



Spencer-East Brookfield Regional School District
Student Services Department
302 Main Street, Spencer, Massachusetts 01562
Telephone (508) 885-8515 | Fax (508) 885-8541

Introduction

This Procedural Manual was designed to give readers an overview of the Special Education process. It provides basic information on how the Spencer-East Brookfield Regional School District's Student Services Department operates and a summary of the rights of parents and the responsibilities of school personnel. The Special Education process is a process that is the same regardless of a child's particular disabilities.

Special Education policies and procedures are guided by federal and state law. In addition to the federal law passes by Congress, the Individuals with Disabilities Education Act (IDEA), the U.S. Department of Education is required to provide states with federal regulations that further define the meaning of the law. These regulations provide guidance to states as to how the law is to be interpreted and applied to schools. This manual will be updated when necessary. *Please note that this manual is for reference only, and the information presented in this manual is not legal advice and should not be used as legal advice.*

Philosophy of the Student Services Department

It is the belief of the Student Services Department (the office that oversees Special Education in the Spencer-East Brookfield Regional School District) that each child, regardless of ability, should have the opportunity to achieve his/her potential in a school climate that fosters the intellectual, physical, social and emotional well-being of each student. The function of this department is to provide all students and staff with quality support services so that the goal of reaching all children's potential is realized. To that end, the Student Services Department is committed to "best practices" in Specialized Education Programs, Guidance Services and Related Services within each school and across the district as a whole.

Department Information

In addition to Special Education, the Student Services Department also oversees homeless students under the McKinney Vento Law, home instruction/tutoring, guidance services, nursing, registrations and special needs transportation.

The Student Services Department's office is located inside David Prouty High School, located at 302 Main Street, Spencer, MA 01562. The office is open for business Monday through Friday, except for legal holidays, from 7:30 a.m. to 3:30 p.m. during the school year. During the summer months the office is open Monday through Thursday, except for legal holidays, from 8:00 a.m. to 3:00 p.m. The office phone number is 508-885-8515. The office fax is 508-885-8541.

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The Basic Special Education Process Under IDEA¹

The writing of each student's IEP takes place within the larger picture of the special education process under IDEA. Before taking a detailed look at the IEP, it may be helpful to look briefly at how a student is identified as having a disability and needing special education and related services and, thus, an IEP.

Step 1. Child is identified as possibly needing special education and related services. “*Child Find*.” The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, public school districts conduct “Child Find” activities. Parents may be asked if the school district can evaluate their child. Parents can also call the public school district and ask that their child be evaluated. Or--

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within 45 school working days after the parent gives consent.

Step 2. Child is evaluated.

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

Step 3. Eligibility is decided.

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a “child with a disability,” as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision if they disagree with it.

Step 4. Child is found eligible for services.

If the child is found to be a “child with a disability,” as defined by IDEA, he or she is eligible for special education and related services, and the IEP team will write an IEP for the child.

Once the student has been found eligible for services, the IEP must be written. The two steps below *summarize* what is involved in writing the IEP. Detailed information on the IEP process is available on the ESE Web site <http://www.doe.mass.edu/sped/iep/>.

¹ This summary is taken from [A Guide to the Individualized Education Program](#), published by the Office of Special Education and Rehabilitative Services U.S. Department of Education, July 2000, pages 5 – 7. It is slightly revised consistent with Massachusetts requirements. <http://www.ed.gov/parents/needs/speced/iepguide/iepguide.doc>

Step 5. IEP meeting is scheduled.

The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Step 6. IEP meeting is held and the IEP is written.

The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

Here is a brief summary of what happens after the IEP is written.

Step 7. Services are provided.

The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Step 8. Progress is measured and reported to parents.

The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

Step 9. IEP is reviewed.

The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for

changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Step 10. Child is reevaluated.

At least every three years the child must be reevaluated. This evaluation is often called a “triennial.” Its purpose is to find out if the child continues to be a “child with a disability,” as defined by IDEA, and what the child’s educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child’s parent or teacher asks for a reevaluation.

SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

CHILD STUDY TEAM (CST)

Step 1 – CST Request: TEACHER INFORMATION FORM:

Date:	
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Teacher:	Student:	Grade:	School:

Please complete this information form on the student listed above. Feel free to write additional comments and/or impressions regarding this student.

Subject Area	Current Grade	Test Grade	% Assignments Handed In	Quality of Work
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
Strengths:				

Academic Concerns (please check all that apply)

<input type="checkbox"/> Basic Reading Skills	<input type="checkbox"/> Reading Comprehension	<input type="checkbox"/> Reading Fluency	<input type="checkbox"/> Vocabulary
<input type="checkbox"/> Memorization Skills	<input type="checkbox"/> Math Calculation	<input type="checkbox"/> Writing	<input type="checkbox"/> Spelling
<input type="checkbox"/> Story Problems	<input type="checkbox"/> Following Assignment Directions		
Other(s)			

Behavior Concerns (please check all that apply)

<input type="checkbox"/> Attention	<input type="checkbox"/> Asking Questions	<input type="checkbox"/> Attendance	<input type="checkbox"/> Aggression
<input type="checkbox"/> Anxiety	<input type="checkbox"/> Hyperactivity	<input type="checkbox"/> Impulsiveness	<input type="checkbox"/> Depression
<input type="checkbox"/> Participation	<input type="checkbox"/> Self-Harm	<input type="checkbox"/> Bullying	<input type="checkbox"/> Tiredness
<input type="checkbox"/> Following Directions	<input type="checkbox"/> Suicide Ideation	<input type="checkbox"/> Following Rules	<input type="checkbox"/> Study Skills
<input type="checkbox"/> Tardiness	<input type="checkbox"/> Work Completion	<input type="checkbox"/> Organization	<input type="checkbox"/> Withdrawal
Other(s)			

Social Concerns (please check all that apply)

<input type="checkbox"/> Social Skills	<input type="checkbox"/> Peer Relations	<input type="checkbox"/> Social Interaction	<input type="checkbox"/> Eye Contact
<input type="checkbox"/> Rigidity of Routines	<input type="checkbox"/> Emotional Awareness	<input type="checkbox"/> Physical Proximity	<input type="checkbox"/> Limited Interests
<input type="checkbox"/> Unable to read Social Cues	<input type="checkbox"/> Difficulty with Transition	<input type="checkbox"/> Unable to read Facial Expression	
Other(s)			

Motor Concerns (please check all that apply)

<input type="checkbox"/> Fine Motor	<input type="checkbox"/> Gross Motor	<input type="checkbox"/> Handwriting
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Speech/Language Concerns: Please complete Speech/Language Referral Forms.

Additional Comments/Information: Please use the back of this form.

Step 2 – Research/Gather Required Data:

Thank you for referring your student to the Child Study Team. Below you will find guidelines you need to follow for your initial meeting with the CST team. In order to expedite the process for your next meeting, please bring all appropriate data, interventions and time-lines. Please include the student's most recent report card or progress report. Information you should bring to your initial meeting:

Evidence /Supporting Data:

- Proof of parent contact regarding student's concern (phone log or conference info)
 - Parent Notice of CST Action Letter.
 - Recent report card or progress report.
 - Tier 1 interventions/instructional strategies tried (frequency and duration).
 - Data collection sheets (from interventions tried).
 - Anecdotal data/observations.
 - Assessment results (MCAS, MAP, DiBels, Study Island), Pre/Post Assessment Measures.
 - Samples of student work (specific to students concern)
 - Attendance/discipline.
 - Any other data you feel is relevant.
-
- Parents should be aware of your concern prior to the meeting; share parent response in regards to that concern
 - Teacher presents student, focusing first on strengths, then on specific academic or behavioral concerns (4 minutes)
 - Team asks questions to clarify variables in setting, task difficulty, curricula used, etc. (4-5 minutes)
 - Team forms hypothesis about what could be taught to improve the student's outcome in the area of concern (4-5 minutes)
 - Team specifies what intervention will be implemented and what data will be taken to show if intervention is working (4-5 minutes)
 - Team sets follow up date to review progress monitoring data (1 minute)

Date for your initial meeting:	Time:

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CHILD STUDY TEAM (CST)

Step 3 – Initial Team Meeting:

Meeting Date:	Time:	
Student:	Grade:	School:

CST in attendance:	
CST Facilitator:	Teacher Requesting Assistance:
CST:	
1.	3.
2.	4.

1. Describe the target problem: (What do you want to change?)

2. Describe expected improvement of change, in observable, measurable terms:

3. Interventions recommended by the team:	
1.	3.
2.	4.

4. Specific interventions to be implemented:	
1.	3.
2.	4.

5. Person(s) responsible for implementing interventions:		
Person	Intervention	When

Duration (mins) of meeting	
Date for follow-up meeting:	
Interventions should be a minimum of 6-8 weeks in length and must include ongoing assessment of student progress and evidence of strategies tried to meet individualized student needs. Instructors should collaborate at least weekly to examine data and Instructional practices in an effort to determine how to best meet the students needs. If necessary, Interventions beyond Tier one should be considered by the team prior to referral.	

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CHILD STUDY TEAM (CST)

Step 4 – Follow – up Meeting:

Referral Date:	Meeting Date:	Time:
Student:	Grade:	School:

CST in attendance:	
CST Facilitator:	Teacher Requesting Assistance:
CST:	
1.	3.
2.	4.

N.B - (Interventions should be a minimum of 6-8 weeks in length and must include ongoing assessment of student progress and evidence of strategies tried to meet individualized student needs. Instructors should collaborate at least weekly to examine data and Instructional practices in an effort to determine how to best meet the students needs. If necessary, Interventions beyond Tier one should be considered by the team prior to referral.)

Interventions tried:	Results:
1.	
2.	
3.	
4.	

Recommendations:	
<input type="checkbox"/>	Problem/issue resolved, no further action required
<input type="checkbox"/>	Intervention to be continued <input type="checkbox"/>, changed <input type="checkbox"/> (place new intervention in other)
<input type="checkbox"/>	Student referred to special education
<input type="checkbox"/>	Other:

Parent/Guardian name:	
Parent/Guardian sent letter of EIT recommendations	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Date:

Parent/Guardian Notified of Referral to Special Education:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
By Whom:	Date:	

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CHILD STUDY TEAM (CST)

2. Please attach student work samples, formal classroom procedures/test, reports or observations that were used as a basis for this special education referral.
Supporting documentation submitted:
1.
2.
3.
4.
Assessment results (MCAS, MAP, DiBels, Study Island),

Reviewed by Principal:	Date:
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Parent/Guardian notified of Referral to Special Education:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
By Classroom Teacher:		

SECTION IV. (To be completed by Team Chair)

1. What other factors, if any were relevant to the Spencer-East Brookfield School District’s decision to pursue a special education evaluation?	
Team Chairperson:	Date:

SECTION V. (To be completed by the Director of Pupil Services)

ASSESSMENTS TO BE COMPLETED		
ASSESSMENT	Yes <input type="checkbox"/> No <input type="checkbox"/>	SPECIALIST
Educational History	Yes <input type="checkbox"/> No <input type="checkbox"/>	Principal
Classroom Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	Teacher
Psychological Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Achievement Testing	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Specialized Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Home/Social Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Speech/Language Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Occupational Therapy Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Physical Therapy Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Other:	Yes <input type="checkbox"/> No <input type="checkbox"/>	

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CHILD STUDY TEAM (CST)

Director of Pupil Services:	Dates:
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GENERAL EDUCATION CURRICULUM ACCOMMODATION PLAN

Date:	Designed by:
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Student:	D.O.B	Grade:	School:

CURRICULUM /INSTRUCTION/ASSESSMENT STRATEGIES	
Provide multi-modal presentations of materials	<input type="checkbox"/>
Utilize multiple intelligence/learning style approach	<input type="checkbox"/>
Utilize differentiated instruction and assignments	<input type="checkbox"/>
Develop integrated student work projects related to the curriculum	<input type="checkbox"/>
Use graphic organizers and other organizing strategies	<input type="checkbox"/>
Model content area reading strategies	<input type="checkbox"/>
Reteach and review concepts	<input type="checkbox"/>
Utilize computer assisted instruction	<input type="checkbox"/>
Make use of transition cues	<input type="checkbox"/>
Include study skills strategies	<input type="checkbox"/>
Have copies of class notes available	<input type="checkbox"/>
Furnish study guides	<input type="checkbox"/>
Offer peer teaching and group activities	<input type="checkbox"/>
Provide individual assistance in the classroom	<input type="checkbox"/>
Provide challenging projects	<input type="checkbox"/>
Offer oral/untimed tests	<input type="checkbox"/>
Develop alternate assessments	<input type="checkbox"/>
Provide testing modifications (specify: _____)	<input type="checkbox"/>
Classroom interventions by appropriate school personnel	<input type="checkbox"/>
Assessment results (MCAS, MAP, DiBels, Study Island), Pre/Post Internal + external assessment measures.	<input type="checkbox"/>

BEHAVIORAL INTERVENTION STRATEGIES	
Develop student-teacher contracts	<input type="checkbox"/>
Arrange seating accommodations	<input type="checkbox"/>
Develop behavior plan	<input type="checkbox"/>
Include positive reinforcement, incentives, and rewards	<input type="checkbox"/>
Utilize charts to monitor student expectations.	<input type="checkbox"/>
Adjust classroom management strategies.	<input type="checkbox"/>

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CHILD STUDY TEAM (CST)

POSSIBLE CURRICULUM ACCOMODATION		
PHYSICAL		
Arrange preferred seating	Use visual/auditory aids	Incorporate stress release activities
Include energizers	Remove distractions	Experiment with use of space
BEHAVIORAL		
Change seats	Provide a mentor	Utilize charts- use simple corrective messages
Refer parent to agency	Provide set of rewards	Adjust classroom management
Plan parental programs	Positive reinforcement	Arrange alternative programs
STRUCTUAL		
Change teams	Use contract learning	Develop and save alternate assignments
Cross grade levels		
ORGANIZATIONAL		
Arrange parent workshops	Invite parental assistance	Experiment with a flexible schedule
Reduce the student's schedule	Include an extended day program	Rotate the student's schedule
Insist on frequent progress reports		
REMEDIAL		
Offer after school supports	School counseling or meetings	Improve parent communication
Find a buddy reader	Arrange peer tutoring	Provide assistance with note taking
Utilize study groups	Take advantage of mentoring	
TECHNOLOGY		
Provide calculators	Arrange email communication	Schedule computer assisted instruction
Tape record lessons	Offer research assistance	Take advantage of computer labs/and or classroom computers
Utilize listening centers	Incorporate appropriate software	
INSTRUCTION/ASSESSMENT		
Extended time on tests	Peer tutor	Oral testing
Provide manipulatives	Alternate assessment	Vary teaching strategies
Assign mentors	Provide visual cues	Identify student's learning style
Include transition cues	Create flashcards	Provide study guides (power point)
Break down tasks	Reduce workload	Arrange small group instruction
Include tactile activities	Contracts with students	Provide individual help within class
Use homework logs	Provide wait time	Provide reference tools
Cue to use LINKS, Report Form, Written Expression and Story Form	Insist on graphic organizers	Teach test taking strategies and provide copious practice
Pre/Post Internal + external assessment measures.	Assessment results (MCAS, MAP, DiBels, Study Island).	

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CHILD STUDY TEAM (CST)

SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

CHILD STUDY TEAM (CST)

**Step 1 – CST Request: TEACHER INFORMATION FORM:
(To be given to CST Coordinator)**

Date:	
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Teacher:	Student:	Grade:	School:

Please complete this information form on the student listed above. Feel free to write additional comments and/or impressions regarding this student.

Subject Area	Current Grade	Test Grade	% Assignments Handed In	Quality of Work (MUST ATTACH COPY OF WORK SAMPLES)
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
				<input type="checkbox"/> Poor <input type="checkbox"/> Improving <input type="checkbox"/> Adequate <input type="checkbox"/> Good <input type="checkbox"/> Excellent
Strengths:				

Academic Concerns (please check all that apply)

(MUST ATTACH COPY OF DIBELS, MAPS, IREADY and WORK SAMPLES)			
<input type="checkbox"/> Basic Reading Skills	<input type="checkbox"/> Reading Comprehension	<input type="checkbox"/> Reading Fluency	<input type="checkbox"/> Vocabulary
<input type="checkbox"/> Memorization Skills	<input type="checkbox"/> Math Calculation	<input type="checkbox"/> Writing	<input type="checkbox"/> Spelling
<input type="checkbox"/> Word Problems	<input type="checkbox"/> Following Assignment Directions		
Other(s)			

Social Concerns (please check all that apply)

<input type="checkbox"/> Anxiety	<input type="checkbox"/> Depression	<input type="checkbox"/> Difficulty with Transition	<input type="checkbox"/> Emotional Awareness
<input type="checkbox"/> Limited Interests	<input type="checkbox"/> Peer Relations	<input type="checkbox"/> Perspective Taking	<input type="checkbox"/> Physical Proximity
<input type="checkbox"/> Rigidity of Routines	<input type="checkbox"/> Social Interaction	<input type="checkbox"/> Social Skills	<input type="checkbox"/> Suicide Ideation
<input type="checkbox"/> Unable to read Social Cues		<input type="checkbox"/> Unable to read Facial Expression	
Other(s) Withdrawal			

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 CHILD STUDY TEAM (CST)

Behavior Concerns (please check all that apply)

<input type="checkbox"/> Attention	<input type="checkbox"/> Asking Questions	<input type="checkbox"/> Attendance	<input type="checkbox"/> Aggression
<input type="checkbox"/> Bullying	<input type="checkbox"/> Elopement	<input type="checkbox"/> Following Rules	<input type="checkbox"/> Following Directions
<input type="checkbox"/> Hyperactivity	<input type="checkbox"/> Impulsiveness	<input type="checkbox"/> Organization	<input type="checkbox"/> Participation
<input type="checkbox"/> Property Destruction	<input type="checkbox"/> Self-Harm	<input type="checkbox"/> Study Skills	<input type="checkbox"/> Tantrums/Outbursts
<input type="checkbox"/> Tardiness	<input type="checkbox"/> Tiredness	<input type="checkbox"/> Threats to Others	<input type="checkbox"/> Work Completion
Other(s)			

Motor Concerns (please check all that apply, attach work samples)

<input type="checkbox"/> Fine Motor	<input type="checkbox"/> Gross Motor	<input type="checkbox"/> Handwriting
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Speech/Language Concerns:

<input type="checkbox"/> Speech Sounds	<input type="checkbox"/> Expressive/Receptive Language	<input type="checkbox"/> Auditory Processing
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Additional Comments/Information: Please use for additional comments.

Step 2 – Research/Gather Required Data:
(Given to the teacher by CST coordinator once meeting arranged)

Thank you for referring your student to the Child Study Team. Below you will find guidelines you need to follow for your initial meeting with the CST team. To expedite the process for your next meeting, please bring all appropriate data, interventions, and timelines. Please include the student's most recent report card or progress report. Information you should bring to your initial meeting:

Evidence /Supporting Data:

- Proof of parent contact regarding student's concern (phone log or conference info)
 - Parent Notice of CST Action Letter.
 - Recent report card or progress report.
 - Tier 1 interventions/instructional strategies tried (frequency and duration).
 - Data collection sheets (from interventions tried).
 - Anecdotal data/observations.
 - Assessment results (MCAS, MAP, DiBels, Early Bird, Gallistelle Phonics Screeners, IReady), Pre/Post Assessment Measures. Progress Monitoring Data.
 - Samples of student work (specific to the student's concern)
 - Attendance/discipline.
 - Any other data you feel is relevant.
-
- Parents should be aware of your concern prior to the meeting; share parent responses in regard to that concern
 - The teacher presents student, focusing first on strengths, then on specific academic or behavioral concerns (4 minutes)
 - The team asks questions to clarify variables in setting, task difficulty, curricula used, etc. (4-5 minutes)
 - Team forms a hypothesis about what could be taught to improve the student's outcome in the area of concern (4-5 minutes)
 - The team specifies what intervention will be implemented and what data will be taken to show if the intervention is working (4-5 minutes)

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 CHILD STUDY TEAM (CST)

- The team sets follow up date to review progress monitoring data (1 minute)

Date for your initial meeting:	Time:

Step 3 - Initial Team Meeting:

Meeting Date:	Time:	
Student:	Grade:	School:

CST in attendance:	
CST Facilitator:	Teacher Requesting Assistance:
CST:	
1.	3.
2.	4.

1. Describe the target problem: (What do you want to change?)

2. Describe expected improvement of change, in observable, measurable terms:

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CHILD STUDY TEAM (CST)

3. Interventions recommended by the team:

1.	3.
2.	4.

4. Specific interventions to be implemented:

1.	3.
2.	4.

5. Person(s) responsible for implementing interventions:

Person	Intervention	When

6. Screen request:

<input type="checkbox"/> OT	<input type="checkbox"/> PT	<input type="checkbox"/> Speech and Language	<input type="checkbox"/> Behavior
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Duration (mins) of meeting**Date for follow-up meeting:**

Interventions should be a minimum of 3-4 weeks in length and must include ongoing assessment of student progress and evidence of strategies tried to meet individualized student needs. Instructors should collaborate at least weekly to examine data and Instructional practices to determine how to best meet the student's needs. If necessary, Interventions beyond Tier one should be considered by the team prior to referral.

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CHILD STUDY TEAM (CST)

Step 4 – 2nd Meeting: (3-4 weeks after initial meeting)

Referral Date:	Meeting Date:	Time:
Student:	Grade:	School:

CST in attendance:	
CST Facilitator:	Teacher Requesting Assistance:
CST:	
1.	3.
2.	4.

N.B - (Interventions should be a minimum of 3-4 weeks in length and must include ongoing assessment of student progress, and evidence of strategies tried to meet individualized student needs. Instructors should collaborate at least weekly to examine data and Instructional practices to determine how to best meet the student's needs. If necessary, Interventions beyond Tier one should be considered by the team before referral.)

Interventions tried:	Results: MUST attach data from progress monitoring
1.	
2.	
3.	
4.	

Recommendations:	
<input type="checkbox"/>	Problem/issue resolved; no further action required
<input type="checkbox"/>	Intervention to be continued <input type="checkbox"/>, changed <input type="checkbox"/> (place new intervention in <u>other</u>)

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 CHILD STUDY TEAM (CST)

<input type="checkbox"/>	Student referred to special education
<input type="checkbox"/>	Screening request <input type="checkbox"/> OT. <input type="checkbox"/> PT <input type="checkbox"/> Speech <input type="checkbox"/> Behavior
<input type="checkbox"/>	Other:

Parent/Guardian name:	
Parent/Guardian sent letter of CST recommendations	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Date:

Student Services Notified of Referral to Special Education:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
By Whom:	Date:	

SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

CHILD STUDY TEAM (CST)

Step 5 – Referral to Special Education:**SECTION I.**

LASID #:		SASID #:	
Student:			
First	Middle	Last	
DOB:	Gender: M <input type="checkbox"/> F <input type="checkbox"/>	Birthplace:	
Address:		Town	Zip:
Home Phone:		Alt. Phone:	
Parent/Guardian		Email:	

School:	Grade:
Suspected area of disability (refer to Disability Category definitions).	

SECTION II.

Please indicate the type of evaluation that is recommended:	
<input type="checkbox"/> Initial Evaluation	<input type="checkbox"/> Additional Testing

SECTION III.

This section must be completed in a detailed, narrative format by a referring principal, teacher, or specialist.
1. State the major concern regarding the student's performance in your classroom. Provide examples to support your concerns. Please be as specific as possible when completing this information.

SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

CHILD STUDY TEAM (CST)

2. Please attach student work samples, formal classroom procedures/test, reports or observations that were used as a basis for this special education referral.
Supporting documentation submitted:
1.
2.
3.
4.
Assessment results (MCAS, MAP, DiBels, (Attach growth reports),

Reviewed by Principal:

Date:

SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

CHILD STUDY TEAM (CST)

Parent/Guardian notified of Referral to Special Education:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
By Classroom Teacher:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
By Team Chair	Yes <input type="checkbox"/>	No <input type="checkbox"/>

SECTION IV. (To be completed by Team Chair)

1. What other factors, if any were relevant to the Spencer-East Brookfield School District's decision to pursue a special education evaluation?	
Team Chair:	Date:

SECTION V. (To be completed by the Team Chair)

ASSESSMENTS TO BE COMPLETED		
ASSESSMENT	Yes <input type="checkbox"/> No <input type="checkbox"/>	SPECIALIST
Educational History A&B	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Classroom Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	Teacher
Psychological Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Achievement Testing	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Specialized Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Home/Social Assessment	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Speech/Language Assessment (attach screening)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Occupational Therapy Assessment (attach screening)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Physical Therapy Assessment (attach screening)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Other:	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Director of Student Services :	Dates:
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 SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

 CHILD STUDY TEAM (CST)

GENERAL EDUCATION CURRICULUM ACCOMMODATION PLAN

Date:	Designed by:
--------------	---------------------

Student:	D.O.B	Grade:	School:

CURRICULUM /INSTRUCTION/ASSESSMENT STRATEGIES TRIED			
1= Attempted, 2=Successful, 3=Unsuccessful	1	2	3
Provide multi-modal presentations of materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize multiple intelligence/learning style approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize differentiated instruction and assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Develop integrated student work projects related to the curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use graphic organizers and other organizing strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Model content area reading strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reteach and review concepts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize computer assisted instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Make use of transition cues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Include study skills strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have copies of class notes available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Furnish study guides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offer peer teaching and group activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide individual assistance in the classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide challenging projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offer oral/untimed tests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Develop alternate assessments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

 CHILD STUDY TEAM (CST)

Provide testing modifications (specify: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Classroom interventions by appropriate school personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assessment results (MCAS, MAP, DiBels, Study Island), Pre/Post Internal + external assessment measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BEHAVIORAL INTERVENTION STRATEGIES			
	1	2	3
1= Attempted, 2=Successful, 3=Unsuccessful			
Develop student-teacher contracts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arrange seating accommodations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Develop behavior plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Include positive reinforcement, incentives, and rewards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize charts to monitor student expectations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adjust classroom management strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide for individual and small group counseling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORGANIZATIONAL STRATEGIES			
	1	2	3
1=Attempted, 2=Successful, 3=Unsuccessful			
Use agenda system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help students organize notebook or provide folder to organize work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Develop a flexible/modified schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize flexible grouping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize team/cooperative teaching	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilize contract learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Implementing a progress reporting system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consult and co-plan by grade level or department team	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remind students about long-term assignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Break long-term assignments into small units building to larger outcome	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

POSSIBLE CURRICULUM ACCOMODATION

PHYSICAL		
Arrange preferred seating	Use visual/auditory aids	Incorporate stress release activities
Include energizers	Remove distractions	Experiment with use of space
BEHAVIORAL		
Change seats	Provide a mentor	Utilize charts- use simple corrective mess
Refer parent to agency	Provide set of rewards	Adjust classroom management
Plan parental programs	Positive reinforcement	Arrange alternative programs
STRUCTUAL		
Change teams	Use contract learning	Develop and save alternate assignments
Cross grade levels		
ORGANIZATIONAL		
Arrange parent workshops	Invite parental assistance	Experiment with a flexible schedule
Reduce the student's schedule	Include an extended day program	Rotate the student's schedule
Insist on frequent progress reports		
REMEDIAL		
Offer after school supports	School counseling or meetings	Improve parent communication

SPENCER – EAST BROOKFIELD REGIONAL SCHOOL DISTRICT

CHILD STUDY TEAM (CST)

Find a buddy reader	Arrange peer tutoring	Provide assistance with note taking
Utilize study groups	Take advantage of mentoring	
TECHNOLOGY		
Provide calculators	Arrange email communication	Schedule computer assisted instruction
Tape record lessons	Offer research assistance	Take advantage of computer labs/and or classroom computers
Utilize listening centers	Incorporate appropriate software	
INSTRUCTION/ASSESSMENT		
Extended time on tests	Peer tutor	Oral testing
Provide manipulatives	Alternate assessment	Vary teaching strategies
Assign mentors	Provide visual cues	Identify student's learning style
Include transition cues	Create flashcards	Provide study guides (power point)
Break down tasks	Reduce workload	Arrange small group instruction
Include tactile activities	Contracts with students	Provide individual help within class
Use homework logs	Provide wait time	Provide reference tools
Cue to use LINKS, Report Form, Written Expression and Story Form	Insist on graphic organizers	Teach test taking strategies and provide copious practice
Pre/Post Internal + external assessment measures.	Assessment results (MCAS, MAP, DiBels, Study Island).	

DISTRICT CURRICULUM ACCOMMODATION PLAN

SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT



Introduction

Each school district in the Commonwealth of Massachusetts is required to develop a District Curriculum Accommodation Plan (DCAP) to assist school leaders in planning and providing a general education program that is able to accommodate students' diverse learning needs. The Massachusetts General Laws related to DCAP are provided in Appendix A. Together, these two sections require that the District Curriculum Accommodation Plan be adopted by the district and individualized for each of its school buildings. The purpose of this planning is to continually strengthen and improve the general education program for the benefit of all students.

The DCAP addresses various strategies that will help to achieve that objective, including:

Classroom Teacher Support - Assistance would include such things as professional development that will help them to analyze and accommodate various students' learning needs, including students who are English language learners, and to manage students' behavior effectively.

Support Services - These would include services that are available to students through the regular education program, including services to address the needs of students whose behavior may interfere with learning.

Title I: Wire Village School, Knox Trail Middle School

Reading Services - This means the direct and systematic instruction in reading for all students.

Mentoring and Collaboration – This set of strategies includes those that encourage teacher mentoring and collaboration.

Parental Involvement - This includes workshops/presentations and strategies that encourage parental involvement in their children's education.

While not required by the Department of Elementary and Secondary Education, this plan seeks to identify strategies in several other areas:

School Organization - Included here are such things as changes to the school schedule (such as additional instructional time or block scheduling), review of school policies and discipline codes, pre-referral activities before students are evaluated to determine eligibility for special education, after-school options (such as homework assistance and peer coaching.) and behavioral interventions including Bullying Programs/Bullying Curriculum.

Curriculum Alignment - These strategies provide for a review of local curriculum in relation to state learning standards.

Additional Support Services - Services that provide additional staffing or consultation on behavioral issues and on literacy development are included in this category.

Community Involvement - These include youth placed at-risk meetings and strategies for using or increasing the use of community agencies and volunteers to assist students and teachers.

Spencer-East Brookfield Regional School District District Curriculum Accommodation Plan

Spencer-East Brookfield Regional Schools is an inclusive school district. As such, we are a collaborative culture that welcomes all members into our learning community. Recognizing that students share more similarities than differences, our learning community respects each individual's unique contributions. As an inclusive school district, it is expected that all adults share the responsibility for providing every student 'with access to and participation in high quality general education.

With that philosophy and our mission in mind we have developed the District Curriculum Accommodation plan in accordance with MGL c.71, S38Q. The plan is designed to increase the accessibility of curriculum for all students and parents and provide additional options and protocols for students experiencing difficulty accessing the curriculum through traditional methods and protocols for consulting with Special Education when those methods have been exhausted.

Spencer-East Brookfield Regional School District District Curriculum Accommodation Plan

The Spencer-East Brookfield Regional School District (SEBRSD) Curriculum Accommodation Plan has been designed to provide guidelines for assisting all students, including those with special learning needs, meet Massachusetts and District standards and to demonstrate success on assessments. The fundamental goal of the plan is to provide the regular classroom teacher with the tools needed to analyze and accommodate the diverse learning styles of all children in the classroom. It emphasizes the provision of appropriate services and support within the regular education program. These services include, but are not limited to, direct and systematic instruction and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services.

Each principal in the Spencer-East Brookfield Regional School District has a building-based support team, in addition to District-wide consultative services for the administration and teachers to ensure that adequate instructional assistance is available. Appropriate services and interventions are both promoted and documented to verify substantiation and accommodations for each student in the system. The SEBRSD curriculum encourages the continual planning, managing, delivery, and evaluation of the instructional process to ensure that the District's curriculum is effective for every child. Accommodation to the diverse learning styles and individual needs of each student is inherent within the SEBRSD Curriculum Guidelines.

The Spencer-East Brookfield Regional School District encourages the use of performance assessments and teacher created assessments to provide evidence of the student's progress through the curriculum. The District believes that knowledge of pupil performance on curriculum-based measures is integral in noting gaps in students' skill development and for designing acceleration and remedial interventions.

The SEBRSD Curriculum Accommodation Plan has been prepared for principals, classroom teachers and student assistance teams to use as a resource. It includes guidelines gleaned from the PRIM (Pre-Referral Intervention Manual).

Located within the SEBRSD Curriculum Accommodation Plan are suggestions for the following:

- Classroom Practices
- Assessment Practices
- Implementation Options
- Possible Modifications in the Classroom

Classroom Practices

Classroom practices are the range of instructional practices and strategies that are employed to assist a given special population of students to learn. These include, but are not limited to: time, space, modality, grouping, presentation, classroom organization and behavior management, materials, equipment, technology and environment.

With the needs of diverse learners in mind, educators need to promote:

1. **Setting for Instruction and Learning**
 - Promote supportive and responsive climates that facilitate social and cultural learning and allow students to take risks and learn from failure. Provide opportunities and environments for meaningful participation of all students in instructional and social activities.
 - Adapt physical environments to match the learning needs of students.

2. **Instructional Practice**
 - Choose teaching and learning methods that match the learning needs and styles of the student.
 - Incorporate direct instruction of how-to-learn skills and thinking skills throughout the curriculum.
 - Make sure the language of instruction effectively communicates and promotes student understanding for students with special needs.
 - Use methods to promote active learning, including hands-on learning, real-world and experiential learning, community-based learning, and learning involving student choice.
 - Use learning materials, equipment, and media tailored to the unique learning needs of students.
 - Design and implement specific opportunities for students to apply and transfer learning to a variety of situations, both familiar and novel.
 - Use varied and flexible grouping strategies for instructional purposes.
 - Use flexibility in pacing of instruction, scheduling, and time-usage based on the needs of individual students.
 - Communicate and collaborate with other teachers, specialists, students, families, and appropriate agencies in planning and implementing effective instruction.

3. **Student Self-Management**
 - Use strategies designed to promote student self-management and independence.
 - Provide consistency, structure, and clear expectations.

- Provide appropriate positive learning reinforcement, feedback, and recognition for student accomplishment.

Assessment Practices

Assessment practices include the accommodations and adaptations necessary for a given special population to adequately demonstrate knowledge and skills.

In assessing the learning of diverse learners, educators need to:

1. Allow for a variety of assessments that evaluate what is being taught. This may include:
 - Assessment of daily work
 - Observations
 - Self and peer evaluations, demonstrations and projects
 - Oral tests
 - Cooperative group assessments
 - Portfolios
2. Ensure that the language used in assessment is consistent with the language used during instruction and use the student's preferred mode of communication. When assessing, always consider:
 - Student's culture/preferred language
 - Clarity of instructions
 - Verbal and non-verbal options (e.g., sign language)
3. Consider the student's unique needs when determining the content of the assessment:
 - Identify the skills or content to be assessed and ensure that assessments test only the content taught.
 - Design assessments to determine what the student knows as opposed to what the student does not know
 - Utilize student's prior knowledge to determine instruction and subsequent assessments.
 - Identify individual learning styles and design assessments to elicit a variety of thinking and application skills.
4. Design assessment procedures and accommodations to meet individual student needs:
 - Assess in student's primary communication mode (i.e., Braille, sign language, picture board).
 - Utilize technology for presentation of assessment and student response.

5. Allow flexibility in the time and scheduling of assessments.
 - Allow extended time.
 - Allow the student to take breaks.
 - Divide assessment into smaller segments.
 - Schedule assessment when student can perform best.
 - Utilize untimed assessments.

6. Allow for a variety of assessment environments. Consider the purpose of the assessment and the student's unique needs and choose the environment, which fits best.
 - Consider student's physical condition, endurance, emotional state, attention span and distractibility, medical condition, etc., at time of assessment.
 - Control for distractions.
 - Create supportive settings that encourage student participation.
 - Use preferential seating.
 - Use real life settings and other alternative environments.

7. Consider the evaluation criteria that will be utilized when designing assessments and set the criteria prior to assessment.
 - Make expectations and criteria clear and explicit.
 - Provide a variety of grading methods, including: individual grading scale, narrative reports, and group grades.
 - Involve others.
 - Provide family and others the opportunity to assist in determining the realistic expectations and goals for the student and in interpreting assessment results.

Implementation Options

Implementation options are ways of organizing people and materials to supply and deliver educational opportunities, accommodations and supports so that students are able to be successful learners.

In order to provide all students with adequate opportunities to learn, schools need to:

1. Use shared and flexible resources, including personnel, fiscal, facility, program, time, and administrative process to meet students' needs and offer appropriate services by providers with specific expertise.
2. Offer curriculum and instruction that is diversified through a variety of modifications using alternative scheduling, accessibility, optimal learning environments, grouping, accommodation of multiple learning styles, setting appropriate expectations, student: teacher ratios, and using a variety of instructional techniques.
3. Support collaborative planning with individual students, team members, family members, the community, and other agencies with the management of time and resources.
4. Design support services for students that help them with life management including safety, health, wellness, social relationships, and learning.
5. Assure that school professionals, families, and students use technology competently to maximize learning.
6. Offer support services for students to assist in managing behavior, expressing needs, developing friendships, resolving conflicts, and making choices and planning their lives.
7. Assure students the opportunity to plan and prepare for successful life adjustment after high school including career development, community involvement, post-secondary education, recreation and leisure choices, and daily living activities.

Modifications to Assist in Implementation of the Curriculum: A Collection of Possibilities

The following is a collection of *suggestions* for staff to utilize when modifying materials, classroom environment, and student demands, or in the development of strategies when dealing with inappropriate behavior and focusing on student attention. Please refer to the PRIM (Pre-Referral Intervention Manual) for additional suggestions.

Modifying the Presentation of Material

Break assignment into segments of shorter tasks.

Use concrete examples of concepts before teaching the abstract.

Relate information to the student's experiential base.

Reduce the number of concepts presented at one time.

Provide an overview of the lesson before beginning.

Monitor the student's comprehension of language used during instruction.

Schedule frequent short conferences with the student to check for comprehension.

Provide consistent review of any lesson before introducing new information. Allow student to obtain and report information utilizing: cassette recorders, dictation, calculators, typewriters/computers, interviews, and fact sheets.

Highlight important concepts to be learned in text of material.

Monitor the rate at which material is presented.

Give additional presentation by varying the methods using repetition, simpler explanations, more examples, and modeling.

Require verbal responses to indicate comprehension.

Give frequent reminders of homework assignments.

Provide clear, concise directions and concrete examples for homework assignments. Assign tasks at an appropriate reading level.

Allow for the oral administration of tests.

Check assignment sheet for accuracy.

Modifying the Environment

Seat student in an area free of distractions.

Use preferential seating to direct instruction.

Help keep student's work area free of unnecessary materials.

Use checklists to help the student get organized.

Frequently check the organization of the student's notebook.

Monitor the student's use of his/her assignment book.

Check the assignment book for accuracy.

Provide opportunities for movement.

Modifying Time Demands

- Increase time allowed for completion of tests or assignments.
- Reduce the amount of work or length of tests.
- Prioritize assignments and/or steps to completing assignments for the student.
- Space short work periods with breaks or change of tasks.
- Consistently follow a specific routine.
- Alternate quiet and active tasks.
- Set time limits for specific task completion.

Modifying the Materials for Students With Specific Concerns

Visual Motor Integration and Written Expression Problems

- Reduce the amount of copying from text and board.
- Allow student use either cursive or manuscript.
- Set realistic and mutually agreed upon expectations for neatness.
- Let student type, record, or give answers orally instead of writing.
- Avoid pressures of speed and accuracy.
- Provide copies of notes.
- Accept key word responses instead of complete sentences.

Visual Processing Problems

- Highlight information to be learned.
- Keep written assignments and workspace free from extraneous and/or irrelevant distracters.
- Provide clear and well-defined worksheets.
- Go over visual task with student and make sure student has a clear understanding of all parts of the assignment from the beginning.
- Avoid having student copy from the board.
- Have student verbalize instructions before beginning task.
- Avoid crowded, cluttered worksheets by utilizing techniques such as blocking (blocking assignments into smaller segments), cutting (cut worksheets into sections), folding (fold worksheets into sections), and highlighting, color coding, or underlining.

Organizational Problems

- Provide an established daily routine.
- Provide clear rules and consistently enforce them.
- Contract with student and use rewards for completion of contract.
- Check the student's notebook to ensure the use of dividers, assignment sheet, and calendar.
- Provide due date on written assignments.
- Provide a specific place for turning in completed assignments.

