

APPROVED  
18-1993

Rockville, Maryland  
March 18, 1993

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Thursday, March 18, 1993, at 9 p.m.

ROLL CALL            Present:    Dr. Alan Cheung, President  
   in the Chair  
   Mrs. Frances Brenneman  
   Mr. Blair G. Ewing  
   Mrs. Carol Fanconi  
   Mrs. Beatrice Gordon  
   Ms. Ana Sol Gutierrez  
   Mr. Jonathan Sims

Absent:    Mr. Stephen Abrams

Others Present:    Dr. Paul L. Vance, Superintendent  
   Mrs. Kathryn W. Gemberling, Deputy  
   Dr. H. Philip Rohr, Deputy  
   Mr. Thomas S. Fess, Parliamentarian

#indicates student vote does not count. Four votes are needed for adoption.

RESOLUTION NO. 240-93      Re:    BOARD AGENDA - MARCH 18, 1993

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted with Mrs. Brenneman, Dr. Cheung, Mr. Ewing, Mrs. Fanconi, and Mrs. Gordon voting in the affirmative; Ms. Gutierrez and Mr. Sims being temporarily absent:

Resolved, That the Board of Education approve its agenda for March 18, 1993.

Re:    ANNOUNCEMENT

Dr. Cheung announced that Mr. Abrams was not feeling well and would not be attending the meeting.

Re:    POLICY ON STUDENTS WITH  
          DISABILITIES

Mrs. Fanconi moved and Ms. Gutierrez seconded the following:

WHEREAS, On August 4, 1992, the Board of Education adopted a resolution requesting that the superintendent develop a proposal for Board policy concerning inclusion; and

WHEREAS, On October 26, 1992, the Board of Education adopted a resolution asking the superintendent to give a presentation on the laws for students with disabilities and how MCPS meets the

requirements of the law and provide a recommendation on how a policy might be used in addition to the law; and

WHEREAS, On January 25, 1993, the Board of Education discussed a policy analysis on Educational Services to Students with Disabilities; and

WHEREAS, On January 25, 1993, the Board of Education discussed a portion of the draft revision of Policy IOB, Education of Students with Disabilities; now therefore be it

Resolved, That the Board of Education take tentative action on the proposed draft policy on the Education of Students with Disabilities; and be it further

Resolved, That the following tentatively adopted draft policy be sent out for public comment and be discussed at a public hearing on April 22, 1993:

#### EDUCATION OF STUDENTS WITH DISABILITIES

##### A. PURPOSE

1. To commit Montgomery County Public Schools (MCPS) to providing an educational program that prepares students with disabilities for self-sufficient and productive lives as full participating members of our society to the maximum extent possible
2. To commit MCPS to the task for creating a climate of acceptance and respect for individuals with disabilities among staff and students
3. To affirm the Board of Education's strong commitment to the genuine participation of students with disabilities with peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities
4. To affirm the expectation that both general and special education personnel are accountable for the education of students with disabilities
5. To establish guidelines for working toward these objectives, and for all necessary activities to comply with federal and state mandates

##### B. ISSUE

In accordance with changes to federal laws and state regulations regarding the education of individuals with disabilities, MCPS policy should ensure that services for these individuals focus on:

The individual rather than the disability

Collaboration among general and special educators, families, state and local agencies, and the community

The development of educational programs and transition services/supports that prepare individuals with disabilities for success in post-secondary education, post-school employment, and community participation

#### C. POSITION

1. The Board acknowledges that the development of effective programs for all students depends not only upon adequate budgetary provisions, but also upon the energy, concern, and leadership demonstrated at all levels.
2. The Board of Education is committed to the education of all students, including those with disabilities, and will make free and appropriate educational programs and related services available to children with disabilities from birth through age 20. These programs and services will be of the same quality as those available to all other students in MCPS.
3. Programs and services for students with disabilities will be provided in compliance with all applicable federal and state laws and regulations with regard, but not limited to: notification, consent, the educational assessment process, independent educational evaluation, appointment of a parent surrogate, confidentiality of educational records, extended school year services, least restrictive environment, due process procedures, staffing ratios, timelines, the admission, review, and dismissal (ARD) process, development and implementation of the individualized educational program (IEP), services for private/parochial students with disabilities, and transition planning.
4. The Board recognized the importance and value of family involvement, including participation in individual program planning and the educational decision-making process, for the education of all students, including those with disabilities.
5. All MCPS educational programs and services, including those for students with disabilities, will focus on the quality of instruction and the establishment of clearly defined outcomes of schooling including post-secondary education, post-school employment, and community

participation.

6. The Board recognizes that the education of students with disabilities is a complex task that necessitates cooperation among general and special educators, state and local public agencies and private services providers to provide a full continuum and range of services to meet student needs.
7. The Board recognizes that attitudinal and physical barriers must be overcome to ensure the genuine participation of individuals with disabilities in all aspects of MCPS, as well as their acceptance as equal participants in educational, work, and community settings.

