

**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.

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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