Language Processing Problems

- Give written directions to supplement verbal directions.
- Slow the rate of presentations.
- Paraphrase information.
- Keep statements short and to the point.
- Avoid use of abstract language such as metaphors, idioms, and puns.
- Keep sentence structures simple.
- Encourage feedback from student to check for understanding.
- Familiarize student with new vocabulary before beginning the lesson.
- Reduce the amount of extraneous noise such as conversation, radio, TV, outside noises, etc.
- Alert student's attention before expressing key points.
- Ensure the readability levels of the textbooks are commensurate with the student's language level.
- Utilize visual aids such as charts and graphs.
- Utilize manipulative, hands-on activities whenever possible.
- Always demonstrate how new materials relate to previously learned information. Cue students by calling their names before asking questions.

Use of Groups and Peers

- Utilize cooperative learning strategies when appropriate.
- Assign a peer helper to check understanding of directions.
- Assign a peer helper to read important directions and essential information. Assign a peer tutor to record material dictated by the student.

Helping Focus Attention

Establish relevancy and purpose for learning by relating to previous experiences. Shape approximations of desired behavior by providing direct reinforcement such as praise or immediate feedback for correct answers.

Seat student close to teacher.

Make a positive personal comment every time the student shows any evidence of interest.

Make frequent checks for assignment progress/completion.

Give advance warning of when a transition is going to take place. Use physical proximity and touch to help student refocus.

Assisting the Reluctant Starter

Give a personal cue to begin work.

Give work in smaller units.

Provide immediate reinforcers and feedback.

Introduce the assignment in sequential steps.

Check student for understanding of instructions.

Check on progress often in the first few minutes of work.

Provide time suggestions for each task.

Provide a checklist for long detailed tasks.

Dealing with Inappropriate Behavior

Provide clear and concise classroom expectations and consequences.

Consistently reinforce the rules.

Avoid the use of confrontational techniques. Provide student with alternatives.

Designate a “cooling off” location within the classroom. Assign activities which require some movement.

Use praise generously.

Avoid power struggles.

Ignore attention-getting behavior for a short time.

Avoid criticizing the student.

Communicate frequently with parents.

Monitor levels of tolerance and be mindful of signs of frustration.

Speak privately, without the audience of peers, to student about inappropriate behavior.

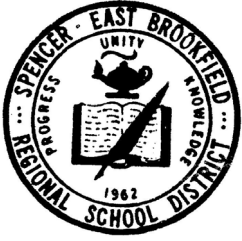
**Spencer-East Brookfield Regional School District
General Education Curriculum Accommodation Plan**

Developed by: _____ Date: _____

Student Name: _____ Grade: _____

Curriculum/Instruction/Assessment Strategies	Dates attempted	Successful (yes/no)
Provide multi-modal presentations of materials		
Utilize multiple intelligence/learning style approaches		
Utilize differentiated instruction and assignments		
Develop integrated student work projects related to the curriculum		
Use graphic organizers and other organizing strategies		
Use word banks		
Model content area reading strategies		
Reteach and review concepts		
Utilize computer assisted instruction		
Make use of transition cues		
Use concrete examples and manipulatives		
Include study skills strategies		
Have copies of class notes available		
Furnish study guides		
Offer peer teaching and group activities		
Provide individual assistance in the classroom		
Adjust reading level		
Reduce the amount of concepts presented at once		
Provide challenging projects		
Offer oral/untimed tests		
Develop alternate assessments		
Provide testing modifications (specify: _____)		
Classroom interventions by appropriate school personnel		
Give multiple choice test questions		
List directions, instructions and schedule on the board		

Behavioral Intervention Strategies		
Develop student-teacher contracts		
Arrange seating accommodations		
Develop behavior plans		
Include positive reinforcement, incentives, and rewards		
Utilize charts to monitor student expectations		
Adjust classroom management strategies		
Consult with necessary staff (school psychologist, adjustment counselor, special needs staff, etc.)		
Develop reward system for completion of work		
Seat student near teacher		
Provide structured routine		
Provide for individual and small group counseling		
Organizational Strategies		
Use agenda system		
Help students organize notebook or provide folder to organize work		
Develop a flexible/modified schedule		
Utilize flexible grouping		
Utilize team/cooperative teaching		
Utilize contract learning		
Implement a progress reporting system		
Consult and co-plan by grade level or department team		
Extra copies of text books for home use		
Remind students about long-term assignments		
Break long-term assignments into smaller units building to larger outcome		
Intervention/Remedial/Challenge:		
Provide test taking strategies and practice		
Utilize miscue analysis and prescriptive teaching		
Develop study skills strategies		
Consult with teacher mentors		
Provide after school help		
Utilize peer buddy systems		



Spencer East Brookfield Regional School District

Pupil Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 * Fax (508) 885-8541

Web: www.sebrsd.org / Email: gatesd@sebrsd.org

Director of Pupil Services Department: David Gates

CHILD FIND PROCEDURE

The Pupil Services satisfies the requirement yearly to identify students who have disabilities by advertising on the district website and the local newspaper.

The district screens all incoming Kindergarten students as required by law.

The Pupil Services Department sends out letters with referral forms to area physicians and local day care providers at the start of each school year.



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Phone (508) 885-8515

Fax (508) 885-8541

Superintendent of Schools

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haugheyp@sebrsd.org

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Director of Academic Affairs

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David Prouty High School

Nathaniel Malone
Principal
Sara Kinnas
Assistant Principal

Knox Trail Middle School

Gina Fasoli-Figueroa
Principal
Melinda Dennis
Assistant Principal

East Brookfield Elementary School

Ron Tomlin
Principal

Wire Village School

Melanie Ethier
Principal
Tim Smolen, Ed.D.
Assistant Principal

School Committee

Robert Ortiz
Chairperson

Jason Monette
Vice Chairperson

Members

Pat Lacaire
Heather Messier
Wendy Pelchat
Jeffrey Sauvageau
Christopher Woodbury

Public Notification - Child Find

In keeping with the mission of the **Spencer-East Brookfield Regional School District**, and in alignment with the Massachusetts General Laws, this notice is provided as part of the outreach and ongoing liaison with resources within the SEBRSD community towns of Spencer and East Brookfield. This is to advise you of the availability of the referral process for Special Education evaluations for those children, ages three through twenty-two, who may be suspected to have a disability and may be determined eligible for specialized instruction and/or related services.

Special Education regulations require that principals, or other educational administrators, make specific efforts to first meet the student's needs in the general education setting. Those efforts include promotion of instructional practices and provision of adequate instructional support for students and teachers (MGL, c. 71B, section 2). If any student has been unsuccessful in making progress within the general curriculum, despite documented instructional support and effort, and is suspected of having a disability, any parent, caregiver, or professional may refer the student for a Special Education evaluation.

If you suspect your child may have a disability interfering with his/her learning, please contact the Student Services Department at 508-885-8515.

The Spencer-East Brookfield Regional School District's Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, pregnancy, pregnancy-related conditions, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Phone (508) 885-8515

Fax (508) 885-8541

Superintendent of Schools

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Director of Academic Affairs

Matthew Bolduc
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Director of Student Services

David Gates
gatesd@sebrsd.org

Director of Preschool/Early Education and Care

Linda Stanelun
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Director of Food Services

Brianne Pulver
pulverb@sebrsd.org

David Prouty High School

Nathaniel Malone
Principal
Sara Kinnas
Assistant Principal

Knox Trail Middle School

Gina Fasoli-Figueroa
Principal
Melinda Dennis
Assistant Principal

East Brookfield Elementary School

Ron Tomlin
Principal

Wire Village School

Melanie Ethier
Principal
Tim Smolen, Ed.D.
Assistant Principal

School Committee

Robert Ortiz
Chairperson

Jason Monette
Vice Chairperson

Members

Pat Lacaire
Heather Messier
Wendy Pelchat
Jeffrey Sauvageau
Christopher Woodbury

September 2022

Dear Area Daycare Providers,

If you have a student who resides in either Spencer or East Brookfield, and you feel he/she is in need of Special Education services, or an evaluation, please fill out the enclosed referral form.

It is imperative that we receive complete information on the child in order to better inform the testing team. The form can be mailed to the SEBRSD Student Services Department, 302 Main Street, Spencer, MA 01562, or it can be faxed to 508-885-8541.

Please call the office if you have any questions.

Sincerely,

David Gates MA, CAGS
Director of Student Services
Spencer-East Brookfield Regional School District
302 Main Street, Spencer, MA 01562
508-885-8515
gatesd@sebrd.org

The Spencer-East Brookfield Regional School District's Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, pregnancy, pregnancy-related conditions, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Phone (508) 885-8515

Fax (508) 885-8541

Superintendent of Schools

Paul S. Haughey, Ed.D.

haugheyp@sebrsd.org

Business Administrator

Gary Suter

suterg@sebrsd.org

Director of Academic Affairs

Matthew Bolduc

bolducm@sebrsd.org

Director of Student Services

David Gates

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Director of Preschool/Early Education and Care

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Jeffrey Sauvageau

Christopher Woodbury

September 2022

Dear Area Pediatricians,

If you have a patient who resides in either Spencer or East Brookfield, and you feel he/she is in need of Special Education services, or an evaluation, please fill out the enclosed referral form.

The form can be mailed to the SEBRSD Student Services Department, 302 Main Street, Spencer, MA 01562, or it can be faxed to 508-885-8541.

Please call the office if you have any questions.

Sincerely,

David Gates, MA, CAGS

Director of Student Services

Spencer-East Brookfield Regional School District

302 Main Street, Spencer, MA 01562

508-885-8515

gatesd@sebrd.org



Spencer East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

STUDENT NAME (First, middle and last): _____

HOMEADDRESS: _____

MAILING ADDRESS (if different): _____

DATE OF BIRTH: _____ CITY OF BIRTH: _____

TELEPHONE: _____ EMAIL ADDRESS: _____

PARENT/GUARDIAN(S): _____

SCHOOL: _____ GRADE: _____

NAME OF PERSON REFERRING STUDENT: _____

RELATIONSHIP TO STUDENT: _____

**PLEASE MAKE SURE TO FILL IN ALL OF THE ABOVE INFORMATION, AS IT IS
NEEDED FOR RECORD KEEPING**

Reason for Referral:

Please state your concerns below and be as **SPECIFIC** as possible when completing this information (continue on the other side of this form, or use additional paper).

Reason for Referral, continued concerns:

Spoken Language – Please provide a yes or no:

- Poor articulation:
- Difficulty in understanding what is being said:
- Difficulty in formulating answers to questions:
- Difficulty with word retrieval:
- Difficulty following oral directions:

Other: _____

Behavior – Please provide a yes or no:

- Oppositional or defiant behavior with adults:
- Oppositional or anti-social behavior with peers:
- Apparent hyperactivity:
- Difficulty attending:
- Difficulty in controlling impulses:
- Responds with negative physical actions:
- Difficulty in classroom:
- Difficulty on playground:
- Withdrawn and sad:
- Nervous or anxious:
- Seems confused and needs constant help:

Please explain: _____

Gross Motor:

- Poor over-all co-ordination:
- Poor muscle tone:
- Difficult time in regular physical education:

Background Information:

Significant Medical History: Yes _____ No _____

If yes, explain: _____

Previous Educational or psychological testing: Yes _____ No _____

If yes, indicate results: _____

Counseling Services: Yes: _____ No: _____

If yes, list counselor's name and how long child has been in counseling:

Signature

Date

Please return this form to: SEBRSD Student Services Dept.
302 Main Street
Spencer, MA 01562
Fax: 508-885-8541

Reliant Medical Center- Pediatrics
385 Southbridge Street
Auburn, MA 01501

Child Health Associates, P.C.
105 Millbury Street
Auburn, MA 01501-3229

Little Ducklings Family Daycare
65 Greenville Street
Spencer, MA 01562

Dr. Mitchell Gurk
16 Hastings Road
Spencer, MA 01562

Reliant Medical Pediatrics
64 Boyden Road
Holden, MA 01520

UMass Memorial Medical Group
Pediatrics
369 Main Street
Spencer, MA 01562

Quality Kids Kare
10 Winthrop St. Suite 200
Worcester, MA 01604

Dr. Sahdev Passey
10 Winthrop Street
Worcester, MA 01604

Chandler Pediatrics
421 Chandler Street
Worcester, MA 01602

Raggedey Anne & Andy Family
Childcare
28 Clark Street
Spencer, MA 01562

Children of Tomorrow
25 Trolley Crossing Road
Charlton, MA 01507

Dipody Doo Child Learning
8 Donnelly Cross Road
Spencer, MA 01562

Early Bird Family Daycare
11 Early Street
Spencer, MA 01562

Elizabeth Sutton
80 South Spencer Road
Spencer, MA 01562

Rise and Shine Daycare
92 Paxton Road
Spencer, MA 01562

Harding Pediatrics
45 Oak Avenue
Worcester, MA 01605

Busy Bs Preschool
415C Main Street
Spencer, MA 01562

Judy Cournoyer
100 Ash Street
Spencer, MA 01562

Debra Spink
6 Muzzy Street
Spencer, MA 01562

Teresa Doray
54 Valley Street
Spencer, MA 01562

Ruth Dyer
3 Bixby Road
Spencer, MA 01562

Susan Gervais
4 Pioneer Valley Drive
Spencer, MA 01562

Traci Gosselin
8 Gauthier Road
Spencer, MA 01562

Brittnee Leveillee
51 Wire Village Road
Spencer, MA 01562

Dr. Deborah Gurski
369 Main Street
Spencer, MA 01562

Ms. Ashley's NeighborSchool
28 May Street
Spencer, MA 01562

Ms. Florence's NeighborSchool
19 Smithville Road
Spencer, MA 01562

The Basic Special Education Process Under IDEA

The writing of each student's IEP takes place within the larger picture of the special education process under IDEA. Before taking a detailed look at the IEP, it may be helpful to look briefly at how a student is identified as having a disability and needing special education and related services and, thus, an IEP.

Step 1. Child is identified as possibly needing special education and related services.

“Child Find.” The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct “Child Find” activities. A child may be identified by “Child Find,” and parents may be asked if the “Child Find” system can evaluate their child. Parents can also call the “Child Find” system and ask that their child be evaluated. Or--

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a reasonable time after the parent gives consent.

Step 2. Child is evaluated.

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

Step 3. Eligibility is decided.

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a “child with a disability,” as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

Step 4. Child is found eligible for services.

If the child is found to be a “child with a disability,” as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

Once the student has been found eligible for services, the IEP must be written. The two steps below *summarize* what is involved in writing the IEP. This guide will look at these two steps in much greater detail in the following section.

Step 5. IEP meeting is scheduled.

The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;

- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Step 6. IEP meeting is held and the IEP is written.

The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents, or the school district, can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

Here is a brief summary of what happens after the IEP is written.

Step 7. Services are provided.

The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Step 8. Progress is measured and reported to parents.

The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

Step 9. IEP is reviewed.

The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Step 10. Child is reevaluated.

At least every three years the child must be reevaluated. This evaluation is often called a “triennial.” Its purpose is to find out if the child continues to be a “child with a disability,” as defined by IDEA, and what the child’s educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child’s parent or teacher asks for a reevaluation.

School District Letterhead

To:

[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]

Re:

[Name of Student and other identifying information (i.e. DOB, ID#)]

Subject: The school district proposes the following: *[Check all that apply.]*

An Evaluation

An IEP/Amendment

A Placement

Other: *(please specify)*

Notice Date: *[Date notice is to be mailed.]*

The school district has recently discussed this student and, with your input, has developed a proposal. We have described our actions and our reasons for these actions on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights within the *Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. This notice is enclosed for initial evaluations. You should have received your *Notice of Procedural Safeguards* on if you will be attending an IEP/Amendment or Placement meeting during this school year. We will also disseminate the notice at your request and upon disciplinary removal to an alternative education setting. You should carefully review this brochure and the enclosed material before making any decisions.

The school district staff is available to speak to you or meet with you about your rights and the school district's proposal. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

An Evaluation Consent Form, an IEP or an IEP Amendment must be signed and returned, as we are required by law to have a signed copy on file regardless of your decision. Please return a copy as soon as possible but no later than the date listed below. Thank you.

Document Return Date: *[Date or non-applicable]*

District Contact Person: *[Name and Role]*

Contact Information: *[Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]*

Enclosures:

Notice of Procedural Safeguards [for initial evaluations, parent request or disciplinary removal]

Other: [Specify: Evaluation Consent Form, Extended Evaluation Form, IEP, IEP Amendment, etc.]

Re: [Name of Student and other necessary identifying information]

Notice Date: [Date from page 1]

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School district must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

*Describe one or more of the following actions: Initial Evaluation, Reevaluation, Emergency Evaluation, Extended Evaluation Period, IEP, IEP Amendment, Placement **include the specific placement location and transportation requirements, if any**, Graduation or any other proposal used to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:*

- 1. What action is the school district proposing to take?*
- 2. Why is the school district proposing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the proposed action?*
- 5. What other factors were relevant to the school district's decision*
- 6. What next steps, if any, are recommended?*

Narrative Description of School District Proposal

School District Name
EVALUATION CONSENT FORM
Attachment to N 1

TYPE OF ASSESSMENTS: <i>A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. [Check yes or no for each assessment.]</i>	RECOMMENDED	
	YES	NO
Assessment in All Areas Related to the Suspected Disability(ies) – describes the student’s performance in any area related to the child’s suspected disability(ies). List recommended assessment(s): _____ _____ _____		
Educational Assessment – includes the history of the student’s educational progress in the general curriculum and includes current information on the student’s performance.		
Observation of the Student – includes the student’s interaction in the student’s classroom environment or in a child’s natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student’s education.		
Psychological Assessment – describes the student’s learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student’s education and, with written consent, may include a home visit.		

PARENT RESPONSE SECTION

Please indicate your response by checking at least one (1) box and returning a signed copy to the school district. Please keep one copy for your records. Thank you.

I accept the proposed evaluation in full. I reject the proposed evaluation in full.

I accept the proposed evaluation in part and request that only the listed assessments be completed: _____.

I additionally request the following assessment(s): assessment(s) listed above: _____ other assessments: (specify) _____

I request access to all summaries of assessment reports at least two days in advance of the Team discussion.[603 CMR 28.04(2)(c)]

 Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over* Date
 *Required signature once a student reaches 18 unless there is a court appointed guardian.

PARENT INPUT

We strongly encourage you to share your knowledge of this student with us. If you choose, please provide a written statement (use back of form) or call the indicated contact person. Thank you.

School District Name:
School District Address:

Educational Assessment: Part A

603 CMR 28.04(2)(a)(2)

Student Name: _____ DOB: _____ Grade: _____
School Personnel & Role: _____ Date: _____

SCHOOL HISTORY:

1. YEAR GRADE SCHOOL

2. Has the student received any instructional support services? NO YES If YES, please explain.

3. Have there been any school-related events/issues (such as attendance, recognitions, special education referrals, behavioral issues and medical problems) that have impacted upon the student's learning? NO YES If YES, please explain.

EDUCATIONAL PROGRESS AND POTENTIAL:

4. Is the student making progress in the general curriculum? YES NO If NO, explain why not and reference the student's educational history and state/district-wide assessment results when responding.

5. Has the student's progress been:
a. similar to that of his/her peers? YES NO If NO, list the possible factors that have enhanced/ limited progress.

b. consistent over the student's school history? YES NO If NO, list the possible factors that have enhanced or limited progress

6. Provide any other comments related to the student's educational and developmental potential.

School District Name:
School District Address:

Educational Assessment: Part B

603 CMR 28.04(2)(a)(2)

Student Name: _____ DOB: _____ Grade: _____
School Personnel & Role: _____ Date: _____

CURRENT TEACHER ASSESSMENT:

1. Describe the student's specific abilities in relation to the learning standards of the Massachusetts Curriculum Frameworks and the district curriculum. Attach additional information (e.g. work samples and/or observational data) to support your response.

2. Does the student appear to have attention difficulties? NO YES If YES, please explain.

3. Does the student seem to participate appropriately in classroom activities? YES NO If NO, please explain.

4. Do the student's communication skills seem age-appropriate? YES NO If NO, please explain.

5. Does the student's memory appear to adversely affect learning? NO YES If YES, please explain.

6. Are the student's interpersonal skills with groups, peers and adults age-appropriate? YES NO If NO, please explain.

7. Comment on any additional factors that influence the student's performance.



Spencer East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Home Evaluation

Student Name:

Date of Birth:

Home Environment:

List all those who live in the household:

Name	Relationship to Student	Age	Education Level

Who shares the same room with the student:

Is there an out-of-home caregiver:

Immediate family members living outside the home:

Name	Relationship to Student	Age

If you work outside the home, what are your working hours:

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Family History:

Is there any history of learning or language difficulties/disabilities in your family?:

If yes, please explain:

Has your child been adopted:

If yes, at what age:

Has your child/family had difficult life circumstances such as:

- Divorce:
- Death in the family:
- Change in employment status:
- Deportation:
- Homelessness:
- Fire:
- Recent births:
- Other:

Developmental History:

Languages spoken at home:

The child's primary language:

Has your child experienced developmental delays in:

- Walking:
- Talking:
- Potty Training:
- Other:

Is your child able to perform the following skills independently?

- Dressing:
- Eating:
- Bathing:
- Brushing Teeth:

Medical History:

Does your child have any history of the following:

- Seizures:
- Ear/Tube infections:
- Issues eating/swallowing:
- Hearing:
- Vision:
- ADD/ADHD:
- Head injury:
- Chronic disease:
- Surgeries (please explain):
- Other:

Has your child received any diagnoses or psychological treatments:

Has your child been exposed to alcohol or any addiction during pregnancy:

Were there any complications during pregnancy/childbearing:

Educational History:

Does your child enjoy school:

Has that changed recently:

How much time does your child spend on homework:

How much time do you spend helping your child with his homework:

Does your child read at home:

All Schools Attended:

School Name	Grades Completed	School Address	Reason for Leaving

Has your child had attendance problems or prolonged absences:

Has your child been expelled or other suspended:

Social/Behavioral History:

What time does your child go to bed:

What time does your child wake up:

Does your child have any of the following sleep problems:

- Snoring:
- Nightmares:
- Bed Wetting:
- Other:

Does your child have difficulty managing any of the following:

- Disappointments:
- Loud sounds:
- Bright lights:
- Change in routine:
- Other:

Does your child have daily/weekly responsibilities or chores:

What are your child's interests outside of school:

If applicable to your student:

Does your child work outside the home:

If so, what is their typical work schedule:

Are there any suspicions regarding the use of addictive substances:

Provide a brief description of your child as a person:

- Strengths:

- Challenges:

- Goals:

- Where do you see your child in 1-5 years:

This form is completed by: _____

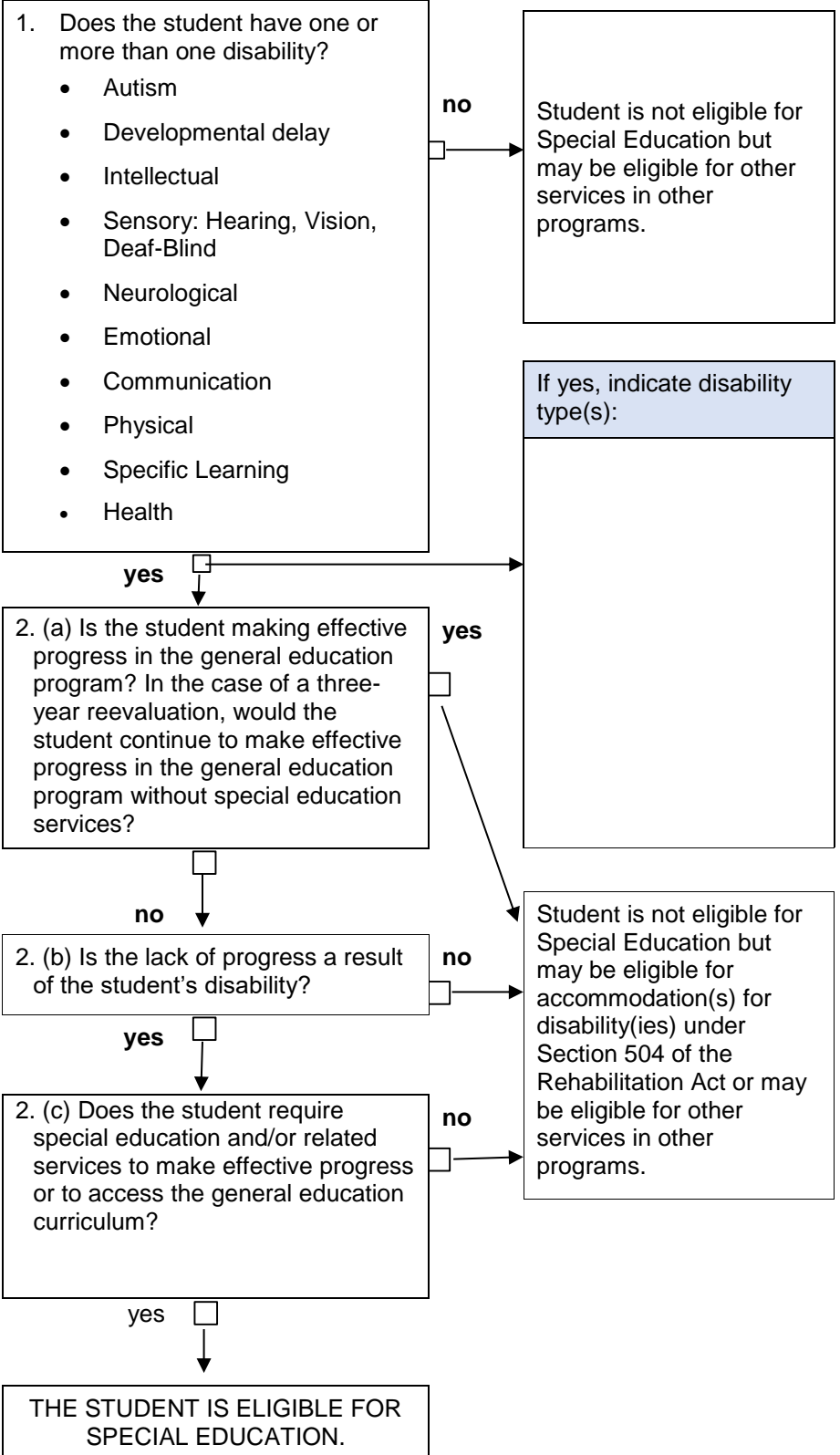
Date: _____

School District Name:	
School District Address:	
School District Contact Person/Phone #:	

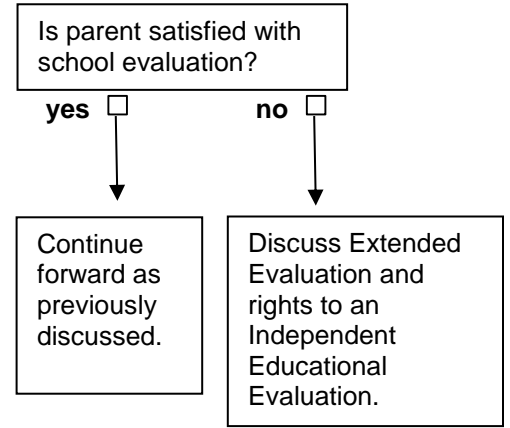
Special Education Eligibility/Initial and Reevaluation Determination

Student Name:		DOB:		ID#:		Date:	
----------------------	--	-------------	--	-------------	--	--------------	--

A. Proceed through the flowchart until an eligibility determination is reached.



B. Answer this question for all students.



KEY EVALUATION FINDINGS AND/OR NEXT STEPS

[Special Education](#)

Disability Definitions and Related Links

[Global Special Education and Disability Sites](#)

Autism

A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR 300.7.

Federal Definition:

(i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.

- [Autism and PDD](#)

Communication Impairment

The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.

- [Speech and Language](#)

Developmental Delay:

The learning capacity of a young child (3–9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.

- [Developmental Delay](#)

Emotional Impairment

As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

- [Emotional/ Mental Health Disabilities](#)

Health Impairment

A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

- [Assistive Technology](#)
- [Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder](#)

Intellectual Impairment

The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with mental retardation.

- [Global Special Education and Disabilities Sites](#)

Neurological Impairment

The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

- [Assistive Technology](#)

Physical Impairment

The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student's educational performance.

- [Assistive Technology](#)

Sensory Impairment

The term shall include the following:

1. **Hearing** — The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.
2. **Vision** — The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
3. **Deaf-Blind** — Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

- [Blind and Visually Impaired](#)
- [Deaf and Hearing Impaired](#)
- [Assistive Technology](#)

Specific Learning Disability

The term shall have the meaning given in federal law at 34 C.F.R. §§300.7 and 300.541.

Federal Definition:

Specific learning disability is defined as follows:

English

(i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage

- [Learning Disability](#)
- [Dyslexia](#)

Last Updated: January 18, 2023

SPENCER- EAST BROOKFIELD

SPECIFIC LEARNING DISABILITY
Required documentation for Component 1

Student SASID # Grade

Historical Review

When evaluating a student for a Specific Learning Disability, the Team must ensure that the student's underachievement is not due to lack of appropriate instruction in reading or math.

Therefore, the Team has considered that:

- A. the student has been provided appropriate instruction in general education settings and that instruction has been delivered by qualified personnel;
- B. there is data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was provided to the student's parents.

Have the above requirements been met?

- Yes, both A and B have been met.
- Some, but not all of the requirements in A and B have been met. The Team must determine what additional information is needed and how they will obtain the information within the evaluation timeframe. See SLD TA 3.
- No, the requirements have not been met and therefore the referral for special education evaluation should not go forward until the school has sufficient information to determine that the student has been given appropriate opportunities to learn in the general education environment. See SLD TA 4.

Participation Skills

- Assessments of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults have been collected.

Performance History

Supporting evidence shows that the student has:

- consistently performed within the range of performance of same-age peers; or
- consistently performed better than same-age peers; or
- consistently performed less well than same-age peers; or
- demonstrated inconsistent performance throughout his/her educational history.

Medical Information

Educationally relevant medical findings are noted.

- NA

Findings: _____

Completed by _____ Date _____

SPENCER-EAST BROOKFIELD

SPECIFIC LEARNING DISABILITY Required documentation for Component 2

Student _____ SASID # _____ Grade _____

A. If using a scientific, research-based intervention as an eligibility determination procedure, complete this section.

A.1. Based on assessment data*, the student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention in one or more of the following areas:

- | | |
|--|--|
| <input type="checkbox"/> Oral Expression | <input type="checkbox"/> Written Expression |
| <input type="checkbox"/> Basic Reading Skills | <input type="checkbox"/> Reading Comprehension |
| <input type="checkbox"/> Reading Fluency Skills | <input type="checkbox"/> Listening Comprehension |
| <input type="checkbox"/> Mathematics Problem Solving | <input type="checkbox"/> Mathematics Calculation |

*Assessment data includes classroom performance information as well as data related to visual and auditory processing of information.

A.2. Has the scientific, research-based intervention method that was implemented provided sufficient information so that a responsive, data-driven IEP can be developed for the student?

- Yes, sufficient evidence exists regarding how the student learns and what is impeding learning so that a responsive, data-driven IEP can be developed.
- No (If no, attach additional diagnostic assessments that will determine how the student learns and what is impeding learning, that will assist in the writing of a responsive, data-driven IEP and designing specialized instruction based on the student's needs.)

A.3. Attach documentation of the instructional strategies used and the student-centered data collected that shows evidence that

- the student has been instructed using research-based instructional strategies;
- repeated, student-centered assessment data has been collected at reasonable intervals; and
- the student's parents have been notified regarding the amount and nature of assessment data that is collected based on the student's instruction and academic progress, strategies implemented to increase the student's learning, and the parent's right to request and evaluation.

Completed by _____ Date _____

B. If using the IQ/achievement discrepancy model as an eligibility determination procedure, complete this section.

B.1. Based on a finding of a severe discrepancy between IQ and achievement, the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age or ELA or Math Curriculum Framework standards, or intellectual development, in the areas of

- | | |
|--|--|
| <input type="checkbox"/> Oral Expression | <input type="checkbox"/> Written Expression |
| <input type="checkbox"/> Basic Reading Skills | <input type="checkbox"/> Reading Comprehension |
| <input type="checkbox"/> Reading Fluency Skills | <input type="checkbox"/> Listening Comprehension |
| <input type="checkbox"/> Mathematics Problem Solving | <input type="checkbox"/> Mathematics Calculation |

B.2. Technically sound instruments have been used that assess cognitive and behavioral factors as well as physical or developmental factors.

- Yes
 No

B.3. More than one measure or assessment has been implemented.

- Yes
 No

B.4. Attach the IQ/achievement assessment report that supports statements B.1-3.

Completed by _____ Date _____

ENTER DISTRICT NAME HERE

SPECIFIC LEARNING DISABILITY TEAM DETERMINATION OF ELIGIBILITY

Student _____ SASID # _____ Grade _____ Date _____

Component 1

All requirements for historical information and educational assessment have been addressed:

- Historical Review and Performance History
 Participation Skills Medical Information

Attach completed SLD 1.

Component 2

The Team has identified the Area(s) of Concern and has evidence that:

- The student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention.

Attach completed SLD 2.

and/or

- There is a severe discrepancy between IQ and achievement and the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age or ELA or Math Curriculum Framework standards, or intellectual development.

Attach completed SLD 2.

Component 3

- The Team has determined that the lack of achievement in the area of concern is not a result of cultural factors; environmental or economic disadvantage; limited English proficiency; visual, hearing, or motor disability; mental retardation; or an emotional disturbance.

Attach completed SLD 3.

Component 4

- Relevant behavior has been observed and the relationship of that behavior to the student's academic functioning has been noted.

Attach completed Observation form(s).

Findings

The Teamⁱ has reviewed Components 1-4 and the Eligibility Flow Chart and has determined that the student has a Specific Learning Disability and requires Special Education services.

- Yes** **No**

Sign and check if you agree or disagree with the findings aboveⁱⁱ.

_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree	_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree
Name and Title		Name and Title	
_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree	_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree
Name and Title		Name and Title	
_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree	_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree
Name and Title		Name and Title	

ⁱ The Eligibility Team must include the parent of the student, the student's general education teacher or a general education teacher qualified to teach a student of his or her age, and at least one person qualified to conduct individual diagnostic examinations of students.

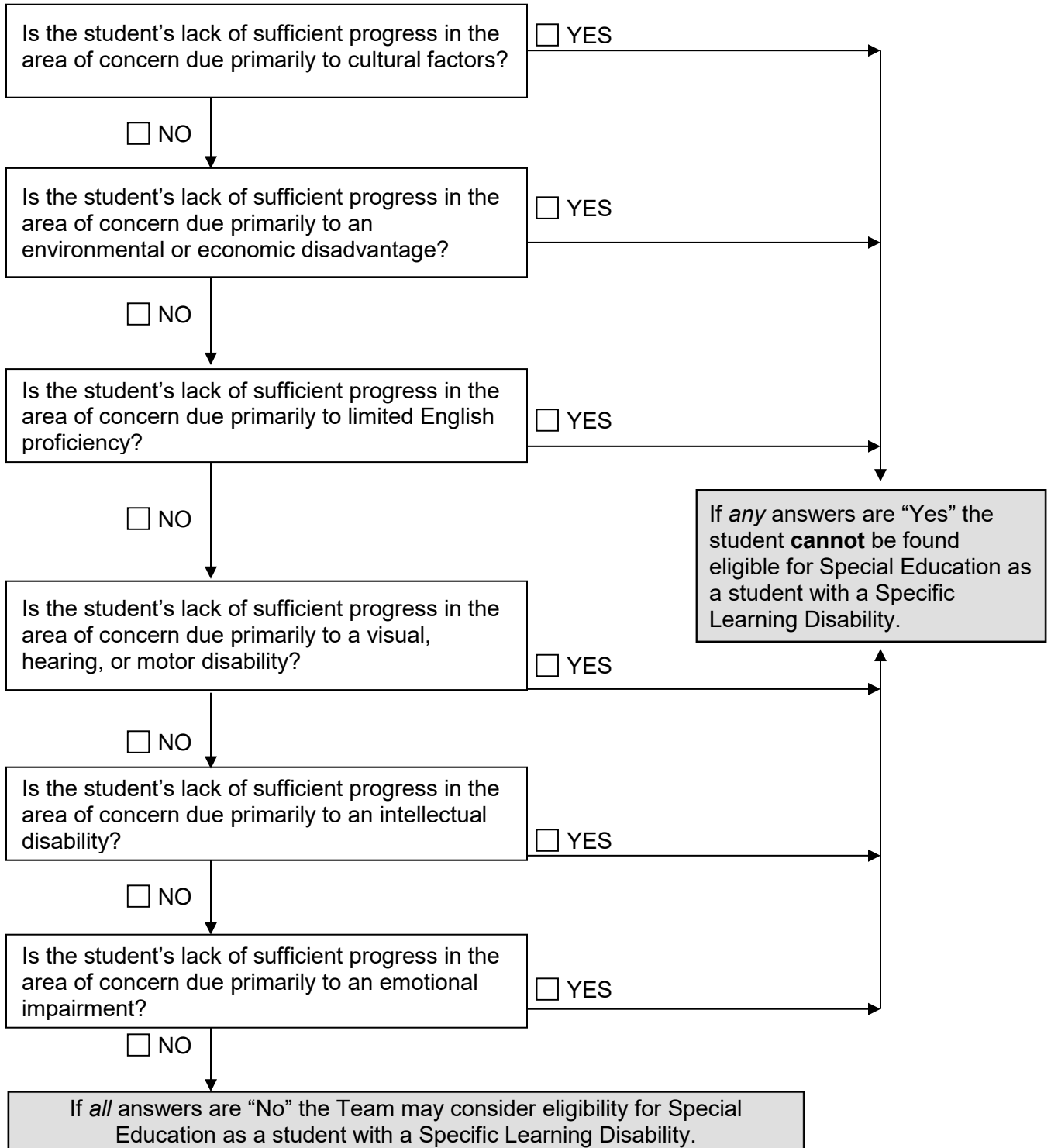
ⁱⁱ If a Team member disagrees with the conclusions of the Team report, the Team member must submit, and attach to this documentation, a separate statement presenting his or her conclusions.

Spencer-East Brookfield Regional School District Specific Learning Disability Exclusionary Factors

Required documentation for Component 3

Student _____ SASID # _____ Grade _____

In determining Special Education eligibility with a Specific Learning Disability, the Team must ensure that the identified area of concern is not primarily the result of one of the following. As you work through the flow-chart, keep the student's area of concern in mind and consider individual characteristics of the student as you answer Yes or No to each of the questions.



Completed by _____ Date _____

Spencer-East Brookfield Regional School District
Classroom Observation Checklist
Grades 1-4
Required documentation for Component 4

Student _____ Grade _____
 Class/location observed (include teacher name) _____
 Observer name and title _____ Date of observation _____

This tool is designed for use as a guide during a student observation. You may not see all domains addressed, however, the student should be observed during times when you will be able to monitor behaviors related to the area of concern.

In order to obtain a full and accurate picture of the student's performance, it may be necessary to observe the student more than once, in different settings and at different times of the day. Multiple observation forms may be included in the evaluation documentation.

Directions: First identify the area(s) of concern for the student. Behavior around each identified area is where you will focus your observation. During the observation place a check mark next to the behaviors that are observed within each domain that correlates with the noted areas of concern. Note, however, these checklists are not exhaustive. In the notes section, write any additional observed behavior, including strengths, which may be relevant to the student's evaluation.