D. DESIRED OUTCOME(S)

1. An education that prepares students with disabilities for an effective transition to further education, work, and/or community participation, to the maximum extent possible
2. An opportunity for students with disabilities to develop community ties by attending the schools they would attend if not disabled, or the closest school that can meet the goals and objectives of the IEP appropriately
3. The acceptance of individuals with disabilities as genuine participants in educational, work, and community settings
4. Partnerships that support collaborative relationships among families, schools, communities, and the business sector to provide appropriate educational services and support for individuals with disabilities
5. Collaboration among general and special educators to develop a better understanding of students' educational needs that can be addressed through accommodations and the development of compensatory skills in the general education program
6. The genuine participation of students with disabilities with their peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities

## V. IMPLEMENTATION STRATEGIES

1. There will be an ongoing and systematic effort to identify all students with disabilities who may be in need of special education services.
2. Parents or guardians of students with disabilities will be encouraged to participate in all aspects of the educational decision-making process.
3. Each school will have an Admission, Review, and Dismissal (ARD) team, chaired by an administrator or designee whose responsibility will be to make decisions related to evaluation, eligibility, and review for special education and related services.
4. Appropriate educational and other assessments will be used to determine whether a student is in need of special education services and to develop an individualized education program for each student with a disability.
5. A written Individualized Education Program (IEP) encompassing strengths, needs, goals, objectives, program assignment, related services, percent of time in general education, a transition plan for students 16 years or older (14 years or older, as necessary), and timeliness for reviewing progress will be developed for each student with a disability.
6. A continuum of alternative placements that includes instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions will be available in order to meet the needs of students with disabilities.
7. Students with disabilities will be educated in the least restrictive environment (LRE) that is appropriate, i.e., whenever possible, in general education settings with their nondisabled peers.
8. Schools are expected to make reasonable accommodations to the specific needs of the student with disabilities to promote success in the least restrictive environment (LRE), whether full-time, part-time, or occasional.
9. Instruction of students with disabilities will be provided through coordinated academic, functional, vocational, and community-based curricula and will follow the MCPS Program of Studies, adapted to

accommodate student learning styles, where necessary.

10. Curricula and special education instructional materials that reflect appropriate learning outcomes for all students, including those with disabilities will be developed and maintained.
11. Staff development will be provided as appropriate to all MCPS personnel and will include:
  - a) In-service training programs for general educators, administrators, and support personnel to acquire a basic understanding of disabilities and their effect on students and their families. Emphasis will be placed on exemplary instructional practices for working effectively with the student and adapting instruction to promote success in all settings.
  - b) Training in technological innovations resulting in new educational strategies and materials will be provided for general and special education personnel, as appropriate.
12. Programs will be developed to increase the understanding of individuals with disabilities among the student body of MCPS and to provide mutually beneficial interactions between students with and without disabilities. Planning will be done cooperatively with MCPS, community agencies, parents, and students.

#### VI. REVIEW AND REPORTING

1. The superintendent will report specific progress on the implementation and monitoring of this policy to the Board of Education at least annually, or more frequently, as directed by the Board of Education. These reports will include views of parent/community representatives.
2. The Office of Special and Alternative Education will collaborate with the Department of Educational Accountability for internal and external data collection/analysis and evaluation activities and will report findings to the superintendent and the Board of Education.
3. The comprehensive plan for services and programs for students with disabilities will be updated annually, revised as needed, and reported to the Board of Education and the Maryland State Department of



providing an educational program that prepares students with disabilities for self-sufficient and productive lives as full participating members of our society to the maximum extent possible

3. To commit MCPS to the task for creating a climate of acceptance and respect for individuals with disabilities among staff and students
4. To affirm the Board of Education's strong commitment to the genuine participation of students with disabilities with peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities
5. To affirm the expectation that both general and special education personnel are accountable for the education of students with disabilities
6. To establish guidelines for working toward these objectives, and for all necessary activities to comply with federal and state mandates

B. ISSUE

In accordance with changes to federal laws and state regulations regarding the education of individuals with disabilities, MCPS policy should ensure that services for these individuals focus on:

Consideration of the individual as a student with unique needs and capabilities, as reflected in the substitution of the phrase "student with disabilities" for "handicapped student."

Collaboration among general and special educators, families, state and local agencies, and the community

The development of educational programs and transition services/supports that prepare individuals with disabilities for success in post-secondary education, post-school employment, and community participation

C. POSITION

1. The Board acknowledges that the development of effective programs for all students depends not only upon adequate budgetary provisions, but also upon the energy, concern, and leadership demonstrated at all levels.



