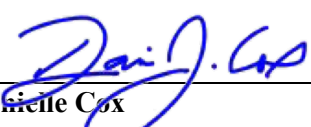
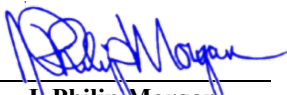
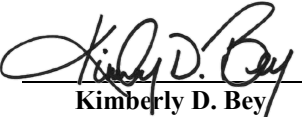


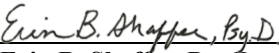



# DEPARTMENT DIRECTIVE

<b>Title:</b> Special Education Services	<b>Directive:</b> OPS.135.0003
<b>Related MD Statute/Regulations:</b> Labor and Employment Article, §11-901-903, Annotated Code of Maryland Public Law 105-17, Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) 20 U.S.C. §§1415(b)(3) and (4), 1415(c)(1), and 1414(b)(1); 34 C.F.R. §300.503 COMAR 13A.05.01 - 02; COMAR 13A.08.03 -04	<b>Rescinds and replaces:</b> DOC.135.0003 dated September 7, 2004
<b>Related ACA and MCCS Standards:</b> ACA: 5-ACI-7B-01, 10; 4-ALDF-5A-07 MCCS: .05G	<b>Approved By:</b>  Danielle Cox
<b>Related Directives:</b> DOC.135.0001 – Organization of Education OPS.135.0002 - Library Services OPS.135.0007 – Academic Education Services	<b>Danielle Cox</b> Director of Education
	<b>Issued Date:</b> August 8, 2025 <b>Effective Date:</b> August 12, 2025
<b>Variance:</b> No facility directive is necessary or required to implement and comply with this directive. With the approval of the Department's Director of Education, a Division may issue a policy to implement and comply with this directive.	<b>Number of Pages:</b> 10

  
**J. Philip Morgan**  
 Commissioner of  
 Correction

  
**Kimberly D. Bey**  
 Commissioner  
 Pretrial and Detention  
 Services

  
**Erin B. Shaffer, Psy.D.**  
 Director of Patuxent  
 Institution

  
**Carolyn J. Scruggs**  
 Secretary

## .01 Purpose.

The purpose of this directive is to establish and maintain policy and procedures for the operation of special education services provided to eligible incarcerated individuals within the Department of Public Safety and Correctional Services (Department).

## .02 Scope.

This directive applies to all units of the Department responsible for the custody and security of an incarcerated individual under the authority of the Department and all Maryland Department of Labor (MDL) Correctional Education staff.

### **.03 Policy.**

It is the policy of the Department to:

- (1) Provide special education services to students with disabilities until the end of the school year (June 30) in which they reach 21 years of age, as required by State and federal laws and regulations relevant to this population;
- (2) Ensure special education services are available at selected facilities within each security level; and
- (3) Ensure special education services and legal rights are included in the Department's Incarcerated Individual handbook.

### **.04 Definitions.**

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "504 Plan" means a plan developed to support for an eligible student with a disability that provides free, appropriate public education and accommodations.
- (2) "Age of Majority" means at the age of 18.
- (3) "Assessment" means the process of collecting data to determine a student's eligibility for special education and related services.
- (4) "Assistive technology device" has the meaning stated in COMAR 13A.05.01.03, which states that:
  - (a) "Assistive technology device" means an item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability, in accordance with 34 CFR §300.5.
  - (b) "Assistive technology device" does not include a medical device that is surgically implanted, or the replacement of such a device.
- (5) "Assistive technology service" means a service that directly assists a student with the acquisition, selection, and use of an assistive technology device.
- (6) "Correctional facility" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: 'Correctional facility' means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.

