

Parental Rights & Special Education Process

F

MEETING THE SPECIAL NEEDS OF STUDENTS

The Talbot County Public School (TCPS) system is committed to providing a Free Appropriate Public Education (FAPE) to all students, ages 3 through 21, who have been identified as having special educational needs. This guide has been developed to help parents understand their rights and responsibilities and the special education process.

PARENT RIGHTS AT A GLANCE

This document serves to summarize parental procedural safeguards and is not intended to replace the Parental Rights Maryland Procedural Safeguards Notice. Please refer to this document for complete and detailed information. As the parent of a child involved in the Special Education process, you have certain rights, including the following:

Parental Notice

- You are to be provided a copy of the Parental Rights MD Procedural Safeguards Notice at least annually and receive a copy of all documents discussed at an Individualized Education Program (IEP) team meeting at least 5 business days before the meeting.
- You are also to be provided written information to contact TCPS Early Intervention & Special Education Family Support Services staff and a brief description of offered services in your native language.
- You must also receive written or electronic notification about actions concerning your child each time the public school proposes or refuses to initiate or change any of the following for your child: identification, evaluation, educational program, placement, provision of a Free Appropriate Public Education (FAPE), and provision of special education and related services.

IEP Team Meetings

- You are a member of the IEP team and should be invited to each IEP meeting about your child and participate as an equal partner. You may request an IEP team meeting at any time.
- In addition to you, other IEP team members must include one of your child's general education teachers, a special education teacher, a school administrator or IEP Chairperson, other individuals you or the school system want to attend because they know your child and have special expertise, and your child when

appropriate or beginning at age 14 to consider transition and postsecondary goals.

- You have the right to excuse or not excuse another member of your child's IEP team from attending an IEP meeting under certain circumstances. The public school cannot excuse a required team member without your permission.
- All IEP meetings must be held at a mutually agreed upon date and place with you being notified of the meeting in writing or electronically at least 10 days in advanced.
- If you are unable to attend, you may request another date and time or participate by phone. You may also ask others to attend an IEP meeting with you.
- If your native language is not English, TCPS is required to provide an interpreter for you so you can participate in IEP meetings.
- Meetings are held to review referral concerns, determine the need for assessments, determine eligibility, and once eligible to develop an IEP for your child which describes the services and supports to be provided and review your child's progress.

Individualized Education Program (IEP)

- You have the right to consent to initial assessment procedures for your child, your child's initial Individual Education Program (IEP) and placement, the inclusion of restraint or seclusion in your child's IEP, enrollment of your child in an alternative education program that does not provide credits towards a Maryland High School Diploma, and the identification of your child for an alternative assessment aligned with Maryland's alternative curriculum. You may withdraw your consent at any time.
- You have the right to receive a written copy of your child's proposed or completed IEP within 5 business days following an IEP meeting. If your native language is Spanish, you may request a translated copy of the finalized IEP, which will be provided to you within 30 days of your request.
- You have the right to confidentiality of your child's records as required by State and Federal Law. You may examine all school records concerning your child, request an amendment to your child's school records if you think they are incorrect, give consent to release information about your child, be provided notice

regarding the transfer of parental rights at the age of majority, and be informed before your child's records are destroyed when they are no longer needed.

- You have the right to be provided information about where an Independent Educational Evaluation (IEE) may be obtained which may be gotten at your own expense or at public expense if you disagree with an evaluation completed by TCPS. TCPS must review, consider, and discuss any Independent Educational Evaluations provided to the school regarding your child.
- You have the right to specific procedures and protections if TCPS takes certain disciplinary actions towards your child including the right to a manifestation determination and for your child to receive educational services after a school removal for more than 10 days in a school year for a violation(s) of a student code of conduct.
- If the public school made a Free Appropriate Public Education (FAPE) available and the parent chooses to place their child in a private school, IDEA does not require a public school to pay for the cost of education to include special education and related services of a child with a disability at the private school

Resolving Disagreements

- You have the right to request mediation at any time to resolve a disagreement provided you and the school system both agree to the mediation process. Once requested you will receive an oral & written explanation regarding mediation along with contact information to receive more information about the process along with contact information for free & low cost legal and related services. If your native language is Spanish, you may request the mediation information be translated into your native language which will be provided to you within 30 days of your request.
- You may also file a State complaint or request a due process hearing if you believe your child's rights have been violated under the IDEA.

HOW MANY CHILDREN QUALIFY FOR SPECIAL EDUCATION SERVICES?