2. The Board of Education is committed to the education of all students, including those with disabilities, and will make free and appropriate educational programs and related services available to students with disabilities from birth through age 20. These programs and services will be of the same quality as those available to all other students in MCPS.
3. Programs and services for students with disabilities will be of the same quality as those available to all other students in MCPS.
4. Programs and services for students with disabilities will be provided in compliance with all applicable federal and state laws and regulations with regard, but not limited to: notification, consent, the educational assessment process, independent educational evaluation, appointment of a parent surrogate, confidentiality of educational records, extended school year services, least restrictive environment, due process procedures, staffing ratios, timelines, the admission, review, and dismissal (ARD) process, related services, development and implementation of the individualized educational program (IEP), services for private/parochial students with disabilities, and transition planning.
5. The Board affirms that the education of students with disabilities is a shared responsibility of special and general education, and that each school shall be accountable for the education of all students, including students with disabilities.
6. When a student is placed in a non-MCPS setting, in accordance with Maryland State Department of Education requirements, MCPS personnel will monitor the services delivered to the student to assure that participating schools meet MCPS standards and provide appropriate educational services to the student.
7. The Board recognizes the importance and value of family involvement, including participation in individual program planning and the educational decision-making process, for the education of all students, including those with disabilities.
8. All MCPS educational programs and services, including those for students with disabilities, will focus on the establishment of clearly defined outcomes of schooling including preparation for post-secondary education, post-school employment, and community participation.
9. The Board recognizes that the education of students

with disabilities is a complex task that necessitates cooperation among general and special educators, state and local public agencies and private services providers to provide a full continuum and range of services to meet student needs.

10. The Board recognizes that efforts must be made to overcome attitudinal and physical barriers in order to ensure equal opportunity for genuine participation of individuals with disabilities in all aspects of MCPS, as well as their acceptance as respected participants in educational, work, and community settings.

D. DESIRED OUTCOME(S)

1. An education that prepares students with disabilities for independent living, an effective transition to further education, work, and/or community participation, to the maximum extent possible
2. An opportunity for students with disabilities to develop community ties by attending the schools they would attend if not disabled.
3. The acceptance of individuals with disabilities as genuine participants in educational, work, and community settings
4. Partnerships that support collaborative relationships among families, schools, communities, and the business sector to provide appropriate educational services and support for individuals with disabilities
5. Collaboration among general and special educators to develop a better understanding of students' educational needs and how they can be addressed through accommodations, curricular modifications, and alternative educational strategies in the general education program
6. The genuine participation of students with disabilities with their peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities

V. IMPLEMENTATION STRATEGIES

1. There will be an ongoing and systematic effort to identify all students with disabilities who may be in need of special education services.
2. Measures will be taken to encourage and facilitate the

active and informed participation of parents or guardians of students with disabilities in all aspects of the educational decision-making process.

3. Each school will have an Admission, Review, and Dismissal (ARD) team, chaired by an administrator or designee whose responsibility will be to make decisions related to evaluation, eligibility, and review for special education and related services.
4. Appropriate educational assessments and other pertinent information will be used to determine whether a student is in need of special education services and to develop an individualized education program for each student with a disability.
5. A written Individualized Education Program (IEP) encompassing strengths, needs, goals, objectives, program assignment, related services, percent of time in general education, accommodations and supports necessary for participation in general education, a transition plan for students 16 years or older (14 years or older, as necessary), and timeliness for reviewing progress will be developed for each student with a disability.
6. A continuum of alternative placements that includes instruction in general education classes, with supplementary aids and services as needed, special classes, special schools, home instruction, and instruction in hospitals and institutions will be available in order to meet the needs of students with disabilities.
7. All placement decisions will be based upon the student's individual needs and will be made in accordance with state and federal requirements.
8. School staff will provide supplementary aids and services and reasonable accommodations to meet the individual needs of students with disabilities as specified in the student's IEP.
9. Instruction of students with disabilities will be provided through coordinated academic, functional, vocational, and community-based curricula and will follow the MCPS Program of Studies, adapted to accommodate student learning styles, where necessary.
10. Curricula and special education instructional materials that reflect appropriate learning outcomes for all students, including those with disabilities will be

developed and maintained.

11. Staff development will be provided as appropriate to all MCPS personnel and will include:
  - a) In-service training for special education staff in working effectively with students with disabilities in various settings and in collaboration with general education staff.
  - b) In-service training programs for general educators, administrators, and support personnel to acquire a basic understanding of disabilities and their effect on children and their families. Emphasis will be placed on exemplary instructional practices for working effectively with the child and adapting instruction to promote success in all settings.
  - c) Training in technological innovations resulting in new educational strategies and materials will be provided for general and special education personnel, as appropriate.
12. Programs will be developed to increase the understanding of individuals with disabilities among the student body of MCPS and to provide mutually beneficial interactions between students with and without disabilities. Planning will be done cooperatively with MCPS, community agencies, parents, and students.