Check area(s) of concern as identified in SLD 2.	
<input type="checkbox"/> Oral Expression <input type="checkbox"/> Basic Reading Skills <input type="checkbox"/> Reading Fluency Skills <input type="checkbox"/> Mathematics Problem Solving	<input type="checkbox"/> Written Expression <input type="checkbox"/> Reading Comprehension <input type="checkbox"/> Listening Comprehension <input type="checkbox"/> Mathematics Calculation

Language (Oral Expression, Basic Reading Skills, Reading Comprehension, Listening Comprehension)

- Age Appropriate
- Has difficulty modulating voice (i.e., too soft, too loud)
- Has trouble naming people or objects
- Has difficulty staying on topic
- Inserts invented words into conversation
- Has difficulty re-telling what has just been said
- Uses vague, imprecise language and has a limited vocabulary
- Demonstrates slow and halting speech, using lots of fillers (i.e., uh, um, and, you know)
- Uses poor grammar or misuses words in conversation
- Mispronounces words frequently
- Confuses words with others that sound similar
- Inserts malapropisms ('slips of the tongue') into conversation (i.e., a rolling stone gathers no moths; he was a man of great statue)
- Has difficulty rhyming
- Has limited interest in books or stories
- Has difficulty understanding instructions or directions
- Has difficulty with pragmatic skills (i.e., understands the relationship between speaker and listener, stays on topic, gauges the listener's degree of knowledge, makes inferences based on a speaker's verbal and non-verbal cues)

Notes: _____

Classroom Observation Checklist
Grades 1-4
Required documentation for Component 4

**Classroom Observation Checklist
Grades 1-4**

Required documentation for Component 4

Reading (Basic Reading Skills, Reading Comprehension, Reading Fluency Skills)

- Age Appropriate
- Confuses similar-looking letters and numbers or similar-looking words (i.e., beard, bread)
- Has difficulty recognizing and remembering sight words
- Frequently loses place while reading
- Reverses letter order in words (i.e., saw/was)
- Demonstrates poor memory for printed words
- Reads slowly
- Has trouble naming letters
- Has problems associating letters and sounds, understanding the difference between sounds in words or blending sounds into words
- Guesses at unfamiliar words rather than using word analysis skills
- Substitutes or leaves out words while reading
- Has poor retention of new vocabulary
- Dislikes and avoids reading or reads reluctantly

Notes: _____

Written Language (Written Expression)

- Age Appropriate
- Writing is messy and incomplete, with many cross-outs and erasures
- Has difficulty remembering shapes of letters and numerals
- Frequently reverses letters, numbers and symbols
- Uses uneven spacing between letters and words, and has trouble staying 'on the line'
- Copies inaccurately (i.e., confuses similar-looking letters and numbers)
- Spells poorly and inconsistently (i.e., the same word appears differently other places in the same document)
- Has difficulty proofreading and self-correcting work

Notes: _____

Classroom Observation Checklist
Grades 1-4

Required documentation for Component 4

Math (Math Calculation, Math Problem Solving)

- Age Appropriate
- Has difficulty with simple counting and one-to-one correspondence between number symbols and items/objects
- Has difficulty learning strategic counting principles (i.e., by 2, 5, 10, 100)
- Has difficulty estimating quantity (i.e., quantity, value)
- Has difficulty with comparisons (i.e., less than, greater than)
- Has trouble telling time
- Has trouble conceptualizing the passage of time
- Has difficulty counting rapidly or making calculations

Notes: _____

Social Emotional (All Areas)

- Age Appropriate
- Does not pick up on other people's mood/feelings (i.e., may say the wrong things at the wrong time)
- May not detect or respond appropriately to teasing
- Has difficulty 'joining in' and maintaining positive social status in a peer group
- Has trouble knowing how to share/express feelings
- Has trouble 'getting to the point' (i.e., gets bogged down in details in conversation)
- Has difficulty with self-control when frustrated
- Has difficulty dealing with group pressure, embarrassment and unexpected challenges

Notes: _____

Attention (All Areas)

- Age Appropriate
- Has difficulty sustaining attention in work tasks or play activities
- Has difficulty organizing tasks and activities
- Loses things consistently that are necessary for tasks/activities (i.e., toys, school assignments, pencils, books, or tools)
- Is easily distracted by outside influences
- Is forgetful in daily/routine activities

Notes: _____

Classroom Observation Checklist
Grades 1-4

Required documentation for Component 4

Gross and Fine Motor Skills (All Areas)

- Age Appropriate
- Appears awkward and clumsy, dropping, spilling, or knocking things over
- Has limited success with games and activities that demand eye-hand coordination (i.e., piano lessons, basketball, baseball)
- Has trouble with buttons, hooks, snaps, zippers and trouble learning to tie shoes
- Creates art work that is immature for age
- Demonstrates poor ability to color or write 'within the lines'
- Grasps pencil awkwardly, resulting in poor handwriting
- Experiences difficulty using small objects or items that demand precision (i.e., Legos, puzzle pieces, tweezers, scissors)

Notes: _____

Other notes or observed behavior

- Confuses left and right
- Often loses things
- Is slow to learn new games and master puzzles
- Has difficulty generalizing (applying) skills from one situation to another

Notes: _____

Spencer-East Brookfield Regional School District

Classroom Observation Checklist

Grades 5-8

Required documentation for Component 4

Student _____ Grade _____
Class/location observed (include teacher name) _____
Observer name and title _____ Date of observation _____

This tool is designed for use as a guide during a student observation. You may not see all domains addressed, however, the student should be observed during times when you will be able to monitor behaviors related to the area of concern.

In order to obtain a full and accurate picture of the student's performance, it may be necessary to observe the student more than once, in different settings and at different times of the day. Multiple observation forms may be included in the evaluation documentation.

Directions: First identify the area(s) of concern for the student. Behavior around each identified area is where you will focus your observation. During the observation place a check mark next to the behaviors that are observed within each domain that correlates with the noted areas of concern. Note, however, these checklists are not exhaustive. In the notes section, write any additional observed behavior, including strengths, which may be relevant to the student's evaluation.

Check area(s) of concern as identified in SLD 2.
Oral Expression Written Expression
Basic Reading Skills Reading Comprehension
Reading Fluency Skills Listening Comprehension
Mathematics Problem Solving Mathematics Calculation

Language (Oral Expression, Basic Reading Skills, Reading Comprehension, Listening Comprehension)

- Age Appropriate
Has difficulty modulating voice (i.e., too soft, too loud)
Inserts invented words into conversation
Has difficulty re-telling what has just been said
Uses vague, imprecise language and has a limited vocabulary
Demonstrates slow and halting speech, using lots of fillers (i.e., uh, um, and, you know)
Uses poor grammar or misuses words in conversation
Mispronounces words frequently
Confuses words with others that sound similar
Inserts malapropisms ('slips of the tongue') into conversation (i.e., a rolling stone gathers no moths; he was a man of great statue)
Has limited interest in books or stories
Has difficulty understanding instructions or directions
Has difficulty with pragmatic skills (i.e., understands the relationship between speaker and listener, stays on topic, gauges the listener's degree of knowledge, makes inferences based on a speaker's verbal and non-verbal cues)

Notes: _____

Classroom Observation Checklist
Grades 5-8
Required documentation for Component 4

**Classroom Observation Checklist
Grades 5-8**

Required documentation for Component 4

Reading (Basic Reading Skills, Reading Comprehension, Reading Fluency Skills)

- Age Appropriate
- Frequently loses place while reading
- Confuses similar-looking words (i.e., beard, bread)
- Reverses letter order in words (i.e., saw/was)
- Demonstrates poor memory for printed words
- Has weak comprehension of ideas and themes
- Guesses at unfamiliar words rather than using word analysis skills
- Reads slowly
- Substitutes or leaves out words while reading
- Has poor retention of new vocabulary
- Dislikes and avoids reading or reads reluctantly

Notes: _____

Written Language (Written Expression)

- Age Appropriate
- Writing is messy and incomplete, with many cross-outs and erasures
- Uses uneven spacing between letters and words, and has trouble staying 'on the line'
- Copies inaccurately (i.e., confuses similar-looking letters and numbers)
- Spells poorly and inconsistently (i.e., the same word appears differently other places in the same document)
- Has difficulty proofreading and self-correcting work
- Fails to develop ideas in writing so written work is incomplete and too brief

Notes: _____

**Classroom Observation Checklist
Grades 5-8**

Required documentation for Component 4

Math (Math Calculation, Math Problem Solving)

- Age Appropriate
- Has difficulty learning strategic counting principles (i.e., by 2, 5, 10, 100)
- Poorly aligns numbers resulting in computation errors
- Has difficulty estimating quantity (i.e., quantity, value)
- Has difficulty with comparisons (i.e., less than, greater than)
- Has trouble telling time
- Has trouble conceptualizing the passage of time
- Has difficulty counting rapidly or making calculations
- Has trouble interpreting graphs and charts

Notes: _____

Social Emotional (All Areas)

- Age Appropriate
- Does not pick up on other people's mood/feelings (i.e., may say the wrong things at the wrong time)
- May not detect or respond appropriately to teasing
- Has difficulty 'joining in' and maintaining positive social status in a peer group
- Has trouble knowing how to share/express feelings
- Has trouble 'getting to the point' (i.e., gets bogged down in details in conversation)
- Has difficulty dealing with group pressure, embarrassment and unexpected challenges

Notes: _____

Attention (All Areas)

- Age Appropriate
- Fails to pay close attention to details or makes careless mistakes in schoolwork or other activities
- Has difficulty sustaining attention in work tasks or play activities
- Has difficulty organizing tasks and activities
- Loses things consistently that are necessary for tasks/activities (i.e., toys, school assignments, pencils, books, or tools)
- Is easily distracted by outside influences
- Is forgetful in daily/routine activities

Notes: _____

Classroom Observation Checklist
Grades 5-8

Required documentation for Component 4

Gross and Fine Motor Skills (All Areas)

- Age Appropriate
- Has limited success with games and activities that demand eye-hand coordination (i.e., piano lessons, basketball, baseball)
- Grasps pencil awkwardly, resulting in poor handwriting
- Dislikes and avoids writing and drawing tasks

Notes: _____

Other notes or observed behavior

- Age Appropriate
- Confuses left and right
- Finds it hard to judge speed and distance (i.e., hard to play certain games, drive a car)
- Trouble reading charts and maps
- Is disorganized and poor at planning
- Often loses things
- Is slow to learn new games and master puzzles
- Has difficulty listening and taking notes at the same time
- Has difficulty generalizing (applying) skills from one situation to another

Notes: _____

Spencer-East Brookfield Regional School District

Classroom Observation Checklist

Grades 9-12

Required documentation for Component 4

Student _____ Grade _____
Class/location observed (include teacher name) _____
Observer name and title _____ Date of observation _____

This tool is designed for use as a guide during a student observation. You may not see all domains addressed, however, the student should be observed during times when you will be able to monitor behaviors related to the area of concern.

In order to obtain a full and accurate picture of the student's performance, it may be necessary to observe the student more than once, in different settings and at different times of the day. Multiple observation forms may be included in the evaluation documentation.

Directions: First identify the area(s) of concern for the student. Behavior around each identified area is where you will focus your observation. During the observation place a check mark next to the behaviors that are observed within each domain that correlates with the noted areas of concern. Note, however, these checklists are not exhaustive. In the notes section, write any additional observed behavior, including strengths, which may be relevant to the student's evaluation.

Check area(s) of concern as identified in SLD 2.	
<input type="checkbox"/> Oral Expression	<input type="checkbox"/> Written Expression
<input type="checkbox"/> Basic Reading Skills	<input type="checkbox"/> Reading Comprehension
<input type="checkbox"/> Reading Fluency Skills	<input type="checkbox"/> Listening Comprehension
<input type="checkbox"/> Mathematics Problem Solving	<input type="checkbox"/> Mathematics Calculation

Language (Oral Expression, Basic Reading Skills, Reading Comprehension, Listening Comprehension)

- Age Appropriate
- Has difficulty modulating voice (i.e., too soft, too loud)
- Uses vague, imprecise language and has a limited vocabulary
- Demonstrates slow and halting speech, using lots of fillers (i.e., uh, um, and, you know)
- Uses poor grammar or misuses words in conversation
- Confuses words with others that sound similar
- Inserts malapropisms ('slips of the tongue') into conversation (i.e., a rolling stone gathers no moths; he was a man of great statue)
- Has difficulty understanding instructions or directions
- Has difficulty with pragmatic skills (i.e., understands the relationship between speaker and listener, stays on topic, gauges the listener's degree of knowledge, makes inferences based on a speaker's verbal and non-verbal cues)

Notes: _____

Classroom Observation Checklist

Grades 9-12

Required documentation for Component 4

Reading (Basic Reading Skills, Reading Comprehension, Reading Fluency Skills)

- Age Appropriate
- Frequently loses place while reading
- Confuses similar-looking words (i.e., beard, bread)
- Demonstrates poor memory for printed words
- Has weak comprehension of ideas and themes
- Reads slowly
- Guesses at unfamiliar words rather than using word analysis skills
- Substitutes or leaves out words while reading
- Dislikes and avoids reading or reads reluctantly

Notes: _____

Written Language (Written Expression)

- Age Appropriate
- Writing is messy and incomplete, with many cross-outs and erasures
- Uses uneven spacing between letters and words, and has trouble staying 'on the line'
- Copies inaccurately (i.e., confuses similar-looking letters and numbers)
- Spells poorly and inconsistently (i.e., the same word appears differently other places in the same document)
- Has difficulty proofreading and self-correcting work
- Fails to develop ideas in writing so written work is incomplete and too brief

Notes: _____

Classroom Observation Checklist
Grades 9-12
Required documentation for Component 4

Math (Math Calculation, Math Problem Solving)

- Age Appropriate
- Has difficulty learning strategic counting principles (i.e., by 2, 5, 10, 100)
- Poorly aligns numbers resulting in computation errors
- Has difficulty estimating quantity (i.e., quantity, value)
- Has difficulty with comparisons (i.e., less than, greater than)
- Has trouble telling time
- Has trouble conceptualizing the passage of time
- Has difficulty counting rapidly or making calculations
- Has trouble interpreting graphs and charts

Notes: _____

Social Emotional (All Areas)

- Age Appropriate
- Does not pick up on other people's mood/feelings (i.e., may say the wrong things at the wrong time)
- May not detect or respond appropriately to teasing
- Has difficulty 'joining in' and maintaining positive social status in a peer group
- Has trouble 'getting to the point' (i.e., gets bogged down in details in conversation)
- Has difficulty dealing with group pressure, embarrassment and unexpected challenges

Notes: _____

Classroom Observation Checklist
Grades 9-12
Required documentation for Component 4

Attention (All Areas)

- Age Appropriate
- Fails to pay close attention to details or makes careless mistakes in schoolwork or other activities
- Has difficulty sustaining attention in work tasks or play activities
- Has difficulty organizing tasks and activities
- Loses things consistently that are necessary for tasks/activities (i.e., toys, school assignments, pencils, books, or tools)
- Is easily distracted by outside influences
- Is forgetful in daily/routine activities

Notes: _____

Gross and Fine Motor Skills (All Areas)

- Age Appropriate
- Has limited success with games and activities that demand eye-hand coordination (i.e., piano lessons, basketball, baseball)
- Grasps pencil awkwardly, resulting in poor handwriting

Notes: _____

Other notes or observed behavior

- Age Appropriate
- Confuses left and right
- Finds it hard to judge speed and distance (i.e., hard to play certain games, drive a car)
- Trouble reading charts and maps
- Is disorganized and poor at planning
- Often loses things
- Is slow to learn new games and master puzzles
- Has difficulty listening and taking notes at the same time
- Has difficulty generalizing (applying) skills from one situation to another

Notes: _____

Spencer-East Brookfield Regional School District
Classroom Observation Checklist
Pre-School/Kindergarten
Required documentation for Component 4

Student _____ Grade _____
 Class/location observed (include teacher name) _____
 Observer name and title _____ Date of observation _____

This tool is designed for use as a guide during a student observation. You may not see all domains addressed, however, the student should be observed during times when you will be able to monitor behaviors related to the area of concern. If the child is 3-5 years old and not yet in school the observation should be conducted in the child's natural environment or early intervention program.

In order to obtain a full and accurate picture of the student's performance, it may be necessary to observe the student more than once, in different settings and at different times of the day. Multiple observation forms may be included in the evaluation documentation.

Directions: First identify the area(s) of concern for the student. Behavior around each identified area is where you will focus your observation. During the observation place a check mark next to the behaviors that are observed within each domain that correlates with the noted areas of concern. Note, however, these checklists are not exhaustive. In the notes section, write any additional observed behavior, including strengths, which may be relevant to the student's evaluation.

Check area(s) of concern as identified in SLD 2.	
<input type="checkbox"/> Oral Expression	<input type="checkbox"/> Written Expression
<input type="checkbox"/> Basic Reading Skills	<input type="checkbox"/> Reading Comprehension
<input type="checkbox"/> Reading Fluency Skills	<input type="checkbox"/> Listening Comprehension
<input type="checkbox"/> Mathematics Problem Solving	<input type="checkbox"/> Mathematics Calculation

Language (Oral Expression, Basic Reading Skills, Reading Comprehension, Listening Comprehension)

- Age Appropriate
- Has difficulty modulating voice (i.e. too soft, too loud)
- Has trouble naming people or objects
- Has difficulty staying on topic
- Inserts invented words into conversation
- Has difficulty re-telling what has just been said
- Demonstrates slow and halting speech, using lots of fillers (i.e., uh, um, and, you know)
- Mispronounces words frequently
- Has difficulty rhyming
- Has limited interest in books or stories
- Has difficulty understanding instructions or directions

Notes: _____

Classroom Observation Checklist
Pre-School/Kindergarten
Required documentation for Component 4

**Classroom Observation Checklist
Pre-School/Kindergarten**

Required documentation for Component 4

Reading (Basic Reading Skills, Reading Comprehension, Reading Fluency Skills)

- Age Appropriate
- Confuses similar-looking letters and numbers
- Demonstrates poor memory for printed words
- Has trouble naming letters
- Has problems associating letters and sounds, understanding the difference between sounds in words or blending sounds into words
- Has poor retention of new vocabulary
- Dislikes and avoids reading or reads reluctantly

Notes: _____

Written Language (Written Expression)

- Age Appropriate
- Dislikes and avoids writing and copying
- Has difficulty remembering shapes of letters and numerals
- Frequently reverses letters, numbers and symbols

Notes: _____

Math (Math Calculation, Math Problem Solving)

- Age Appropriate
- Has difficulty with simple counting and one-to-one correspondence between number symbols and items/objects

Notes: _____

Classroom Observation Checklist

Pre-School/Kindergarten

Required documentation for Component 4

Social Emotional (All Areas)

- Age Appropriate
- Has difficulty 'joining in' and maintaining positive social status in a peer group
- Has difficulty with self-control when frustrated

Notes: _____

Attention (All Areas)

- Age Appropriate
- Has difficulty sustaining attention in work tasks or play activities

Notes: _____

Gross and Fine Motor Skills (All Areas)

- Age Appropriate
- Appears awkward and clumsy, dropping, spilling, or knocking things over
- Has trouble with buttons, hooks, snaps, zippers and trouble learning to tie shoes
- Creates art work that is immature for age
- Demonstrates poor ability to color or write 'within the lines'
- Grasps pencil awkwardly, resulting in poor handwriting
- Experiences difficulty using small objects or items that demand precision (i.e., Legos, puzzle pieces, tweezers, scissors)

Notes: _____

Other notes or observed behavior

School District Name:

School District Address:

School District Contact Person/Phone #:

Extended Evaluation Form

Evaluation Dates: from _____ to _____

Student Name: _____ DOB: _____ SASID#: _____ Grade/Level: _____

The Team found the student eligible for special education but recommended further assessment before developing a full IEP. The Team developed a partial IEP to be implemented during the extended evaluation period.

Important Details from State Regulation — §603 CMR 28.05(2)(b): An extended evaluation should be used when evaluation information is inconclusive and should not be used to deny programs or services determined necessary by the Team. If the Team has determined eligibility and some necessary objectives and services, then the Team should write a partial IEP and, with parent acceptance, immediately implement the partial IEP while the extended evaluation is occurring. The evaluation may extend from one to eight school weeks but no longer than eight school weeks. The Team may meet at intervals during this period and should reconvene before the end of the evaluation period to develop a full IEP. The extended evaluation should not be used to allow extra time to complete required assessments and is not a placement.

1. What are the current evaluation findings?	2. What additional information is needed for evaluation of this student? Identify the specific assessments to be completed.
3. Location where the extended evaluation will take place. Name of public school/collaborative/or approved special education program: Address: Contact person and phone number:	4. What time period (<i>longer than one week but not to exceed eight school weeks</i>) is needed to complete the necessary evaluation(s)?
5. Should the Team meet at intervals during the extended evaluation period? If yes, please specify meeting dates, times and location.	6. What date will the Team reconvene to develop a full IEP prior to the end of the evaluation period? Please specify meeting date, time and location.

Extended Evaluation Form

Evaluation Dates: from _____ to _____

Student Name: _____ DOB: _____ SASID#: _____

Additional Information

Response Section

School Assurance

I certify that the evaluation(s) in this Extended Evaluation are those recommended by the Team and that the indicated evaluation(s) will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district.

- I accept the recommended Extended Evaluation.
- I reject the recommended Extended Evaluation.
- I reject the following portions of the Extended Evaluation with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

- I request a meeting to discuss the rejected Extended Evaluation or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed Extended Evaluation will not be implemented unless the Extended Evaluation form is amended.



Spencer East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Request for Accommodation

Referral after Diagnosis: When a request is made for accommodations after a student has been diagnosed with a disorder that may be affecting their access to the curriculum by an independent diagnostician such as a pediatrician or psychiatrist a review of the diagnostic information should be reviewed in consultation with appropriate district wide providers and a 504 meeting should be scheduled to occur as soon as possible. Typically, no later than 10 days. See (504 meeting participants) (Section 504 Student Eligibility Form)

- It is important to note that a diagnosis is not a disability. In order to qualify as having a disability the individual must experience substantial impairments to a major Life Activity or Major Bodily Function.

Referral after Special Education Eligibility Determination: During the Special Education Eligibility Determination process, the team will determine if the student has:

- A diagnosis
- Whether the student is making effect progress:
 - Effective Progress Means to make documented growth in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, according to chronological age and developmental expectations, the individual educational potential of a child, and the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district. (603 CMR 28 300.7(17))
- Whether the student requires specialized instruction to access the curriculum.
 - Specialized instruction includes specialized academic and related services that are designated to provide a student with disabilities the opportunity to make progress within the learning standards at their chronological age and developmental level.

Parent Rights

Student Name: Student Sample

DOB: State ID Number: 00000000000

Meeting Date:

NOTICE OF PARENT/STUDENT RIGHTS UNDER SECTION 504

The Rehabilitation Act of 1973, commonly referred to as "Section 504", is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility. Some students will be eligible for education services under both Section 504 and the Individual with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. *Procedural Safeguards* (Due process procedures for parents and children) prepared by the Office of the Superintendent of Public Instruction is available through the District's Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 C.F.R. Part 104 provide parents/and students with the following rights.

1. You have the right to be informed by the District of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32.)
2. Your child has the right to a free appropriate education designed to meet his/her individual needs as appropriately as the needs of non-disabled students are met. (34 C.F.R. 104.33)
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 C.F.R. 104.33)
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 C.F.R. 104.34)
5. Your child has a right to placement in the least restrictive environment. (34 C.F.R. 104.34.)
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 C.F.R. 104.35.)
7. Testing and other evaluation procedures must conform to the requirements (34 C.F.R. 104.35) as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 C.F.R. 104.35.)
8. Placement decisions must be made by a group of persons (i.e., Student Intervention Team and/or Central Office 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 C.F.R. 104.35.)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.36.)
10. You have the right to examine relevant records. (34 C.F.R. 104.36.)
11. You have a right to notice of any action by the District in regard to the identification, evaluation, or placement of your child. (34 C.F.R. 104.36.)

Parent Rights

Student Name: Student Sample

DOB: State ID Number: 0000000000

12. You have a right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 C.F.R 104.36.)
13. If you wish to challenge the actions of the District's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with your state department of education's Section 504 compliance office. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. (34 C.F.R 104.36.)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the District's Equity and Compliance Office, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You have the right to file a complaint with the Office for Civil Rights.

¹ Equal educational benefits and opportunities does not mean the "same" benefits and/or opportunities.

Parent's Notice of Procedural Safeguards

Dear Parents:

You are receiving this Notice of Procedural Safeguards (Notice) because your son or daughter (student) has been referred for an evaluation or is currently receiving special education services. If your student is eligible for special education, the school district must provide a free appropriate public education commonly referred to by the acronym FAPE. In order to provide a FAPE the school district must work in partnership with you. You will be a member of the IEP team that will consider your student's unique needs and develop an individualized education program or [IEP](#), for your student.¹ The IEP must provide instruction that is tailored to your student's unique needs and includes sufficient support services to enable your student to make meaningful educational progress and to assist your student in acquisition of knowledge and skills, including those necessary for social and emotional development according to appropriate chronological and developmental expectations. Any special education services identified for your student must be provided at public expense with no cost to you. All students in the Commonwealth's public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for its resident students with disabilities who attend private schools at private expense, and who seek public special education services.

Both [State and federal laws](#) contain rules that school districts must follow when deciding if a student is eligible for special education and, if so, what services the student will receive. These laws also provide detailed procedures for ensuring that the student receives a FAPE during the entire time he or she is eligible for special education. Special education is a highly complex and regulated area of education law. The detail in the law is intended to protect your student and to help ensure that he or she receives appropriate educational services. You can get additional help in understanding the special education process from your school guidance office, the Massachusetts Department of Elementary and Secondary Education (DESE), organizations for parents of students with disabilities, and private special education organizations. Information from these sources will help you work in partnership with your school district to make sure that your student receives appropriate educational services. The DESE publishes extensive information for parents and school districts on its Internet Websites. A [Table of the DESE Websites](#) is included at the end of this Notice.

This Notice provides you with important information about your right to be involved in planning your student's special education. Procedural safeguards are the specific rules that make sure that you know what the school district is proposing to do ("receive notice"), agree with the school district's plan ("give parental consent") and have a range of opportunities for resolving disagreements with the school district ("due process"). Procedural Safeguards in the law also provide additional protections outlined in this document.

We hope this Notice will be of assistance to you as you take an active role in your student's educational experience.

¹ See the IEP Process Guide for information on how a student's IEP is developed and implemented.

This document, the Parent’s Notice of Procedural Safeguards, answers the following questions:

1. What is “prior written notice” and when do you receive it?	Page 2
2. What is “parental consent” and when must the school district ask for your consent?	Page 3
3. Is the school district required to evaluate upon request by a parent?	Page 5
4. What is an “independent educational evaluation”?	Page 5
5. When can you see your student’s student records?	Page 6
6. How can parents and schools resolve disputes?	Page 7
7. What are your responsibilities if you place your student in a private school?	Page 11
8. What must be done to plan for your student’s transition from school?	Page 12
9. How may a school discipline a student with a disability?	Page 12
10. Where can the laws and regulations and other useful information be found?	Page 14

You will receive this Notice at least once each year if your student is identified as eligible for special education. You can also request a copy from your school district at anytime or from the DESE. This document is available on the DESE Web site at <http://www.doe.mass.edu/sped/prb>.

1. WHAT IS PRIOR WRITTEN NOTICE AND WHEN DO YOU RECEIVE IT?

34 CFR §300.503

The school district must provide you with a written notice when it proposes, or refuses, to take steps to identify your student, to evaluate your student, to provide special services to your student, or to change your student’s program. Federal regulations call this a “prior written notice.” The written notice must:

- Describe **what** the school district proposes or refuses to do;
- Explain **why** the school district is proposing or refusing to take the action;
- Describe **how** the school district decided to propose or refuse to take the action, including telling you about each evaluation procedure, assessment, record, or report that your school district used to make its decision; and
- Describe any other options that your student’s individualized education program (IEP) Team considered and the reasons why those options were rejected.

School districts will provide this information to you using forms developed by the DESE and available on the DESE Web site or their own forms containing the same information.

You will receive prior written notice when the school district: proposes to conduct an initial evaluation or reevaluation; proposes a new or amended IEP; proposes a change in placement, including a proposed change in placement for disciplinary reasons; or proposes to end special education services.

You will also receive a notice if the school district makes a finding of no eligibility for special education services or refuses a request you have made related to evaluations or provision of special education to your student. Notices from the school district must be provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, your school district must ensure that the school’s notice is translated for you orally or by other means (e.g., by sign language), and that you understand the content of the notice.

The school district will also give you written notice and request your consent – or written permission – before the school district asks to use public health insurance (MassHealth or Medicaid), to pay for a student’s special education services for the first time. .

When you are given prior written notice, you will also be given a copy of this Notice of Procedural Safeguards, or if you have already received this Notice during the current school year, you will be told how

you can obtain another copy. You will also be given information about whom you can contact for help in understanding federal and state special education laws.

2. WHAT IS PARENTAL CONSENT?

**34 CFR §300.9 AND
603 CMR 28.07 (1)**

The school district may not give your student a special test or special service unless you agree and give your written “parental consent.” The school district must contact you and clearly explain what it is proposing to do for your student. The school district will then ask you to sign your name on the consent form to show that you agree to the school’s proposal. This is giving “parental consent.”

Giving your consent is voluntary. You may take back, or revoke, your consent at any time. If you wish to revoke consent you must do so in writing. The withdrawal of consent will only apply to future action by the school district not to something that has already happened. Your school district may not use your refusal to consent to one service or activity as a reason to deny you or your student any other service, benefit, or activity.

Your consent is not required before your school district may review existing data as part of your student’s evaluation or reevaluation, give your student a test or other evaluation that is given to all students without consent such as the MCAS or classroom tests that are part of the general education program, or share information with federal or state educational officials.

2.1 WHEN WILL A SCHOOL DISTRICT ASK FOR YOUR CONSENT?

**34 CFR §§ 300.300, 300.154 AND
603 CMR 28.07(1)**

A school district will ask for your parental consent in the following circumstances:

To authorize the initial evaluation to determine if the student is eligible for special education

The school district cannot conduct an initial evaluation of your student to determine whether your student is eligible to receive special education and/or related services without first obtaining your consent. If your student is referred for an evaluation, the school district must ask for your consent to the evaluation within five school days.

To approve initial services

If, after the initial evaluation has been completed, the Individualized Education Program (IEP) Team has decided that your student is eligible for special education, the IEP Team will propose special education and related services and a placement for your student. You are a member of the IEP Team and must give your consent before your school district can provide special education and related services to your student for the first time. If you do not consent, the school district cannot provide special education and related services to your student. You can accept or reject the whole proposal or part of it. The IEP or any part that you accept must begin as soon as you accept it.

To make a change in services, placement or reevaluation

Once you have agreed to an IEP for your student, the school district must obtain your consent before the school district may change the services or the placement of your student, or conduct a reevaluation.² If you refuse to give your consent, you have an obligation to engage with the district in active discussion to resolve your disagreement. If you have given consent to services in the past and now want to revoke consent and withdraw your student from services, you must do so in writing. The

² You also have the right to observe your student in his or her current program and observe a proposed program prior to your student’s placement. For further information see the DESE document “Observation of Education Programs by Parents”.

school district may not request a hearing at the Bureau of Special Education Appeals (BSEA) to obtain authority to provide educational services or to reevaluate your student without your consent.

To access public health insurance (MassHealth or Medicaid) benefits for the first time

The school district is allowed to use public health insurance (MassHealth or Medicaid) to pay for some special education services included in a student's IEP for students covered by public health insurance. Before the school district accesses MassHealth for the first time, the school district must give you written notice that it is going to seek this reimbursement, and get your voluntary consent in writing for it. The notice will tell you that special education services are always provided at no cost to you or your family; will make clear that your consent will not lead to any changes in your child's MassHealth benefits or eligibility; will describe what information about your student will be shared in order to access MassHealth; remind you that your consent can be withdrawn at any time; and make clear that there will be no changes to your student's special education services or program if you withdraw or do not provide consent. If you move or your student becomes enrolled in another district, then the new school district will ask you to provide consent again.

To excuse members of the IEP Team from attending a Team meeting

Members of the IEP Team may be excused from attending a Team meeting if you agree in writing in advance of the meeting. If the Team will be discussing the excused Team member's area, then the excused member must provide his or her input in writing before the Team meeting. If you do not agree to excuse the Team member he or she must attend the IEP Team meeting.

2.2 WHEN WILL THE STUDENT BE ASKED FOR CONSENT?

**34 CFR §300.520 AND
603 CMR 28.07 (5)**

Under Massachusetts' law a student has reached adulthood upon his or her eighteenth (18th) birthday. **When a student turns age 18**, therefore, all of the decision-making rights that you have as a parent transfer to your adult student, unless a court has appointed a legal guardian for your student or your student indicates in writing that he or she wants to share decision-making with you or wants you to continue to have authority to make decisions about his or her educational program. The school district must discuss with you and your student the impact of this transfer of rights at least a year before the student's eighteenth birthday. As the parent of an adult student with a disability, you will continue to receive all the required notices from the school, and you will continue to be able to inspect your student's educational records, even if your student makes his or her own educational decisions.

2.3 WHEN WILL A SPECIAL EDUCATION SURROGATE PARENT GIVE CONSENT?

**34 CFR §300.519 (g) AND
603 CMR 28.07 (7)**

If a student is in the custody of the Department of Children and Families, or the student's parents or guardian cannot be identified or located or have had their parental rights terminated, the DESE has a responsibility to ensure there is an adult with no conflicting interests to make special education decisions on behalf of the student. This person is called a special education surrogate parent. The DESE determines if it is necessary to appoint a special education surrogate parent for the student. If appointed, a special education surrogate parent has the same rights and responsibilities as a parent in special educational matters for the student.

2.4 HOW DO I WITHDRAW CONSENT?

34 CFR §300.300(b)(4) AND 300.9

If you have given consent to special education and related services and now wish to revoke your consent, you must do so in writing. You may withdraw your consent to all special education and related services, to a specific service or to placement or to the district's use of MassHealth or

Medicaid benefits for your student. Once the school district receives your letter, the district will send you a notice stating the change, if any, in educational placement and services that result from your revocation of consent. Once you withdraw your consent to all special education and related services, the school district is no longer required to make FAPE available or to have an IEP meeting or develop an IEP for your student. School districts are not required to amend your student's record to remove references to special education services as a result of your revocation of consent.

3. IS THE SCHOOL DISTRICT REQUIRED TO EVALUATE A STUDENT UPON REQUEST BY A PARENT?

**34 CFR §300.301 AND
603 CMR 28.04**

A student must receive a complete and comprehensive evaluation to determine if the student has a disability and is eligible for special education and, if eligible, to assist in determining appropriate special education and related services that may be necessary. Parents who have a concern about their child's development or have a suspicion about a possible disability may refer their child for an initial evaluation. Special words need not be used in making a referral for an initial evaluation. Upon receipt of such a request for an initial evaluation, the school district must send notice to the parent and must seek the parent's consent to conduct an evaluation. (A school district will rarely have occasion to refuse to conduct an initial evaluation and may do so only if the parent or other individual making the referral has no suspicion of disability or is not concerned about the student's development).

Where appropriate, the school district may also provide the parent with information concerning other supportive services that may better suit a particular student's needs. However, a school district may not refuse to evaluate a student who has been referred for an evaluation as described above, on the basis of a pre-referral program or in order to try other instructional support activities or for any other reason. Additionally, the law provides for periodic reevaluations to ensure that the student is benefiting from and continues to require special education. The parent's consent will always be required prior to these reevaluations.

4. WHAT IS AN INDEPENDENT EDUCATIONAL EVALUATION?

**34 CFR §300.502 AND
603 CMR 28.04(5)**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your student.

You have the right to request an IEE of your student at public expense if you disagree with the school district's evaluation. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the state requirements that apply to IEEs.

4.1 WHEN IS AN INDEPENDENT EDUCATIONAL EVALUATION CONDUCTED AT PUBLIC EXPENSE?

In Massachusetts, under state law, you will receive an IEE at full or shared public expense if you meet income eligibility requirements. Students who are eligible for free or reduced cost meals are entitled to an IEE at public expense. Other students are eligible for a shared cost IEE according to a sliding fee scale. Sharing your financial information with the school district is completely voluntary on your part. If you choose to share such information, the school district must immediately notify you in writing whether or not you are eligible for full or partial funding of an IEE and proceed to fund the IEE based on eligibility. Your right to a publicly funded IEE through income eligibility will extend for 16 months from the date of the school district's evaluation with which you disagree.

If you do not meet income eligibility requirements or choose not to disclose financial information, the district must consider your request for a publicly funded IEE under federal law. Within 5 days, the district may either agree to provide an IEE at public expense or request a hearing at the Bureau of Special Education Appeals (BSEA) to demonstrate that the evaluation conducted by the district was comprehensive and appropriate. More details regarding IEEs are available in the DESE Administrative Advisories 2004-1 and 2001-3 available from your local school district and on the DESE Web site <http://www.doe.mass.edu/sped/advisories/?section=admin>.

You are entitled to only one IEE of your student at public expense each time your school district conducts an evaluation. You may have independent evaluations conducted at your own expense at any time.

4.2 THE RESULTS OF IEEs MUST BE CONSIDERED WITHIN 10 DAYS BY THE SCHOOL DISTRICT

If you obtain an IEE of your student at public expense or you share with the school district an evaluation of your student that you obtained at private expense, your school district must convene a Team meeting within ten school working days after receiving the evaluation information. The Team will consider the evaluation results and determine what, if any, changes should be made to your student's IEP.

5. WHEN CAN YOU SEE YOUR STUDENT'S STUDENT RECORDS?

**34 CFR 300.611 AND
603 CMR 23.00**

The student record consists of your student's transcript and temporary school record and includes health records, tests, evaluations, discipline records and other records pertaining to your student's special education eligibility or program.³ Personally identifiable information about your student is confidential and may not be disclosed to anyone other than teachers and educational officials without your consent.

You and your student (if your student is 14 or older) have a right to look at any and all of the student's records within 10 days of your request and before any IEP meeting or due process hearing.⁴ You may also have copies of the information upon request for a reasonable charge limited to the cost of reproduction. You may not be charged for costs associated with the search for and retrieval of your student's records.

In addition, you can meet with professionally qualified school personnel to have the records explained. You may also have your representative (advocate, consultant, or attorney) inspect, review, and interpret your student's record if you give your specific, written informed consent. All of the rights associated with the student record are contained in the Massachusetts Student Record Regulations 603 CMR 23.00. Those regulations can be found at <http://www.doe.mass.edu/lawsregs/603cmr23.html> or by requesting a copy of the regulations from the school district or DESE.

Generally only the parent, eligible student, authorized school personnel, and state and federal education officials are allowed to see the student record without the specific, informed, written consent of the parent or adult student. The school district may be required to provide some information to state and federal officials as the result of a court order or in response to a health and safety or law enforcement issue. Helpful information about these and other student records issues can be found at <http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html>.

³ If a student's parents revoke their consent for special education services after such services have been initially provided, school districts are not required to amend the student's records to remove references to special education services.

⁴ The school district can only limit access to the student record if it has received a legal document such as a restraining order or a divorce or custody decree that restricts access to information about the student's.

State and federal special education laws provide many opportunities for parents to be involved in educational planning for their student who has a disability. If parents and school districts disagree about changes relating to the identification, evaluation, or educational placement of a student with a disability, or the FAPE services provided to a student with a disability, the laws provide a menu of ways to resolve the disagreement. Your student shall remain in his or her current education program and placement during any dispute regarding placement or services, unless you and the school district agree otherwise or your student's placement is changed as a result of [discipline](#).

Following are alternatives ways that you and your school district can resolve disagreements.

6.1 BRING THE DISPUTE TO THE ATTENTION OF LOCAL PUBLIC SCHOOL OFFICIALS

As a first step to resolve your dispute, you may contact your school Principal, the Administrator of Special Education or your Superintendent to ask for help. It is a good practice to write a letter explaining the situation about which you are concerned.

6.2 USE THE DESE PROBLEM RESOLUTION SYSTEM

If you feel that you need help from outside of your school district, you may contact the DESE, Problem Resolution System Office (PRS) at 781-338-3700 to use the state Problem Resolution System described at <http://www.doe.mass.edu/pqa/prs/>. You can file a complaint with the PRS office about any violation of state or federal education law or obtain help from PRS staff to resolve the problem informally. If you want a formal investigation by PRS, you will have to submit your complaint in writing. PRS staff will assist you in preparing and submitting the complaint. Your written complaint should include: a statement of your concerns, your attempts to resolve your concerns, the actions by the school you believe would resolve your concerns and your signature and contact information. If your complaint is about a specific student, you should provide the student's name and residential address and the name of the school. The issues that you are complaining about, however, must have occurred no more than one year before PRS receives your complaint. If you choose to file a formal complaint with the Problem Resolution System, you must also send a copy of your written complaint to the school district that is the subject of the complaint. PRS will resolve your complaint within 60 days and send you a copy of the findings and decision.

Filing a formal complaint with PRS will not prevent you from using other methods, such as conversations with your local school district, mediation, or a [due process hearing](#) at the Bureau of Special Education Appeals (discussed below) to resolve your complaint.⁵ If you request a due process hearing, however, a complaint that you file through the problem resolution system will be set aside until the due process hearing is completed.

⁵ For a comparison of how the problem resolution system resolves a complaint with how a complaint is resolved through a due process hearing see: <http://www.doe.mass.edu/sped/docs.html>.

6.3 ASK FOR A NEUTRAL MEDIATOR TO BE APPOINTED.

[Mediation](#)⁶ is a service provided by a neutral individual who is trained in special education law and in methods of negotiation. Mediation can be scheduled whenever the parents and schools have a disagreement about special education matters, even if a complaint was made through the PRS Problem Resolution System. The mediator helps the parent and school district talk about their disagreement and reach a settlement that both sides can accept. Discussions during mediations are confidential and nothing that is said by either party can be used later if the dispute becomes the subject of a formal hearing or court proceeding. Once an agreement is reached, it will be put in writing, both sides will sign it, and it may be enforced by a court.

Mediation can be set up by contacting the BSEA at 781-397-4750. The mediator will schedule a meeting with you and the school district within 30 days of the request for mediation. Meetings will be held at a convenient time and place. Participation is voluntary, therefore both the school district and the parents must agree to participate in mediation. There is no fee for the service.