- (7) “Free Appropriate Public Education” means the right for a student with a disability to receive a free and appropriate education that meets state and federal requirements, at public expense.
- (8) Incarcerated Individual.
  - (a) “Incarcerated individual” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland which states, “‘Incarcerated individual’ means an individual who is actually or constructively detained or confined in a correctional facility.”
  - (b) “Incarcerated individual” includes the term “inmate” as stated prior to October 1, 2023 Correctional Services Article, §1-101, Annotated Code of Maryland.
  - (c) “Incarcerated individual” includes the term incarcerated person.
- (9) “Individualized Education Program (IEP)” means a written statement for a student with a disability that is developed, reviewed, and revised (in accordance with 20 U.S.C. §1414 and COMAR 13A.05.01) and is a document that outlines and provides individualized special education and related services tailored to meet a student’s unique needs.
- (10) Parent.
  - (a) “Parent” means a legal representative of a student with a disability in the educational decision-making process.
  - (b) “Parent” includes a:
    - (i) Biological or adoptive parent.
    - (ii) Guardian;
    - (iii) Parent surrogate; or
    - (iv) Another individual responsible for the welfare of a student with a disability.
- (11) “Parent surrogate” means a person appointed to represent the student with a disability as their legal representative in all matters relating to the identification, evaluation, and educational placement of the student and the provision of free appropriate education when the parent’s whereabouts are unknown, the parent is not involved in the student’s education, or the student is the age of majority and requests a parent surrogate.
- (12) “Prior written notice (PWN)” means a written notification sent to the parent and student with a disability before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of free appropriate public education to the student.

(13) Related Services.

- (a) “Related services” means developmental, corrective, and other supportive services as may be required to assist a student with a disability to benefit from special education.
- (b) “Related services” may include, but not be limited to:
  - (i) Speech-language pathology;
  - (ii) Audiology;
  - (iii) Psychological;
  - (iv) Counseling; or
  - (v) Medical services for diagnostic or evaluation purposes.
- (14) “Special education (SPED)” means specially designed instruction at no cost to the parent or student to meet the unique needs of students with disabilities.
- (15) “Student with a disability” means an incarcerated individual who has been identified as having an active IEP or 504 Plan prior to entry into the Department or an incarcerated individual who has been evaluated for services by the IEP team and found to have a disability once incarcerated.

**.05 Responsibilities.**

A. The Department’s Director of Education or designee shall:

- (1) Ensure eligible students with disabilities are provided access to education programs and services in accordance with applicable federal and State statutory, and regulatory requirements;
- (2) Assist with the implementation and management of the special education program provided by Maryland Department of Labor (MDL) and Baltimore City Public School (BCPS); and
- (3) Consult and coordinate with the Commissioner of Pretrial Detention and Services or designee and BCPS regarding special education services that are provided to juveniles who are under the authority of the Commissioner, in accordance with Division of Pretrial Detention and Services policies.

B. The Department’s Director of Education, in coordination with MDL’s Director of Education and MDL’s Correctional Education Special Education Coordinator shall:

- (1) Ensure that a universal screening process is implemented to identify incarcerated individuals who are eligible for special education and related services;

- (2) Monitor the process for the development and implementation of the special education program;  
and
- (3) Conduct internal audits to ensure that the special education program:
  - (a) Addresses the unique needs of eligible students under the Individuals with Disabilities Education Act (IDEA); and
  - (b) Provides special education students with access to the general curriculum, so that they can meet the educational standards that apply to all students.

C. Special Education Coordinator is responsible for:

- (1) Identifying incarcerated individuals under the age of 22 who have a current or previous IEP or 504 Plan; and
- (2) Coordinating transfers for incarcerated individuals with an IEP to another maintaining facility who have special education services.

D. Special Education Teacher is responsible for:

- (1) Having an appropriate understanding of each special education student's academic background;
- (2) Writing each student's IEP with authenticity and integrity in alignment with IDEA and COMAR requirements;
- (3) Assessing a student with special education services' current levels of academic achievement and functional performance (PLAAFP);
- (4) Based on a student's PLAAFPs, identifying a student's IEP goals and objectives, accommodations, modifications, supplementary aids, assistive technology and services; and
- (5) Providing social-emotional support and academic instruction to help students with special education services achieve academic success in and out of the classroom.