Each school has an Individual Education Program (IEP) team composed of an IEP chairperson, a qualified examiner in the field of the student's disabling condition, special and general educators, parents, and other professionals who know the student. Once a referral to an IEP team is made, the team has 30 days to hold a need for assessment meeting. At this meeting, the IEP team reviews all information and determines if there is a need for further assessments. If assessments are requested, the school has 60 calendar days from the date the parent gives consent to complete them. Another IEP team meeting is then held to review the completed assessments. At this time, the IEP Team determines if the student meets criteria for one of the 13 disabilities as outlined by IDEA and needs special education in the form of specialized instruction. The 13 disabling conditions outlined by IDEA include autism, deaf-blindness, deafness, emotional disability, hearing

impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness.

WHAT SPECIAL EDUCATION SERVICES ARE AVAILABLE?

Special education services are specialized instruction designed to meet the needs of students with disabilities and may include classroom instruction, physical education, language and speech therapy, travel training, and career and technology education services. Related services are services required to assist a student with disabilities to benefit from their special education services and may include speech pathology, physical and occupational therapy, audiology, school health services, psychological and social work services, counseling, parent counseling and training, orientation and mobility training services, assistive technology services, medical services, interpreting services, nursing services, and transportation. Special education and related services are determined by the IEP team and are provided to students with disabilities based on their educational needs within the least restrictive environment.

HOW ARE STUDENTS PLACED IN SPECIAL EDUCATION PROGRAMS?

Once an IEP Team determines a student is eligible for special education services, an IEP is developed by the team. The IEP contains short-term instructional objectives and annual goals based on the student's needs. Once the IEP team agrees upon goals, the team determines services and amount of hours needed to implement the IEP goals. Based on the goals, services, and hours, the IEP team then determines the setting or where the IEP can be best implemented. Consideration is given to access to the general education curriculum, the least restrictive environment in which the student can satisfactorily meet their IEP goals, needed modifications, participation in non-academic and extra-curricular areas, and transportation needs. A continuum of placements is available for consideration which include: the general education classroom with consultative services, the general education classroom with special education services, a special education classroom, or a combination of these school based services. Also for consideration are placements in special education schools, residential settings, alternative education settings, and services provided to students placed in correctional facilities. Home and hospital instruction may also be provided to students who are unable to attend school due to a physical disability, long-term illness, or an emotional condition, if a doctor's order is provided. Every effort is made by the IEP team, with parental input, to provide students as much contact as possible with peers of the same age and maintain them in or near their home school. Once the IEP team agrees to the student's placement, the initial IEP must be approved and signed by the parent before it can be implemented.

FAMILY SUPPORT & RESOURCE CENTER

TCPS has a center which provides information, resources, and training to parents of students with disabilities. For information call, 410-822-0330 ext. 179.

THE SPECIAL EDUCATION PROCESS AT A GLANCE

Child Study Meeting- School based meeting held within 30 days of referral to the Child Study Team to review the Child Study referral and collected screening information to determine if there is a need for further review by an IEP team. If further review is warranted, a written referral to the IEP team is made.

The collection of Child Study screening data is still required for all other written referrals made to the IEP team such as those made by a parent or other public agency. The collection of this data shall occur prior to the need for assessment meeting described below.

IEP team Meeting #1 – Need for Assessment Meeting

Held within 30 days of written referral to IEP team. IEP Team reviews screening data and if needed, recommends assessments to determine special education eligibility with parental authorization. 60-day timeline to complete assessment begins with signed parent consent.

IEP team Meeting #2 – Evaluation or Report of Assessment and Eligibility Meeting.

If assessments were requested, meeting to review them and all other data and determine special education eligibility.

If assessments are not indicated, the student is referred back to general education, interventions, or alternative programs.

IEP team Meeting #3 – IEP Development Meeting

If eligible, the IEP team needs to meet within 30 days of the evaluation meeting (report of assessment) to develop an IEP.

Once developed, parent approval and written consent is required to implement an initial IEP. Once approval is granted, the IEP should be implemented as soon as possible.

If determined not eligible, refer back to general education, interventions, or alternative programs.

Quarterly Progress Reports sent home.

Annual IEP Review Meeting - IEP meeting held once a year following development of an initial IEP.

Re-evaluation Meeting – IEP meeting to discuss re-evaluation at least once every 3 years or more often if needed once a child is determined eligible for special education. The meeting is held to review all current information and determine if additional assessments are needed.

Note: A parent may request an IEP meeting at any time during the IEP process.

Notice of Non-Discrimination

The Talbot County Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, age, or religion in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title IX/504 Coordinator
12 Magnolia Street
Easton, MD 21601
410-822-0330