Additional information about how mediation works is available from the BSEA 781-397-4750 and can be found in their publications "[Frequently Asked Questions about Mediation](#)"⁷ and the "[Explanation of Mediation](#)."⁸

6.4 REQUEST A DUE PROCESS HEARING AND PARTICIPATE IN A RESOLUTION MEETING

If you and the school district have been unable to work out your disagreement, then you are entitled to have a neutral and impartial hearing officer listen to both sides of the dispute, hear testimony, examine evidence, and make a decision. This hearing is convened by the BSEA and is called a due process hearing. The BSEA hearing officer is trained in special education law and must not have any personal or professional connection to you or anyone else who is involved in the disagreement.

The due process hearing will consider disputes about eligibility; evaluation; IEPs; educational placement decisions, including those resulting from discipline; FAPE; provision of special education; or procedural protections of state and federal law for students with disabilities. You must file for a hearing within two years of when you knew, or should have known⁹ about the events that form the basis for your complaint. This time period can be extended if you can show that you were prevented from filing for a hearing because the school district misrepresented that it had resolved the issue in your complaint or if the district withheld certain required information from you.

Either you or your school district can file a written [due process hearing request](#)¹⁰ with the other party and send a copy to the BSEA to obtain a due process hearing. The BSEA has developed a [Hearing Request Form](#)¹¹ that you may use, or you can write your own letter instead of using the form, but you must be sure to include your student's name and residential address (or contact information if the student is homeless); the name of your student's school; a description of the problem you are concerned about, including specific facts relating to the problem; and a proposed solution to the problem. Note that the hearing will be limited to the issues that are identified in the complaint.

⁶ A description of the mediation process can be found on the DESE Web site at <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/>.

⁷ <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/mediation-faqs.html>.

⁸ <http://www.mass.gov/anf/docs/dala/bsea/mediation-brochure-2012.doc>

⁹ The phrase "or should have known" reminds you that you have a responsibility to be aware of your student's program.

¹⁰ Information on the due process hearing request can be found at: <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/due-process-hearings/>.

¹¹ <https://www.mass.gov/doc/hearing-request-form/download>

You must send your due process hearing request to the school district (or other party to the complaint) and a copy to the BSEA. If the due process complaint does not provide enough information, the opposing party may challenge its *sufficiency* within 15 days. The BSEA will decide whether the complaint is sufficient within 5 days of the challenge. Additional information may be added to the complaint if the opposing party agrees or if the hearing officer gives permission. If additional issues are added to the complaint at a later time, however, the hearing timetable begins all over again.

If there is no challenge to the sufficiency of the complaint, then the hearing process continues. If the school district has not already sent a [prior written notice](#) to you about the issue that you are complaining about, then within 10 calendar days of receiving your due process hearing request, the school district must send you a written response to the complaint.

Note: If the school district has filed the due process hearing request, the parent must respond within 10 calendar days of receiving the hearing request, and specifically address the issues that the school district raised.

After you file a due process hearing request, the school district has 30 days to work with you to resolve the disagreement before the due process hearing may occur.¹²

The school district is required to set up a resolution meeting within 15 calendar days of receiving your due process complaint.¹³ The school district will determine with you which members of the IEP Team must attend the meeting. Someone from the school district who can make decisions about your student's program must attend the meeting. The school district's lawyer *may not* attend unless you have a lawyer who is attending the meeting.

You must participate in the resolution meeting unless you *and* the school district agree, in writing, not to have the meeting or if you and the school district decide to use the [mediation process](#). If you refuse to participate in the resolution meeting, the hearing may not go forward.

If you are willing to meet, but the school district refuses or delays the resolution meeting more than 15 days after receiving notice of your hearing request, then you can ask the hearing officer to proceed with the hearing process. If you meet, but the school district has not resolved the due process complaint to your satisfaction within 30 days of your filing the complaint, then the due process hearing may go forward.

The resolution process ends when one of the following events occurs:

- When you and the school district agree, in writing, to end the resolution period;
- At the end of the 30 day resolution period;
- At the end of mediation; or
- When you and an official of the school district sign a document that spells out your agreement that resolves your dispute. This is a "settlement agreement" and can be enforced by a state or federal court. Note that if you and the school district enter into an agreement as a result of a resolution meeting, either you or the school district may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

¹² If you and the school district agree to mediation, you may agree to continue the mediation after the 30 day period.

¹³ No resolution session is required if the school district has requested the due process hearing.

6.5 PRESENT YOUR EVIDENCE TO AN IMPARTIAL HEARING OFFICER DURING A DUE PROCESS HEARING

When you file a due process complaint, the BSEA will set a hearing date, assign a hearing officer, and send you detailed information about the hearing process and a list of free or low-cost attorneys and advocates whom you may contact for help.

During the due process hearing you and the school district will each present evidence and provide the testimony of witnesses to an impartial hearing officer from the BSEA. At any due process hearing, including a hearing relating to disciplinary procedures, you may:

- be accompanied, advised and represented by a lawyer and/or advocate;
- have your student present at the hearing;
- have the hearing open to the public;
- present evidence such as documents and reports;
- request, or require through subpoena, witnesses to come to the hearing and answer questions;
- see any evidence that is to be used at the hearing at least five business days ahead of time and ask the hearing officer to keep out any evidence that you have not seen; and
- obtain a written or, at your option, electronic, word-for-word record of the hearing findings of fact and decision at no cost to you. To obtain a written record of the hearing, you must make your request in writing.

Additional information about due process hearings can be obtained from the BSEA at 781-397-4750 and from the BSEA Web site: <http://www.mass.gov/dala/bsea>.

Hearings are conducted according to the Massachusetts Administrative Procedure Act¹⁴ and the BSEA [Hearing Rules](#).¹⁵ The hearing officer must issue a final decision within 45 days of the end of the resolution period described above unless the hearing officer has granted extensions of time at the request of either party. The hearing officer will send a copy of the decision to you and to the school district. Both the parents and the school district must abide by the decision of the hearing officer.

A hearing officer's decision on whether your student is being offered a FAPE must be based on a finding that your student's special education rights were violated or a determination that the school district failed to fulfill its other obligations to your student under the special education laws and regulations. If you have complained about a violation of the special education procedures (such as failure to hold a proper team meeting, poor record keeping, or failure to follow timelines) a hearing officer may find that your student did not receive FAPE *only if* the failure to follow the procedures:

- Interfered with your student's right to a FAPE;
- Significantly interfered with your ability to be involved in decisions about your student's education; or
- Deprived your student of an educational benefit.

The decision of the hearing officer is a final agency decision and cannot be reconsidered by the BSEA or changed by the DESE. Hearing decisions are public¹⁶ and are available on the BSEA Web site at <https://www.mass.gov/bsea-decisions-and-rulings>.

¹⁴ M.G.L. c.30A

¹⁵ <http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc>.

¹⁶ Hearing decisions are published after redacting information that would allow the student to be readily identified.

6.6 APPEAL A HEARING DECISION TO A STATE OR FEDERAL COURT

If either the parent or the school district disagrees with the decision of the hearing officer, they can seek review of that decision in state or federal court. Any such request for review must be filed within 90 days of the decision.

6.7 ATTORNEYS' FEES

34 CFR §300.517

Each party is responsible for paying its own attorney's fees unless the court decides otherwise. If you obtain a favorable result in a written hearing decision or court proceeding, the court ¹⁷ may decide that the school district should pay your reasonable attorneys' fees. Note, however, that you will not be able to obtain these fees for the time spent litigating your case after the district made a settlement offer if

- the district made a written offer of settlement 10 or more days before the hearing,
- you did not accept the offer within 10 days, and
- the outcome of the hearing was no better than the settlement offer.

If the school district obtains a favorable decision, a court could order your attorney to pay the school district's legal expenses if the court finds that your attorney filed a complaint or continued to litigate after learning that the complaint had no basis in fact, was unreasonable, was frivolous, or was pursued for an improper purpose. A court may also order you or your attorney to pay legal expenses if your request for a due process hearing or subsequent cause of action was presented for an improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

7. WHAT ARE YOUR RESPONSIBILITIES IF YOU PLACE YOUR STUDENT IN A PRIVATE SCHOOL AND YOU BELIEVE YOUR SCHOOL DISTRICT SHOULD REIMBURSE YOU FOR THE TUITION?

34 CFR §300.148

There are some occasions when a parent believes that the public school is not providing a FAPE to the student and the parent decides to place the student in a private school. A parent may enroll his or her student in private school at private expense at any time. If, however, the parent believes that the public school should be responsible for the costs of the student's education in the private school, the parent must tell the school district of objections to the student's IEP and program, reject the IEP, inform the school district of his or her intent to remove the student and enroll the student in a private school, and request a hearing by the BSEA. A parent must inform the school district before removing the student from the public school either orally at the last Team meeting before the removal or in writing at least 10 business days before removing the student from school.

The school district is not required to pay for a student to attend a private school if the school district has made a FAPE available to the student. Disagreements between parents and the school district about whether the student's program provides a FAPE and requests for financial reimbursement for the cost of a private program may be resolved through due process procedures discussed earlier in this document. The hearing officer will determine whether the school district made a FAPE available to your student. If the hearing officer finds that the school district did *not* provide your student with a FAPE, that you followed the above steps, and that the private school placement was appropriate, the hearing officer, after considering all of the circumstances surrounding the removal of the student, may require the school district to reimburse you for all or part of the cost of the private school placement.

¹⁷ A BSEA Hearing Officer may not award attorney's fees.

8. WHAT MUST BE DONE TO PLAN FOR YOUR STUDENT'S TRANSITION FROM HIGH SCHOOL?

34 CFR §300.43

Planning for your student's transition from school to postsecondary opportunities will facilitate your student's ability to successfully participate in activities such as post-secondary education, work, and community and adult life. Planning for transition must be based on your student's strengths, preferences, interests, and needs, must begin when your student is 14, and must be discussed each year at a Team meeting. The school district must discuss your student's transition needs with you and your student¹⁸ and must consider the goals for your student after he or she completes school by graduating with a regular high school diploma or reaching the age of 22. School districts must use the [Transition Planning Form](#)¹⁹ to record the results of this annual discussion. The student's IEP must include measurable post-secondary transition goals, objectives and services based upon an appropriate assessment of his or her disability and transition needs.

Graduation with a regular high school diploma is a change of placement and ends the student's eligibility for special education. The school district must inform you if and when the district expects your student to graduate with a regular high school diploma. This discussion should take place during the Team meeting no less than 1 year in advance of the student's graduation.

9. HOW MAY A SCHOOL DISCIPLINE A STUDENT WITH A DISABILITY?

34 CFR §300.530

Public schools must have procedures and standards in place to assure a safe learning environment for students. Schools are expected, and high schools are required, to publish their rules of conduct so that students know how they are expected to behave. If a student misbehaves and violates the school code of conduct, the school may discipline the student. Discipline must be fair and even-handed.

In general, any student may be suspended or removed from school for disciplinary reasons for a short time, which is no more than 10 days. Before any removal or suspension the student must be told what he or she is accused of having done and must be given a chance to tell his or her side of the story. During a short disciplinary removal, the school is not required to provide instruction to a disabled student unless it does so for non-disabled students. Once a student with a disability has been removed from the school placement for more than 10 cumulative days during the school year the student must receive educational services that will allow the student to continue to participate in the general education curriculum and to progress toward the goals set out in his or her IEP. School officials must consult with at least one of the student's teachers to determine what services are necessary. These services must begin on the 11th school day of a student's disciplinary removal during the school year and continue during the disciplinary removal.

Schools must follow special disciplinary rules for students with disabilities who have been found eligible for special education.²⁰ A chart depicting the operation of these disciplinary rules can be found on the DESE Web site.²¹ These special disciplinary rules apply as soon as a student is removed from his or her current education placement²² for more than 10 days in a row, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year and there is a pattern of removal for comparable behaviors. The school must notify you as soon as the decision is made to remove your student from his or her education placement for more than 10 days and provide you with a copy of this Notice.

¹⁸ The student should be invited to attend the Team meeting to discuss postsecondary goals and transition.

¹⁹ <http://www.doe.mass.edu/sped/28MR/28m9.docx>

²⁰ The special education disciplinary rules also apply to some students who have not yet been found eligible for special education. If, prior to the conduct in question, the parent has put his or her concern that the student's has a possible disability in writing to supervisory or administrative personnel or the student's teacher; if the teacher or other staff has expressed concerns about the student's pattern of behavior directly to the director of special education or other supervisory personnel, or if the student has been referred for an evaluation that has not yet been completed these special rules apply. The special education disciplinary rules *do not* apply if the parent has refused to consent to the evaluation, if the student has previously been found to be not eligible for special education, or if the parent has revoked consent to special education and related services.

²¹ http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc

²² Placement is determined by the IEP Team and is the location where IEP services are provided.

The student's IEP Team must meet within 10 days of the school's decision to impose the discipline. At this meeting, called a "*manifestation determination*," you and other members of the IEP Team will determine if the misbehavior was caused by or had a direct relationship to the student's disability, or was the direct result of the school's failure to provide the services required by the student's IEP. In making the manifestation determination, you and other members of the IEP team must consider relevant information from your student's file, including your student's IEP, your and the teachers' observations of your student's behavior, and any relevant information you provide.

If the team determines that the student's behavior *was not* caused by or directly related to the student's disability or the failure to properly implement the IEP, then a student with a disability can be disciplined in the same manner and for the same length of time as other students are disciplined for the same offense. The IEP Team, however, must determine the interim alternative educational setting (IAES) where the student will be placed and the educational services that will be provided. An IAES is a setting other than the student's current placement that enables the student to continue to receive educational services according to his or her IEP. School personnel may consider the student's unique circumstances in determining whether a change in placement is appropriate for a student with a disability.

If the Team determines that the student's behavior *was* caused by or directly related to the student's disability or the failure to properly implement the IEP, then the student must be returned to the last approved IEP placement unless you and the IEP Team decide on a different placement. The student must also be provided a functional behavioral assessment. A functional behavioral assessment or FBA is a comprehensive assessment of behavior that provides the IEP Team with information about the student's behavior and identifies behavioral intervention services and program modifications that are designed to address the behavioral violation so it does not recur. If the student has already had a functional behavioral assessment and has a behavioral intervention plan, then the IEP Team should determine if any changes should be made to the behavioral intervention plan. If the behavior was caused by the failure to properly implement the IEP, the school must take immediate steps to remedy the deficiencies.

Note that if your student possessed or used a weapon or drugs, or caused serious bodily injury to another person on school property or at a school event your student may be placed by the principal in an IAES for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability. The IEP Team will determine the IAES and the appropriate educational services that will be provided to the student while he or she is in the IAES.

9.1 APPEAL OF A DISCIPLINARY DECISION

If a parent disagrees with any decision regarding placement of his or her student under the disciplinary provisions or disagrees with the manifestation determination, or if the school district believes that maintaining the current placement of the student is substantially likely to result in an injury to the student or to others, either the parent or the school district may appeal the decision by [requesting a hearing](#) with the BSEA, as described earlier in this document.

The BSEA will convene a hearing on a disciplinary placement or manifestation determination on an expedited schedule.²³ During the appeal of a disciplinary placement or manifestation determination, the student must remain in the IAES until the hearing officer makes a decision or the disciplinary period is completed, unless the parent and the school district agree to a different placement.

²³ See BSEA Hearing Rule II.C. Expedited Hearing. <http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc> p.7.

10. WHERE CAN THE LAWS AND REGULATIONS AND OTHER USEFUL INFORMATION BE FOUND?

10.1 LAWS AND REGULATIONS

You can find the full text of the state Special Education law in Massachusetts General Law Chapter 71B. The state law is popularly known as “Chapter 766.” The state special education regulations are found in the Code of Massachusetts Regulations (CMR) at 603 CMR 28.00. The law and the regulations and other helpful resources are on the DESE Web site.²⁴

The federal special education law is the Individuals with Disabilities Education Act, known as “IDEA.” The federal statute is located in the United States Code at 20 U.S.C. § 1400. The implementing regulations for IDEA may be found in the Code of Federal Regulations (CFR) at Chapter 34, Section 300. A copy of the federal statute and regulations and explanatory information can be found on the U.S. Department of Education Web site at <http://idea.ed.gov/>.

10.2 INDIVIDUALIZED EDUCATION PROGRAM PROCESS GUIDE AND FORMS

A general overview of how the special education process works (taken from the IEP guide prepared by the USDOE) can be found at <http://www.doe.mass.edu/sped/iep>.

For the DESE explanation of the how an IEP is developed, consult the IEP Process Guide and the standard IEP forms available on the DESE Web site: <http://www.doe.mass.edu/sped/iep>.

10.3 TABLE OF ABBREVIATIONS

Many common special educational phrases are abbreviated by acronyms composed of the initial letters of the phrase. For your convenience the acronyms and phrases used in this document are listed below:

BSEA:	Bureau of Special Education Appeals
CFR:	Code of Federal Regulations
CMR:	Code of Massachusetts Regulations
DESE:	Massachusetts Department of Elementary and Secondary Education
FAPE:	Free Appropriate Public Education
FBA:	Functional Behavioral Assessment
IAES:	Interim Alternative Educational Setting
IDEA:	Individuals with Disabilities Education Act
IEE:	Independent Educational Evaluation
IEP:	Individualized Education Program
PRS:	Problem Resolution System

²⁴ <http://www.doe.mass.edu/sped/laws.html>

10.4 TABLE OF WEB SITES

The DESE publishes extensive information for parents and school districts on its internet Websites. These Websites include pertinent laws, agency policies and useful documents that explain the special education process.

Autism Spectrum Disorder:

http://www.doe.mass.edu/sped/advisories/07_1ta.html

Bureau of Special Education Appeals

<https://www.mass.gov/bsea-decisions-and-rulings>

<http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc>

<http://www.mass.gov/anf/docs/dala/bsea/hearing.doc>

<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/>

<http://www.mass.gov/anf/docs/dala/bsea/mediation-brochure-2012.doc>

<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/mediation-faqs.html>

<http://www.mass.gov/anf/docs/dala/bsea/>

Consent to Access MassHealth (Medicaid):

http://www.doe.mass.edu/sped/advisories/13_1.html

<http://www.doe.mass.edu/sped/28mr/28m13.docm>

Discipline:

http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc

Individuals with Disabilities Education Act:

<http://idea.ed.gov/>

The Basic Special Education Process under IDEA:

<http://www.doe.mass.edu/sped/iep/process.doc>

Individualized Education Program:

<http://www.doe.mass.edu/sped/iep>

Individual Education Program Process Guide:

<http://www.doe.mass.edu/sped/iep/proguide.pdf>

Independent Educational Evaluation:

<http://www.doe.mass.edu/sped/advisories/?section=admin>

Observation of Education Programs by Parents and Their Designees for Evaluation Purposes:

http://www.doe.mass.edu/sped/advisories/09_2.html

Parent's Notice of Procedural Safeguards:

<http://www.doe.mass.edu/sped/prb>

PRS Problem Resolution System compared to BSEA Due Process Complaint:

<http://www.doe.mass.edu/sped/complaintchart.doc>

Program Quality Assurance Services Problem Resolution System:

<http://www.doe.mass.edu/prs/>

Special Education Laws and Regulations:

<http://www.doe.mass.edu/sped/laws.html>

Special Education Surrogate Parent:

<http://www.doe.mass.edu/sped/advisories/2013SurrogateParent.html>

Special Education Transition Planning Form:

<http://www.doe.mass.edu/sped/28MR/28m9.docx>

Student Records Regulations:

<http://www.doe.mass.edu/lawsregs/603cmr23.html>

Student Records Questions and Answers

<http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html?section>

Transition Planning:

<http://www.doe.mass.edu/sped/cspd/mod4.html#>

Specific Learning Disability Eligibility Checklist

COMPONENT 1: Historical Review and Educational Assessment (Documented on [SLD 1](#))

- Historical Review**

 - All requirements of the Historical Review have been met.
 - Some, but not all requirements of the Historical Review have been met. See [SLD TA 3](#) for assistance in gathering the additional information. Concurrently address all other eligibility requirements.
 - Information is not available to answer the requirements of the Historical Review. Therefore, the student cannot be found eligible with a SLD until the school has sufficient information to determine that the student has been given appropriate opportunities to learn in the general education environment. See [SLD TA 4](#).
- Participation Skills**

 - The Team must be able to provide an assessment of the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
- Performance History**

 - The Team must review supporting evidence within the area of concern that indicates the student has: consistently performed within the range of performance of same-age peers; or consistently performed better than same-age peers; or consistently performed less well than same-age peers; or demonstrated inconsistent performance throughout his/her educational history.
- Medical Information**

 - The Team must provide educationally relevant medical findings, if any. This information will most likely be provided by the parent.

COMPONENT 2: Area of Concern and Evaluation Method (Documented on [SLD 2](#))

- Area of Concern**

 - The Team must establish that the student is not able to demonstrate the necessary processing skills to achieve adequately for his/her age or to meet ELA or Math Curriculum Framework standards when provided with appropriate learning experiences and instruction in one or more of the following areas: Oral Expression, Written Expression, Basic Reading Skills, Reading Comprehension, Reading Fluency Skills, Listening Comprehension, Mathematics Problem Solving, Mathematics Calculation.
- Evaluation Method**

 - A. Response to Scientific, Research-Based Intervention:** Determine that the student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student’s response to scientific, research-based
 - and/or
 - B. IQ/Achievement Discrepancy Model:** Using appropriate assessments, determine that the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age, or ELA or Math Curriculum Framework standards, or intellectual development.

COMPONENT 3: Exclusionary Factors (Documented on [SLD 3](#))

- Exclusionary Factors**

 - The team must ensure that the student’s lack of progress is not primarily the result of cultural factors, environmental or economic disadvantage, limited English proficiency, a visual, hearing, or motor disability, mental retardation, or an emotional disturbance.

COMPONENT 4: Observation (Documented on [SLD 4](#))

- Observation**

 - The student must be observed in his/her natural learning environment to document academic performance and behavior in the area(s) of difficulty.

Specific Learning Disability Eligibility Requirements Instructions

The passage of [IDEA 2004](#) brought about significant changes in the determination of eligibility for students with Specific Learning Disabilities (SLD). This document outlines the four necessary components for SLD eligibility determination under federal and state requirements and the accompanying forms provide documentation to meet the requirements.

COMPONENT 1: Historical Review and Educational Assessment

Documented on [SLD 1](#) (pink)

Historical Review [34 CFR 300.309(b)] *

To ensure that underachievement in the area of concern is not due to lack of appropriate instruction in reading or math, the Team must consider that:

- A. the student has been provided appropriate instruction in general education settings and that instruction has been delivered by qualified personnel;
- B. there is data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was provided to the student's parents.

- If the components of the Historical Review have been met then the eligibility determination can continue using data from a response to scientific, research-based intervention method, or using results from an IQ/achievement discrepancy model. Each evaluation method is described below in Component 2: Area of Concern and Evaluation Method.
- If some, but not all of the aspects of the Historical Review have been met, and additional information is needed, then further information should be gathered within the general education setting during the evaluation period. See [SLD TA 3](#) for assistance in gathering the required information. Concurrently, move forward with all other eligibility requirements.
- If information is not available to assess the aspects of the Historical Review, the referral for special education evaluation should not go forward until the school has sufficient information to determine that the student has been given appropriate opportunities to learn in the general education environment. This instruction should be delivered by qualified personnel and data-based documentation of repeated assessments that reflect the student's progress should be collected. This documentation is to be provided to the student's parents. See [SLD TA 4](#).

Participation Skills [603 CMR 28.04(2)(a)(2)(ii)]

As part of the student's educational history, the Team must be able to provide an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults. Refer to [Educational Assessment: Part A & B \(28R/1\)](#).

Performance History [603 CMR 28.04(2)(a)(2)(iii)]

As part of the student's educational history, the Team must review supporting evidence within the area of concern that indicates the student has:

- consistently performed within the range of performance of same-age peers; or
- consistently performed better than same-age peers; or
- consistently performed less well than same-age peers; or
- demonstrated inconsistent performance throughout his/her educational history.

Refer to [Educational Assessment: Part A & B \(28R/1\)](#).

Medical Information [34 CFR 300.311(a)(4)] and optional [603 28.04(2)(b)(1)]

As part of the required documentation, the Team must provide educationally relevant medical findings, if any. The parent will most likely provide this information.

* Indicates a new requirement for SLD eligibility as of IDEA 2004.

Specific Learning Disability Eligibility Requirements Instructions

COMPONENT 2: Area of Concern and Evaluation Method Documented on [SLD 2](#) (blue)

Area of Concern [34 CFR 300.309(a)(1)]

To determine the existence of a SLD the Team must establish that the student is not able to demonstrate the necessary processing skills to achieve adequately for his/her age or to meet ELA or Math Curriculum Framework standards when provided with appropriate learning experiences and instruction in one or more of the following areas:

- Oral Expression
- Written Expression
- Basic Reading Skills
- Reading Comprehension
- Reading Fluency Skills
- Listening Comprehension
- Mathematics Problem Solving
- Mathematics Calculation

Evaluation Method [34 CFR 300.307(a)] *

IDEA 2004 allows for a process of eligibility based on the student's response to scientific, research-based intervention. It does not require the completion of an IQ/ achievement discrepancy model, although it can be used at the district's discretion.

A. Response to Scientific, Research-Based Intervention

Determine that the student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention. This could be established through a research-based, Response to Intervention (RTI) model or a multi-tiered instruction process. Districts are encouraged to consider this option; however, the student should be participating in the process before the referral for evaluation occurs. In addition to the data gathered through the response to scientific, research-based intervention process, supplementary data may be necessary. The Team should consider the need for appropriate diagnostic tests that determine how the student learns and what is impeding learning.

B. IQ/Achievement Discrepancy Model

Using appropriate assessments, determine that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, or ELA or Math Curriculum Framework standards, or intellectual development. This can be established through the implementation of technically sound assessment instruments that assess cognitive and behavioral factors as well as physical or developmental factors. This is often referred to as the IQ/Achievement discrepancy model.

* Indicates a new requirement for SLD eligibility as of IDEA 2004.

Specific Learning Disability Eligibility Requirements Instructions

COMPONENT 3: Exclusionary Factors

Documented on [SLD 3](#) (yellow)

Exclusionary Factors [34 CFR 300.309(a)(3)]

No matter what evaluation method used, the Team must ensure that the identified area of difficulty is not primarily the result of:

- cultural factors;
- an environmental or economic disadvantage;
- limited English proficiency;
- a visual, hearing, or motor disability;
- intellectual disability or
- an emotional impairment.

COMPONENT 4: Observation

Documented on [SLD 4 PreK](#), [SLD 4 GRD 1-4](#), [SLD GRD 5-8](#), [SLD GRD 9-12](#) (purple)

Observation [34 CFR 300.310]

The student must be observed in his/her natural learning environment to document academic performance and behavior in the area(s) of difficulty. An observation can be conducted after the student has been referred for evaluation, or information from an observation in routine classroom instruction that was done before the student was referred for an evaluation can be used. If the student is less than school age (3-5 years old) the observation must be done in the student's natural environment.

Spencer-East Brookfield Regional School District
Special Education Team Member Responsibility

ACTIVITY	RESPONSIBILITY
Scheduling meeting (list of attendees to PPS) forwarded at least 30 days prior to annual review date	Team Chairperson
Chairing and facilitation of Initial, Re-evaluation and Annual Meetings	Team Chairperson
Preparing evaluation copies for review at meeting	Individual evaluators (5 copies recommended)
Printing IEP draft copy for review	Team Chairperson
Determination flow-sheet review	Team Chairperson
N1 & N2	Team Chairperson
Meeting Invite	Team Chairperson
IEP Draft Development:	
<ul style="list-style-type: none"> • Administrative Data Page 	Team Chairperson
<ul style="list-style-type: none"> • Parent/Student concerns 	Team Chairperson
<ul style="list-style-type: none"> • Student Strengths 	Special Education Teacher
<ul style="list-style-type: none"> • Key evaluation results 	Related Service Provider/Evaluator/Team Chairperson
<ul style="list-style-type: none"> • Vision Statement 	Team Chairperson
<ul style="list-style-type: none"> • PLEP A (includes 5 questions for children on spectrum) 	Related Service Providers / Special Education Teachers
<ul style="list-style-type: none"> • PLEP B 	Related Service Providers / Special Education Teachers
<ul style="list-style-type: none"> • Anti-Bullying (additional information) 	Team Chairperson
<ul style="list-style-type: none"> • Goals/Objectives (working draft two days prior to meeting) 	Service Providers (changes to be updated immediately after meeting / Special Education Teachers
<ul style="list-style-type: none"> • Service Delivery Grid (no changes to be made prior to meeting) 	Team Chairperson
<ul style="list-style-type: none"> • Non-participation justification 	Provider recommending pull-out service / Team Chairperson
<ul style="list-style-type: none"> • Schedule modification 	Team Chairperson
<ul style="list-style-type: none"> • Transportation Services 	Team Chairperson
<ul style="list-style-type: none"> • State/District-wide assessments 	Special Education Teacher
<ul style="list-style-type: none"> • Additional Information 	Team Chairperson
<ul style="list-style-type: none"> • PL 1, 2 & 3 	Team Chairperson
<ul style="list-style-type: none"> • Transition Planning Form (age +14) 	Special Education Teacher/Service Providers
Teacher reports distributed to and retrieved from general education teachers	Special Education Teachers

SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT
PUPIL SERVICES DEPARTMENT
FLOW CHECKLIST

Name: _____ SASID: _____

DOB: _____ School/Grade: _____

Referral Date: _____ Referral Source: _____

Consent Sent: _____ Consent Received: _____

Eval. Period: _____ Meeting Day By: _____
(30th day) (40th day)

Evals. Due to PPS: _____ IEP Completion Date: _____
(35th day) (45th day) (3 days after meeting)

IEP Sent Date: _____ IEP Received Date: _____

Assessments Assigned

Education Assessment A (Attendance/Discipline)
(Building Principals or designee) _____

Education Assessment B
(Sped Teacher / Regular Ed Teacher) _____

Medical (School Nurse) _____

Classroom Observation (Sped Teacher) _____

Guidance Counselor _____

Evaluations

Cognitive _____ Achievement _____

SLD _____ Emotional _____

Speech _____ OT _____

Other _____

Team Meeting

Team Chairperson: _____

Date: _____ Time: _____

Place: _____

List of Attendees: _____

Send all originals to the Pupil Services Office within three business days of the meeting

**Spencer-East Brookfield Regional School District
Pupil Services Department
IEP Checklist**

(To be provided to the director when IEP is sent out to parents)

Student Name: _____ **Team Mtg. Date:** _____

Date sent to parents: _____

Please check the following as accomplished:

A) IEP

- Proposed IEP letter or Initial IEP cover letter (N1)
- IEP1 – IEP8 (check for completeness and accuracy)
- Update SEMS Tracker data, SIMS data in Power School and on the custom page
- Service delivery grid should reflect any necessary changes to facilitate transition
- Non-participation justification, schedule modification and transportation must be updated and reflected in meeting notes
- Principal/Team Chairperson’s signature(s) on IEP8
- Placement Consent – PL1, PL2 and PL3 (making sure the percentages are correct)
- Attendance Sheet (N3A) send to all participants at time of mailing to parent
- Meeting dismissal form
- Meeting invitation (N3) send to all participants at time of mailing to parent
- Service delivery grid initialed/dated by parent at meeting, if appropriate (or initialed receipt of draft)
- Mass Health authorization form
- Conference/Meeting Summary IEP Draft

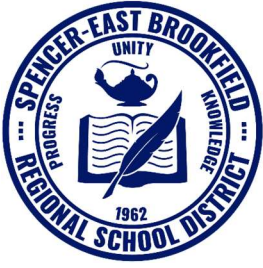
High School

- Age of Majority (high school only, must be discussed by age 17, completed by age 18)
- Transition Planning Form (age 14+) 688 if appropriate

B) Initial and re-evaluation (all of the above plus the following):

- Flow chart – eligibility determination (ED1)
- SLD forms for students and include LD Observation Reports, if appropriate (to include all worksheets and signed verification sheets)
- N2 – Finding of No Eligibility, if appropriate
- Evaluation Reports

C) Enclosures



Spencer East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

IEP SIGN-OFF SHEET

Student's Name: _____

Grade: _____ Homeroom: _____

IEP End Date: _____

General Ed Staff	Printed Name	Signature*	Date
Teacher	_____	_____	_____
ELA Teacher	_____	_____	_____
Math Teacher	_____	_____	_____
Science Teacher	_____	_____	_____
Soc. St. Teacher	_____	_____	_____
Other Teacher	_____	_____	_____
Art Teacher	_____	_____	_____
Music Teacher	_____	_____	_____
Phys. Ed. Teacher	_____	_____	_____
Guidance/Counselor	_____	_____	_____
Title 1 Teacher/Tutor	_____	_____	_____
Librarian	_____	_____	_____

*I have read the IEP and agree to follow the accommodations listed.

This form must be kept in the student's cumulative folder when completed and stapled to the IEP.

Guidelines for Writing an IEP and Facilitating an IEP Meeting

General Information

- Please see the document on IEP Mandated Timelines
- Please schedule the team meeting at least six (6) weeks prior to the date of its expiration. Please schedule to occur within two (2) weeks prior to anniversary.
- Please complete ALL of your IEP meetings by June 1st (though we also understand that you may have one or two that need to happen after that date). The rationale for this request is that if any changes/needs associated with an IEP, staff will be able to solve issues with parents.
- All summer needs must be sent to Pupil Services Office following April vacation each year. Please submit a list of students and their service needs by this deadline date. That means that parents need to sign-off on the IEP's of students with summer services by May 30th. Please plan ahead on this process so that we can ensure appropriate services for students. If this is an initial referral for an extended year program, please include data supporting risk of substantial regression.
- When written evaluations will be provided at the team meeting, please follow the format outlined in the attached memo and the sample letter, or if you choose, another format that works more efficiently for you and gets the job done. See the sample in the FORMS section.
- The Educational Assessment A and B must be completed annually (see FORMS section for sample copies).
- While going through the IEP development process (either written or verbal) with family members, before the IEP meeting, please gain information on parent/student concerns, parent/student vision and a convenient time of day/day of the week for the parent to participate in a Team meeting, thus bringing us compliant with 34CFR, Part 300.322 (a)(2). Utilize the forms included in the FORMS section of the binder to work with families and students to elicit concerns and vision and provide for an enriched IEP development process.
- Please provide documentation of parent contact to schedule a mutually convenient time in the SEMS communication log.
- When you give meeting time/date to the Pupil Services Office, include names of attendees. Included in your list must be at least one regular educator, at least one special education teacher, one LEA representative who has authority to commit resources (these 2 can be the same person listed only once), the parents, the student if appropriate, anyone involved in testing or at least someone who can interpret results of testing, others at parent or district request, etc. If you would like to dismiss a team meeting member, please use Authorization to Dismiss an IEP Team Member, located in the FORM section. Please do not have parents surprised by someone's non-attendance at the meeting. Also, please plan to have all of the participants at the meeting for the entire meeting. This sends parents the message that their child is important to every member of the team. This document must be included in the IEP, therefore, please make reference to it in the N1 or the meeting notes.

- Everyone who may be responsible for a section of the IEP, if one is written, is required to input their draft components of the IEP two (2) days prior to the morning of the team meeting.
- It is the responsibility of the Team Chairperson as identified on the administrative data sheet, to provide enough copies of the draft IEP for all participants.
- IEP's should be in the sped office with the principal's signature no later than four days after the team meeting in order for parents to have the IEP within ten (10) working days. Please be cognizant of your meeting dates in relation to the mandated timelines.
- Amendments cannot be used for change in placement or extensions of time.
- Re-evals can occur no more than once per year and must occur at least every three years, unless the school district and the parent agree otherwise. For additional information, please see the protocol on re-evaluations.
- Informed parental consent is required before conducting re-evaluations. Parental consent is not required for staff to review existing data as part of a re-eval.
- Always consider when you are writing an IEP:
 - Do your best for all students, not only the students whose parents are strong advocates.
 - If I am going to a hearing, is this a great document? Write every IEP as if you are going to a hearing.
 - Be sure to compare last year's IEP with current one you are writing, to show progress or lack thereof, and to ensure a continuation of long-term goals. Going to hearing with the same goals/objectives from year-to-year is not a good position to be in.
 - The decisions that you make at a team meeting are huge and impact the student's life forever. Please take these decisions very seriously.
- Please do not provide services to students until the IEP is signed.
- If a student is placed in an out-of-district placement, or is being home schooled by the parent and is receiving itinerant services from us, please write the school to which the student would attend if he/she were attending Spencer-East Brookfield Regional School District (this includes preschool).
- Team Chairpersons are responsible for ensuring that IEP services are provided to the student. If services are not in effect, please contact your building principal who will brainstorm the needs with you and bring in the Director of Pupil Services if additional assistance is required.
- Team Chairpersons are also responsible for ensuring that parents have signed the IEP. Check with the office regularly.
- Guidelines for recommending summer services (see attached documentation, two pages)
- Dispensing of medication in school by nursing staff is appropriately recorded on a student's Individual Health Plan, and not on the IEP.
- A resolution meeting will be scheduled by the Director of Pupil Services to occur within ten (10) days of notification of rejection or partial rejection of an IEP.
- When do you contact the Director of Pupil Services?
 - Anytime you need...
 - If you have a question that you cannot answer at the building level.
 - If you want to brainstorm an idea.
 - If you want to assure my attendance at an annual review.
 - If you want my attendance at a meeting of another kind.

- The minute you anticipate there will be a future financial pitfall (e.g., possibility of an out-of-district placement which would allow significant planning to plan accordingly).
 - When considering a recommendation that affects student placement.
- Protocol for working with an IEE (Independent Educational Evaluation)
 - The parent (either in writing or verbally) or the district requests an IEE.
 - Either the parent or the district liaison puts in writing the requests for an IEE and the reason for the evaluation and sends it to the Pupil Services Office.
 - We have five (5) days to respond to this request.
 - The Director of Pupil Services will contact the special education representative to the building to ensure the clarity of this request (e.g., we do not want to complete an SLP outside evaluation if two have recently been done, or complete an evaluation outside that has not yet been done internally).
 - The Director of Pupil Services may ask the team to quickly reconvene to clarify the IEE request from the parent to ensure that we are asking the right questions of the evaluator.
 - Once the IEE is received, a team meeting will be scheduled (within 10 days of its receipt).
 - The IEE may make recommendations, but it is the team's decision on how and when to follow those recommendations.
- Parents and schools can agree to use alternate means of team meeting participation, e.g., conference call, video conferencing, etc.
- When a student moves into the district from another district (either in or out of state) please host a team meeting as soon as possible, preferably within 10 days, and write a Spencer-East Brookfield IEP.
- The district must provide a student who is no longer eligible for special education because of graduation or exceeding the age of eligibility, with a summary of his/her academic and functional performance and recommendations for how to meet the student's post-secondary goals. A form for this can be found in the FORMS section of this document.
- School districts are required to actively and promptly seek appointment of ESP's (Educational Surrogate Parents) for students in their district who require them, particularly unaccompanied homeless youth and students with foster parents who are in DCF custody, who need or may need special education services. The form can be found in the FORMS section of this document.
- If you have a meeting outside of the annual or re-eval, it is called a progress meeting. Please have people sign in, take notes, and share copies of these two documents with all constituents.
- One way for us to measure our success is through reviewing the data regarding goal attainment. Please complete the form found in the FORMS section of this document entitled "Students Meeting Goals during..."
- Physician's statement for Temporary Home or Hospital Education form can be found in the FORMS section of this document. It is a required document when asking for a tutor if the student will be out for more than 14 days.

- Most of the information for the IEP will come from the testing reports (cognitive, achievement, speech/language, OT, PT). The remaining information will come teacher's reports and the IEP meeting itself.
- Evaluators are responsible to provide sufficient copies for all participants, of evaluations to all evaluation review meetings.
- Evaluators are responsible to add testing information to the IEP as appropriate.
- An IEP is not a wish list. Student's needs must be documented by test results or clearly indicated on a daily basis in the classroom (observable).
- Accommodations are the responsibility of the regular education classroom teacher and modifications are the responsibility of special education.
- Accommodations should be appropriate and necessary for academic progress. For example, you would not give a calculator accommodation to a student who has strong basic math skills and good fluency unless there was an underlying problem, such as severe test anxiety, which would necessitate a calculator to relieve stress.
- Be cognizant of how these accommodations will be performed, often by one teacher with no aide, in the classroom. If you throw in impossible accommodations or unnecessary ones, the regular ed teacher is legally responsible for providing them. Pick the best accommodation to address each area of difficulty and remember that many accommodations address more than one difficulty.
- It is not feasible to have more than three goals at one time, so prioritize the two or three most significant areas, to work on each year. Goals should be written for the purpose of skill development to support access to the curriculum. We should not be writing curricular goals. It is all about accessing the general curriculum.
- Once you have described the area of concern and written a goal, the benchmarks describe how the student will get there. For example, if the goal is for a baby to walk, then appropriate benchmarks may be:
 - The baby is able to sit up
 - The baby will learn to crawl
 - The baby will learn to stand with assistance
 - The baby will learn to stand independently
 - The baby will learn to walk with assistance
 - The baby will learn to walk independently
- Services should be appropriate and work on addressing the annual goals. Whenever possible and feasible, these services should be provided within the regular classroom.
- Do not modify content unless absolutely necessary. Keep in mind that as the child continues through school he/she will hopefully catch up to his/her peers. Too much modification of content closes the door on that student ever progressing to a level with his/her peers.
- MCAS accommodations often change from year to year. They must be verified each year and they must coincide with accommodations that the student is using routinely throughout the year. For example, if a student has not been using a calculator or math facts sheet all year, he/she cannot suddenly use it for MCAS.