**.06** Procedures.

A. Identifying Eligible Incarcerated Individuals for Special Education.

- (1) Case management specialists shall place incarcerated individuals who have not reached their 22nd birthday in a facility that offers special education services in accordance with the DOCM.100.0002 - Case Management Manual and *CE SPED and NON-SPED School Chart - Appendix A*.
- (2) The Office of Data Development shall provide the MDL Correctional Education Information Technology (IT) Specialist with a monthly electronic list of all incarcerated individuals, who have not reached their 22nd birthday.
- (3) Upon receipt of the monthly list, the Correctional Education Specialist shall distribute it

electronically to the:

- (a) Department Director of Education;
  - (b) Special Education Coordinator; and
  - (c) Special Education Teacher.
- (4) Upon receiving the monthly list, the SET shall:
- (a) Use the *Correctional Education Student Find Interview Form - Appendix B* to interview incarcerated individuals on the list to determine their academic history and prior history of special education services.
    - (i) The interview shall be conducted within 30 days of intake into the maintaining facility.
    - (ii) Circumstances that prohibit the interview or completion of *Correctional Education Student Find Interview Intake Form* shall be documented and filed under the incarcerated individual's special education record.
  - (b) Ensure the *Correctional Education Student Find Interview Intake Form - Appendix B* is complete and accurate;
  - (c) Forward *Appendix A* to the special education coordinator, who will determine whether the incarcerated individual has a current or previous IEP or 504 Plan and their eligibility for special education services; and
  - (d) File the form in the student's educational records and if the student is deemed eligible for a special education service, place the form in the special education confidential file.
- (5) If it is determined the incarcerated individual does not have a high school diploma or GED and identifies as having prior SPED services (IEP or 504 Plan), the teacher shall access and review the incarcerated individual's online IEP or 504 Plan and meet with them within 10 days of their enrollment in school.

**B. Enrollment in Education Services.**

- (1) Incarcerated individuals eligible for special education services shall be enrolled in education services in accordance with *OPS.135.0007 - Academic Education*.
- (2) An incarcerated individual identified as having an IEP shall have an IEP meeting within 30 days of the completion of their full battery of the Test of Adult Basic Education (TABE) assessments, unless extraordinary circumstances prevent an IEP meeting.
- (3) The student shall receive comparable services in accordance with their most recent IEP until the special education IEP team can access prior school records and conduct TABE assessments and identify PLAAFPs.

C. Referrals for SPED Services.

- (1) An incarcerated individual without an IEP who is identified as potentially eligible for special education services may be referred to the IEP team.
- (2) A teacher, the student, a parent, related service provider, family, friends, or Department staff can make a referral to the school principal.
- (3) Upon receipt of a referral, the special education teacher shall:
  - (a) Collect data through classroom observations, prior formal and informal assessments, classwork samples, and interviews with the parent, student, and academic education teacher(s);
  - (b) Initiate a meeting to determine if the student needs special education services and if formal assessments need to be conducted to determine if the student qualifies for an IEP or 504 Plan; and
  - (c) If a student is being referred to special education, or a student needs updated formal assessments to review their ongoing special education eligibility, obtain consent from the student and parent.

D. Transfers.

- (1) If the SEC identifies an incarcerated individual who needs to be transferred to a school that provides special education services, the SEC shall coordinate with the school principal or the Department's Director of Education of the request for transfer.
- (2) If an incarcerated individual who is being transferred has an active IEP or was in the process of evaluation or assessments for special education eligibility at the time of transfer, the incarcerated individual shall be transferred to a maintaining institution with the same security level and provisions for SPED and related services absent extraordinary circumstances.
- (3) The Department's Director of Education or designee shall coordinate with the Facility Transfer Coordinator at the incarcerated individual's current facility and transfer/receiving facility to ensure appropriate accommodation for special education is maintained.
- (4) Once the request is received, the Facility Transfer Coordinator shall:
  - (a) Screen the student for security threat group (STG) activity and potential enemies;
  - (b) Process the transfer in accordance with DOC.100.002 - Case Management Manual;
  - (c) Upon transfer, mark all appropriate base files with "Special Education Consideration - Notify School Before Transfer" on the outside front cover;
  - (d) If there is an issue with transferring the student to the requested facility or any unnecessary delay (of one week or more), notify the Department's Director of Education or designee;

and

(e) Notify the receiving facility's principal and Special Education Coordinator of the transfer.