## VI. REVIEW AND REPORTING

1. The superintendent will report specific progress on the implementation and monitoring of this policy to the Board of Education at least annually, or more frequently, as directed by the Board of Education. These reports will include views of parent/community representatives.
2. The Office of Special and Alternative Education will collaborate with the Department of Educational Accountability for internal and external data collection/analysis and evaluation activities and will report findings to the superintendent and the Board of Education.
3. The comprehensive plan for services and programs for students with disabilities will be updated annually, with opportunity for public comment, revised as needed, and reported to the Board of Education and the Maryland

State Department of Education. Budget implications will be reported to the Board of Education, as appropriate.

4. All regulations developed in support of this policy will be sent to the Board as information items.
5. This policy will be reviewed every three years in accordance with the Board of Education's policy review process.

RESOLUTION NO. 243-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mr. Sims, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended in C. Position 4 to substitute "including" for with regard" and adding "requirements governing" after "but not limited to" to read as follows:

4. Programs and services for students with disabilities will be provided in compliance with all applicable federal and state laws and regulations including, but not limited to, requirements governing...

RESOLUTION NO. 244-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Gordon, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended to add the following after C. Position 4.:

Parents or guardians will be informed of procedures for obtaining informed parental consent before evaluation and placement of students and for parent or guardian participation in the IEP review process.

Parents or guardians have the right to inspect, review, copy, and challenge any educational records relating to their children and to be advised of the types and locations of such records. Staff will be prepared to help parents or guardians understand the records. If needed, staff will receive additional training to be prepared to respond to parents for such help.

Student/staff ratios will be commensurate with the needs of the different levels of service provided. The Board of Education supports staffing ratios that are

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appropriate to the individualized needs of children, to the extent feasible, even if they are smaller than maximum staffing ratios permitted by the MSDE.

RESOLUTION NO. 245-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Brenneman, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended to add "but not limited to" after "outcomes of schooling including" in C. 8. to read as follows:

8. All MCPS educational programs and services, including those for students with disabilities will focus on the establishment of clearly defined outcomes of schooling including, but not limited to, preparation for post-secondary education, post-school employment, and community participation.

Re:    A MOTION BY MRS. FANCONI TO AMEND  
THE PROPOSED POLICY ON STUDENTS  
WITH DISABILITIES (FAILED)

A motion by Mrs. Fanconi to amend the proposed policy on students with disabilities in C. 9. to substitute "make available a continuum with a range of services to meet student needs" for "to provide a full continuum and range of services to meet student needs" failed for lack of a second.

RESOLUTION NO. 246-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Dr. Cheung, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended in C.9 to substitute "a full continuum of services and a needed range of services" for "a full continuum and range of services."

Re:    A MOTION BY MR. EWING TO AMEND THE  
PROPOSED POLICY ON STUDENTS WITH  
DISABILITIES

Mr. Ewing moved and Ms. Gutierrez seconded the a motion to restore the following paragraph to C. 10 as follows:

Students with disabilities will have an opportunity to participate in appropriate extracurricular activities that are generally available to all MCPS students in

the community. Together with other community agencies, MCPS will continue to develop specialized extracurricular activities when regularly provided extracurricular programs do not meet existing needs.

Re: A SUBSTITUTE MOTION BY MS. GUTIERREZ TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

A substitute motion by Ms. Gutierrez to amend the proposed policy on students with disabilities by moving the sentence "Together with other community agencies, MCPS will continue to develop specialized extracurricular activities when regularly provided extracurricular programs do not meet existing needs" to D. 9 failed with Mrs. Brenneman, Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Mrs. Gordon, Ms. Gutierrez, and Mr. Sims voting in the negative.

Re: A MOTION BY MR. EWING TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

The following motion by Mr. Ewing failed of adoption with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Mrs. Gordon, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman abstaining:

Resolved, That the following paragraph be restored to C. 10:

Students with disabilities will have an opportunity to participate in appropriate extracurricular activities that are generally available to all MCPS students in the community. Together with other community agencies, MCPS will continue to develop specialized extracurricular activities when regularly provided extracurricular programs do not meet existing needs.

Re: A MOTION BY MRS. FANCONI TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

A motion by Mrs. Fanconi to add "Implementation of the IEP with supplementary aids and services to provide opportunities for students" to D. 2. failed for lack of a second.

RESOLUTION NO. 247-93 Re: AN AMENDMENT TO THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Fanconi, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended in D. 1 to add "encourages students with disabilities

to develop their full potential and that" after "an education that" to read:

1. An education that encourages students with disabilities to develop their full potential, that prepares students with disabilities for independent living, and an effective transition to further education, work, and/or community participation, to the maximum extent possible

RESOLUTION NO. 248-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mrs. Fanconi seconded by Mr. Ewing, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended to add "government agencies" after "communities" in D. 4 to read:

4. Partnerships that support collaborative relationships among families, schools, communities, government agencies, and the business sector to provide appropriate educational services and support for individuals with disabilities

RESOLUTION NO. 249-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Brenneman, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended to substitute "general educators, special educators, and parents" for "general and special educators" in D.5 to read:

5. Collaboration among general educators, special educators, and parents to develop a better understanding of students' educational needs and how they may be addressed through accommodations, curricular modifications, and alternative educational strategies in the general education program

RESOLUTION NO. 250-93      Re:    AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Gordon, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Mrs. Gordon, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman abstaining:

Resolved, That the proposed policy on students with disabilities be amended to add "as appropriate to the needs of each student"



to D.6 to read:

6. The genuine participation of students with disabilities with their peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities, as appropriate to the needs of each student

Re: A MOTION BY MR. EWING TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

A motion by Mr. Ewing to restore "They will be invited to ARD meetings scheduled, whenever possible to permit parents to participate. Funds will be made available to provide for such meetings outside of regular work hours including the summer" to V. 2 failed for lack of a second.

Re: A MOTION BY MRS. FANCONI TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

A motion by Mrs. Fanconi to amend the proposed policy on students with disabilities by restoring "ARD teams will include specialists appropriate for the child's handicapping condition. They will review assessment information, determine whether a handicapping condition exists, and make placement recommendations" to V. 3 failed with Mr. Ewing and Mrs. Fanconi voting in the affirmative; Mrs. Brenneman, Mrs. Gordon, Ms. Gutierrez, and Mr. Sims voting in the negative; Dr. Cheung abstaining.

Re: A MOTION BY MR. EWING TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

The following motion by Mr. Ewing failed of adoption with Dr. Cheung, Mr. Ewing, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman, Mrs. Fanconi, and Mrs. Gordon voting in the negative:

Resolved, That the proposed policy on students with disabilities be amended by restoring the following to V. 4:

- a. Assessment instruments will be appropriately adapted to the child's handicapping conditions, age, socio-economic and cultural background
- b. Assessment will be administered in the child's primary language.
- c. Interpreters will be provided in the child's primary

language or in sign language, when necessary, throughout all phases of the evaluation process.

- d. No single assessment result will be used to determine placement.
- e. Written and informed parental consent will be obtained before a child suspected of being handicapped will be evaluated.
- f. Parents may, at their own expense, initiate assessment of the child which may be used to consider program options.
- g. Evaluation and reevaluation will take place within the legally prescribed time period. Reevaluations will be conducted sooner than legally specified, if necessary.
- h. Private and parochial school students suspected of being handicapped will also be evaluated at no cost to the parents at sites designated by MCPS.

Re: A MOTION BY MR. EWING TO AMEND THE  
PROPOSED POLICY ON STUDENTS WITH  
DISABILITIES

Mr. Ewing moved and Ms. Gutierrez seconded the following:

Resolved, That the proposed policy on students with disabilities be amended by restoring the following to V. 5:

Plans will include services needed but unavailable. Plans will be developed jointly by parents, teacher(s), specialists responsible for the implementation of the IEP, and an administrator. Parents or staff members may invite other persons to participate in the IEP development. Pertinent information about teaching strategies and materials will be included in the plan. Supervisory personnel will periodically review IEPs to monitor general plan development and implementation.

RESOLUTION NO. 251-93      Re: A SUBSTITUTE MOTION BY MRS. FANCONI  
TO AMEND THE PROPOSED POLICY ON  
STUDENTS WITH DISABILITIES

On motion of Mrs. Fanconi seconded by Mr. Ewing, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman voting in the negative; Mrs. Gordon abstaining:

Resolved, That the following be substituted for the first sentence of Mr. Ewing's motion:

All needs must be identified in order to determine the individual goals, objectives, and services to be provided.

RESOLUTION NO. 252-93 Re: AN AMENDMENT TO THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Ms. Gutierrez, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman and Mrs. Gordon voting in the negative:

Resolved, That the following be added to V. 5:

All needs must be identified in order to determine the individual goals, objectives, and services to be provided. Plans will be developed jointly by parents, teacher(s), specialists responsible for the implementation of the IEP, and an administrator. Parents or staff members may invite other persons to participate in the IEP development. Pertinent information about teaching strategies and materials will be included in the plan. Supervisory personnel will periodically review IEPs to monitor general plan development and implementation.

RESOLUTION NO. 253-93 Re: AN AMENDMENT TO THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Fanconi, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended in V. 7 to add, "The major requirement is that students with disabilities be educated in the least restrictive environment which is defined in law as....(add definition)."

Re: A MOTION BY MR. EWING TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

A motion by Mr. Ewing to add a new 13. to V as follows, "Where needed, appropriate transportation will be provided by MCPS to students with disabilities to enable them to attend their assigned educational placement and participate in all aspects of MCPS, including summer school and extended school year" failed with Mr. Ewing, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman, Dr. Cheung, Mrs. Fanconi, and Mrs. Gordon voting in the negative.