The IEP Document

- In the process of writing an IEP, please consider the following language in your thoughts and your expressed words – What supports does this student need to meet with success?

- Please see the attached IEP on which notes are written highlighting specific needs of the IEP, giving specific attention to the following:
 - Please write an IEP for a 365 day year (e.g., 4/10/06-4/9/07)
 - Documentation of timelines for progress reports
- Please use the attached documents that are given to parents when they attend training with the Federation of Children with Special Needs. The three documents are IEP Team Members-Self Reflection, Writing Guide for the IEP, and An IEP for My Child. It is important to be aware of the information that parents have received in their training opportunities.
- In IEP A or B, please list accommodations to address –
 - Verbal/non-verbal communication
 - Social interaction skills
 - Difficulties with transition
 - Stereotypical behaviors
 - Behavioral difficulties
- Anti-Bullying:
A review of the student's vulnerability to bullying must be completed for each IEP. The results and recommendations must be added to additional information.
- Simple Statements:
The student correctly has adequate skills to address difficult social situations.
The team has identified the student to be at greater risk for bullying and has included the following interventions/goals to support development of appropriate social competencies.

Guidelines for Assessments

- Initial requests for evaluations, through either parent request or the EIT (Early Intervening Team) process or re-evaluations are presented to the Sped Director who will work with staff to determine appropriate assessments.
- One month prior to the meeting:
 - All involved staff members receive meeting invitation
 - All Sped testing staff receive testing request
 - All regular education teachers receive Teacher Assessment forms with "return by" date
- Five (5) school days before the meeting:
 - All teachers should return their assessment forms to the Pupil Services Office
 - All testing reports must be received by the Pupil Services Office
- On reports: Include recommendations and impressions as related to the area of specialty with emphasis on how these supports or modifications will achieve functional academic skills. Writing "recommendations will be discussed at the Team meeting" is no longer allowed.
 - The use of the section in the binder labeled "Accommodations and Instructional Strategies that Can Help Students" might be helpful.

Guidelines for Meeting Preparation: Initial, Annual, 3-Year

Initial IEP Meeting Protocols

Six weeks prior to the anniversary:

- Schedule meeting with parents
- All Special Education staff receive testing request
- Special Education Teacher has a conversation with the parents to address concerns and schedule a meeting (may be used to determine assessments utilized and/or as part of the parent/concerns/vision statement of IEP if student is found eligible).

Two weeks prior to the meeting:

- All involved staff members receive meeting invitations
- All teachers receive teacher assessment forms with "return by" date
- Five (5) school days before the meeting: evaluators should return their assessments to the Pupil Services Office and all testing reports must be received by Pupil Services
- An IEP draft must be available but not presented until determination is completed

Annual Review IEP Meeting Protocols

Thirty days prior to the meeting, forward to Pupil Services date of annual review meeting:

- All involved staff members receive meeting invitations

Two weeks before meeting:

- Teachers return their assessment forms to the Pupil Services Office
- All OT, PT and Speech/Language goals and objectives are due to be entered in SEMS two days prior to the meeting
- Two (2) days prior to the meeting: The IEP draft is written and five copies are printed
- At the meeting: one (1) copy of the IEP draft is given to the parent

Three (3) Year IEP Meeting Protocols

Six weeks prior to the meeting:

- Meeting is scheduled/requests for evaluation are forwarded to evaluators
- All involved staff members receive meeting invitation
All teachers will receive "teacher assessment" forms with "return by" date from Special Education Teacher
- All Sped testing staff receive testing request
- Two weeks before meeting: teacher should return their assessments to the Special Education teacher and all testing reports must be received at the Pupil Services Office
- Two days before the meeting: the IEP draft is written and five copies are printed for review and made available at the meeting
- At the meeting: one (1) copy of the IEP is given to the parents
- An IEP draft must be available but not presented until determination is completed

Timeline After Meeting

- Be aware of the 45th day after permission to test has been signed as that is the day that the IEP must be postmarked
- For annual reviews, the IEP must be postmarked within ten days of the meeting
- Completed IEP should be turned into the Sped Office 2-3 days after the Team meeting which optimally will be held no later than five (5) days before the 45th day.

Guidelines for Facilitating an IEP Meeting

General Information:

- Come to meetings with extra copies of reports to share (at least five copies)
- Team Chairperson will come to all meetings with the following forms:
 - Attendance sheet
 - Meeting dismissal form
 - Meeting summary form
 - Teacher Assessment form/summary
 - SLD form (for both initials and re-evals) for Sped eligibility
 - Parent's Procedural Safeguards
 - Mass Health eligibility form
 - Transition planning form (students age 14+)
 - Age of Majority form (students age 17+)
 - Sped Eligibility
 - 504 Eligibility
- For students with multiple teachers, the **Special Ed Teacher** will assimilate data returned on teacher assessment forms (forms section of binder) into a one (1) page regular education summary (see sample)
- Teacher assessments are legal documents and will be given to parents, upon request, therefore, summary of data may be most useful when addressing concerns and strengths across curriculum and with different teaching styles
- Teacher assessment forms are due to the Team Chairperson mandated one week in advance of meeting
- The teacher assessment forms should include:
 - Interventions tried
 - Ideas for possible accommodations/interventions
 - Educational strengths, weaknesses and achievement in relation to learning standards of MCAS and NBPS general education curriculum
 - Also need to address: attention skills, behaviors, communication skills, memory and social relations with groups, peers and adults

Presentation Style at Team Meetings:

The format for the IEP meeting:

- IEP meetings should take 45-60 minutes (max)
- Re-evaluation meetings should not exceed 90 minutes
- Please ask everyone to sign the attendance sheet and make introductions

- Set the ground rules/expectations, e.g., will work from the draft to write an IEP, please ask questions as they arise, please raise concerns as they arise, explain the process (which follows)
- Acknowledge the Permission to Dismiss a Team Member document and acquire signatures if this document has not already been returned to the district
- State the reason for the team meeting
- Solicit parent concerns, visions, student's current performance and home with current issues. Do the same with students if possible or appropriate
- Review the testing (recommend approximately five minutes for each evaluator to present his/her findings, with a focus on how the results can be used to support better educational program development such as educational information regarding curricular access and teacher methodologies)
- Review the flow chart (for initials and re-evals) and make a determination based on the summarized testing
- Review the draft IEP; write an IEP
- Parents leave the team meeting with a draft IEP
- Team Chairperson will start with introductions. Please include at this time that some team members have obligations to get back to serving students on IEP's and will need to be excused prior to the end of the meeting (if absolutely necessary).
- Summarize purpose of the meeting. Necessary team members include: Team Chairperson (Special Education Teacher), parent, and Regular Education Representative and student (if appropriate). Use excusal form to excuse necessary team members from the meeting at this time.
 1. Ask parents to discuss any of their concerns or share a general overview that they have re: student's progress.
 2. Then present reports in the following order: classroom performance update, psychological, academic and related services. Share impressions of the results as it impacts how student accesses the curriculum.
 - Missing team members will provide written input to the Team Chairperson prior to the meeting and must be included on excusal form.
 3. Gear recommendations toward functional academics. Gear recommendations toward your area of expertise.
 4. Presentation style should focus on the positive "half-full", or utilize the "Oreo cookie" approach by couching deficits between positives.

Meeting Time Guidelines

- Annual meetings typically should last no more than 45-60 minutes
- Re-evaluation meetings typically should last no more than 60-90 minutes
 - 25-30% = current performance
 - 25-30% = IEP development
 - 25-30% = Implementation plan

services, based on the requirement of substantial regression, needs to be provided to the team before writing a summer component of the student's special education program.

The DESE interprets a child's difficulties with "recoupment" to be an aspect of "significant regression." Specifically, significant regression and recoupment consist of the following inter-related elements:

- The loss of performance levels that were attained before a break of service
- The child's limited learning rate, which lengthens the amount of time the child requires to review and/or relearn previously attained objectives, and
- The fact that the time for that child to accomplish such recoupment is greater than the period of time the school district allows all other children for review and/or learning

In addition to significant regression and/or limited recoupment, criteria also to be applied by a team includes:

- The degree of the student's impairment
- The parent's ability to provide structure at home
- The student's rate of progress
- The student's specific behavior and/or physical problems
- The availability of alternative resources
- The student's ability to interact with non-disabled children
- The specific curricular areas in which the student needs continuing attention
- The vocational and transition needs of the student
- Whether the service requested is "extraordinary" rather than usual in consideration of the student's condition

Protocol for Working with Out of District Students

- Schools supporting out OOD (Out of District) students will receive a list of the dates in which we should receive a progress report to parallel Spencer-E. Brockfield's progress reports (#SE-13). This list will be provided on the Contract and Monitoring Plan annually.
- When creating OOD IEP's, remember to complete a detailed description for the justification section of the IEP
 - Include copies of the N1 form (Proposed Action of Districts)

Reference 603 CMR 28.06(3)

- At the end of the meeting, the Team Chairperson should walk parent out of the building, thank them for attending the meeting and restate timelines in writing IEP and that implementation will begin when it has been signed and returned to the Office of Pupil Services.

IEP Implementation Procedures

- It is the responsibility of the Contact Person to ensure that all direct service providers (i.e., regular education teachers and specialist teachers) are aware of the required accommodations and modifications indicated on the IEP's for each student assigned to their classes.
- Please utilize a written sign-off form to document each teacher's receipt of, understanding of and willingness to comply with IEP information. If a student's IEP is revised or re-written over the course of the year, please renew these teacher's sign off documents (see example form in forms section).
- Additionally, it is the responsibility of the Team Chairperson to check in with the teacher periodically throughout the year to ensure continued compliance and to clarify any questions that may arise. This time with teachers is documented as consultation time (section A) on the grid of each student's IEP.
- After the IEP is signed – the Pupil Services Office secretary will give a copy of the authorized education plan to the Team Chairperson and lock the IEP into SEMSTRACKER. The Contact Person will notify ALL service providers of the required accommodations and modifications indicated on the student's IEP.
- After an AMENDMENT is signed – The Pupil Services Office will give a copy of the authorized amendment to the contact person. The contact person will notify ALL service providers of the required accommodations and modifications indicated on the student's IEP with amendment.
- Rejection, in full or part – if a parent indicates a full or partial rejection of the IEP, the district should send a copy of the notice to the Bureau of Special Education Appeals (SE#25-A). As per the request of BSEA dated July 14, 2011, and in conformity with 603 CMR 28.08 (3)(b); they are asking that we send a copy of the Administrative Data Sheet (form ADM1) and the response section, which identifies what was rejected and why and not a copy of the entire rejected IEP>
- Related Services - in the event that related services on the IEP are not able to be provided within NBPS, due to the lack of a provider (i.e., no physical therapist), the parents MUST be notified in writing (SE#49).

Progress Reporting Procedures

- It is the responsibility of the Contact Person to monitor progress reporting. *Data on IEP goal progress should be collected by the teacher under the guidance of the contact person.* The Contact Person will collect this data, analyze it and write a measurable progress report.
- The Team Chairperson will review progress reports written by other service providers (e.g., Speech, OT) to ensure that they are MEASURABLE and accurate. All progress reports will be submitted to the Pupil Services Office for review before they are forwarded to parents/guardians.
- When completing the eligibility flow chart and if you have a student with more than one disability, please list the primary disability first, otherwise it will be considered a secondary disability by the IEP program.
- To determine SLD (remember to use the SLD form if SLD is the determined disability), the district may either use the discrepancy model or a researched-based intervention model, if research based model has been reliably and consistently used and documented. To use the researched-based

- intervention model, components may include any of the following: Empirical, scientific research studies; explicit, systematic instruction; intense intervention implementation by trained personnel.
- To aid you in this process, please see section entitled “Eligibility Definitions: Federal and Massachusetts” document that is attached.
 - When writing the N1, please be thorough in your explanations and answers to questions. Please answer the six questions, meeting notes must be taken separately and information from the meeting notes must be included on the NI.
 - In the N1 also include information, if necessary, on the steps that were involved in convening the team if/when the first days had to be cancelled and rescheduled, e.g., parent did not attend the meeting, the meeting was cancelled at the parent’s request, if not previously documented.
 - Please do not use “as needed” or PRN” in the service delivery grid because then the service cannot be calculated for Medicaid reimbursement or other accountability requirements.
 - Accommodations (use the DCAP as a resource and the attached document entitled *Accommodations and Instructional Strategies Can Help Students*)
 - Make sure that each accommodation that you include in an IEP relates directly to the disability.
 - Be sure that accommodations are done before a modification, when and where appropriate.
 - Do not modify too quickly – be careful – the impact or result of modifying versus accommodating may be that the student will not graduate from high school or be accepted into a four year school.
 - In the FORMS section of this document, please find the transition chart (to be in place during the year that the student turns 14 years of age). This form must be added to the IEP Additional Information and it must be documented in the IEP that this discussion took place. The student must be invited to this team meeting and all future meetings. This document must reflect appropriate measurable post-secondary goals (e.g., related to training, education, employment and independent living skills).
 - The Age of Majority Discussion must take place during the IEP meeting prior to the student’s 17th birthday. Please review the letter in the FORMS section to share with the student and family, or to use as a guide to summarize the important components of this discussion. Annotate this discussion in the Additional Information Section.
 - Documents at the end of this notebook that you may find helpful are:
 - Quick reference for IEP forms and notices
 - The CPR performance compliance standards (this is the information against which we are measured – is it useful information for all of us to have so that we all know the direction in which we are expected to go)
 - Is Special Education the Right Service? From the DESE
 - The regulations – 603 CMR 28.01 – 10
 - SPED appeals process
 - A Parent Guide to Special Education

Guidelines for Recommendation of Summer Services

All students “regress” (lost progress, forget, revert to previous behavior) to a certain extent during the summer months, so it must be determined whether a student’s regression would likely be substantial, and whether the student would require time, greater than their peers, to “recoup” or “get back” to the level the student had achieved before the break in service. This decision is made by the team on an individual basis regardless of the nature and severity of the disability. Documentation that justifies the need for summer

Who should attend Team Meetings?

At every IEP meeting you should have in attendance:

1. a special education teacher (who would fill facilitate the meeting in the absence of the Team Chairperson.)
2. a general education teacher.
3. the parents (if the parents cannot attend and the meeting cannot be rescheduled before the IEP expires... the parent may participate by phone or with permission by the parent to proceed with the meeting and notation to the Team Meeting Summary form/Team Meeting Attendance Sheet.)
4. Team Chairperson (who will represent the School District.)
5. School Principal **OR DESIGNEE**
6. Related Service Provider(s) (i.e., school psychologist, speech language pathologist, physical therapist, occupational therapist who can interpret the instructional implications of evaluation results. NOTE: The school nurse may be present at the TEAM Meeting to present or interpret information if there are medical reports and/or acute medical conditions.
7. Any other person may be invited, at the discretion of the parents or school, who has knowledge or special expertise regarding the child.

Team Members Roles and Responsibilities:

Since each meeting reflects the particular needs of the student, the roles of the members of the Team may change from one meeting to another. To facilitate decision making, the Team must understand that the definition and indicators of effective progress represents a continuum of baseline of achievement. The Team is to review the referred student's performance against this standard. A student's ability to progress effectively should not be measured merely by the performance of the student's peer group. It should instead be measured by the individual student's potential/abilities and progress in school.

It is the responsibility of each Team member to have prepared reports and assessments available in the Pupil Services Department at least five days prior to the Team Meeting. The reason for this is that parents have the right to have these reports available to them forty-eight hours in advance of the Team Meeting.

Parent(s)/Guardian(s):

The role of the Parent(s)/Guardian at the Team Meeting is crucial to the Team developing an understanding of the child. The parent(s)/Guardian(s) share information regarding the student's home life, preferences, personal traits, interests, developmental history, past school experiences, what they would like the future of their child to look like (vision,) and expressed concerns regarding their child's progress.

Team Chairperson:

The role of the Team Chairperson is to : facilitate the Team Meeting and to serve as the District's designee. This task includes assisting the Team in determining eligibility, collaborative writing of the IEP, discussing evaluations and services, as well as making determination of placement. The Team Chairperson provides information regarding resources, services, and placements. This individual has discretion regarding the allocation of services, placement, and evaluations. If there is **disagreement**, among Team members, it is the Team Chairperson's responsibility to make a decision on behalf of the Pupil Services Department regarding evaluations, services, and placements.

General Education Teacher:

It is required that a General Education teacher be present at Team Meetings, if the student is placed in the general education environment. The role of the General Education Teacher is to:

1. Share information regarding the general curriculum as it pertains to the student.
2. Share information regarding the general education classroom environment (as it relates to the student's progress in the general curriculum.)
3. Assist in developing effective classroom management techniques (include positive behavioral interventions and strategies, if needed.)
4. Assist in identifying classroom supports, teacher supports and assistive devices needed for the student to be successful.
5. Share information about how the student should participate in state and district-

wide assessments.

Special Education Teacher/Liaison:

The role of the Special Education Teacher is to:

1. Share information regarding key evaluation results (including progress toward IEP goals.
2. Share information regarding the Present Levels of Educational Performance (PLEP.)
3. Share information regarding accommodations to the general curriculum and specially designed instruction (including suggestions for maximizing the extent to which the student is educated in the least restrictive, inclusion, environment.)
4. Develop academic goals and objectives/benchmarks.
5. Assist in identifying parent supports, classroom supports, and assistive devices needed for this student to be successful.
6. Share information about how the student should participate in state and district-wide assessments.

Related Service Provider(s):

The role of the Related Service Provider is to:

1. Share information regarding key evaluation results (including progress towards IEP goals.)
2. Share information regarding Present Level of Education Performance in their focus area.
3. Share information regarding accommodations to the general curriculum and specially designed instruction (include suggestions for maximizing the extent to which the student is educated with non-disabled students.)
4. Make recommendations regarding related services and special equipment and services to be provided to the student.
5. Develop IEP goals and objectives/benchmarks.
6. Assist in identifying classroom supports, teacher supports, and assistive devices needed for this student to be successful.
7. Share information regarding how this student should participate in state-wide and district-wide assessment.

Student:

At the age of 14, students are encouraged to attend their Team Meetings to provide input into the development of their educational plan as well as discuss their vision and appropriate transition planning. The parent can make the determination whether the student should attend. At the age of 18, students are considered capable of educational decision-making and therefore should attend and participate in their Team Meeting.

Team Meeting Structure/Process:

The Team Chairperson may opt to follow an agenda, such as the one below in facilitating the Team Meeting in order to ensure a **timely**, productive outcome:

STAFF	AGENDA	OUTCOMES	TIME NEEDED
Chairperson	Introduce Members	Member know names	3-5 minutes
Chairperson	Summary of reason(s) for the Team Meeting	Members know meeting purpose	5 minutes
Chairperson/Evaluators	Evaluation Results Overview	Members know who did what assessment were done and what the outcome is	10-20 minutes Staff members should summarize and keep comments to no more than 5 minutes each
Chairperson/Team Members	Discussion of current levels of performance	Level of performance identified for each area assessed	10-15 minutes

- Team Decision:**
- 1. Does a disability exist?**
 - 2. Is the disability impeding effective progress in the regular education setting?**
 - 3. Does the student require specially designed instruction or related services to make effective progress? (Complete DESE Eligibility Determination Flow Chart.)**

If the answer is NO to any of the above questions, then the Team identifies alternative options for support (e.g., 504 Plan, DCAP Plan, etc.) The Team Chairperson writes a summary reflecting the finding of No Eligibility which will be sent to the parent within 2 weeks of the meeting (N-1 form.)

If the answer is YES, eligibility is confirmed and the following is completed:

TEAM	Complete all sections the IEP document	Identify disability, how it affects progress, identify accommodations/services, MCAS accommodations etc.	15 minutes
TEAM	Write/re-write goals and set priorities (IEP)	Complete goals and benchmarks	10 minutes
Chairperson	Summarize and identify placement/providers	Identify program, time, related support services.	3-5 minutes.
Chairperson	Provide summary of services to parent or IEP if ready for signature	Written agreement pending the final IEP document (Team Meeting Summary) or signed IEP	2 minutes
Chairperson	Close meeting.	Set date parent can expect IEP (within 3-5 days.) Reiterate plan is a fluid document, explain options on signature page. Obtain sign off's such as Medicaid, consents, etc.	2 minutes

NOTE: If a meeting is scheduled for a student and the parents are divorced or a restraining order is in effect, the Team Chair need to clarify the statue of the situation and create a Team Meeting process that accommodates the parents as indicated. If separate meetings are necessary, the time of meetings odes not need to be shared with the other parent. Each parent needs to know that the other parent retains the right to participate as well as sign off on the IEP unless parental rights have been severed.

Sample Team Meeting Agenda:

Student: _____

Date: _____

AGENDA

- **Introductions**

- **Statement of Purpose of the Meeting**

- **Review of Evaluations/Progress**

- **Eligibility Determination**

- **Discussion of Alternatives (if not eligible)**

- **Development of IEP (if eligible)**

- **Determination of Placement**

- **Closing Ceremonies/Completion of Forms**

Directions for Massachusetts IEP Forms

The directions found below should be read in conjunction with *The IEP Process Guide*.

All elements of these mandated forms must remain unchanged; however, school districts may change form design and may add elements.

ED 1: Special Education Eligibility / Initial And Reevaluation Determination

The Special Education Eligibility Flowchart has been designed to assist Teams in making eligibility determinations. The flowchart is a worksheet and not a notice form. The worksheet should become part of the student record but does not need to be mailed to parents and, if the student is determined eligible for services, does not need to be attached to the IEP.

The Team should answer each Section A question in the given order until an eligibility determination is reached. If the Team has found evidence of a disability, the type or types of disability should be recorded in the space provided by Question 1 before proceeding.

In all cases, the Team should ask parents the question in Section B related to their satisfaction with the evaluation results. If the parent or the Team as a whole is dissatisfied, there are two possible options: an extended evaluation or an Independent Educational Evaluation (IEE). If the Team has found the student eligible for special education but still has additional questions to answer regarding student needs, then an extended evaluation may be appropriately used and the Team should complete the Extended Evaluation Form, EE 1 and EE 2 as described later in this document. If the parents indicate they are considering an IEE, discuss the steps the parent should take to formally make the request.

If a student, during an initial evaluation, is found ineligible for special education services, note key evaluation findings and next steps including recommendations of possible instructional support services. Complete the process by sending parents the school district findings on Notice of School District Refusal to Act, N 2. The Notice of School District Refusal to Act is used because the school district is refusing to change the identification status of the student (from needing only the general education program). The school district must also include within the written notice an easily understandable statement that the parent has the right to appeal the school district's decision.

If a student, during a reevaluation, is found ineligible for continuing special education services, note evaluation findings, next steps and the specific date, as agreed to by the Team, special education services will be terminated. Unless the parent is present at the Team and clearly agrees to an immediate cessation of services, the written notice should specify a service-termination date at least thirty (30) days after the date of the notice, consistent with the parent response period of 603 CMR 28.05(7)(a). In this way, the school district provides the parent with time to respond if the parent should determine that he/she wishes to appeal the Finding of No Eligibility.

Complete the process by sending parents the school district findings on School District Proposal to Act, N 1. The School District Proposal to Act is used because the school district is proposing to change the identification status of a student (from needing special education services to needing only general education services). The school district must also include within the written notice an easily understandable statement that the parent has the right to appeal the school district's decision.

Although the regulations do not require it, school districts may choose to request a parent's written consent or agreement to a Finding of No Eligibility. If written parental response is optional, the notice sent to the parent must clearly indicate that their written response is not required. If a district chooses to require written confirmation of the parent's agreement, however, then the

district is also required to continue services until and unless the parent agrees, in writing, to end such services.

If the student was found eligible for special education services, continue on to develop the IEP. For eligible students, key evaluation findings are recorded on the first page of the IEP, IEP 1.

ADM 1: Administrative Data Sheet

The Administrative Data Sheet has been designed to capture necessary student data, parent contact information, meeting information and school-related data on one sheet. The data sheet should be completed or updated at any meeting that produces an IEP, an IEP Amendment or an Extended Evaluation Form. Once completed, it should be attached to the aforementioned forms before they are sent to parents. The Administrative Data Sheet, ADM 1, becomes the top sheet for these documents.

The Administrative Data Sheet includes spaces for both a school identification number and the State Assigned Student Identifier (SASID). Subsequent forms have space for a single identification number. Each school district, at this time, may decide whether to use their locally assigned identification number or State Assigned Student Identifier on these forms.

Requested information is self-explanatory except possibly for the information requested for students who have adult status by being age 18 or older. If Team members are unfamiliar with a student's rights when age of majority is reached, they should review 603 CMR 28.07(5).

EE 1 / EE 2: Extended Evaluation Form

The Extended Evaluation Form should be used to record the need for additional assessments if a student was found eligible for special education and if the required evaluation data was inconclusive or to obtain answers to other evaluative questions that may occur after the student is found eligible. Important details from Massachusetts State Regulation in regard to the use of Extended Evaluation are included on the form.

Teams can correctly complete the form by answering the listed questions. The form is not considered complete unless all questions on EE 1 are answered. Any additional information needed to clarify the details of the Extended Evaluation should be recorded on EE 2. To complete the process, attach Administrative Data Sheet, ADM 1, to the completed Extended Evaluation Form before sending to parents as an attachment to the Notice of Proposed School District Action, N 1. Retain a copy for the student file.

CKL 1 / CKL 5: Annotated IEP Checklist

The Annotated IEP Checklist is designed to assist Team members in understanding and completing the IEP Process. The checklist references each page and each section of the IEP in succession.

The checklist and its helpful references to specific federal and state regulations should be thoroughly reviewed and understood by Team members before an IEP meeting begins. The Team chairperson can use the checklist to guide the Team discussion during an IEP meeting. The checklist need not be retained in the student record unless the school district chooses to enter a student's name on the checklist and use it for documentation of the IEP development process.

IEP 1 / IEP 8: Individualized Education Program

The Individualized Education Program is designed, through a series of questions, to lead Team members through the development of the IEP. Additional directions and notes are, also, included within the document itself. Team members will more easily complete the form if they have a

thorough understanding of federal and state regulations, if they have completely read *The IEP Process Guide* and if they have reviewed the Annotated IEP Checklist.

All IEP sections need to be considered by all IEP Teams. No section should be skipped. If the IEP Team determines that no information is needed in a section, the IEP should indicate that decision in written form.

Certain IEP elements are self-explanatory and/or are discussed in detail in *The IEP Process Guide*. Therefore, these directions will only contain notes on certain elements that require more explanation.

Notes regarding certain IEP elements:

Vision Statement – IEP 1:

A vision statement is now required for all students. The character of the statement will change based on the age of the student. The statement must reflect Federal requirements for transition aged youth.

Initially, Teams may have some difficulty with this new requirement to write vision statements for younger students. The intent is to look forward to future goals, usually one to five years in the future. For younger students, periods of transition from one grade to the next or from elementary to middle school may provide a time focus for these statements. Vision statements should represent high expectations and dreams. The following examples are given to assist in the development of vision statements.

- When Chris begins first grade, we can see him working well with his nondisabled peers for the entire school day.
- By the time Rose is in second grade, we can see her taking the school bus with her nondisabled peers and walking independently through the school building.
- By the time that Pedro enters fourth grade, we can see him working more independently and rarely needing assistance from an aide or teacher.
- Before the end of third grade, Brittany will have improved her social skills and we can see her having a successful recreational experience or small group experience with no angry or inappropriate comments.
- By the time Ming Lee graduates from high school, she can see herself being ready to seek a full time job and manage her money independently.

Present Levels of Educational Performance:

A. General Curriculum – IEP 2:

Teams must consider for each student how the student's disability(ies) affects performance in curriculum areas(s). Curriculum areas related to the general curriculum are explicitly noted in the form. However, the discussion of the Team need only center on those areas of the curriculum where the student's performance is adversely affected by the student's disability(ies).

A Team may choose to use multiple copies of this form in certain circumstances. However, if Team members are able to clearly reflect the needed information on one sheet, they are encouraged to do so.

Present Levels of Educational Performance:

B. Other Educational Needs – IEP 3:

Teams must ensure that they review the general considerations and age-specific considerations listed on the form. These lists, however, should not be considered exhaustive in nature, nor should the Team feel compelled to write comments in all areas listed. The Teams should describe educational impact of the disability in named areas

relevant to the student and in other area(s) of educational need that affect the student's progress but may not be listed.

A Team may choose to use multiple copies of this page in certain circumstances. However, if Team members are able to clearly reflect the needed information on one sheet, they are encouraged to do so.

Current Performance Levels / Measurable Annual Goals – IEP 4:

IEP 4 is designed to allow Teams to write up to two current performance levels with corresponding annual goals and benchmarks/objectives per page. Goals should be numbered sequentially. Multiple copies of this page should be used as needed to describe all recommended goals.

Most IEPs should contain an average of three to four goals total. However, the Team is responsible for making the final determination of the number and types of goals that are included in the IEP.

Goals should relate directly to those areas where the student's disability affects performance and should reflect a focus on those areas that make the biggest difference in the student's performance. Goals should not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan.

Current performance levels and goals should relate directly to the previously written Present Levels of Educational Performance.

Service Delivery – IEP 5:

The chart should clearly indicate to parents the school district's intentions in regard to the provision of services. There is no single correct way to complete the chart; however, the chart should be written with parents in mind.

Indirect services represent services that are provided to someone other than the student. Consultation or training for school staff and/or parents should be listed in Section A. Direct services to students should be listed in Section B. if the service(s) will occur in the general education environment and in Section C. if the service(s) will occur in any other type of setting. Although Teams are identifying service needs that they believe should take place outside of the general education classroom, Teams are not, at this point, determining the student's final placement. The final educational placement is determined after the entire IEP is developed. There is a partial exception to this general rule: if the Team has, in the course of its discussions, determined that this student will need a longer school day or school year, then the service delivery information may reflect services beyond the standard school day and, in some circumstances may reflect a need for residential services, thus indicating the type of educational placement. In all cases, if extended educational services are required, the goals and objectives developed for the student should reflect the comprehensive nature of the student's program.

Start dates should be included for all services; however, end dates should be entered only as appropriate. For instance, if speech therapy is recommended for four months and not for the entire IEP period then a start and end date should be entered or if a Team recommends extended school year services for a four week period then a start and end date should be entered. In some cases the IEP will span school years and may reflect a change in services from one school year to the next. In these cases, also, the services will reflect a start and end date.

Teams may choose but are not required to use multiple copies of this page to more clearly indicate their intentions. For example, a student's extended school year program may be more easily reflected on a second page.

State or District-Wide Assessment – IEP 7:

Teams continue to be responsible for deciding how all students will participate in state and district-wide assessments. However, if no assessments are planned during a particular IEP period, the Team should note that no testing would occur and leave the remainder of the page blank.

Response Section – IEP 8:

The school district may choose who will serve as the LEA Representative and sign the IEP for the school district. A school district may decide whether the principal, the special education director or the individual who chairs the meeting is the most appropriate person to make this assurance. School districts must be aware that if an individual is serving in this capacity, that individual must be authorized to contractually commit resources, as the IEP serves as a contractual agreement.

Notes regarding special populations:

Children Ages 3 to 5:

Children ages 3 to 5 may have disabilities that affect their progress in the general curriculum because the Massachusetts Curriculum Frameworks begin at the PreKindergarten Level. Teams should not hesitate to use IEP 2 to reflect the developmental skills for each of the curriculum areas. Young children's disabilities also affect their participation in appropriate activities or may affect other educational needs. Therefore, a Team may need to describe these students' Present Levels of Educational Performance on IEP 3.

In accordance with federal regulation, an IEP or an Individualized Family Service Plan (IFSP) must be developed and be implemented by the third birthday of a child eligible for services. An IFSP may be used for the first year of services after age three and only if agreed to by the parent and school district. If an IFSP will be used, the Team will cooperatively develop with the parent an IFSP that provides appropriate educational services.

Federal regulation additionally requires that school districts provide parents with a detailed explanation of the differences between an IFSP and an IEP and obtain written informed consent from parents to use the IFSP.

Transition Aged Youth:

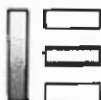
Transition elements are incorporated throughout the IEP for a more integrated approach to transition planning. The vision statement, located on IEP 1, aids Team members in determining the student's transition needs that may be reflected on IEP 2 and/or IEP 3. Transition goals would be recorded on IEP 4 and transition services would be recorded on IEP 5. As a student approaches graduation, the Team must also consider the student's graduation status, the need for a Chapter 688 referral and the involvement of adult service agencies. As the student nears or reaches age seventeen, the Team must discuss the transfer of rights at age of majority. These last items would be documented under Additional Information on IEP 8.

Eligible Students with Behavior Problems:

If an eligible student's behavior affects performance in the general curriculum, then the interfering behavior should be reflected on IEP 2. If an eligible student's behavior affects other areas of educational need, then the interfering behavior should be reflected on IEP 3. If an eligible student's behavior affects performance in the general curriculum and in other areas of educational need, then the interfering behavior should be reflected in both locations on the IEP. Teams are reminded that IDEA-97 requires pro-active steps in behavior management and in the provision of positive behavioral supports for eligible students whose behavior impedes their learning or the learning of others.

Students with Significant Disabilities:

As for all other students, the IEPs for students with significant disabilities must address their access and progress in the general curriculum and in other educational areas. The *Resource Guide to the Massachusetts Curriculum Frameworks for MCAS Alternate Assessment* - provides examples of appropriate entry points to the standards for students who are likely to require alternate assessment. These entry points are designed to enhance the instruction of students who currently have limited access to the learning standards. Teams may use these entry points to guide instructional programming, IEP development and appropriate participation in state and district-wide assessments.



IEP-A 1/ IEP-A 2: Individualized Education Program (IEP) Amendment

The Individualized Education Program (IEP) Amendment is a two-page document that may be used in conjunction with other IEP pages. The completed amendment should always be attached to the IEP that it is intended to alter. The form should be used for minor IEP adjustments only and should not be used if IEP service changes will also require a change in educational placement.

The explanation of a proposed change should include the IEP section(s) that the change will affect. Team members might choose to attach an IEP page to the amendment to help clarify the recommended adjustment. For instance, if an IEP goal is being altered, IEP 4 with the reworded goal could be attached or if service delivery is being altered, IEP 5 with the adjusted services could be attached. Any additional information to clarify the details of the IEP Amendment should be recorded on IEP-A 2. To complete the process, attach Administrative Data Sheet, ADM 1, to the completed IEP Amendment before sending to parents as an attachment to Notice of Proposed School District Action, N 1. Retain a copy for the student file.



PR 1: Progress Report

The Progress Report is designed to report the progress of each IEP goal individually. Multiple copies of the form should be used as required to report on each and every IEP goal.

The top of the page should repeat the information found on IEP 4. The progress report information should respond to the two listed questions. Progress reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress.



PL 1: Team Determination of Educational Placement

The Team Determination of Educational Placement should be used immediately after an IEP is written. The Team indicates the recommended educational placement based on the IEP goals and services and makes recommendations for specific classrooms or schools.

Sometimes the IEP dates, noted on the top of PL 1, may span a period of time when the student will receive IEP services in the same type of educational placement (e.g., general education classroom) but the IEP services will be delivered in two different specific program locations (e.g., a middle school and high school in the case of a student whose IEP is developed in March of eighth grade). In these types of circumstances, the school district should list both specific program locations and the corresponding dates, within the specified IEP period, that services will be delivered in each setting. School districts should also list two specific program locations if extended school year services are being provided in a different location from school year services.

The school district must work cooperatively with the Team to implement the Team's placement determination and must ensure that the determination of the final specific program location is made in compliance with the IEP, least restrictive environment requirements and requirements related to giving preference to approved programs located in Massachusetts.

To complete the process, reference the recommended educational placement and specific program location(s) within the narrative statement on the Notice of Proposed School District Action, N 1 and send a completed Team Determination of Educational Placement Form, PL 1, to parents for consent of the initial and each subsequent placement of the student. A delay in determination of the placement or the specific program location should not delay the issuance of the IEP to the parents.

At times, the Team decision in regard to educational placement may not conform to a Department of Social Services' decision made for care or custody reasons. In these circumstances, PL 1 should reflect the type of educational placement that the Team has identified as necessary to implement the student's IEP and which corresponds to the Federal Child Count Settings on Administrative Placement Information form, PL 2. If a cost-shared placement is subsequently agreed to, the cost share arrangement should only be reflected on the PL 2 form in the space made available to describe such arrangements and does not change the designation of placement made by the Team.

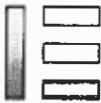
Note in regard to Non-Educational Placements made by State Agencies into Institutionalized Settings:

These placements and specific program locations are not made by Team decision but rather reflect when students are receiving special education services through the Department's Educational Services in Institutional Settings (ESIS). Services are provided in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections or the Department of Public Health. Cost-shared placements with the Department of Social Services, therefore, should not be reflected in this category.

PL 2: Administrative Placement Information

The Administrative Placement Information Form is for school district record keeping only. The requested information is self-explanatory or can be answered by reading the directions included on the form itself.

The form centralizes information required for certain federal and state reports. Retain the Administrative Placement Information in the student record and/or a centralized file.



School District Letterhead

To: *[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]*

Re: *[Name of Student and other identifying information (i.e. DOB, ID#)]*

Subject: **MEETING INVITATION**

Notice Date: *[Date notice is to be mailed.]*

You are invited to a meeting to discuss the above-named student. Your participation is essential. The purpose and details of the meeting are printed below. Other invited participants are listed on the enclosed attendance form.

It is your legal right to be present and to participate. Also, the school district values your input and hopes you will make every effort to attend this meeting.

If the suggested meeting time is inconvenient, we will set a more convenient time. Please call the listed contact person to request another meeting time. If you cannot attend, it is our responsibility to obtain your participation, if at all possible, in another way.

You may invite other individuals to attend who have knowledge or special expertise regarding this student. We request that you inform us in advance of the meeting if you plan to invite other individual(s) to join us. Again, please call the listed contact person with this information.

We look forward to working cooperatively with you on behalf of this student.

Meeting Purpose: *[Eligibility Determination, IEP Development, Placement Determination, Transition Planning or specify other purpose]*

Meeting Date/Time/Location: *[Details of Meeting Date, Time and Location]*

District Contact Person: *[Name and Role]*

Contact Information: *[Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]*

Enclosure: N 3A – Attendance Sheet *[should be included in all cases]*

c: Student age 14 or older

School District Name: Spencer-East Brookfield Regional School District
School District Address: Pupil Services Dept., 302 Main Street, Spencer, MA 01562
School District Contact Person/Phone #: Carla Chioda, 508-885-8515

Attendance Sheet

Special Education Team Meeting

DATE: _____

Student Name: _____ DOB: _____ ID#: _____

Purpose of Meeting: Check all boxes that apply.

- | | | |
|--|--|------------------------------------|
| <input type="checkbox"/> Eligibility Determination | <input type="checkbox"/> IEP Development | <input type="checkbox"/> Placement |
| <input type="checkbox"/> Initial Evaluation | <input type="checkbox"/> Initial | |
| <input type="checkbox"/> Reevaluation | <input type="checkbox"/> Annual Review | |
| | <input type="checkbox"/> Other: _____ | |

Print Names of Team Members	Print Roles of Team Members	Initial if in attendance

Attachment to N3

IEP Development is a Student-Driven Process

The IEP should describe how:

- *The student learns;**
- *The student best demonstrates that learning;**
- * The school staff and student will work together to help the student to learn more effectively.**
- * The IEP should serve as a vehicle for improving the educational experience and results for a student with disabilities.**
- * The IEP should serve as a vehicle for improving the educational experience and results for a student with disabilities.**

The IEP should....

- 1. Be useful and understandable to parents and educators;**
- 2. Set high expectations for the student;**
- 3. Guide the special education services for the next IEP period;**
- 4. Concentrate on offsetting or reducing the needs resulting from the student's disability.**

The IEP should be written to fit the student...

The IEP under no circumstances should be written "to fit" a particular placement.

SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT
PUPIL SERVICES DEPARTMENT
FLOW CHECKLIST

Name: _____ SASID: _____

DOB: _____ School/Grade: _____

Referral Date: _____ Referral Source: _____

Consent Sent: _____ Consent Received: _____

Eval. Period: _____ Meeting Day By: _____
(30th day) (40th day)

Evals. Due to PPS: _____ IEP Completion Date: _____
(35th day) (45th day) (3 days after meeting)

IEP Sent Date: _____ IEP Received Date: _____

Assessments Assigned

Education Assessment A (Attendance/Discipline)
(Building Principals or designee)

Education Assessment B
(Sped Teacher / Regular Ed Teacher)

Medical (School Nurse)

Classroom Observation (Sped Teacher)

Guidance Counselor

Evaluations

Cognitive _____

Achievement _____

SLD _____

Emotional _____

Speech _____

OT _____

Other _____

Team Meeting

Team Chairperson: _____

Date: _____ Time: _____

Place: _____

List of Attendees: _____

Spencer-East Brookfield Regional School District

Special Education Team Member Responsibility

ACTIVITY	RESPONSIBILITY
Scheduling meeting (list of attendees to PPS) forwarded at least 30 days prior to annual review date	Team Chairperson
Chairing and facilitation of Initial, Re-evaluation and Annual Meetings	Team Chairperson
Preparing evaluation copies for review at meeting	Individual evaluators (5 copies recommended)
Printing IEP draft copy for review	Team Chairperson
IEP Draft Development:	
<ul style="list-style-type: none"> • Administrative Data Page 	Team Chairperson
<ul style="list-style-type: none"> • Parent/Student concerns 	Team Chairperson
<ul style="list-style-type: none"> • Student Strengths 	Special Education Teacher
<ul style="list-style-type: none"> • Key evaluation results 	Service Provider/Evaluator/Team Chairperson
<ul style="list-style-type: none"> • Vision Statement 	Team Chairperson
<ul style="list-style-type: none"> • PLEP A (includes 5 the questions for children on the spectrum) 	Team Chair/Related Service Providers/Special Education Teachers
<ul style="list-style-type: none"> • PLEP B 	Team Chair/Related Service Providers
<ul style="list-style-type: none"> • Anti-Bullying (Additional Information) 	Team Chairperson
<ul style="list-style-type: none"> • Goals/Objectives (working draft two days prior to the meeting) 	Service Provider (changes to be updated immediately following the meeting)
<ul style="list-style-type: none"> • Service Delivery Grid (no changes to be made prior to the meeting) 	Service Provider- changes to be updated immediately following the meeting
<ul style="list-style-type: none"> • Non-participation justification 	Provider recommending pull-out service
<ul style="list-style-type: none"> • Schedule modification 	Team Chairperson
<ul style="list-style-type: none"> • Transportation Services 	Team Chairperson
<ul style="list-style-type: none"> • State/District-wide assessments 	Team Chairperson
<ul style="list-style-type: none"> • Additional Information 	Team Chairperson
<ul style="list-style-type: none"> • PL 1,2,3 	Team Chairperson
<ul style="list-style-type: none"> • Transition Planning Form (age +14) 	Special Education Teacher/Service Providers/Team Chairperson
Teacher reports distributed to and retrieved from regular education teachers	Special Education Teacher
Teacher invitations	Team Chairperson
Determination flow-sheet review	Team Chairperson

Send all originals to the Pupil Services Office within three business days of the meeting

**Spencer-East Brookfield Regional School District
Pupil Services Department
IEP Checklist**

Student Name: _____

Please check the following as accomplished:

A) IEP

- Proposed IEP letter or Initial IEP cover letter (N1)
- IEP1 – IEP8 (check for completeness and accuracy)
- Update SEMS Tracker data, SIMS data in Power School and on the custom page
- Service delivery grid should reflect any necessary changes to facilitate transition
- Non-participation justification, schedule modification and transportation must be updated and reflected in meeting notes
- Principal/Team Chairperson's signature(s) on IEP8
- Placement Consent – PL1, PL2 and PL3 (making sure the percentages are correct)
- Attendance Sheet (N3A) send to all participants at time of mailing to parent
- Meeting dismissal form
- Meeting invitation (N3) send to all participants at time of mailing to parent
- Service delivery grid initialed/dated by parent at meeting, if appropriate (or initialed receipt of draft)
- Mass Health authorization form
- Conference/Meeting Summary IEP Draft

High School

- Age of Majority (high school only, must be discussed by age 17, completed by age 18)
- Transition Planning Form (age 14+) 688 if appropriate

B) Initial and re-evaluation (all of the above plus the following):

- Flow chart – eligibility determination (ED1)
- SLD forms for students and include LD Observation Reports, if appropriate (to include all worksheets and signed verification sheets)
- N2 – Finding of No Eligibility, if appropriate
- Evaluation Reports

C) Enclosures

Annotated IEP Checklist

ITEM(s)	IDEA '97 REGULATIONS	REGULATION CITATION
Parent/Student — IEP 1		
<input type="checkbox"/> consider input from parents	Parent participation.	20 U.S.C § 614 (d) (1) (B) (i)
Student Strengths and Key Evaluation Summary — IEP 1		
<input type="checkbox"/> consider results of initial evaluation or most recent evaluation	Initial evaluations. Reevaluation. IEP meetings. Development, review, and revision of IEP.	20 U.S.C § 614 (a) (b) and (c) 20 U.S.C § 614 (a) (2) 20 U.S.C § 613 (a) (1); 614 (d) (4) (A) 20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> consider assessment results from MCAS and district-wide assessments	Development, review, and revision of IEP	20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> consider input from parent, special educators and general education teachers	IEP meetings. Parent participation. Development, review, and revision of IEP.	20 U.S.C § 613 (a) (1); 614 (d) (4) (A) 20 U.S.C § 614 (d) (1) (B) (i) 20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> review existing annual goals and address any lack of expected progress	IEP meetings.	20 U.S.C § 613 (a) (1); 614 (d) (4) (A)
<input type="checkbox"/> review progress in the general curriculum	IEP meetings.	20 U.S.C § 613 (a) (1); 614 (d) (4) (A)
Vision Statement — IEP 1		
<input type="checkbox"/> beginning at the age 14, the vision statement should be based on the individual student's needs taking into account the student's preferences and interests and include desired outcomes in adult living, post-secondary and working environments	Transition services. Development, review, and revision of IEP.	20 U.S.C § 614 (d) (1) (A) (i) (VIII) 20 U.S.C § 614 (d) (3) and (4) (B) and (e)
General Curriculum — IEP 2		
<input type="checkbox"/> discuss how the student's disability affects the student's involvement and progress in the general curriculum (i.e. the same curriculum as used with nondisabled students)	Content of IEP.	20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)

Annotated IEP Checklist (continued)

ITEM(s)	IDEA '97 REGULATIONS	REGULATION CITATION
Other Educational Need(s) — IEP 3		
<input type="checkbox"/> for the student whose behavior impedes own learning or the learning of others, consider student's behavior including positive behavioral interventions, ability to follow school discipline code, any needed code modifications and the possible need for a functional behavioral assessment	Development, review, and revision of IEP.	20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> for the student with Limited English Proficient (LEP), consider language needs and document whether the special education and related services will be provided in a language other than English	Development, review, and revision of IEP.	20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> for the student who is blind/visually impaired, consider need for instruction in Braille and use of Braille unless the Team considers such instruction in not appropriate for the student	Development, review, and revision of IEP.	20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> for the student who is deaf/hearing impaired, consider language and communication needs, opportunities for direct communication, academic level and full range of needs including direct instruction in a child's language and communication mode	Development, review, and revision of IEP.	20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> for all students, consider the communication needs	Development, review, and revision of IEP.	20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> for all students, consider whether assistive technology is needed	Assistive technology Development, review, and revision of IEP.	20 U.S.C § 614 (d) (3) (B) (v) 20 U.S.C § 614 (d) (3) and (4) (B) and (e)
<input type="checkbox"/> for children ages 3 to 5, consider, as appropriate, how the disability(ies) affects the child's participation in appropriate activities <i>Note: By the third birthday of a child eligible for services, an IEP or IESP must be developed and being implemented.</i>	Content of the IEP. <i>Individualized family service plan.</i> <i>Free appropriate public education (FAPE).</i> <i>Transition of children from Part C to preschool programs.</i> <i>When IEPs must be in effect.</i>	20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii) 20 U.S.C § 636 (d) 20 U.S.C § 612 (a) (1) 20 U.S.C § 612 (a) (9) 20 U.S.C § 614 (d) (2)
<input type="checkbox"/> beginning no later than the first IEP developed when the eligible student with a disability is 15, the Team considers the student's need for transition services and documents their discussion. If appropriate the IEP includes a statement of needed transition services.	Transition Services. Parent participation. Content of the IEP.	20 U.S.C § 614 (d) (1) (A) (i) (VIII) 20 U.S.C § 614 (d) (1) (B) (i) 20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)

Annotated IEP Checklist (continued)

ITEM(s)	IDEA '97 REGULATIONS	REGULATION CITATION
Other Educational Need(s) — IEP 3		
<input type="checkbox"/> for each student beginning at age 16 (or younger if appropriate) a statement of transitional services for the student	Transition Services. Parent participation. Content of IEP.	20 U.S.C § 614 (d) (1) (A) (i) (VIII) 20 U.S.C § 614 (d) (1) (B) (i) 20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)
Current Performance Levels/Measurable Annual Goals — IEP 4		
<input type="checkbox"/> include a statement of child's present levels of educational performance and a statement of measurable annual goals including benchmarks or short-term objectives	Content of IEP. IEP — accountability.	20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii) 20 U.S.C § 614 (d) (1) (A) (i) (I-IV)
Service Delivery — IEP 5		
<input type="checkbox"/> consider the students unique needs and not existing programs and services when determining service delivery	Assistive technology service. Related service. Special education. Supplementary aids and services. Transition services. Content of IEP.	20 U.S.C §614 (d) (3) (B) (v) 20 U.S.C § 602 (26) 20 U.S.C § 602 (29) 20 U.S.C § 602 (33) 20 U.S.C § 614 (d) (1) (A) (i) (VIII) 20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)
Nonparticipation Justification — IEP 6		
<input type="checkbox"/> justify why the student is unable to be educated and participate with other children with and without disabilities in activities	Content of IEP. Nonacademic settings.	20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii) 20 U.S.C § 612 (a) (5)
Schedule Modification — IEP 6		
<input type="checkbox"/> discuss and document whether a student needs a longer or shorter school day or year	Extended school year services. Content of IEP. <i>Contents of the IEP.</i>	20 U.S.C § 612 (a) (1) 20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii) § 603CMR 28.05 (4)(d) (State Regulation)

Annotated IEP Checklist (continued)

ITEM(S)	IDEA '97 REGULATIONS	REGULATION CITATION
Transportation — IEP 6		
<input type="checkbox"/> discuss and record whether the student needs transportation as a result of the disability(ies)	<p>Related services.</p> <p>Nonacademic services.</p> <p>Location of service; transportation.</p> <p><i>Transportation.</i></p>	<p>20 U.S.C § 602 (26)</p> <p>20 U.S.C § 612 (a) (5)</p> <p>20 U.S.C § 612 (a) (10) (A)</p> <p>§ 603CMR 28.05 (5) (State Regulation)</p>
State or District-Wide Assessment — IEP 7		
<input type="checkbox"/> discuss and document how the student with a disability will be included in state and district-wide assessments	<p>Participation in assessments.</p> <p>Content of IEP.</p>	<p>20 U.S.C § 612 (a) (16)</p> <p>20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)</p>
Additional Information — IEP 8		
<input type="checkbox"/> beginning no later than the first IEP developed when the eligible student with a disability is 15, the Team considers the student's need for transition services and documents their discussion. If appropriate the IEP includes a statement of needed transition services.	<p>Exception to FAPE for certain ages.</p> <p>Prior notice by the public agency; content of notice.</p>	<p>20 U.S.C § 612 (a) (1) (B)</p> <p>20 U.S.C § 614 (b) (1) and 615 (b) (3), (4), and (c)</p>
<input type="checkbox"/> for students 16 (or younger, if determined appropriate by the IEP Team) or older, when appropriate, discuss and <i>document</i> inter-agency responsibilities and any needed linkages	Content of IEP.	20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)
<input type="checkbox"/> for a student two years before graduation or reaching age 22 who may require continuing special services, discuss and <i>document</i> the need for a referral to an area human service agency office or the Bureau of Transitional Planning	<p>Required under state law M.G.L. c.71, §12A-§12C (Known as Chapter 688)</p> <p><i>Contents of the IEP.</i></p>	§ 603 CMR 28.05(4)(c) (State Regulation)
<input type="checkbox"/> for students whose IEPs have transition services that a participating agency fails to provide, identify alternative strategies to meet these objectives	<p>Agency responsibilities for transition services.</p> <p><i>Reconvene Team as necessary to address this issue.</i></p>	<p>20 U.S.C § 614 (d) (1) (A) (VII)</p> <p>20 U.S.C § 614 (d) (6)</p>
<input type="checkbox"/> for students at least one year before age 18, discuss and <i>document</i> the transfer of rights discussion	Content of IEP.	20 U.S.C § 614 (d) (1) (A) and (d) (6) (A) (ii)
<input type="checkbox"/> for a transition-aged student not in attendance, <i>document</i> other steps taken to ensure that the student's preferences and interest were considered	IEP team.	20 U.S.C § 614 (d) (1) (B)

Annotated IEP Checklist (continued)

ITEM(s)	IDEA '97 REGULATIONS	REGULATION CITATION
Additional Information — IEP 8 (continued)		
<input type="checkbox"/> when parents are not in attendance, the school district should <i>document</i> effort made to ensure parent participation and to insure a mutually agreed upon time and place	Parent participation.	20 U.S.C § 614 (d) (1) (B) (i)
Parent Signature — IEP 8		
<input type="checkbox"/> immediately following the development of the IEP, the district shall provide the parent with a copy of the proposed IEP along with the required notice	<i>Required under state regulation.</i> <i>Parent response to proposed IEP and proposed placement.</i>	§ 603 CMR 28.05(7) (State Regulation)

School District Letterhead

To: [Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]

Re: [Name of Student and other identifying information (i.e. DOB, ID#)]

Subject: **The school district does not intend to act:** [Check all that apply.]

- Finding of No Eligibility
 Refusal of Requested Services

Other: _____
[Please specify.]

Notice Date: [Date notice is to be mailed.]

The school district has recently discussed this student with you. We now write to tell you of our intention not to act on a request. We have described our reasons for refusing on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights in the *Interim Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. You should have received this brochure prior to the initial evaluation. If you would like another copy, please contact the school district staff. You should carefully review this brochure and the enclosed material.

The school district staff is available to speak to you or meet with you about your rights and the school district's refusal to act. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

District Contact Person: [Name and Role]

Contact Information: [Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]

Enclosures:

Other: [specify]

Re: *[Name of Student and other necessary identifying information]*

Notice Date: *[Date from page 1]*

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School districts must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

Describe any refusal to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:

- 1. What action is the school district refusing to take?*
- 2. Why is the school district refusing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the refusal to act?*
- 5. What other factors were relevant to the school district's decision?*
- 6. What next steps, if any, are recommended?*

Narrative Description of School District Refusal To Act

School District Name: SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT
School District Address: PUPIL SERVICES DEPT., 302 MAIN STREET, SPENCER, MA 01562
School District Contact Person/Phone #: CARLA CHIODA, 508-885-8515

Administrative Data Sheet

STUDENT INFORMATION:

Full Name: _____ School ID#: _____ SASID: _____
Birth Date: _____ Place of Birth: _____ Age: _____ Grade/Level: _____
Primary Language: _____ Language of Instruction: _____
Address: _____ Sex: Male Female
Home Telephone: _____
If 18 or older: Acting on Own Behalf Court Appointed Guardian: _____
 Shared Decision-Making Delegate Decision-Making

PARENT/GUARDIAN INFORMATION:

Name: _____ Relationship to Student: _____
Address: _____
Home Telephone: _____ Other Telephone: _____
Primary Language of parent/guardian: _____

PARENT/GUARDIAN INFORMATION:

Name: _____ Relationship to Student: _____
Address: _____
Home Telephone: _____ Other Telephone: _____
Primary Language of parent/guardian: _____

MEETING INFORMATION:

Date of Meeting: _____ Type of Meeting: _____
Next Scheduled Annual Review Meeting: _____ Next Scheduled Three Year Reevaluation Meeting: _____

ASSIGNED SCHOOL INFORMATION: (Complete after a placement has been made.)

School Name: _____ Telephone: _____
Address: _____
Contact Person: _____ Role: _____ Telephone: _____
Cost-Shared Placement: No Yes If yes, specify agency: _____

After a meeting, attach to an IEP, an IEP Amendment or an Extended Evaluation Form.

School District Name: Spencer-East Brookfield Regional School District

School District Address: Pupil Services Dept., 302 Main Street, Spencer, MA 01562

School District Contact Person/Phone #: Carla Chioda, 508-885-8515

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____ Grade/Level: _____

Parent and/or Student Concerns

What concern(s) does the parent and/or student want to see addressed in this IEP to enhance the student's education?

Student Strengths and Key Evaluation Results Summary

What are the student's educational strengths, interest areas, significant personal attributes and personal accomplishments?

What is the student's type of disability(ies), general education performance including MCAS/district test results, achievement towards goals and lack of expected progress, if any?

Vision Statement: What is the vision for this student?

Consider the next 1 to 5 year period when developing this statement. Beginning no later than age 14, the statement should be based on the student's preferences and interest, and should include desired outcomes in adult living, post-secondary and working environments.

IEP 1

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Present Levels of Educational Performance

A: General Curriculum

Check all that apply.

- | | |
|--|--|
| <input type="checkbox"/> English Language Arts | General curriculum area(s) affected by this student's disability(ies):
Consider the language, composition, literature (including reading) and media strands. |
| <input type="checkbox"/> History and Social Sciences | Consider the history, geography, economic and civics and government strands. |
| <input type="checkbox"/> Science and Technology | Consider the inquiry, domains of science, technology and science, technology and human affairs strand. |
| <input type="checkbox"/> Mathematics | Consider the number sense, patterns, relations and functions, geometry and measurement and statistics and probability strands. |
| <input type="checkbox"/> Other Curriculum Areas | Specify: |

How does the disability(ies) affect progress in the curriculum area(s)?

What type(s) of accommodation, *if any*, is necessary for the student to make effective progress?

What type(s) of specially designed instruction, *if any*, is necessary for the student to make effective progress?

Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:
- Methodology/Delivery of Instruction:
- Performance Criteria:

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Present Levels of Educational Performance

B: Other Educational Needs

Check all that apply.

General Considerations

- | | | |
|--|--|--|
| <input type="checkbox"/> Adapted physical education | <input type="checkbox"/> Assistive tech devices/services | <input type="checkbox"/> Behavior |
| <input type="checkbox"/> Braille needs (blind/visually impaired) | <input type="checkbox"/> Communication (all students) | <input type="checkbox"/> Communication (deaf/hard of hearing students) |
| <input type="checkbox"/> Extra curriculum activities | <input type="checkbox"/> Language needs (LEP students) | <input type="checkbox"/> Nonacademic activities |
| <input type="checkbox"/> Social/emotional needs | <input type="checkbox"/> Travel training | <input type="checkbox"/> Skill development related to vocational preparation or experience |
| <input type="checkbox"/> Other _____ | | |

Age-Specific Considerations

- For children ages 3 to 5 — participation in appropriate activities
- For children ages 14* (or younger if appropriate) — student's course of study
- For children ages 16 (or younger if appropriate) to 22 — transition to post-school activities including community experiences, employment objectives, other post school adult living and, if appropriate, daily living skills

How does the disability(ies) affect progress in the indicated area(s) of other educational needs?

What type(s) of accommodation, *if any*, is necessary for the student to make effective progress?

What type(s) of specially designed instruction, *if any*, is necessary for the student to make effective progress?

Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:
- Methodology/Delivery of Instruction:
- Performance Criteria:

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Current Performance Levels/Measurable Annual Goals

Goal #	Specific Goal Focus:
--------	----------------------

Current Performance Level: What can the student currently do?

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

Benchmark/Objectives: What will the student need to do to complete this goal?

Goal #	Specific Goal Focus:
--------	----------------------

Current Performance Level: What can the student currently do?

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

Benchmark/Objectives: What will the student need to do to complete this goal?

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Service Delivery

What are the total service delivery needs of this student?

Include services, related services, program modifications and supports (including positive behavioral supports, school personnel and/or parent training/supports). Services should assist the student in reaching IEP goals, to be involved and progress in the general curriculum, to participate in extracurricular/nonacademic activities and to allow the student to participate with nondisabled students while working towards IEP goals.

School District Cycle: 5 day cycle 6 day cycle 10 day cycle other:

A. Consultation (Indirect Services to School Personnel and Parents)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

B. Special Education and Related Services in General Education Classroom (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

C. Special Education and Related Services in Other Settings (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Nonparticipation Justification

Is the student removed from the general education classroom at any time? (Refer to IEP 5—Service Delivery, Section C.)

No Yes If yes, why is removal considered critical to the student's program?

IDEA 2004 Regulation 20 U.S.C. §612 (a) (5).550: "... removal of children with disabilities from the regular educational environment occurs **only when** the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." (Emphasis added.)

Schedule Modification

Shorter: Does this student require a *shorter school day or shorter school year*?

No Yes — shorter day Yes — shorter year If yes, answer the questions below.

Longer: Does this student require a longer school day or a longer school year to prevent substantial loss of previously learned skills and / or substantial difficulty in relearning skills?

No Yes — longer day Yes — longer year If yes, answer the questions below.

How will the student's schedule be modified? Why is this schedule modification being recommended?

If a longer day or year is recommended, how will the school district coordinate services across program components?

Transportation Services

Does the student require transportation as a result of the disability(ies)?

No Regular transportation will be provided in the same manner as it would be provided for students without disabilities. If the child is placed away from the local school, transportation will be provided.

Yes Special transportation will be provided in the following manner:

on a regular transportation vehicle with the following modifications and/or specialized equipment and precautions:

on a special transportation vehicle with the following modifications and/or specialized equipment and precautions:

After the team makes a transportation decision and after a placement decision has been made, a parent may choose to provide transportation and may be eligible for reimbursement under certain circumstances. Any parent who plans to transport their child to school should notify the school district contact person.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

State or District-Wide Assessment

Identify state or district-wide assessments planned during this IEP period:

Fill out the table below. Consider any state or district-wide assessment to be administered during the time span covered by this IEP. For each content area, identify the student's assessment participation status by putting an "X" in the corresponding box for column 1, 2, or 3.

1. Assessment participation:
Student participates in on-demand testing under routine conditions in this content area.

2. Assessment participation:
Student participates in on-demand testing with accommodations in this content area. (See 1 below)

3. Assessment participation:
Student participates in alternate assessment in this content area. (See 2 below)

CONTENT AREAS	COLUMN 1	COLUMN 2	COLUMN 3
English Language Arts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
History and Social Sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Science and Technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1 For each content area identified by an X in the column 2 above: note in the space below, the content area and describe the accommodations necessary for participation in the on-demand testing. Any accommodations used for assessment purposes should be closely modeled on the accommodations that are provided to the student as part of his/her instructional program.

2 For each content area identified by an X in column 3 above: note in the space below, the content area, why the on-demand assessment is not appropriate and how that content area will be alternately assessed. Make sure to include the learning standards that will be addressed in each content area, the recommended assessment method(s) and the recommended evaluation and reporting method(s) for the student's performance on the alternate assessment.

NOTE
When state model(s) for alternate assessment are adopted, the district may enter use of state model(s) for how content area(s) will be assessed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Additional Information

- Include the following transition information: the anticipated graduation date; a statement of interagency responsibilities or needed linkages; the discussion of transfer of rights at least one year before age of majority; and a recommendation for Chapter 688 Referral.
- Document efforts to obtain participation if a parent and if student did not attend meeting or provide input.
- Record other relevant IEP information not previously stated.

Response Section

School Assurance

I certify that the goals in this IEP are those recommended by the Team and that the indicated services will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

- I accept the IEP as developed. I reject the IEP as developed.
- I reject the following portions of the IEP with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

- I request a meeting to discuss the rejected IEP or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP will not be implemented unless the IEP is amended.

School District Name: Spencer-East Brookfield Regional School District

School District Address: Pupil Services Dept., 302 Main Street, Spencer, MA 01562

School District Contact Person/Phone #: Carla Chioda, 508-885-8515

Individualized Education Program (IEP) Amendment

Amendment will be attached to IEP dated: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____ Grade/Level: _____

What change(s) will be made to the existing IEP?	Why?

Use only for minor changes that do not change type of placement.

Individualized Education Program Amendment

Attached to IEP Dated: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Additional Information

Response Section

School Assurance

I certify that the changes in this amendment are those recommended by the Team and that the indicated services will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

- I accept the IEP amendment. I reject the IEP amendment.
- I reject the following portions of the IEP amendment with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

- I request a meeting to discuss the rejected IEP amendment or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP amendment will not be implemented unless the IEP or IEP amendment is changed.

School District Name: Spencer-East Brookfield Regional School District
 School District Address: Pupil Services Dept., 302 Main Street, Spencer, MA 01562
 School District Contact Person/Phone #: Carla Chioda, 508-885-8515

Special Education Placement Consent Form - PL1: 3-5 year olds

IEP Dates: from _____ to _____

Student Name: _____

DOB: _____

SASID: _____

Team Recommended Special Educational Placements

The Team identified that the majority of the IEP services will be provided in a program in the home for a child who is 3 to 5 years of age.	<input type="checkbox"/> Home
The Team identified that the majority of the IEP services will be provided in a clinician's office for a child who is 3 to 5 years of age.	<input type="checkbox"/> Service provider location
The Team identified that some or all IEP services will be provided in the inclusive early childhood program the child is already attending.	<input type="checkbox"/> IEP services in the inclusive early childhood program
The Team identified that the child should attend an inclusive early childhood program in order to receive some or all IEP services.	<input type="checkbox"/> Inclusive early childhood program
The Team identified that the child should receive IEP services in a program serving only young children with disabilities.	<input type="checkbox"/> Substantially separate program
	<input type="checkbox"/> Public or private day program
The Team identified that the child should attend a special education program in a residential school that only serves children with disabilities.	<input type="checkbox"/> Residential school

Location(s) for Service Provision and Dates: _____

Placement Consent

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district along with your response to the IEP. Thank you.

- I consent to the placement.
- I refuse the placement.
- I request a meeting to discuss the refused placement.

Signature of Parent, Guardian, Educational Surrogate Parent _____

Date _____

Other Authority Required Placements

Note: These non-educational placements are not determined by the Team and therefore service delivery may be limited and consent is not required.

The placement has been made by a state agency to an institutionalized setting for non-educational reasons.	<input type="checkbox"/>	The Department of Mental Health has placed the child in a hospital psychiatric unit or residential treatment program.
	<input type="checkbox"/>	The Department of Public Health has placed the child in the Massachusetts Hospital School.
A medical doctor has determined that the child must be served in a home setting	<input type="checkbox"/>	Home-based Program
A medical doctor has determined that the child must be served in a hospital setting	<input type="checkbox"/>	Hospital-based Program

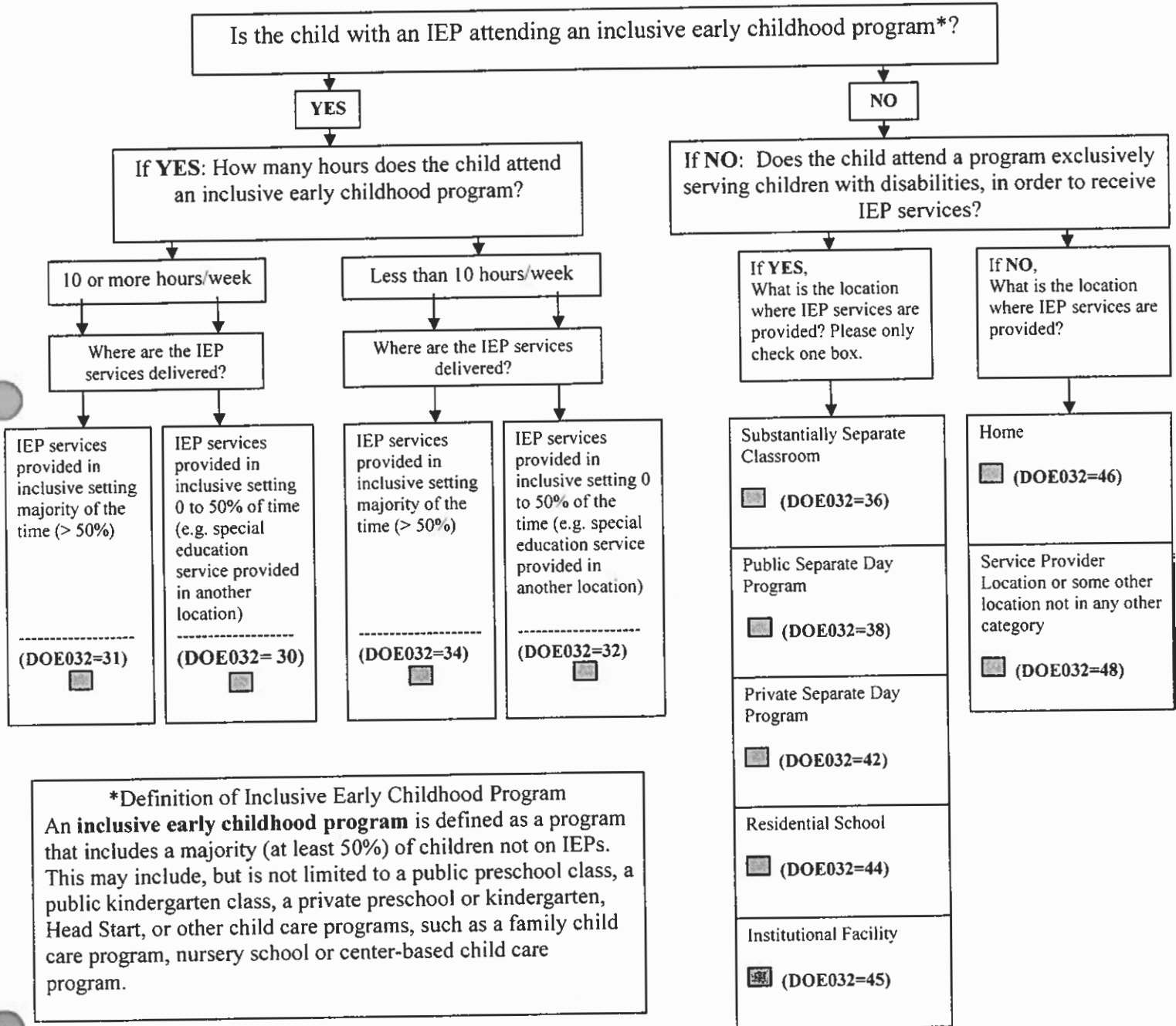
Educational Environment / Placement – PL2: 3-5 year olds

(For school district record keeping only)

District: Spencer-East Brookfield Regional School District	School:	IEP Dates:	To:
Student:	SASID:		

FOR DATA COLLECTION PURPOSES ONLY – STUDENT INFORMATION MANAGEMENT SYSTEM (SIMS)

Clearly indicate the final DOE code that corresponds with the student's placement



School District Name: Spencer-East Brookfield Regional School District

School District Address: Pupil Services Dept., 302 Main Street, Spencer, MA 01562

School District Contact Person/Phone #: Carla Chioda, 508-885-8515

Placement Consent Form – PL1: 6-21 year olds

IEP Dates: from _____ to _____

Student Name: _____

DOB: _____

SASID: _____

Team Recommended Educational Placements

Corresponding Placement

The Team identified that IEP services are provided outside the general education classroom less than 21% of the time (80% inclusion).	<input type="checkbox"/> Full Inclusion Program
The Team identified that IEP services are provided outside the general education classroom at least 21% of the time, but no more than 60% of the time.	<input type="checkbox"/> Partial Inclusion Program
The Team identified that IEP services are provided outside the general education classroom for more than 60% of the time.	<input type="checkbox"/> Substantially Separate Classroom
The Team identified that all IEP services should be provided outside the general education classroom and in a public or private separate school that only serves students with disabilities.	<input type="checkbox"/> Separate Day School <input type="checkbox"/> Public or <input type="checkbox"/> Private
The Team identified that IEP services require a 24-hour special education program.	<input type="checkbox"/> Residential School
The Team has identified a mix of IEP services that are not provided in primarily school-based settings but are in a neutral or community-based setting.	<input type="checkbox"/> Other: _____

Other Authority Required Placements

Note: These non-educational placements are not determined by the Team and therefore service delivery may be limited.

The placement has been made by a state agency to an institutionalized setting for non-educational reasons.	<input type="checkbox"/> The Department of Youth Services has placed the student in a facility for committed or detained youth.
	<input type="checkbox"/> The Department of Mental Health has placed the student in a hospital psychiatric unit or residential treatment program.
	<input type="checkbox"/> The Department of Public Health has placed the student in the Massachusetts Hospital School. <input type="checkbox"/> Day or <input type="checkbox"/> Residential
	<input type="checkbox"/> The student is incarcerated in the county house of corrections or in a department of corrections facility.
A doctor has determined that the student must be served in a home setting.	<input type="checkbox"/> Home-based Program
A doctor has determined that the student must be served in a hospital setting.	<input type="checkbox"/> Hospital-based Program

Placement Consent Form

Location(s) for Service Provision and Dates: _____

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district along with your response to the IEP. Thank you.

- I consent to the placement.
- I refuse the placement.
- I request a meeting to discuss the refused placement.

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*
*Required signature once a student reaches 18 unless there is a court appointed guardian.

Date _____

Educational Environment / Placement – PL2: 6-21 year olds

(For school district record keeping only)

District: Spencer-East Brookfield Regional School District School: _____
 Student: _____ SASID: _____ IEP Dates: _____ To: _____

SPECIAL EDUCATION SUMMARY DATA
DOE034
Educational Environment for Students Age 6-21
<p>6-21 Year Olds ONLY:</p> <p>01-Not currently a special education student age 6-21, but was previously a special education student during the current school year</p> <p>10-Full Inclusion – special education services outside the general education classroom less than 21% of the time</p> <p>20-Partial Inclusion – special education services outside the general education classroom 21% to 60% of the time</p> <p>40-Substantially Separate Classroom – special education services outside the general education classroom more than 60% of the time</p> <p>41-Public Separate Day School</p> <p>50-Private Separate Day School</p> <p>60-Residential School</p> <p>70-Homebound/Hospital</p> <p>90-Public Residential Institutional Facilities (DMH and DPH = 0370XXXX schools; DYS = 09200300; County House or Dept. of Corrections = 09200500)</p>

For the purpose of this exercise, the total hours per week = 28 hours. This may not necessarily reflect the true hours in a school week.

Case Studies to Assist in Determining Correct Corresponding Educational Environments for DOE034

SCENARIO	DETERMINATION	CORRECT PLACEMENT
Seven year-old Maria spends most of her day in a general education classroom but is removed from the general education classroom for speech therapy and special education services for a total of two hours per day.	2 hours per day X 5 days = 10 hours special education outside the general education setting 10 hours / 28 total hours per week X 100 = 35.7% outside the general education classroom	20-Partial Inclusion special education services outside the general education classroom 21% to 60% of the time
For the entire school day, fourteen year-old Stacy is in a collaborative program located in a building outside the general education environment that provides educational services primarily to students with disabilities.	Stacy does not attend her local public school, but rather attends a public collaborative program in a separate school. She is there during the day and does not spend the night. She receives all her special education services in this school.	41-Public Separate Day School
The district placed Pat at a Massachusetts Approved Private Special Education school. Though still attending this school for half of each day, he is now transitioning back to his local high school where he participates in two general education classes and one special education life skills class.	Pat's placement is at the Massachusetts Approved Private Special Education school. Even though he attends his local high school and is in the general education environment while there, his primary placement is the private separate school.	50-Private Separate Day School
Eight year-old Raymond is a home-schooled student who is provided 4 hours per week of one-to-one occupational therapy.	4 hours receiving special education services outside the general education / 28 total hours X 100 = 14.3% outside general education	10-Full Inclusion special education services outside the general education classroom less than 21% of the time
17 year-old Tamara receives all of her core academics in a special education classroom. She participates in one elective course with her non-disabled peers for one-hour each day.	28 total hours minus 5 hours a week in general education = 23 hours receiving special education outside the general education setting 23 hours receiving special education services outside the general education / 28 total hours X 100 = 82.1% outside the general education	40-Substantially Separate Classroom special education services outside the general education classroom more than 60% of the time
Robert has been attending his local high school where he is primarily in co-taught general education classes. Additionally, he receives 1-hour of special education services in a resource room each day. In November Robert was arrested and is now in a Department of Youth Services facility. He is expected to remain there for three months.	Any SIMS reporting that occurs prior to Robert's arrest in November would be calculated and reported according to his IEP. 5 hours receiving special education services outside the general education / 28 total hours X 100 = 17.9% outside general education. Any SIMS reporting that occurs while Robert is in the DYS facility should be reported in a public residential institutional facility.	10-Full Inclusion special education services outside the general education classroom less than 21% of the time 90-Public Residential Institutional Facilities Department of Youth Services SIMS school code = 09200300

Primary Disability / Level of Need – PL3: 3-21 year olds

(For school district record keeping only)

District: Spencer-East Brookfield Regional School District	School:
Student:	SASID: IEP Dates: To:

SPECIAL EDUCATION SUMMARY DATA FOR ALL AGES (3-21 year olds)		
DOE036 Nature of Primary Disability		DOE038 Level of Need
01 -Intellectual 02 -Sensory/Hearing Impaired or Deaf 03 -Communication 04 -Sensory/Vision Impaired or Blind 05 -Emotional 06 -Physical 07 -Health	08 -Specific Learning Disabilities 09 -Sensory/Deafblind 10 -Multiple Disabilities 11 -Autism 12 -Neurological 13 -Developmental Delay	01 -Low-less than 2 hours of services per week 02 -Low-2-5 hours of services per week 03 -Moderate 04 -High

Determining Level of Need for 3-5 year olds	
How many total hours does the child receive special education services each week?	DOE038 Level of Need
<input type="checkbox"/> Less than 2 hours of special education services per week	= 01-Low-less than 2 hours of services per week
<input type="checkbox"/> 2 –5 hours of special education services per week	= 02-Low-2-5 hours of services per week
<input type="checkbox"/> 6-14 hours of special education services per week	= 03-Moderate
<input type="checkbox"/> 15 or more hours of special education services per week	= 04-High

If the hours of service the child receives does not appear to be consistent with the child's level of need, or if partial hours of service are provided to the child (e.g., 5.5 hours), please use **professional judgment** to make the level of need determination.

Determining Level of Need for 6-21 year olds			
Check one box in each of the following columns that best describes the student's special education program.			
	Primary Setting(s):	Service Provider(s):	Percent of Program Time Receiving Special Education Services:
ROW 1	<input type="checkbox"/> in general education classroom	<input type="checkbox"/> general educators and paraprofessionals with consultation	<input type="checkbox"/> under 25% of program time
ROW 2	<input type="checkbox"/> in and out of general education classroom	<input type="checkbox"/> combination of general educators, paraprofessionals, special educators and related service providers	<input type="checkbox"/> between 25% and 75% of program time
ROW 3	<input type="checkbox"/> out of general education classroom	<input type="checkbox"/> special educators and related service providers	<input type="checkbox"/> over 75% of program time

Decision Criteria for 6-21 year olds

These criteria are provided for your convenience. If the result of applying these criteria does not satisfactorily reflect the student's Level of Need, use **professional judgment**.

- If two or three boxes are checked in Row 1, indicate **low**.
- If two or three boxes are checked in Row 2, indicate **moderate**.
- If two or three boxes are checked in Row 3, indicate **high**.
- If one box is checked in each row, indicate either **moderate or high** depending on the need of the student.

TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

Student:	SASID:	Age:
Date form completed:		
Anticipated date of graduation:	Current IEP dates from: _____	to: _____
Anticipated date of 688 referral, if applicable:		

POST-SECONDARY VISION

Write the student's **POST-SECONDARY VISION** in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

DISABILITY RELATED NEEDS

Write the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

Student: _____ Date form completed: _____

ACTION PLAN

The **ACTION PLAN** should outline how the student can develop self-determination skills and be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision. Indicate how Special Education/General Education, family members, adult service providers or others in the community will help the student develop the necessary skills. **Disability related needs must also be stated on page 1.**

Develop the ACTION PLAN needed to achieve the **POST-SECONDARY VISION** by outlining the skills the student needs to develop and the courses, training, and activities in which the student will participate. Include information on who will help the student implement specific steps listed below in the Action Plan.

- **Instruction:** Is there a course of study or specific courses needed that will help the student reach his/her post-secondary vision? Consider the learning opportunities or skills that the student may need. This could include specific general education courses and/or special education instruction, career and technical education, and/or preparation for post-secondary outcomes such as vocational training or community college.
- **Employment:** Are there employment opportunities and/or specific skills that will help the student reach his/her post-secondary vision? Consider options such as part-time employment, supported job placement, service learning projects, participation in work experience program, job shadowing, internships, practice in resume writing/ interviewing skills, the use of a one-stop resource center and job specific skills in areas such as customer service, technology, etc.
- **Community Experiences/ Post School Adult Living:** Are there certain types of community and/or adult living experiences that will help the student reach his/her post-secondary vision? Consider options such as participation in community based experiences, learning how to independently access community resources, building social relationships, managing money, understanding health care needs, utilizing transportation options and organizational skills.