(5) The Department's Director of Education shall work in conjunction with the Transfer Coordinator to resolve any issues with transferring students.

E. Consent to Assess. In order to proceed with formal IEP testing, written consent to assess must be obtained from the parent and student. The parents shall be:

(1) Notified of all steps in the IEP team process;

(2) Provided notification in the parent and student's native language; and

(3) Provided a prior written notification to outline the decision to assess the student.

F. Revocation of Consent to Special Education Services. When a student or parent requests to revoke consent to receive special education services, a special education teacher shall:

(1) Meet with the student to discuss the decision and implications of ending services;

(2) If the parent is involved in the education process, include them in the decision-making process;

(3) Document the discussion, time, and date of the student's and/or parents' decision to revoke consent and provide a copy to the parent and/or student; and

(4) Ensure the student signs a waiver to revoke consent to receive special education services.

G. The special education teacher shall ensure that all IEP meetings for each student include the relevant IEP team members:

(1) Student;

(2) Parent(s);

(3) General education teacher;

(4) Special education teacher;

(5) Related services provider;

(6) Principal or designee; and

(7) Any other individuals who have knowledge or special expertise regarding the student.

H. Services Provided for Special Confinement and Medical Units.

(1) An incarcerated individual determined to be eligible for SPED and related services who is housed in a mental health unit, medical, protective custody or segregation unit shall continue to receive special education services as specified in the *Correctional Education Special Education*



*Handbook - Appendix C.*

- (2) An incarcerated individual in a mental health unit, medical, protective custody, or segregation for more than 10 days shall receive modified special education services consisting of at least two hours per week of instructional time in accordance with MDL's policies.
- (3) The managing official shall inform the special education teacher, in writing, if any special education student in segregated housing cannot be seen by special education staff because of behavioral or security concerns or if circumstances prevent the delivery of educational services.
- (4) If a student in special education is housed in a mental health unit, medical, protective custody, or segregation the special education teacher shall:
  - (a) Continue with the IEP meeting timeline that was established prior to their placement into special housing;
  - (b) Meet with the student prior to an IEP meeting to review the meeting agenda and obtain their input; and
  - (c) Document the circumstance in which an IEP meeting cannot be conducted per the IEP meeting timeline due to behavioral or security restrictions, or if there are other reasons preventing the scheduling of a meeting.
- (5) Security and other issues associated with disciplinary segregation shall be considered by the IEP team as factors in determining the quantity and type of services provided.
- (6) The IEP team shall meet if the student is not making academic or social emotional/behavioral progress to determine the appropriate services needed for progress to occur while housed in special confinement.
- (7) Special education students with an IEP who are released from segregation shall have the 90-day waiting period waived in order to begin the school observation period immediately.

I. Records.

- (1) The special education confidential record shall be maintained by the special education teacher and filed in a secure and locked location.
- (2) The special education confidential record shall remain at the facility where the student received special education services.

**.07 Appendix.**

- A. CE SPED and NON-SPED School Chart
- B. Correctional Education Student Find Interview Intake Form

C. Correctional Education Special Education Handbook

**.08 History.**

- A. This directive rescinds and replaces DOC.135.0003 dated September 7, 2004 and any other prior existing Department communication with which it may be in conflict.

