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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 24, 2016

SUBJECT: COMAR 13A.05.01.08
Individualized Education Program (IEP) Team Responsibilities
AMEND - PERMISSION TO PUBLISH

PURPOSE:

To request permission to publish amended regulations that govern the responsibilities of the IEP team, specifically with regard to blind or visually impaired students as contained in COMAR 13A.05.01.08 Individualized Education Program (IEP) Team Responsibilities (ATTACHMENT I).

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

In 2015, the General Assembly amended Education Article § 8-408, Annotated Code of Maryland, to require that orientation and mobility (O&M) instruction be included in the IEP of a student who is blind or visually impaired, unless the IEP team determines through an O&M assessment that such instruction is not appropriate for the student. The term “orientation and mobility” means instruction provided to a student who is blind or visually impaired to enable the student to attain systematic orientation to and safe movement within the student’s school, home, and community environments. At a minimum, the required O&M assessment must: 1) contain

input from the student's parent or guardian; 2) contain input from the student's classroom teacher; and 3) consider the student's age, current and future needs, ability to function in familiar and unfamiliar areas, and ability to function under various lighting conditions. The General Assembly specifically instructed the State Board to adopt regulations defining who is qualified to conduct the required O&M assessment. The MSDE convened an O&M workgroup to prepare the proposed amendment, which consisted of representatives from:

- Teacher of Visually Impaired, Anne Arundel County Public Schools
- Office of the Attorney General
- Teacher of Visually Impaired, Baltimore County Public Schools
- Parents, Carroll County
- Teacher of Visually Impaired, Frederick County Public Schools
- Teacher of Visually Impaired, Howard County Public Schools
- Maryland School for the Blind
- Maryland Parents of Blind Children
- Teacher of Visually Impaired, Maryland, Mid-Shore Consortium
- Professor of Orientation and Mobility, College of Education, University of Arizona
- National Federation of the Blind

EXECUTIVE SUMMARY:

The purpose of the proposed amendment is to implement a new requirement in Education Article § 8-408, Annotated Code of Maryland. The proposed amendment informs IEP teams of the statutory requirement to include O&M instruction in the IEP of a student who is blind or visually impaired, unless the IEP team determines that such instruction is inappropriate and conducts an O&M assessment to substantiate that determination. The proposed amendment outlines the statutory elements of the O&M assessment and, as directed by the General Assembly, establishes the qualifications for an individual to conduct the assessment. To be qualified to conduct the required O&M assessment, an individual must: 1) hold a Bachelor's degree from an accredited college or university; and 2) have completed one of three credentialing options listed in the proposed amendment. To be credentialed, an individual must either hold certification from one of two nationally-recognized organizations in O&M or complete all requirements of a university-based program in O&M, including a supervised internship or externship.

ACTION:

Request permission to publish the proposed amendments to COMAR 13A.05.01.08 Individualized Education Program (IEP) Team Responsibilities.

.08 Individualized Education Program (IEP) Team Responsibilities.

A. IEP Development.

(1) – (5) (text unchanged)

(6) *Blind or Visually Impaired Students.*

(a) If a student is blind or visually impaired, the IEP team shall provide for instruction in:

(i) Braille and the use of braille, including textbooks in braille, unless the IEP team determines that instruction in braille is not appropriate for the student in accordance with 34 CFR §300.324(a)(2)(iii), Education Article, §8-408, Annotated Code of Maryland, and COMAR 13A.06.05.01.

(ii) *Orientation and mobility, unless the IEP team determines that instruction in orientation and mobility is not appropriate for the student in accordance with Education Article, §8-408, Annotated Code of Maryland, and §A(6)(b)–(d) of this regulation.*

(b) *If the IEP team determines that instruction in orientation and mobility is not appropriate for the student, the IEP team shall order an orientation and mobility assessment, consistent with guidelines established by the Department, that:*

(i) *Includes input from the student's parent or guardian;*

(ii) *Includes input from the student's classroom teacher; and*

(iii) *Takes into consideration the student's age, current and future needs, ability to function in familiar and unfamiliar areas, and ability to function under various lighting conditions.*

(c) *To be qualified to conduct an orientation and mobility assessment under paragraph (b), an individual shall:*

(i) *Hold a Bachelor's degree from an accredited college or university; and*

(ii) *Have completed any one of the credentialing options listed in paragraph (d).*

(d) Credentialing Options.

- (i) Hold a certificate as a Certified Orientation and Mobility Specialist (COMS) from the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP);*
- (ii) Hold National Orientation and Mobility Certification (NOMC) from the National Blindness Professional Certification Board (NBPCB); or*
- (iii) Complete all requirements of a university-based program in orientation and mobility, including a supervised internship or externship in orientation and mobility.*

(7) – (11) (text unchanged)

B. IEP Review.

(1) – (6) (text unchanged)