR REVIEW MAY BE MADE TO THE AREA SPECIALIST FOR SPECIAL EDUCATION TO INITIATE FURTHER ATTEMPTS TOWARD INFORMAL RESOLUTION.
3. IF INFORMAL RESOLUTION IS INEFFECTIVE OR PARENT OPTS NOT TO PURSUE INFORMAL MEANS, FORMAL MEDIATION AND/OR A DUE PROCESS HEARING MAY BE REQUESTED THROUGH THE LAW OFFICE FOR BALTIMORE

COUNTY PUBLIC SCHOOLS. THE FORMAL MEDIATION AND/OR DUE PROCESS WILL BE INITIATED UPON RECEIPT OF THE WRITTEN REQUEST.

4. IF PARENTS/GUARDIANS REQUEST A DUE PROCESS HEARING, THE STUDENT MUST REMAIN IN HIS CURRENT EDUCATIONAL PLACEMENT PENDING RESOLUTION OF THE DISPUTE UNLESS THE PARENTS/GUARDIANS AND THE SCHOOL HAVE AGREED TO AN ALTERNATIVE OR INTERIM EDUCATIONAL PLACEMENT. IN MATTERS RELATING TO DISCIPLINARY REMOVAL, THE CURRENT EDUCATIONAL PLACEMENT IS CONSIDERED THE ASSIGNED INTERIM PLACEMENT AND THE STUDENT DOES NOT RETURN TO THE HOME SCHOOL PENDING THE OUTCOME OF THE HEARING.

LEGAL REFERENCES: 20 U.S.C. §1401 (*INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004*)
34 CFR §300.1 ET. SEQ.
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §§8-301 – 8-307 AND §8-401 – 8-416
COMAR 13A.05.01.01 ET. SEQ.

RULE
ADOPTED: _____

SUPERINTENDENT OF SCHOOLS