**.09 Distribution.**

A

L

S - MDL Correctional Education Staff

**MD LABOR's Correctional Education (CE) Schools with a Special Education (SPED) program & facilities without a SPED program**

<b>WITH a SPED Program</b>	<b>WITHOUT a SPED Program</b>
<b>Eastern Region</b>	
ECI-E	ECI-A
ECI-W	
<b>Jessup Region</b>	
MCI-J	CMCF
MCI-W	JCI
PATX	
DRCF	
<b>Baltimore Region</b>	
MTC students with an IEP & enrolled students transferred to MRDCC Segregation	MTC students without an IEP
BCCC	MRDCC General Population & those transferred to segregation
<b>Western Region</b>	
RCI	MCI-H
MCTC	
NBCI	
WCI	



CORRECTIONAL EDUCATION  
100 South Charles Street, Floor 2  
Baltimore, MD 21201

## CE STUDENT FIND EDUCATIONAL INTERVIEW INTAKE FORM

COMPLETE THIS FORM FOR ALL INCOMING INCARCERATED INDIVIDUALS (II) WHO ARE 21 YEARS OLD AND YOUNGER: INFORMATION IS CONFIDENTIAL AND FOR PROFESSIONAL USE ONLY.

### **PART I - IDENTIFYING INFORMATION**

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

FACILITY: \_\_\_\_\_ DOE: \_\_\_\_\_ Release Date: \_\_\_\_\_

DOC/SID#: \_\_\_\_\_ HOME #: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Phone #: \_\_\_\_\_

### **PART II: SCHOOL HISTORY - If the II DOES have a High School Diploma (HSD)**

1. What year did you earn your HSD? \_\_\_\_\_
2. What is the name of the school that awarded you your HSD? \_\_\_\_\_  
\_\_\_\_\_
3. What is the address of the school? \_\_\_\_\_  
\_\_\_\_\_
4. **NOTE:** A school name, address and Social Security # are needed to verify a HSD. *Give the HSD Verification form to your principal who will forward it to CE headquarters.*
5. Read the following to the II: "Once your HSD is verified, you can write a letter to your DPSCS Case Manager and the school principal and request an assessment to start a Correctional Education Career and Technology Education (CTE) or Transition Program". Share the CTE and Transition programs at your facility.

### **PART III. SCHOOL HISTORY: If the II DOES NOT have a HSD**

1. What was the name of the last school you attended? \_\_\_\_\_
2. What is the highest grade you completed? \_\_\_\_\_

3. What was the name of your Middle School? \_\_\_\_\_
4. \*Do you have a 504 Plan, or **did** you have one? \_\_\_\_\_ (yes or no)  
If yes, what state? \_\_\_\_\_ Do you have a copy of it? \_\_\_\_\_ (yes or no)
5. \*Do you have a current or prior IEP (Individual Education Program)? \_\_\_\_\_ (yes or no)  
If yes, what state? \_\_\_\_\_ Do you have a copy of it? \_\_\_\_\_ (yes or no)

**\*IF #4 AND #5 are "NO":** 1) Discontinue the interview; 2) Give a copy of this document to the School Principal for the II to be enrolled in school; 3) Put the document in the student's file.

**\*IF #4 OR #5 are "YES"** continue the interview in its entirety.

#### **PART IV. SPECIAL EDUCATION HISTORY**

**OBTAIN FROM THE II:** Read to the II: The implementation of special education (SPED) services is federally and state mandated and is provided to students until the end of the school year in which they turn 21.

1. When was your IEP or 504 Plan initiated? HS \_\_\_\_\_ MS \_\_\_\_\_ Elementary \_\_\_\_\_
2. Did you receive Related Services? If yes, select all that apply: \_\_\_\_\_ Counseling  
\_\_\_\_\_ Speech/Communication \_\_\_\_\_ Occupational Therapy \_\_\_\_\_ Physical Therapy
3. Do you wear glasses? \_\_\_\_\_ Have a hearing aid \_\_\_\_\_?

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#### **PART V. RECORDS REQUEST: (For Office USE ONLY)**

1. Date of CE Staff's record request: \_\_\_\_\_
2. School(s) contacted: \_\_\_\_\_

\*Place Record Request with student's signature in student file

***If the SPED Teacher/Case Manager (SPED CM) is not conducting the II interview, and the II states they have an IEP or 504 Plan, please provide a copy of this document to the SPED CM.***

DATE OF INTERVIEW: \_\_\_\_\_

STUDENT SIGNATURE: \_\_\_\_\_

INTERVIEWER'S NAME & SIGNATURE: \_\_\_\_\_