RESOLUTION NO. 254-93 Re: AN AMENDMENT TO THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Dr. Cheung, the following resolution was adopted unanimously by members present:

Resolved, That the proposed policy on students with disabilities be amended to add a new V. 13 as follows:

- 13. Students with disabilities will be provided an opportunity to participate in appropriate extracurricular activities that are generally available to all MCPS students in the community. Together with other community agencies, MCPS will continue to develop specialized extracurricular activities when regularly provided extracurricular programs do not meet existing needs.

RESOLUTION NO. 255-93 Re: AN AMENDMENT TO THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Gordon, the following resolution was adopted unanimously by members present:

Resolved, That the following be added to V. Implementation Strategies and A. Purpose:

MCPS will take steps to ensure that appropriate early intervention and pre-referral strategies have been implemented in the general education setting prior to considering a student for identification as disabled. (V. 2) and A. Purpose.

Re: A MOTION BY MR. EWING TO AMEND THE PROPOSED POLICY ON STUDENTS WITH DISABILITIES (FAILED)

A motion by Mr. Ewing to amend the proposed policy on students with disabilities by adding to VI. a new 3 with the rest of the items renumbered, "The Board of Education shall receive on a regular basis reports summarizing special education appeals" failed with Dr. Cheung, Mr. Ewing, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman, Mrs. Fanconi, and Mrs. Gordon voting in the negative.

Re: A MOTION BY MR. EWING TO AMEND THE  
PROPOSED POLICY ON STUDENTS WITH  
DISABILITIES (FAILED)

The following motion by Mr. Ewing failed of adoption with Dr. Cheung, Mr. Ewing, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman, Mrs. Fanconi, and Mrs. Gordon voting in the negative:

Resolved, That the proposed policy on students with disabilities be amended in VI, after 3 the following:

4. The Board shall, for purposes of informing itself systematically about special education services offered by MCPS, receive a report that will be periodically updated (once a year, at least) and would contain the following information:
  - a. A description of each special education program and statement of program goals
  - b. Number of students and their ratio to staff in each program and in each intensity level
  - c. Program admission and intensity classification criteria
  - d. Information on staff training by program, quantity, description of training available and its purpose
  - e. Cost of service delivery by model, center-based, community-based, and full inclusion
  - f. Number of therapy minutes and students covered per therapist by service delivery model
  - g. For the most recent year, an assessment of the success of each program in meeting student goals, as set forth in IEPs and EMT plans

RESOLUTION NO. 256-93      Re: AN AMENDMENT TO THE PROPOSED POLICY  
ON STUDENTS WITH DISABILITIES

On motion of Mr. Ewing seconded by Mr. Sims, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Gordon voting in the negative; Mrs. Brenneman abstaining:

Resolved, That the proposed policy on students with disabilities be amended in VI, a new 4 to state:

4. MCPS shall from time to time survey parents about how well the needs of their children are being met by the special education program in which their students participate.

RESOLUTION NO. 257-93      Re:    REQUEST OF THE SUPERINTENDENT ON  
THE PROPOSED POLICY ON STUDENTS  
WITH DISABILITIES

On motion of Mr. Ewing seconded by Ms. Gutierrez, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Brenneman and Mrs. Gordon voting in the negative:

Resolved, That the superintendent be requested to review and provide the Board with his comments about Mr. Ewing's proposals on special education appeals and program assessment data in anticipation of a later action on the policy itself.

RESOLUTION NO. 258-93      Re:    REQUEST OF THE SUPERINTENDENT ON  
THE PROPOSED POLICY ON STUDENTS  
WITH DISABILITIES

On motion of Mr. Ewing seconded by Mrs. Fanconi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education request of the superintendent to review the amendments the Board is proposing to make in the course of its tentative adoption to give the Board the benefit of his comments as quickly as is feasible.

RESOLUTION NO. 259-93      Re:    TENTATIVE ADOPTION OF THE PROPOSED  
POLICY ON STUDENTS WITH  
DISABILITIES

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

WHEREAS, On August 4, 1992, the Board of Education adopted a resolution requesting that the superintendent develop a proposal for Board policy concerning inclusion; and

WHEREAS, On October 26, 1992, the Board of Education adopted a resolution asking the superintendent to give a presentation on the laws for students with disabilities and how MCPS meets the requirements of the law and provide a recommendation on how a policy might be used in addition to the law; and

WHEREAS, On January 25, 1993, the Board of Education discussed a policy analysis on Educational Services to Students with

Disabilities; and

WHEREAS, On January 25, 1993, the Board of Education discussed a portion of the draft revision of Policy IOB, Education of Students with Disabilities; now therefore be it

Resolved, That the Board of Education take tentative action on the proposed draft policy on the Education of Students with Disabilities; and be it further

Resolved, That the Board of Education request of the superintendent to review the amendments the Board is proposing to make in the course of its tentative adoption to give the Board the benefit of his comments as quickly as is feasible; and be it further