STUDENT NEEDS ANALYSIS (sample 2)

Health / Personal Care

- Student requires non-medical specialized health care support (i.e., feeding, assistance with braces or prosthesis).
- Student has in Individualized Health Care Plan.
- Student requires positioning or bracing multiple times daily.
- Student requires health-related interventions multiple times daily.
- Student requires full toilet care.
- Student requires direct assistance for dressing.

Behavior

- Student presents with serious behavior problems with ongoing incidents of injurious behaviors to self and/or others.
- Student presents as over-active and has difficulty focusing attention.
- Student runs away.
- Student has a functional behavioral assessment and a behavior intervention plan.
- Student needs an adult in close proximity to supervise social interactions with peers at all times.

Instruction

- Student needs verbal prompts to participate in a group, stay on task, and follow directions.
Frequency/Rate: _____
- Student needs physical prompting to participate in a group, stay on task, and follow directions.
Frequency/Rate: _____
- Student needs visual prompts/picture supports to participate in a group, stay on task, and follow directions.
Frequency/Rate: _____
- Student needs support to utilize augmentative or assistive technology.
- Student needs extensive modification to all curriculum content.
- Student needs an adult in constant close proximity for direct instruction.

Mobility

- Student requires individualized assistance to transition to and from class, at all times during the school day.

STUDENT NEED ANALYSIS (sample)

Health / Personal Care

- Student requires non-medical specialized health care support (i.e., feeding, assistance with braces or prosthesis).
- Student has in Individualized Health Care Plan.
- Student requires positioning or bracing multiple times daily.
- Student requires health-related interventions multiple times daily.
- Student requires full toilet care.
- Student requires direct assistance for dressing.

Behavior

- Student presents with serious behavior problems with ongoing incidents of injurious behaviors to self and/or others.
- Student presents as over-active and has difficulty focusing attention.
- Student runs away.
- Student has a functional behavioral assessment and a behavior intervention plan.
- Student needs an adult in close proximity to supervise social interactions with peers at all times.

Instruction

- Student needs verbal prompts to participate in a group, stay on task, and follow directions.
Frequency/Rate: _____
- Student needs physical prompting to participate in a group, stay on task, and follow directions.
Frequency/Rate: _____
- Student needs visual prompts/picture supports to participate in a group, stay on task, and follow directions.
Frequency/Rate: _____
- Student needs support to utilize augmentative or assistive technology.
- Student needs extensive modification to all curriculum content.
- Student needs an adult in constant close proximity for direct instruction.

Mobility

- Student requires individualized assistance to transition to and from class, at all times during the school day.

CONSIDERATIONS FOR DESIGNING A FADING PLAN¹(sample – note this is not a plan itself)

1. When is it necessary to be physically next to the student?
2. For the skill, activity or time period, is the goal independence (done by the student) or interdependence (done with the support of a peer)?
3. What types of cues are educators using with the student? With what level of intensity, duration and frequency?
4. What next step will reduce the type and level of support given to the student (i.e., move from more intensive to less intrusive cues; use natural cues in the environment; ask questions rather than giving answers, etc.)? When will the next step be initiated?
5. Can anyone else provide more natural supports for the student?
6. What material, content, or classroom structures/schedules should educators adapt to allow the student to experience more independence? When should these changes happen?

¹ Causton-Theoharis, J. (2009). The golden rule of providing support in inclusive classrooms: Support others as you would wish to be supported. *Teaching Exceptional Children*, 42(2), 36-43.



Spencer East Brookfield Regional School District Pupil Services Department

302 Main Street, Spencer, Massachusetts 01562
Telephone (508) 885-8515 * Fax (508) 885-8541
Web: www.sebrsd.org / Email: chiodac@sebrsd.org

Director of Pupil Services Department: Carla Chioda

Guidance concerning meeting time lines under 603 CMR 28.05 when a parent cannot or will not attend a scheduled IEP team meeting within the required time lines.

- ◆ If the parent cannot participate in the meeting and requests that it be rescheduled, the district must document in writing the parent's request and the district's response to it. School districts are also required to keep a record of their attempts to arrange a mutually convenient meeting and work to convince the parents to attend.
- ◆ It is the expectation of NBPS that if a parent does not attend a team meeting, that the parent will be called and will join the team as a conference call. If the parent cannot be reached, the team will adjourn and the team chair will contact the parent documenting their absence (attached to the IEP and documented under additional information) and will schedule a second meeting (that has been arranged with the parent).
- ◆ See paragraph three for more details on how to proceed under specific situations.
- ◆ Should the parent not present to the meeting, paragraph two will be followed again.
- ◆ The third meeting will be held as scheduled (see paragraph three, page 58)

Massachusetts Department of Education
Program Quality Assurance Services

~~2005 Fall Area Meetings~~
Discussion Points under Item #19

*Guidance concerning meeting the timelines under 603 CMR 28.05
When a parent cannot or will not attend a scheduled IEP Team meeting within the
Required 45 school working days and
Guidance concerning the failures of an outside evaluator to complete an assessment
Within 30 school working days*

Question:

In order to ensure that the IEP is developed within 45 school working days of the parent's consent to evaluate or reevaluate, what can a school district do in the event that a parent cannot attend the scheduled IEP Team meeting to develop the IEP?

Answer:

The law mandates that the parents of the child are members of the child's IEP team. To avoid scheduling challenges that could impact the district's ability to meet evaluation timelines, the district should notify parents early enough of team meetings to ensure that they will have an opportunity to attend. (See proposed regulations 300.322). The district must work to schedule team meetings at mutually convenient times and places in order to ensure parental participation. If neither parent can attend the scheduled team meeting, the district must consider alternative methods of participation (e.g., telephone conferencing). If the parent cannot participate and requests that the meeting be rescheduled so the parent can attend, and the meeting is likely to be rescheduled on a date beyond the 45 school working days, the district may schedule the meeting beyond the 45 day time limit if the district believes that the postponement is reasonable and will not constitute a denial of FAPE. The district may ask the parent to make the request in writing, though the parent is not required to submit his or her request in writing. The district must document in writing the parent's request and the district's response to it. School districts are also required to keep a record of their attempts to arrange a mutually convenient meeting and convince parents to attend.

If the parent has agreed to attend a scheduled team meeting but does not attend and does not request that the meeting be rescheduled, or if the parent does not respond to requests to (re)schedule a meeting, and the district has made efforts to convince the parent to attend, the district may proceed with the IEP team meeting without the parent in attendance in order to comply with the requirement under 603 CMR 28.05 that IEP be developed within 45 school working days of the parent's written consent to evaluation or reevaluation. The district must document its efforts to schedule the meeting (e.g., maintain log of phone calls, copies of correspondence, and log of visits to the parent's home or workplace as appropriate). The district also must document in writing the circumstances under which the team meeting was held without the parent's attendance. The IEP developed by the team should be immediately sent to the parent and the parent has the right to accept or reject the IEP in whole or part and to request a meeting to discuss the portions of the IEP that the parent rejects or the overall adequacy of the IEP (see 603 CMR 28.05(7)(a)(1)).

The school district is required under 603 CMR 28.05(7)(b) to implement all accepted elements of the student's IEP without delay. In general, the district cannot ask the parent's consent to postpone the IEP team meeting beyond the 45 school working day timeline unless they have first proposed a meeting within the timeless that the parent is unable to participate in and the parent would like the meeting rescheduled.

There may be some unanticipated circumstances, however, where the district may request that the team meeting be rescheduled after the 45 school working day timeline (e.g., an essential member of the team has an unexpected personal emergency and cannot attend, and it is not appropriate to continue the meeting without the member). ~~In those limited circumstances, the district may request and the parent may agree to reschedule the team meeting.~~

Question:

What can a school district do in the event that an outside evaluator for the district's evaluation (not an independent educational evaluation following the district's evaluation) does not complete the assessment within 30 school working days and/or provide a written report available to the parent at least two days prior to the team meeting that is held within the 45 school working days?

Answer:

In order to prevent a delay in receiving evaluation reports (but not evaluations completed pursuant to an independent educational evaluation following the district's evaluation) from causing noncompliance with the requirement that the district's assessment be completed within 30 school working days of receipt of parental consent for (re)evaluation, districts are advised to include provisions in their contracts with outside evaluators that the written report must be received in a timely manner, no later than a date certain, consistent with 603 CMR 28.05(1). (Note also that the district needs sufficient time to ensure that the parent has access to the report at least two days prior to the team meeting). The contract may include penalties for not meeting the required timeframe. Any delay in the evaluation process may impact the district's ability to comply with the 45 school working day timeline for determining eligibility and developing a student's IEP. The department recognizes that occasionally circumstances will affect an evaluator's ability to meet timelines. However, the district must consider whether such delays are regular events and to take steps to meet timelines, including terminating contracts with evaluators who are unable to meet timelines. In any event, the district should immediately inform the parent if it becomes aware that an evaluation will not be completed in a timely manner to meet the requirements of the law.



Spencer East Brookfield Regional School District

Pupil Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 * Fax (508) 885-8541

Web: www.sebrsd.org / Email: chiodac@sebrsd.org

Director of Pupil Services Department: Carla Chioda

Parent Transportation Procedure

Upon notification of parent intent to provide transportation for a student previously identified to require specialized transportation 603 CMR 28.07(6) the parent must complete a W-9 form and must submit monthly invoices reflecting the number of miles transported daily subject to the requirements below.

Reimbursement shall be at the same rate as state employees.

Mileage is determined based on a direct route between the student's home and school

Reimbursement pertains to parents providing transportation for their children who have "special transportation" listed in their IEPs, and does not pertain to students who do not require "special transportation."

The reimbursement for parent-provided transportation pertains to school attendance and school-sponsored events, to the extent agreed upon by the district in advance.

Parents are not eligible for reimbursement when providing transportation to a school event that is not either identified in the IEP or agreed to by the district in advance of the event.

Typical reimbursement for school attendance is two round trips per day (getting to school and returning home) in a direct route between the student's home and school. However, if the parent is employed and provides transportation to the child on the way to or from work, transportation reimbursement is only for the distance between home and school when the student is in the vehicle.

Parents are not eligible for reimbursement if the school has provided for transportation and the parent decides not to use it without previous agreement with the school district

SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT
TEAM MEETING SUMMARY OF PROPOSED IEP

Student Name: _____

D.O.B. _____ School: _____ Grade: _____

Date of Meeting: _____ Type of Meeting: _____ SASID# _____

Parent Concerns: _____

Vision Statement: _____

A. Consultation (Indirect Services to School Personnel and Parents)				
Type of Service	Type of Personnel	Frequency & Duration/Per Cycle	Start Date	End Date
B. Special Education & Related Services in Gen. Education Classroom (direct service)				
Type of Service	Type of Personnel	Frequency & Duration/Per Cycle	Start Date	End Date
C. Special Education and Related Services in Other Settings (direct service)				
Type of Service	Type of Personnel	Frequency & Duration/Per Cycle	Start Date	End Date

MCAS Accommodations (if applicable):

List Major Goal Areas Discussed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Recommendations:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

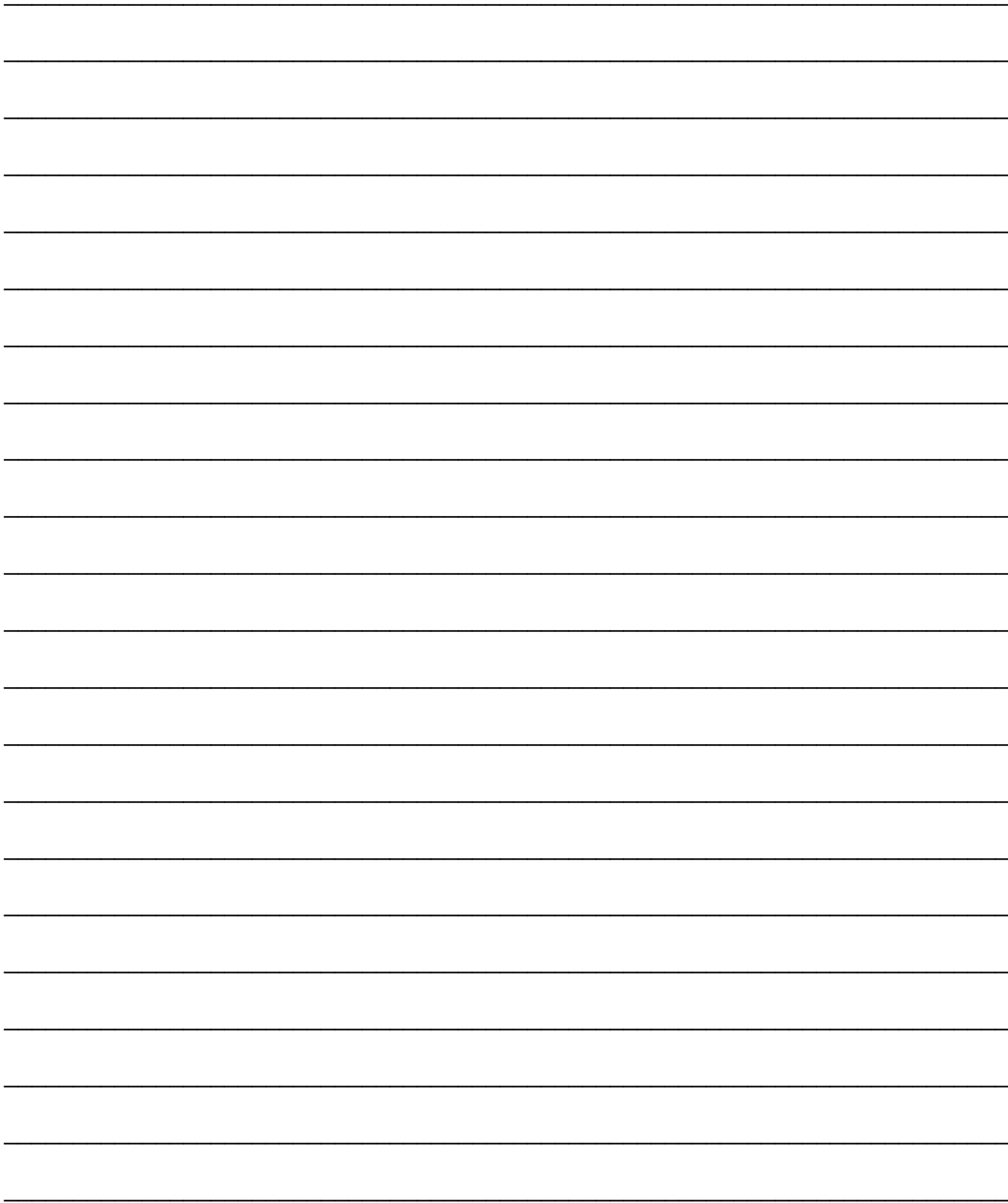
Meeting Outcome:

- Not Eligible for Special Education Services; options for 504 Accommodation Plan/District Accommodation Plan were discussed.**
- Draft IEP presented to parent/guardian**

PARENT/GUARDIAN/STUDENT SIGNATURE:

Signature

Date



IEP DEVELOPMENT***Special provisions for autism*****Questions that must be considered: (checklist)**

- _____ 1. the verbal and nonverbal communication needs for the child;
 - _____ 2. the need to develop social interaction skills and proficiencies;
 - _____ 3. the needs resulting from the child's unusual responses to sensory experiences;
 - _____ 4. the needs resulting from resistance to environmental change or change in daily routines;
 - _____ 5. the needs resulting from engagement in repetitive activities and stereotyped movements;
 - _____ 6. the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
 - _____ 7. and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.
-

Special provisions for anti-bullying

By law, focuses on three groups of students:

- on the autism spectrum;
- when the disability affects social skills development; and
- when the disability may result in a vulnerability to bullying, harassment, or teasing

The IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

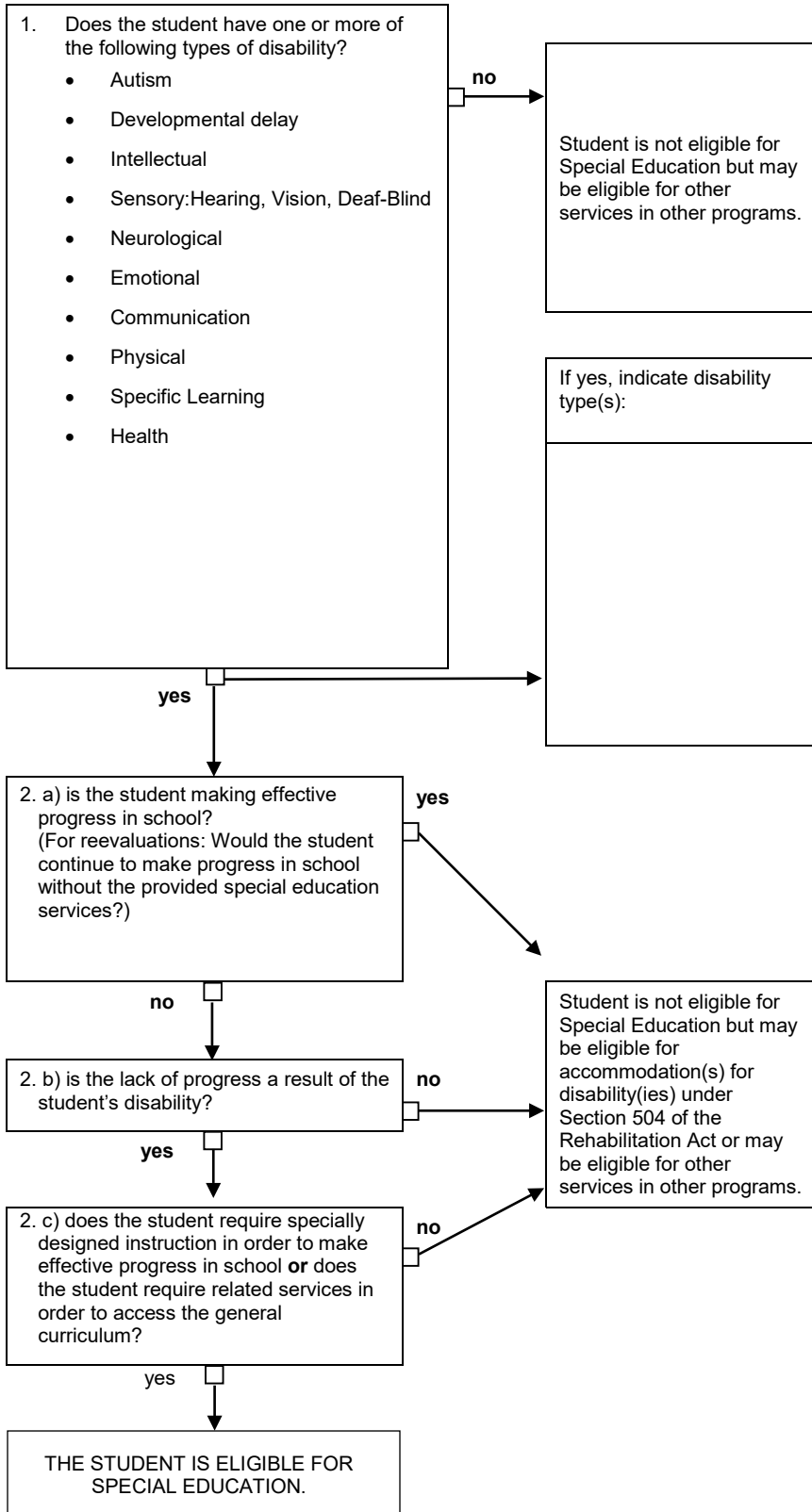
The following are considerations to be included in the IEP: (checklist)

- any supports the student needs to learn the needed skills through the existing curriculum.
- accommodations to the general education program, or goals and objectives and special education services related to student's learning the necessary skills.
- social skills instruction
- ensure that students can participate fully in all procedures related to the reporting and investigation of bullying incidents
- education for families about the district's bullying prevention and intervention plan

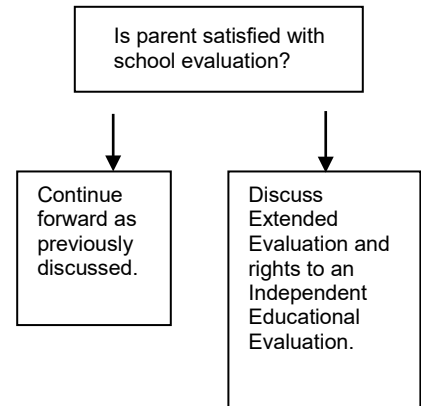
Special Education Eligibility/Initial and Reevaluation Determination

Student Name: _____ DOB: _____ ID#: _____ Date: _____

A. Proceed through the flowchart until an eligibility determination is reached..



B. Answer this question for all students.



**KEY EVALUATION FINDINGS
AND/OR NEXT STEPS**

Massachusetts Parental Notice for One Time Consent to Allow the School District To Access MassHealth (Medicaid) Benefits

School District Name and Code: Spencer-East Brookfield Regional School District 0767

School/District Contact: Kara Westerman, Director of Student Services, 508-885-8515

Dear Parent/Guardian:

The purpose of this letter is to ask for your permission (also known as consent) to share information about your child with MassHealth. Local communities in Massachusetts have been approved to receive partial reimbursement from MassHealth for the costs of certain health-related services provided by the district to your child (or children). In order for your community to get back some of the money spent on services, the school district needs to share with MassHealth the following types of information about your child: name; date of birth; gender; type of services provided, when, and by whom; and MassHealth ID.

With your permission, the school district will be able to seek partial reimbursement for services provided by MassHealth, including, among others, a hearing test or eye exam; a school physical; occupational or speech or physical therapy; some school nurse visits; and counseling services with the school social worker or psychologist. Each year, the district will provide you with notification regarding your permission; you do not need to sign a form every year.

The school district cannot share with MassHealth information about your child without your permission. As you consider giving permission, please be advised of the following:

1. The school district cannot require you to sign up for MassHealth in order for your child to receive the health-related and/or special education services to which your child is entitled.
2. The school district cannot require you to pay anything towards the cost of your child's health-related and/or special education services. This means that the school district cannot require you to pay a co-pay or deductible so that it can charge MassHealth for services provided. The school district can agree to pay the co-pay or deductible if any such cost is expected.
3. If you give the school district permission to share information with and request reimbursement from MassHealth:
 - a. This will not affect your child's available lifetime coverage or other MassHealth benefit; nor will it in any way limit your own family's use of MassHealth benefits outside of school.
 - b. Your permission will not affect your child's special education services or IEP rights in any way, if your child is eligible to receive them.
 - c. Your permission will not lead to any changes in your child's MassHealth rights; and
 - d. Your permission will not lead to any risk of losing eligibility for other Medicaid or MassHealth funded programs.
4. If you give permission, you have the right to change your mind and withdraw your permission at any time.
5. If you withdraw your permission or refuse to allow the school district to share your child's records and information with MassHealth for the purpose of seeking reimbursement for the cost of services, the school district will continue to be responsible for providing your child with the services, at no cost to you.

I have read the notice and understand it. Any questions I had were answered. I give permission to the school district to share with MassHealth records and information concerning my child(ren) and their health-related services, as necessary. I understand that this will help our community seek partial reimbursement of MassHealth covered services.

Parent/Guardian Signature: _____ Date: _____

Child's Name:	Date of Birth:	SASID # (for district to add):
Child's Name:	Date of Birth:	SASID # (for district to add):
Child's Name:	Date of Birth:	SASID # (for district to add):

Add more children



Spencer East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

DEVELOPMENTAL HISTORY

Student's Name: _____

Name of the individual completing this form and relation to the student: _____

Please list the individuals currently living in the home:

Name	Relationship	Age	Education Level

Is there a family history of learning disorders? If so, please list them: _____

What was the student's first language and what language are currently being spoken in the home?

Did the student meet their developmental milestones within age appropriate timelines, to the best of

your knowledge, or were they delayed? Walking toileting, talking etc.: _____

Any significant illnesses, or medical concerns during the child's development? _____

The Spencer-East Brookfield Regional School District's Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.

DEVELOPMENTAL HISTORY (Continued)

Have there been any hearing, or vision issues, present during development, i.e. chronic ear infections, tubes, corrective lenses etc.? _____

Does the student have any diagnoses at this time? If so, what are the diagnoses, who gave them, and when were they given? _____

Is the student currently on any medications, or have they been in the past? _____

Is the student receiving any counseling, or therapies outside of the school setting? _____

Was the student ever retained in school? If so, in what grade: _____

Does the student have a history of attendance issues? If so, please list the years this occurred and the (general) number of absences: _____

Has the student ever been on an Individualized Education Plan (IEP), or 504 Plan? If so, please list the years and plans that were in place _____

Please list the student's interests outside of school: _____

Please list the student's strengths: _____

Please list the student's weaknesses: _____

What are the short-term and long-term goals you'd like your child to achieve? _____



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Director of Student Services Department: David Gates

FAMILY INFORMATION AND SUGGESTIONS

Please complete any/all sections that apply.

Date: _____

FAMILY INFORMATION

Name of child: _____

Age of child: _____ Birthdate: _____

Name of person completing this form: _____

Relationship to child: _____ Years known: _____

Name of all family members living in the home: _____

Language(s) spoken in the home: _____

MEDICAL HISTORY

Were there any problems during pregnancy, or difficulties at birth? Circle One – Yes / No

If yes, please explain in detail: _____

What was his/her birth weight? _____

Was your child born before the due date/gestation time? _____

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How long was your child in the hospital after birth? _____

Has your child ever been hospitalized for any reason? Circle One – Yes / No

If yes, please explain in detail: _____

Has your child had his/her vision checked? Circle One – Yes / No – If yes, when? _____

Does your child have any diagnosed mental, physical or emotional disabilities? Circle One – Yes / No

If yes, please explain in detail: _____

Is there family history of disabilities (learning, language, gross motor, fine motor)? Circle – Yes / No

If yes, please explain in detail: _____

Does your child have any allergies? _____

HEARING STATUS

Does your child:

- Talk in a loud voice? Yes / No
- Turn up the volume on the TV? Yes / No
- Hear you if his or her back is turned? Yes / No
- Hear you if you talk to them from the other room? Yes / No

Does your child have a history of ear infections? Yes / No

If yes, how many? _____ Date of most recent ear infection: _____

Has your child had a hearing test? Yes / No If yes, when? _____

UNDERSTANDING LANGUAGE

When you talk to your child, how much does he or she understand? Circle one:

- A few words
- Simple directions
- Many words and phrases
- Almost everything I say

COMMUNICATING WITH YOU

How does your child usually let you know what he or she wants? Circle all that apply:

- Cries
- Points to what they want
- Uses gestures
- Makes a few sounds
- Makes many different sounds
- Uses a few words
- Says many words, but only a few at a time
- Says two or three-word sentences
- Uses long sentences

Additional Comments/Examples: _____

Does your child:

- Answer when you talk to him or her? Yes / No
- Talk about what he or she is doing? Yes / No
- Ask for help? Yes / No

Can the family understand your child's speech? _____

Can people outside of the family understand your child's speech? _____

What does your child like to talk about? _____

PREVIOUS THERAPY TREATMENT

Has your child ever received treatment for speech/language? (ie, Early Intervention) -- Yes / No

If yes, please explain in detail: _____

ADDITIONAL INFORMATION/CONCERNS

**** PLEASE BRING ANY REPORTS/INFORMATION (MEDICAL, EARLY INTERVENTION, SPEECH & LANG ETC.) WHEN MEETING THE SPECIALISTS. ****

THANK YOU.



Spencer East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Dear Parent(s)/Guardian(s),

Within our community, we recognize that each child is unique and that parents are experts in their own right about their child. Therefore, your insights are important to us. The information you provide us about your concerns, your child's strengths and weaknesses, and your vision will help us more fully understand your child.

We would like you to have the opportunity to prepare in advance for your child's IEP meeting. The questions below are meant to be a guide. Please add any other information you feel is helpful. When completed, you may bring this with you to the meeting or return it to us in the enclosed envelope.

Thank you for your valued input. We look forward to meeting with you.

Student Name: _____ Date of Meeting: _____

Name of Person Completing This Form: _____

Relationship to the student: _____

1. My child's strengths are (may include academic, social, athletic and musical):

2. My child's significant interests are:

3. My concerns about my child's educational progress are:

4. My goals for my child over the school year are:

5. My vision for my child over the next three to five years is:

(Please use reverse if necessary)

The Spencer-East Brookfield Regional School District's Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.



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302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 * Fax (508) 885-8541

Web: www.sebrsd.org / Email: westerbank@sebrsd.org

Director of Student Services Department: Kara Westerman

PARENT DECLINATION OF SERVICE REQUEST

I, _____, parent of _____, decline
(parent/guardian name) (student name)

the recommended special education services from the Spencer-East Brookfield Regional School District.

This declination is effective _____.
(date)

I realize that this is a parent request and not based on any professional or clinical recommendations of the Team from the Spencer-East Brookfield Regional School District.

Signature of Parent/Guardian

Date

Reason for declination (optional):



**Spencer-East Brookfield Regional School District
Student Services Department**

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Date:

Division of Administrative Law Appeals
Bureau of Special Education Appeals
14 Summer Street, 4th Floor
Malden, MA 02148

District: **0767 Spencer-East Brookfield**

RE: Student,
DOB:
SASID #:

To Whom It May Concern:

In accordance with state and federal laws, the Spencer-East Brookfield Regional School District is notifying the Department of Elementary and Secondary Education that we have received a partially rejected IEP. We have enclosed the required documents in conformity with 603 CMR 28.07(1)(b).

If you need more information, or have any questions, please call the office at 508-885-8515 x2517.

Sincerely,

David Gates
Director of Student Services
Spencer-East Brookfield Regional School District



**Spencer-East Brookfield Regional School District
Student Services Department**

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Date:

Dear Parent/Guardian,

The district previously sent you a permission to evaluate consent fom1 for your signature so that the school district can conduct an evaluation of your child. To date, we have not received a response from you. While it is your right to refuse the evaluation, we do need your response in writing.

Enclosed you will find a copy of the signature page. Please check off your option, sign, date and return in the enclosed envelope as soon as possible.

Please contact our office at 508-885-8515 if you have any questions or concerns regarding this evaluation.

Sincerely,

David Gates
Director of Student Services
Spencer-East Brookfield Regional School District

Enc:



**Spencer-East Brookfield Regional School District
Student Services Department**

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Date:

Dear Parent/Guardian,

We previously sent you a copy of your child's proposed Individual Educational Plan for your review and signature. To date we have not received the signature pages from you. The Massachusetts State Regulations declare the following:

603 CMR 28:05(7)(a)(b)

(a) No later than 30 days after receipt of the proposed IEP and proposed placement, the parents shall:

1. Accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal; and
2. Accept or reject the proposed placement.

(b) Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay.

Enclosed you will find the signature pages. Please check off your options, sign and return in the enclosed envelope as soon as possible.

If we do not receive the signature pages within two weeks, we will have to contact The Bureau of Special Education Appeals to proceed in accordance with 603 CMR 28.07(1)(b).

Thank you in advance for your cooperation in this matter.

Sincerely,

David Gates
Director of Student Services
Spencer-East Brookfield Regional School District



Spencer-East Brookfield Regional School District
Student Services Department
302 Main Street, Spencer, Massachusetts 01562
Telephone (508) 885-8515 | Fax (508) 885-8541
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Director of Student Services Department: David Gates

Date:

Division of Administrative Law Appeals
Bureau of Special Education Appeals
14 Summer Street, 4th Floor
Malden, MA 02148

District: **0767 Spencer-East Brookfield**

RE: Student,
DOB:
SASID #:

To Whom It May Concern:

In accordance with state and federal laws, the Spencer-East Brookfield Regional School District is notifying the Department of Elementary and Secondary Education that we have been unable to obtain a signature for the IEP/Placement.

We have enclosed the required documents in conformity with 603 CMR 28.07(1)(b). The district has tried to contact the parents and have received no response.

If you need more information, or have any questions, please call the office at 508-885-8515.

Sincerely,

David Gates
Director of Student Services
Spencer-East Brookfield Regional School District



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Director of Student Services Department: David Gates

Date:

Division of Administrative Law Appeals
Bureau of Special Education Appeals
14 Summer Street, 4th Floor
Malden, MA 02148

District: **0767 Spencer-East Brookfield**

RE: Student,
DOB:
SASID #:

To Whom It May Concern:

In accordance with state and federal laws, the Spencer-East Brookfield Regional School District is notifying the Department of Elementary and Secondary Education that we have received a rejected IEP/Placement. We have enclosed the required documents in conformity with 603 CMR 28.07() (b).

If you need more information, or have any questions, please call the office at 508-885-8515 x2517.

Sincerely,

David Gates
Director of Student Services
Spencer-East Brookfield Regional School District



Massachusetts Department of Education

IS SPECIAL EDUCATION THE RIGHT SERVICE? A TECHNICAL ASSISTANCE GUIDE



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I. INTRODUCTION

How did we get where we are today?

Special education is intended to provide services to students who have disabilities, and who, because of those disabilities, need help to make progress in the general education program of the school. Following are selected milestones from the past thirty years:

- ◆ In July 1972, Massachusetts Governor Francis Sargent signed into law Chapter 766 of the Acts of 1972, the Massachusetts special education law.
- ◆ In 1974, the U.S. Congress passed the Education of the Handicapped Act, the federal special education law, modeled in part on the Massachusetts statute.
- ◆ In 1986, the Massachusetts Senate Committee on Post Audit and Oversight released a report on special education highlighting the high percentage of students needing special education in Massachusetts as compared to the nation. The report called for reforms.
- ◆ In August 1991, the Massachusetts Department of Education submitted a report to the Legislature entitled A Review of the Eligibility Criteria for Children with Special Needs. This report recommended: change in the statutory definition of “a school age child with special needs;” the development of statewide eligibility guidelines to ensure clarity and consistency of application of the special education statute across local school districts; and a comprehensive guidelines training program for professionals and parents. The report’s recommendations came with an overall statement that adequate fiscal resources must be provided to strengthen the educational system’s capacity to meet the learning needs of all students.
- ◆ In January 1992, Massachusetts Governor Weld signed into law legislation that amended the definition of a school age child with special needs to incorporate use of the term “disability” for the first time in the Massachusetts statute.
- ◆ In 1993, Governor Weld signed into law the Massachusetts Education Reform Act that required sweeping reforms, statewide accountability measures, and high standard for all students, including students with disabilities. Attached were billions of new dollars added to the state budget for implementation of education reforms.
- ◆ In 1997, the U.S. Congress reauthorized the federal special education law, now called the Individuals with Disabilities Education Act (IDEA). The Congress emphasized that a major purpose of special education was to ensure access to the general curriculum and required that all students with disabilities participate in statewide assessment programs.
- ◆ In 2000, the Massachusetts Board of Education adopted major revisions to the state special education regulations, requiring for the first time the identification of a type of disability upon determining eligibility for special education services.
- ◆ In 2000, Governor Cellucci signed into law major special education reforms. New requirements included: (a) the use of federal definitions for Specific Learning Disabilities and Serious Emotional Disturbance, and (b) an overhaul of the funding of special education. Additionally, the state statute authorizing special education

was revised throughout to incorporate use of the term “child with a disability” in place of the term “child with special needs.”

All of these activities have clarified that special education is intended to address the effect of the disability on the student’s progress and to mitigate any barriers or problems that arise because of the disability. Special education is a program of services to provide, as much as possible, access to services so that students with disabilities have the best chance to receive the full educational benefit of the district’s programs.

Learning and performance expectations apply equally to all students, including students with disabilities.

Purpose of this document

Along with statutory requirements and state regulations, this document offers guidance on how to ensure a responsive general education environment and guidelines to assist practitioners and parents in identifying students with disabilities in the following ways:

- Establish an understanding of what is a disability and the distinctions between and similarities among different types of disability
- Explain the role of the assessment process in determining whether a student has a disability and is eligible for special education services
- Provide direction to Team members in establishing the relationship between a student’s disability and the student’s inability to progress effectively in general education in order to determine whether a student is eligible for special education services.

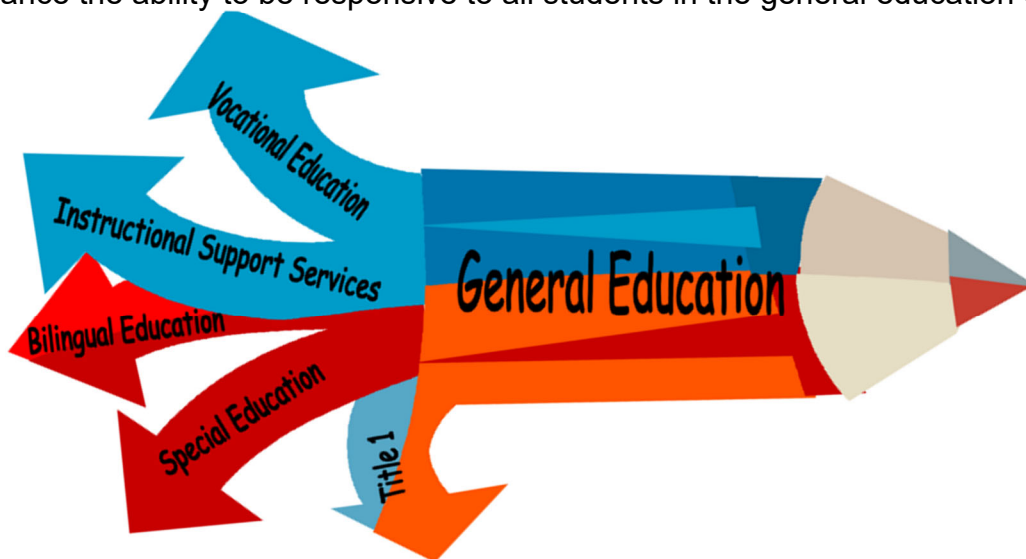
The task of determining eligibility is a complex one. Making a determination that a student has a disability and that the disability is causal to an inability to make progress in general education is one of the most significant judgments professionals and families will make in the educational life of a student. There is no simple way to identify students in need of special education. These guidelines are not meant to prevent students from receiving necessary services. However, special education resources need to be reserved for students with disabilities and because of those disabilities, need the specialized services that special education can provide in order to make educational progress. This document also emphasizes how the capacity of general education can be maximized to ensure that referrals to special education are made appropriately.

II. INCREASING THE CAPACITY OF THE GENERAL EDUCATION ENVIRONMENT

Overview

General education is the door to learning through which all students are expected to enter; it should be the **goal** of every school district to make the general education environment the appropriate placement for all students. Special education should not be a separate program, but rather should be one aspect of a continuum of supportive services and programs that are provided to ensure that the general education environment is a responsive environment. Several key activities have taken place in Massachusetts that support the responsiveness of the general education environment:

- ◆ Recently enacted changes to Ch. 71 (Public Schools) of the Mass. General Laws added a new section, Section 38Q½. This section requires adoption and implementation of a district curriculum accommodation plan (DCAP) to assist school principals in ensuring that all efforts have been made to meet students' needs in the general education environment. The DCAP is intended to assist the regular classroom teacher in analyzing and accommodating diverse learning needs of all students in the general education classroom and in providing appropriate services and support within the general education program and is not limited to preventing the need for special education services. The responsibilities articulated in statute include the requirement that the DCAP address direct and systematic instruction in reading and provision of services to address the needs of students whose behavior may interfere with learning. The DCAP additionally includes provisions encouraging teacher mentoring and collaboration and parental involvement. Further, Section 59C of Ch. 71 was amended to require the involvement of the school council in the development and evaluation of the DCAP.
- ◆ Changes in the certification and recertification requirements and in the requirements for the district professional development plan ensure that all educators, both special educators and general educators and paraprofessionals, will receive training to build capacity for a more responsive general education program. The required training emphasizes analyzing and accommodating diverse learning needs of all students and methods of collaboration among teachers, paraprofessionals, and teacher assistants to enhance the ability to be responsive to all students in the general education classroom.



Working together, general and special educators can provide professional support to each other to address student learning. Schools can provide a rich curriculum; instructional practices and varied programs of services geared to individual needs; including opportunities for strong family involvement and awareness of the educational services in the school. In this way special education becomes one of the many supportive programs that is available within the general education environment.

An effective District Curriculum Accommodation Plan may provide for one or more of the following, to help meet the needs of diverse learners in the general education environment.

- increased support services and instructional delivery options available within general education;
- more effective educational policies and practices, such as reduced class size policies;
- responsive, flexible curriculum presentation in general education;
- multiple instructional support strategies;
- staff time for professional collaboration and problem solving;
- availability of standardized and criterion-referenced assessment data as one measure of student learning and indicator of student needs;
- referral services to provide child care, or health care services; and
- information services for parents to understand school programs and options available for their children.

Barriers that contribute to learning difficulties are not always clearly related to education. School districts must consider addressing barriers related to coming to school ready to learn and conditions supportive of learning in an ongoing way.

