

**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.

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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