Resolved, That the following tentatively adopted draft policy be sent out for public comment and be discussed at a public hearing on April 22, 1993:

Related Entries: ABC, ABC-RA, EHA, IEA, IEB, IED, IEF, JOA-RA  
Responsible Office: Deputy Superintendent for Instruction

#### Education of Students With Disabilities

##### A. PURPOSE

1. To affirm the expectation that appropriate early intervention and pre-referral strategies have been implemented in the general education setting prior to considering a student for identification as disabled.
2. To ensure that in the Montgomery County Public Schools, all children, from birth through age 20, and who are disabled, regardless of the severity of the disability, and who are in need of special education and related services shall be identified, assessed, and provided a free, appropriate public education consistent with state regulations and Federal and state laws.
3. To commit Montgomery County Public Schools (MCPS) to providing an educational program that prepares students with disabilities for self-sufficient and productive lives as full participating members of our society to the maximum extent possible
4. To commit MCPS to the task of creating a climate of acceptance and respect for individuals with disabilities among staff and students
5. To affirm the Board of Education's strong commitment to

the genuine participation of students with disabilities with peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities

6. To affirm the expectation that both general and special education personnel are accountable for the education of students with disabilities
7. To establish guidelines for working toward these objectives, and for all necessary activities to comply with federal and state mandates

B. ISSUE

In accordance with changes to federal laws and state regulations regarding the education of individuals with disabilities, MCPS policy should ensure that services for these individuals focus on:

Consideration of the student as an individual student with unique needs and capabilities as reflected in the substitution of the phrase "student with disabilities" for "handicapped student"

Collaboration among general and special educators, families, state and local agencies, and the community

The development of educational programs and transition services/supports that prepare individuals with disabilities for success in post-secondary education, post-school employment, and community participation

C. POSITION

1. The Board acknowledges that the development of effective programs for all students depends not only upon adequate budgetary provisions, but also upon the energy, concern, and leadership demonstrated at all levels.
2. The Board of Education is committed to the education of all students, including those with disabilities, and will make free and appropriate educational programs and related services available to students with disabilities from birth through age 20.
3. Programs and services for students with disabilities will be of the same quality as those available to all other students in MCPS.



4. Programs and services for students with disabilities will be provided in compliance with all applicable federal and state laws and regulations including, but not limited to requirements governing: notification, consent, the educational assessment process, independent educational evaluation, appointment of a parent surrogate, confidentiality of educational records, extended school year services, least restrictive environment, due process procedures, staffing ratios, timelines, the admission, review, and dismissal (ARD) process, related services, development and implementation of the individualized educational program (IEP), services for private/parochial students with disabilities, and transition planning.
5. Parents or guardians will be informed of procedures for obtaining informed parental consent before evaluation and placement of students and for parent or guardian participation in the IEP review process.
6. Parents or guardians have the right to inspect, review, copy, and challenge any educational records relating to their children and to be advised of the types and locations of such records. Staff will be prepared to help parents or guardians understand the records. If needed, staff will receive additional training to be prepared to respond to parents for such help.
7. Student/staff ratios will be commensurate with the needs of the different levels of service provided. The Board of Education supports staffing ratios that are appropriate to the individualized needs of children, to the extent feasible, even if they are smaller than maximum staffing ratios permitted by the MSDE.
8. The Board affirms that the education of students with disabilities is a shared responsibility of special and general education, and that each school shall be accountable for the education of all students, including students with disabilities.
9. When a student is placed in a non-MCPS setting, in accordance with Maryland State Department of Education requirements, MCPS personnel will monitor the services delivered to the student to assure that participating schools meet MCPS standards and provide appropriate educational services to the student.
10. The Board recognizes the importance and value of family involvement, including participation in individual program planning and the educational decision-making process, for the education of all students, including

those with disabilities.

11. All MCPS educational programs and services, including those for students with disabilities, will focus on the establishment of clearly defined outcomes of schooling including, but not limited to, preparation for post-secondary education, post-school employment, and community participation.
12. The Board recognizes that the education of students with disabilities is a complex task that necessitates cooperation among general and special educators, state and local public agencies and private services providers to provide a full continuum of services and a range of services to meet student needs.
13. The Board recognizes that efforts must be made to overcome attitudinal and physical barriers in order to ensure equal opportunity for the genuine participation of individuals with disabilities in all aspects of MCPS, as well as their acceptance as respected participants in educational, work, and community settings.

D. DESIRED OUTCOME(S)

1. An education that encourages students with disabilities to develop their full potential, that prepares students with disabilities for independent living, and an effective transition to further education, work, and/or community participation, to the maximum extent possible
2. An opportunity for students with disabilities to develop community ties by attending the schools they would attend if not disabled
3. The acceptance of individuals with disabilities as genuine participants in educational, work, and community settings
4. Partnerships that support collaborative relationships among families, schools, communities, government agencies, and the business sector to provide appropriate educational services and support for individuals with disabilities
5. Collaboration among general educators, special educators, and parents to develop a better understanding of students' educational needs and how they can be addressed through accommodations, curricular modifications, and alternative educational strategies in the general education program

6. The genuine participation of students with disabilities with their peers without disabilities in all aspects of MCPS, including academic, social, non-academic, and extracurricular activities, as appropriate to the needs of each student

V. IMPLEMENTATION STRATEGIES

1. There will be an ongoing and systematic effort to identify all students with disabilities who may be in need of special education services.
2. MCPS will take steps to ensure that appropriate early intervention and pre-referral strategies have been implemented in the general education setting prior to considering a student for identification as disabled.
3. Measures will be taken to encourage and facilitate the active and informed participation of parents or guardians of students with disabilities in all aspects of the educational decision-making process.
4. Each school will have an Admission, Review, and Dismissal (ARD) team, chaired by an administrator or designee whose responsibility will be to make decisions related to evaluation, eligibility, and review for special education and related services.
5. Appropriate educational assessments and other pertinent information will be used to determine whether a student is in need of special education services and to develop an individualized education program for each student with a disability.
6. A written Individualized Education Program (IEP) encompassing strengths, needs, goals, objectives, program assignment, related services, percent of time in general education, accommodations and supports necessary for participation in general education, a transition plan for students 16 years or older (14 years or older, as necessary), and timeliness for reviewing progress will be developed for each student with a disability.
7. All needs must be identified in order to determine the individual goals, objectives, and services to be provided. Plans will be developed jointly by parents, teacher(s), specialists responsible for the implementation of the IEP, and an administrator. Parents or staff members may invite other persons to participate in the IEP development. Pertinent

information about teaching strategies and materials will be included in the plan. Supervisory personnel will periodically review IEPs to monitor general plan development and implementation.

8. A continuum of alternative placements that includes instruction in general education classes, with supplementary aids and services as needed, special classes, special schools, home instruction, and instruction in hospitals and institutions will be available in order to meet the needs of students with disabilities.
9. All placement decisions will be based upon the student's individual needs and will be made in accordance with state and federal requirements. The major requirement is that students with disabilities be educated in the least restrictive environment which is defined in COMAR (15A.02.(3)(a)(b)) to mean:
  - a) To the maximum extent appropriate, students with disabilities, including students in public and private institutions or other care facilities, are educated with students who are not disabled; and
  - b) Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
10. School staff will provide supplementary aids and services and reasonable accommodations to meet the individual needs of students with disabilities as specified in the student's IEP.
11. Instruction of students with disabilities will be provided through coordinated academic, functional, vocational, and community-based curricula and will follow the MCPS Program of Studies, adapted to accommodate student learning styles, where necessary.
12. Curricula and special education instructional materials that reflect appropriate learning outcomes for all students, including those with disabilities will be developed and maintained.
13. Staff development will be provided as appropriate to all MCPS personnel and will include:

- a) In-service training for special education staff in working effectively with students with disabilities in various settings and in collaboration with general education staff.
  - b) In-service training programs for general educators, administrators, and support personnel to acquire a basic understanding of disabilities and their effect on children and their families. Emphasis will be placed on exemplary instructional practices for working effectively with the child and adapting instruction to promote success in all settings.
  - c) Training in technological innovations resulting in new educational strategies and materials will be provided for general and special education personnel, as appropriate.
14. Programs will be developed to increase the understanding of individuals with disabilities among the student body of MCPS and to provide mutually beneficial interactions between students with and without disabilities. Planning will be done cooperatively with MCPS, community agencies, parents, and students.
15. Students with disabilities will be provided an opportunity to participate in appropriate extracurricular activities that are generally available to all MCPS students in the community. Together with other community agencies, MCPS will continue to develop specialized extracurricular activities when regularly provided extracurricular programs do not meet existing needs.

## VI. REVIEW AND REPORTING

1. The superintendent will report specific progress on the implementation and monitoring of this policy to the Board of Education at least annually, or more frequently, as directed by the Board of Education. These reports will include views of parent/community representatives.
2. The Office of Special and Alternative Education will collaborate with the Department of Educational Accountability for internal and external data collection/analysis and evaluation activities and will report findings to the superintendent and the Board of Education.

3. The comprehensive plan for services and programs for students with disabilities will be updated annually, with opportunity for public comment, revised as needed, and reported to the Board of Education and the Maryland State Department of Education. Budget implications will be reported to the Board of Education, as appropriate.
4. MCPS shall from time to time survey parents about how well the needs of their children are being met by the special education program in which their students participate.
5. All regulations developed in support of this policy will be sent to the Board as information items.
6. This policy will be reviewed every three years in accordance with the Board of Education's policy review process.

RESOLUTION NO. 261-93      Re:    ADJOURNMENT

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mrs. Fanconi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting at 11:20 p.m.

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PRESIDENT

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SECRETARY

PLV:mlw