Student Development

School communities must believe and expect that all students can learn because expectations play an important role in student success. With high expectations comes respect for different approaches to learning, recognition of cultural and linguistic considerations, and recognition of effects of disabilities and developmental variations.

- Students have different rates and styles of learning.
- Students are diverse in their cognitive, physical, linguistic, social, and emotional development.
- Students differ in their current skill level to work and study independently.
- At various times, students experience different reactions and responses to curriculum and instructional task demands.
- Students require different amounts of supervision and instruction.

Instructional Support

Curricula and instruction geared to the individual student's developmental levels, and respectful of cultural and linguistic differences, result in increased student learning.

Instructional support must be viewed as a viable intervention strategy; one that is expected to occur for any student encountering difficulties in learning. Critical to the process of offering effective instructional support is the gathering of information about the learning environment and the individual student. Data collection prior to making adaptations to the general education program might include analysis of curriculum tasks and materials, examples of oral and written directions for tasks, observation of classroom activities, and consultation with teacher(s) and other professionals. Data about the student prior to making adaptations might include: information about the student's cultural and linguistic background, areas of competence, areas of need, guidance files, examples of classroom written work, and ongoing communication with student and family members.

Adaptations to teaching and learning styles and classroom climates can and should be designed and implemented before making an assumption that a student's lack of progress can only be ameliorated by

We offer one caveat to this assertion, however: If a disability is clearly evident or strongly suspected and known to be causing learning problems, then referral for special education should be made promptly. For example: When a student is known to be deaf or hard of hearing, immediate specially designed intervention is the best response.

special education. In many cases, however, learning problems are not caused by a disability, and schools are encouraged to have strong instructional support practices.

Instructional support practices aimed at assisting all learners to achieve the learning standards contained in the Massachusetts Curriculum Frameworks include (but are not limited to)

Supportive practices related to the curriculum and materials:

- having available a wide variety of curricular and instructional materials including computers, tape recorders, and taped/large print books
- developmentally appropriate, culturally and linguistically sensitive materials
- providing the student with choices in assigned reading materials

Supportive practices related to instruction and learning:

- clear learning objectives
- an emphasis on effort as the key to achievement
- active and varied learning activities across subject areas
- providing both oral and visual directions for assignments, along with visual, auditory, and tactile prompts
- using a variety of teaching approaches, including teacher-directed instruction and practice, group discussion, problem solving, cooperative learning, and research projects
- using a variety of formal and informal assessment procedures
- providing immediate and specific feedback about student performance
- providing reinforcement of desired student behaviors
- co-teaching and team teaching
- homework assignments that further student learning and reinforce it

Supportive classroom and climate variables:

- using contracts, e.g., student/teacher, behavioral
- providing a clear structure for class activities
- allowing additional time for the completion of tasks, when appropriate
- providing preferential seating or other room design adaptations
- arranging physical space/materials to minimize disruptive movement

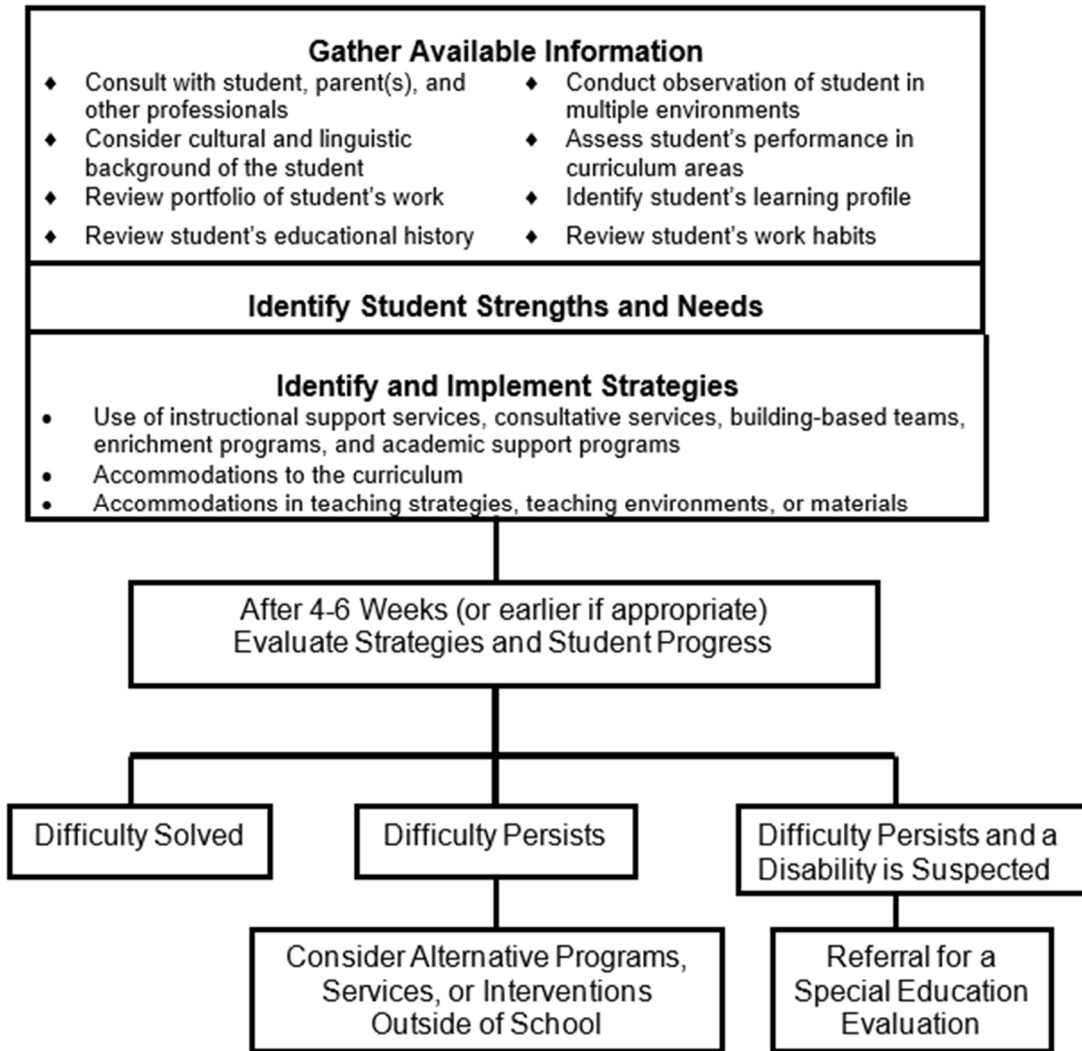
A strong instructional support intervention system enables school practitioners to identify which aspects of the student's educational environment must be changed to ensure learning and success in general education. Table 1 provides a description of this process, and Table 2 provides a list of possible assessment directions to assist in determining appropriate instructional support services. The instructional support system should consist of ongoing systemic efforts to accommodate any student's learning needs within the general education classroom. However, such instructional support strategies may not be used to delay action on a request for an evaluation for special education.

Instructional support efforts will be most effective when parents are involved. Parent input is valuable when gathering information about the student, the learning environment, and when making decisions about the best strategies to implement for the student. Furthermore, parent support and reinforcement of instructional strategies in the home environment can increase the effectiveness of such strategies. Additionally, the success of any school program rests on educating, involving, and including all families. Collaboration with human services and other community agencies assists in efforts to ensure that schools are family-friendly and responsive environments. Any family education program must pay careful attention to the different cultural and linguistic needs of the families it is supporting and encourage ambitious outreach programs.

Appropriate instructional support intervention strategies should be tried, documented, and analyzed. When instructional support activities are implemented properly but are not sufficient to enable the student to progress effectively in general education, there is greater information available to indicate if a referral for a special education evaluation is appropriate. When a referral has already been made, information on instructional support should be included in the evaluation information considered by the special education Team when determining eligibility for special education. By trying multiple means of responding to the student's needs, parents and school personnel may be better able to consider if the student has a disability that is causing continuing difficulties and requires specially designed instruction or support services.

TABLE 1 INSTRUCTIONAL SUPPORT INTERVENTION PROCESS

Student Experiences School Difficulties*



***Note:** The law requires that no instructional support program nor any other intervention limits the right of a parent to refer a student for a special education evaluation. However, if a referral for a special education evaluation has been made and the district has asked for and received parental consent to evaluate, then evaluation information from any instructional support program should be made available to the special education Team to consider when determining if the student is eligible for special education.

TABLE 2
Questions That May Help Guide the Assessment of Student Instructional Needs

Questions	Assessment Strategies
<p>How does the student perform within/outside of the classroom and in structured and unstructured activities?</p> <ul style="list-style-type: none"> • mastery of basic academic and social skills • functioning in small group/whole class activities • peer relations and teacher/adult relations • strengths/weaknesses 	<ul style="list-style-type: none"> • Systematic Observation of student • Student work products • Teacher reports • Anecdotal records • Curriculum-based assessment • Formal/informal test result • Interview with the student and family
<p>Are there gaps in the student's school history? Frequent changes in schools? Erratic school attendance?</p>	<ul style="list-style-type: none"> • Review of the school history/record • Family interview
<p>Is the student from a linguistically or culturally different background?</p> <ul style="list-style-type: none"> • proficiency in oral/written tasks in English and the primary language of the home • understands directions in English • primary language of casual conversation • experience with different types of learning tasks • child and parent attitude toward primary language • student comfort with school culture 	<ul style="list-style-type: none"> • Language assessment by assessor fluent in student's primary language • English proficiency assessment • Family interview/home visit • Interview with student • Student work products • Classroom observation • Teacher reports • Diagnostic teaching
<p>Are outside factors influencing student's performance?</p> <ul style="list-style-type: none"> • family trauma/crisis • physical care • involvement of outside agencies • employment 	<ul style="list-style-type: none"> • Family interview/home visit • Interview with student • Interview with others with assessment information
<p>What types of effective teaching strategies are used in the classroom?</p> <ul style="list-style-type: none"> • clear teacher expectations • opportunities for multisensory input/output • a range of instructional materials offered • effective behavior management • teaching style matched to student need • prompt teacher feedback • ongoing assessment • uses assessment to guide instruction 	<ul style="list-style-type: none"> • Systematic observation of settings in which the student has difficulty and success • Student work products • Anecdotal records • Teacher reports • Curriculum-based assessment • Formal/informal test results • Consultation with parents on effective ways to learn or demonstrate learning
<p>Is the curriculum broad enough to meet the needs of diverse learners?</p> <ul style="list-style-type: none"> • developmentally appropriate • accommodates learner diversity • experientially based 	<ul style="list-style-type: none"> • Systematic observation • Teacher reports • Curriculum-based assessment • Formal/informal test results
<p>Do school conditions provide the learner with needed resources and supports?</p> <ul style="list-style-type: none"> • availability of support services • up to date instructional materials • availability of instructional technology 	<ul style="list-style-type: none"> • Systematic observation of the school environment • Review of instructional materials • Student work products

III. CONSIDERING REFERRAL FOR AN EVALUATION TO DETERMINE ELIGIBILITY FOR SPECIAL EDUCATION SERVICES

Parents may make a referral for a special education evaluation at any time. Any person in a caregiving capacity in relation to the student may make such a referral. Most referrals are made because of a real concern that a student may have a disability and some referrals are made because of certain knowledge that a student has a disability. Some students with disabilities are particularly vulnerable to lost educational opportunities if their disabilities are not promptly identified and provided with intervention. Some parents, however, may seek special education services for their children because they are unaware of other supportive services for their child. Some teachers may recommend special education assessment because of the teacher's lack of knowledge regarding how to meet the needs of the student. Some schools may depend on special education as the only program to provide "extra" services. Any of these latter scenarios may result in an inappropriate referral or an inappropriate finding of eligibility for special education. Special education was not designed to provide support services across the board, it was designed to serve students with disabilities so that such students are able to have the same full educational opportunities as their non-disabled peers.

It is, therefore, in the best interests of school districts to ensure a strong and responsive school environment including well prepared teachers able to address the needs of diverse student learners. It is also in the best interests of school districts to provide ongoing information to parents and the school community about the instructional support services that the school has available, as well as how and when to access those services appropriately.

With strong instructional support practices, the majority of referrals for an evaluation to determine special education eligibility will be appropriate referrals and schools must be prepared to conduct appropriate assessments.

IV. ASSESSMENT

When the parent and the school district suspect that the student has a disability and the parent consents to a special education evaluation to determine if a student is eligible, the school district must be prepared to use existing evaluative information and to conduct assessment in all areas related to the child's suspected disability.

Parent Participation: The law requires that school districts provide parents with the opportunity to consult with the district regarding the types of assessments and assessors used for an evaluation. Best practice for a school district is to discuss with the parent (either by phone or in person) prior to the initiation of an evaluation what the parent hopes to learn from an evaluation. Parents have unique information about the needs of their children and may be able to point to effective types of assessments that would provide information relevant to particular issues or concerns held by the parent.

Additionally, such behavior on the part of the district will have set the stage for a positive relationship between the school and the family that provides opportunities to build trust, mutual respect, and collaboration and provides the best hope for serving the student appropriately.

Required Assessment: An Assessment Related to the Suspected Disability

Special education is reserved for students who have **disabilities that cause difficulty in learning**. Therefore, the first area that must be assessed is the area of the suspected disability(ies). The Department recommends that school districts review their capacity to provide appropriate assessments in the area of the suspected disability. The skills of the evaluator and his or her experience with the type of disability will play an important role in providing appropriate information to the Team. Neither federal nor state law is prescriptive on what type of evaluator is qualified to make certain assessments, however, it is clear that evaluators must be trained and knowledgeable in addition to having appropriate certification or license in their field. Although most school districts have strong assessment capacity for high incidence types of disabilities (such as Specific Learning Disabilities), some of the low-incidence disabilities (such as Sensory Impairments) will require assessors familiar with key manifestations of that type of disability, possibly from outside of the district. School districts may find that a regional approach to identifying experienced assessors in low incidence disability areas is fruitful. The Team must have sufficient assessment information available to make a determination of a disability(ies) and to assess the impact of the disability(ies), if any, on the student's learning. The disability definitions incorporated in the Massachusetts special education regulations at 603 CMR 28.02(7) are presented at the end of this section in Table 3. Definitions are presented in Table form to note specific wording in the definition that has bearing on a determination of disability.

When multiple disabilities are suspected, the recommendations for evaluation should encompass sufficient assessments that the Team will have good information related to each of the suspected disabilities and can determine the presence or absence of each the suspected disabilities as well as the educational impact.

Reading these definitions makes clear as well that the definition of disability in relation to special education is inextricably connected to educational impact. All of the definitions of disability, in one form or another, speak to the effect of the disability on the student's educational progress. Therefore, this document and all documents associated with making a determination of disability for the purposes of special education eligibility will also consider educational progress of the student and the interaction between the named disability and the educational impact of that disability. This is an important distinction and highlights that it is not the disability label alone that prompts a determination of eligibility for special education. Additionally, in the context of special education eligibility, the disability label has no standing alone without reference to impaired educational progress as a result of the disability.

Table 4 provides an indication of the types of assessments that may be helpful in making a determination of disability for each of the types of disabilities. We note that although

experienced evaluators are highlighted in certain areas of low incidence disabilities, all areas of disability require experienced evaluators able to use and interpret appropriate assessment tools.

Required Assessment: An Educational Assessment

Since presence of a disability alone does not mean that a student is eligible for special education services, an educational assessment is also required for any determination of eligibility. The Team, in all cases, will consider if the disability of the student is causal to a student's inability to make effective progress in the general education environment. Therefore, it is important for the Team to consider the questions related to educational impact both separately and in relation to the disability.

Since the Team will be looking at the student's ability to progress effectively in the context of general education, assessment should focus on the individual student and his/her performance within the learning environment. School districts are recommended to include observational information about the student both within and outside of the classroom in order to provide a comprehensive look at the student's participation in the life of the school.

In addition to a review of education progress, school districts are recommended to consider information related to student attendance or avoidance, participation in extracurricular activities, and documentation of any instructional support activities that may have taken place prior to referral for special education, or in some cases, concurrently with such referral.

Additionally, school districts are recommended to consider providing information on factors which shape the learning experience of the individual student, such as class size, availability of general education support services, linguistic/cultural differences, curriculum expectations, and types of instructional materials. Table 2, presented earlier in this document, outlines a series of questions that may be fruitful in reviewing a student's educational history.

A complete educational assessment includes:

603 CMR 28.04(2)(a)(2) ...a history of the student's educational progress in the general curriculum . . . information . . . regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum, . . . student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults. . . also . . . the student's educational and developmental potential.

Narrative description of the student's educational and developmental potential:

The law additionally requires that sufficient assessment information be provided to allow the district to include, as part of the educational assessment, a narrative description of the student's educational and developmental potential. This information will be particularly important when determining if the student is making effective progress, since

effective progress is not solely measured against the expectations of the classroom but also against the individual student's potential and abilities.

A caveat to this assertion rests in the understanding that special education is intended to provide equal educational opportunities for children with disabilities, and to protect against discrimination on the basis of disability.

Providing a narrative description of the student's educational and developmental potential does not, however, require making a determination of eligibility. That is the responsibility of the Team. The educational assessment reflects both the educational history and the current educational standing of the student. In that context, the narrative relating to the student's educational and developmental potential must contain the following elements:

1. A description of factors that inhibit or assist the student in making effective progress. The assessor must consider if the student's performance in school, in relation to academic and non-academic activities, has been consistent or inconsistent and/or has shown patterns that provide information relevant to assessing the student's potential.
2. An assertion as to whether this summative review suggests that the student:
 - Has consistently performed within the range of performance of typical students; or
 - Has consistently performed better than typical students; or
 - Has consistently performed less well than his/her typical peers; or
 - Has demonstrated inconsistent performance throughout his/her educational history.

It is important for the Team to have this information in order to determine impact of a disability. However, the description of educational and developmental potential cannot be used to deny a student access to the general curriculum or to challenging subject materials or activities.

Optional Assessments: Health, Psychological, or Home Assessment

The law allows school districts and parents to make individual determinations about whether additional assessments are warranted. Assessment information must be comprehensive and sufficient to allow the Team to accomplish three tasks:

1. Determine the presence or absence of a type of disability
2. Evaluate various factors related to the student's performance in school
3. Plan appropriate services to respond to the student's needs

The law requires that no single assessment is used for any of these determinations. The law further requires that assessments be appropriate for the student and the task that is being assessed. Both formal and informal assessments are encouraged and provide valuable information.

School districts may recommend Health, Psychological, or Home Assessments. Parents can choose to consent or not for these assessments. If the parent(s) requests these assessments, the school district must provide them as part of the full evaluation or reevaluation. However, other assessments, in addition to health, psychological or home assessments, may also be recommended by the school or requested by the parent. For all other assessments parents continue to have the right to consent or refuse consent, and school districts have the right to refuse to conduct an additional assessment if such assessment is unrelated to the suspected disability of the student. However, if the district does refuse to conduct another type of assessment requested by the parent, the district must provide the parent with full written notice regarding why it believes that such an assessment is unrelated to the suspected disability of the student.

School districts should avoid unnecessary or duplicative assessment or testing and must give careful consideration to current evaluative information that is already available. This consideration may be particularly true for young children who have been receiving services in early intervention and are being considered for special education eligibility because they are about to turn age three.

Table 3: DISABILITY DEFINITIONS	
<p><i>Autism</i> – A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR 300.7.</p>	<p>Key words from the state and federal definitions:</p> <ul style="list-style-type: none"> ▪ A developmental disability significantly affecting verbal and nonverbal communication and social interaction, ▪ generally evident before age 3... ▪ adversely affects ...educational performance. ▪ engagement in repetitive activities and stereotyped movements, ▪ resistance to environmental change or change in daily routines, and ▪ unusual responses to sensory experiences.
<p><i>Developmental Delay</i> – The learning capacity of a young child (3-9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ▪ 3-9 years old ▪ learning capacity significantly limited, impaired, or delayed ▪ difficulties in one or more areas
<p><i>Intellectual Impairment</i> – The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with mental retardation.</p>	<p>Key words:</p> <ul style="list-style-type: none"> • permanent capacity for performing cognitive tasks • is significantly limited or impaired • shall include students with mental retardation.
<p><i>Sensory Impairment – Hearing</i> – The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education</p>	<p>Key words:</p> <ul style="list-style-type: none"> • capacity to hear, with amplification • limited, impaired, or absent • reduced performance in hearing acuity • difficulty with oral communication

Table 3: DISABILITY DEFINITIONS

<p>environment. The term includes students who are deaf and students who are hard-of-hearing.</p>	<ul style="list-style-type: none"> • difficulty understanding auditorally-presented information
<p><i>Sensory Impairment – Vision</i> – The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.</p>	<p>Key words:</p> <ul style="list-style-type: none"> • capacity to see, after correction • limited, impaired, or absent • reduced performance in visual acuity • difficulty with written communication • difficulty with understanding information presented visually
<p><i>Neurological Impairment</i> – The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.</p>	<p>Key words:</p> <ul style="list-style-type: none"> • capacity of the nervous system is limited or impaired • includes traumatic brain injury <p>Note: Massachusetts’ definition of neurological impairment is more inclusive than the federal definition which is limited to students with traumatic brain injury.</p>
<p><i>Emotional Impairment</i> – As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student’s behavior violates the school’s discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.</p>	<p>Note: The federal definition uses the terminology “serious emotional disturbance.” State statutory requirements require that the term “emotional impairment” be considered synonymous with the term “serious emotional disturbance.”</p> <p>Key words in both state a federal definitions:</p> <ul style="list-style-type: none"> • long period of time and to a marked degree • adversely affects educational performance • inappropriate types of behavior or feelings under normal circumstances • not solely behavior • not solely court or social service involvement • not solely social maladjustment <p>The regulatory definition is by no means exhaustive in its listing of possible characteristics of an emotional impairment. Readers are reminded that many other sources of evidence of emotional impairment may affect educational progress.</p>
<p><i>Communication Impairment</i> – The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student’s educational performance.</p>	<p>Key words:</p> <ul style="list-style-type: none"> • use of expressive and/or receptive language is significantly limited, impaired, or delayed • adversely affects educational performance <p>The regulatory definition is not exhaustive in its listing of communication areas that may be affected.</p>
<p><i>Physical Impairment</i> – The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following</p>	<p>Key words:</p> <ul style="list-style-type: none"> • physical capacity to move, coordinate actions, or perform physical activities • significantly limited, impaired, or delayed

Table 3: DISABILITY DEFINITIONS

<p>areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student’s educational performance.</p>	<ul style="list-style-type: none"> • adversely affects educational performance <p>The regulatory definition is by no means exhaustive in its listing of physical impairments. Readers are reminded that <u>many</u> other physical impairments may affect educational progress.</p>
<p><i>Health Impairment</i> – A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia,</p>	<p>Key words</p> <ul style="list-style-type: none"> ▪ Chronic or acute ▪ Capacity to function is significantly limited ▪ Resulting in limited alertness with respect to the educational environment <p>The regulatory definition is by no means exhaustive in its listing of health impairments. Readers are reminded that <u>many</u> other health impairments may affect educational progress.</p>
<p><i>Health Impairment (continued)</i> nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student’s educational performance.</p>	
<p><i>Specific Learning Disability</i> – The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think speak, read, write, spell, or to do mathematical calculations. Use of the term shall meet all federal requirements given in federal law at 34 C.F.R. §§300.7(c)(10) and 300.541.</p>	<ul style="list-style-type: none"> ▪ Comments: use of the term “an imperfect ability” must be considered in the context of other federal language which provides guidance that such term may be considered to mean “seriously compromised”. ▪ 34 CFR 300.541 includes an assessment of whether the student was provided with learning opportunities appropriate to the age of the student, and directs the Team to look for a severe discrepancy between achievement and intellectual ability. (See also Table 5A)

Table 4: Assessment Factors Related to Type of Disability
(NOTE: THIS LIST IS NEITHER PRESCRIPTIVE NOR EXHAUSTIVE)

DISABILITY TYPE	POSSIBLE ASSESSMENTS & ASSESSMENT FACTORS
Autism	<ul style="list-style-type: none"> • Autism-specific rating scales • Assessment of social maturity and skills • Communication Sample and assessment of student’s language skills including pragmatic language skills • Observations – note if student engages in repetitive or stereotyped movements and the student’s response to change in daily routines or environment • Assessment of student response to sensory experiences • Assessment of student’s emotional status (see also emotional impairment) • Assessment in multiple environments with a variety of tasks • Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools

Table 4: Assessment Factors Related to Type of Disability
 (NOTE: THIS LIST IS NEITHER PRESCRIPTIVE NOR EXHAUSTIVE)

DISABILITY TYPE	POSSIBLE ASSESSMENTS & ASSESSMENT FACTORS
Developmental Delay	<ul style="list-style-type: none"> • Appropriate consideration only if student is nine (9) years of age or younger • Assessment of developmental performance in language; cognition; physical development; social, emotional, or adaptive development • Psychometric assessments • Classroom observations • Developmental history • Norm reference data or professional consensus finding of delay of 6 months or more in one or more areas for <u>younger</u> children and 9 months or more for <u>older</u> children
Intellectual Impairment	<ul style="list-style-type: none"> • Developmental and educational history – evidence of permanent limitations of capacity • Look for significant limitation, not just slower learning • Assessment of: rate of learning, patterns of learning, understanding of abstract concepts. • Assessment in different environments • Assessment of adaptive behaviors of student • Standardized IQ tests may be used as <u>one</u> measure for consideration, but is not sufficient for a finding of disability of this type
Sensory Impairment – Hearing	<ul style="list-style-type: none"> • Audiological assessment including assessment of functional residual hearing capacity • Assessment of student’s capacity to derive assistance from the use of assistive technology such as hearing aids, auditory trainers, FM systems, or cochlear implants • Review of student’s educational and developmental history • Medical history and current medical assessment • Assessment of oral language development and communication abilities of student
Sensory Impairment – Hearing (continued)	<ul style="list-style-type: none"> • Assessment of student in relation to school environment, and vice versa, including participation behaviors, social/communication behaviors, interaction with other students and with adults, and behaviors in relation to different learning environments • Assessment of student’s auditory discrimination and processing skills • Note: Hearing impairment is often concurrent with other disabling conditions and should be carefully considered when student has physical disabilities or syndromes, apparent fluctuating or changed auditory skills, communication impairments or poor vision • Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools for students who may be deaf or hard of hearing
Sensory Impairment – Vision	<ul style="list-style-type: none"> • Visual acuity assessment, including assessment of functional residual vision after correction • Note: students with multiple impairments are at risk for visual impairments. If multiple impairments are present, a vision screening should be provided • Medical history and current medical assessment • Ophthalmological and clinical low vision assessment • If appropriate, assessment of student’s capacity to learn/use Braille • Assessment of student’s orientation and mobility skills • Review of student’s educational and developmental history • Assessment of student’s visual discrimination and processing skills • Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools for students who may be visually impaired

Table 4: Assessment Factors Related to Type of Disability
(NOTE: THIS LIST IS NEITHER PRESCRIPTIVE NOR EXHAUSTIVE)

DISABILITY TYPE	POSSIBLE ASSESSMENTS & ASSESSMENT FACTORS
Sensory Impairment – Deaf-Blind	<ul style="list-style-type: none"> • Visual and auditory acuity assessments including assessment of functional residual vision or hearing capacity. Diagnosis of “deafblind” is best when made by an ophthalmologist and audiologist • Observational checklists • Communication assessment, both receptive and expressive • Review of student’s educational, medical, and developmental history • Assessment of student’s visual and auditory discrimination and processing skills • Medical history and current medical assessment • Note: High probability of associated disabilities; medical, neurological, behavioral, cognitive, and physical • Assessment of orientation and mobility skills • Observation of student in multiple settings • Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools for individuals who may be deafblind.
Neurological Impairment	<ul style="list-style-type: none"> • Assessment by qualified Neuropsychologist or Neurologist that does not repeat previously administered testing • Developmental and educational history • Medical history and current assessment, including a medical screening for known neurological insults • Assessments in related areas such as: memory, cognitive functioning, sensory and motor skills, communication skills, organizational skills, information processing, social skills, behavior, flexibility/adaptability, attention, reasoning, abstract thinking, judgment, problem-solving, mental health status • Observation of student • This type of disability is often associated with low birth weight • Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools for students who may have neurological impairment

Table 4: Assessment Factors Related to Type of Disability – continued

Emotional Impairment	<ul style="list-style-type: none"> • Behavioral/diagnostic checklists and rating scales • Projective assessments • Teacher assessments and interviews • Observation of student • Psychiatric assessment • Psychological assessment or neuropsychological assessment • Parent interview • Developmental and social history • Note: Many psychiatric disabilities are low incidence disabilities. Assessors should have experience and knowledge related to psychiatric disorders in order to determine the nature of an emotional impairment and its impact on the student
Communication Impairment	<ul style="list-style-type: none"> • Assessment of expressive and receptive language skills, including articulation, fluency, and voice • Oral-peripheral exam

Table 4: Assessment Factors Related to Type of Disability
 (NOTE: THIS LIST IS NEITHER PRESCRIPTIVE NOR EXHAUSTIVE)

DISABILITY TYPE	POSSIBLE ASSESSMENTS & ASSESSMENT FACTORS
	<ul style="list-style-type: none"> • Vocabulary assessment • Assessments related to word retrieval, language and auditory processing skills, and semantic and syntactic skills • Assessment of pragmatic language skills • For younger children, analysis of play skills • Observation of student • Language sample - oral and written • Teacher and parent interviews • Developmental and educational history
Physical Impairment	<ul style="list-style-type: none"> • Orthopedic or neuromuscular assessment • Medical assessment • Developmental history • Assessment of school functioning across school environments • Observation of student
Health Impairment	<ul style="list-style-type: none"> • Medical assessment • Developmental history • Assessment of school functioning • Observation of the student, over time, with different tasks • Teacher and parent interviews • Assessment of effects of medication or medical treatment, if appropriate • Assessment of effects of chronic absences, including cumulative effect of absences over time, if appropriate • Assessment of emotional and psychological impact of the impairment, if appropriate
Specific Learning Disability	<ul style="list-style-type: none"> • Assessments as needed to determine if discrepancy between ability and achievement is present in one or more of designated areas (See also Table 5A) • Assessment of provision of learning opportunities appropriate to age of student • Developmental and educational history • Classroom data on performance, over time, and with different tasks • Observations by more than one person, over time, with different tasks • Psychometric, psychological, or neuropsychological assessments • Assessments as needed to also consider the possibility of associated sensory impairment, emotional impairment, cultural difference, intellectual impairment • <u>Caution #1:</u> Assessment should be initially informed by professional judgement and/or parental concerns and does not require assessment that “covers the territory” • <u>Caution #2:</u> The federal term “severe discrepancy” does not require specific IQ or achievement testing, nor does Massachusetts identify a definitive score or score range to draw a clear line showing when a discrepancy becomes “severe” and warrants a finding of disability. We emphasize that the finding by the Team must show that the student’s performance is seriously compromised in one or more of the areas designated in the law. Such a determination may be made with information from multiple assessments (which may include IQ tests), and/or criterion-referenced tests (which may include curriculum-based measurement), as well as other types of assessments

V. MAKING AN ELIGIBILITY DETERMINATION

The Eligibility Flowchart, ED-1, provided at the end of this section (Section V), reviews the full process of making a determination of eligibility or ineligibility.

According to the regulations, upon request, assessment information must be made available to the parent at least two days in advance of the Team meeting. A best practice is for a school district to make this assessment information routinely available to the parent and to other Team members in advance of the meeting.

Question #1. Does the student have one or more than one disability? The assessment information gathered through the required assessment in the area of the suspected disability will help the Team to answer the first question that must be considered: Does the student have some type of disability(ies)? The determination of type of disability must be answered “yes” and must identify the type of disability of the student.

Children may have no disabilities, one primary disability, or more than one disability. The Team must seek to identify if the student does have a disability and if so, is there only one type of disability or more than one? If more than one type of disability is present, the Team must determine if one disability is primary, or are multiple disabilities interacting with similar force in this student’s learning profile? If one disability is primary, the Team should identify that one as the type of disability for the purposes of eligibility. The identification of a primary disability does not preclude the Team from attending to the effects of other “secondary” disabilities that may also be present. When the Team identifies more than one disability as primary, this means that the Team perceives each of the identified disabilities to have primary impact on the student’s learning and the data for this student would reflect a finding of “multiple disabilities.”

A disabling condition is characterized by significant delays, impairments, or limitations in the student’s capacity(ies). To make this determination, the Team should consider all of the following as indices of limited, impaired, or delayed capacity:

- a pattern of difficulty that persists beyond age expectations;
- a pattern of difficulty across settings;
- a pattern of difficulty that is not solely the result of cultural, linguistic, or socioeconomic differences; and
- a pattern of difficulty that persists despite instructional support activities.

The regulatory definitions of disability include impact on learning. However, with the exception of a Specific Learning Disability, it is likely that Teams will look at the “disability label” as if it is occurring in isolation from learning, and because of this natural inclination, the eligibility determination process has been structured to include a consideration of educational impact. Teams may consider that in order to answer Question #1, they must also discuss Question #2. That sequence is perfectly acceptable as long as all questions are answered during the process of considering eligibility.

Naming a type of disability has common characteristics with the process of making a diagnosis. However, it is important to stress that identification of type of disability is not a medical diagnosis, but a more general agreement among Team members that the assessed characteristics of the student are consistent with the regulatory definition for that type of disability(ies). The definitions in regulation are general definitions. Each one is comprised of many subgroups with specific associated diagnostic criteria, often medical in nature. It is not the intention of the special education law to require a specific diagnosis such as “Asperger’s Syndrome” or “Cerebral Palsy.” Those specific diagnoses will generally only be provided by medical personnel using criteria that include educational impact as only one aspect of the diagnostic process. Special education eligibility is both more specific and more general. The use of the disability label is more general, but the consideration of educational impact is very specific.

Some of the assessors who provide information to the Team may be in a position to make a medical diagnosis and the diagnosis may, therefore, be part of the Team discussion. However, although a Team may use a diagnosis made available to them as part of the assessment information, it is not the responsibility of the Team to confirm or deny a diagnosis made by an assessor. Teams should not spend time, therefore, attempting to agree on an exact diagnosis as long as the assessment information is sufficient to make the more general assertion that the student has a certain type of disability.

Conversely, Teams may often have conflicting information provided by assessors, including medical professionals, who have made a diagnosis naming a specific disability or disorder. Teams are not obligated to resolve such conflicts nor to accept such diagnoses as sufficient to require provision of special education services. In fact, the special education law explicitly requires that a Team of people, including educators and the parent(s), make a determination of eligibility. Although medical personnel may be members of a Team, they cannot be the only voice of the Team since a determination of eligibility for special education is an educational decision and not a medical one.

Tables 5A & B, presented at the end of this section identify special considerations unique to making an eligibility determination: Table 5A for each disability type; Table 5B for students with certain characteristics. Each Table includes guidance to support Teams in making eligibility determinations.

Identification of type of disability by a Team without a review of educational impact is insufficient to find a student eligible for special education. The Team must determine that the student is unable to progress effectively in general education and that a disability alone, or in conjunction with other factors, explains why the student is unable to progress effectively in general education. Finally, the Team must determine that the student requires special education in order to make effective progress.

Three year reevaluations: Following a three year reevaluation, the Team will convene to consider if a student *continues to be eligible for special education services*. In such case, the Team must determine if the student continues to have a disability that requires special education services. In most cases, determination of type of

disability will not change, and the Team will spend more time and attention determining if the student continues to require special education services in order to make effective progress in education. Some factors may play a role, however, in considering type of disability at the juncture of the three year reevaluation:

- Massachusetts Teams have not been required to identify type of disability until September, 2000. Therefore, three year reevaluations occurring between September, 2000 and, approximately, September, 2003 may have no initial identification of type of disability as a reference to the discussion. In such cases, the determination of type of disability should proceed as it would for an initial determination of eligibility.
- If the student was originally found eligible for special education as a student with a “developmental delay” and the student is now or, within a year, will become 9 (nine) years old, then the Team must determine if the student has a disability other than “developmental delay.”
- If the student’s health, emotional, or physical circumstances have significantly altered such that another type of disability(ies) is playing a primary role in the student’s learning profile and, therefore, the Team determines that identification of a different type of disability(ies) is appropriate.

Question #2(a) : Is the student making effective progress in school? The

educational assessment must provide sufficient information about educational standing

603 CMR 28.02(18) *Progress effectively in the general education program* shall mean to make documented growth in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, according to chronological age and developmental expectations, the individual educational potential of the child, and the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the district, and vocational programs and activities.

and progress that the Team is able to determine if the student is making effective progress. This question should be first answered separately from the determination of disability. Looking at the student as if he/she were any general education student, does the assessment information indicate that this student is making effective progress in school?

We note here that the definition combines both individually determined factors (such as

educational potential) and more standardized factors (such as chronological age, developmental expectations, and the learning standards of the Curriculum Frameworks). So, the definition of effective progress is not solely a review of the student’s capabilities, but also a review of the school’s expectations for similarly aged typical students. Further, the general education program includes more than just the academic curriculum and includes a broader assessment of the student’s performance in all areas of the school.

Making an assertion of effective progress is not arrived at through a simple review of the student’s grades. The law requires that the Team use both academic information and

non-academic information about the student to determine if the student's participation in the life of the school represents effective progress.

Although failing grades would allow the Team to assert that the student is not making effective progress, the Team would not be able to comparably assert that the student is making effective progress solely because he/she is making passing grades. In fact, the federal special education law specifically prohibits the Team from finding a student ineligible solely because the student is advancing from grade to grade (34 CFR 300.121(e)).

Three year reevaluations: When the Team convenes in response to a three year reevaluation, they are determining if the student *continues* to be eligible for special education services. The Team must consider the effect of the special education services that have been received by the student when determining if the student is making effective progress. If the student has been making effective progress and the special education services that have been received by the student are necessary for continued effective progress, then the Team must find that the student continues to be eligible for special education.

Question 2(b): Is the lack of progress a result of the student's disability? Once the Team has established that the student is not making effective progress, the Team should consider whether the lack of progress is occurring as a result of the student's disability. In some instances, assessment data will provide the Team with clear indications of the disability and its effect on the student's progress and thus enable the Team to proceed in the decision making process. In other cases, however, assessment results may prove inconclusive. At such times, the Team must take particular care in weighing and analyzing assessment data.

Lack of progress may have no discernable connection to a student's disability and if so, the Team must find the student ineligible for special education. For example: A student has a physical impairment which results in use of a single crutch to assist with mobility, however, the disability does not appear to affect the student's learning, and assessment has given no indication of other suspected disabilities. The student participates in class and extracurricular activities, asks questions and performs generally consistent with the expectations of similar aged peers, except that the student is having a difficult time with reading comprehension tasks and is reading below grade level expectations. The Team is required to consider the assessment results as well as other evaluative information, but if the Team sees no connection between the student's disability and the poor reading comprehension, then the Team must make a Finding of No Eligibility. Of course, as outlined in Section II of this report, we strongly would suggest that the school district have other avenues to offer the parent in addressing the reading difficulties of the student.

Question #2(c): Does the student require special education?

Special education is

- specially designed instruction to meet the unique needs of the student, and may include related services necessary to benefit from the specially designed instruction.
- Or, special education may be solely a related service(s) that is necessary to access the general curriculum.

Specially Designed Instruction

is instruction for the student that is designed to meet the unique needs of that student. Such special design may require modifying content, methodology, delivery of instruction, or instructional format, or performance criteria. For instance, if the student's

disability means that he/she cannot complete the same amount of work that other students in the class complete (either in quality or quantity or both), the determination of alternate performance criteria suited to the student's needs would be special education.

The Team must determine that, because of the disability, the student either requires specially designed instruction in order to make effective progress, or requires a related service that allows him/her to access the general curriculum.

Related Service(s) In Order to Access the General Curriculum are also considered special education in Massachusetts. Related services are defined in federal regulations (34 CFR 300.24) to include transportation and such developmental, corrective, and other supportive services as are required for a child with a disability to benefit from special education. Massachusetts adds (603 CMR 28.02(21)) that such services are considered special education if they are necessary to access the general curriculum. If a Team determines that the student with a disability does not require specially designed instruction, then the Team must also consider if the student requires a related service in order to access the general curriculum. A few examples highlight aspects of this requirement:

- A student who has been injured and has permanently lost a good deal of fine motor function in her hands is determined to have a physical disability. This student had been excused from a series of assignments following her injury and fell behind her classmates in learning the expected material. Although additional instruction provided by the teacher has brought the student's learning up to the classroom standards, she is unable to take notes or turn in written assignments without ongoing occupational therapy to maintain her remaining fine motor functions. This student is disabled, and because of her disability she is unable to make progress in education. She does not need modifications in instructional content or methodology, nor does she need modifications in performance criteria because, with **occupational therapy**, she can take notes and complete the work at an acceptable performance level. This student, however, does need occupational therapy in order to maintain her full access to the general

curriculum. This student is eligible and should receive sufficient occupational therapy services to maintain her hand function for the purposes of school participation.

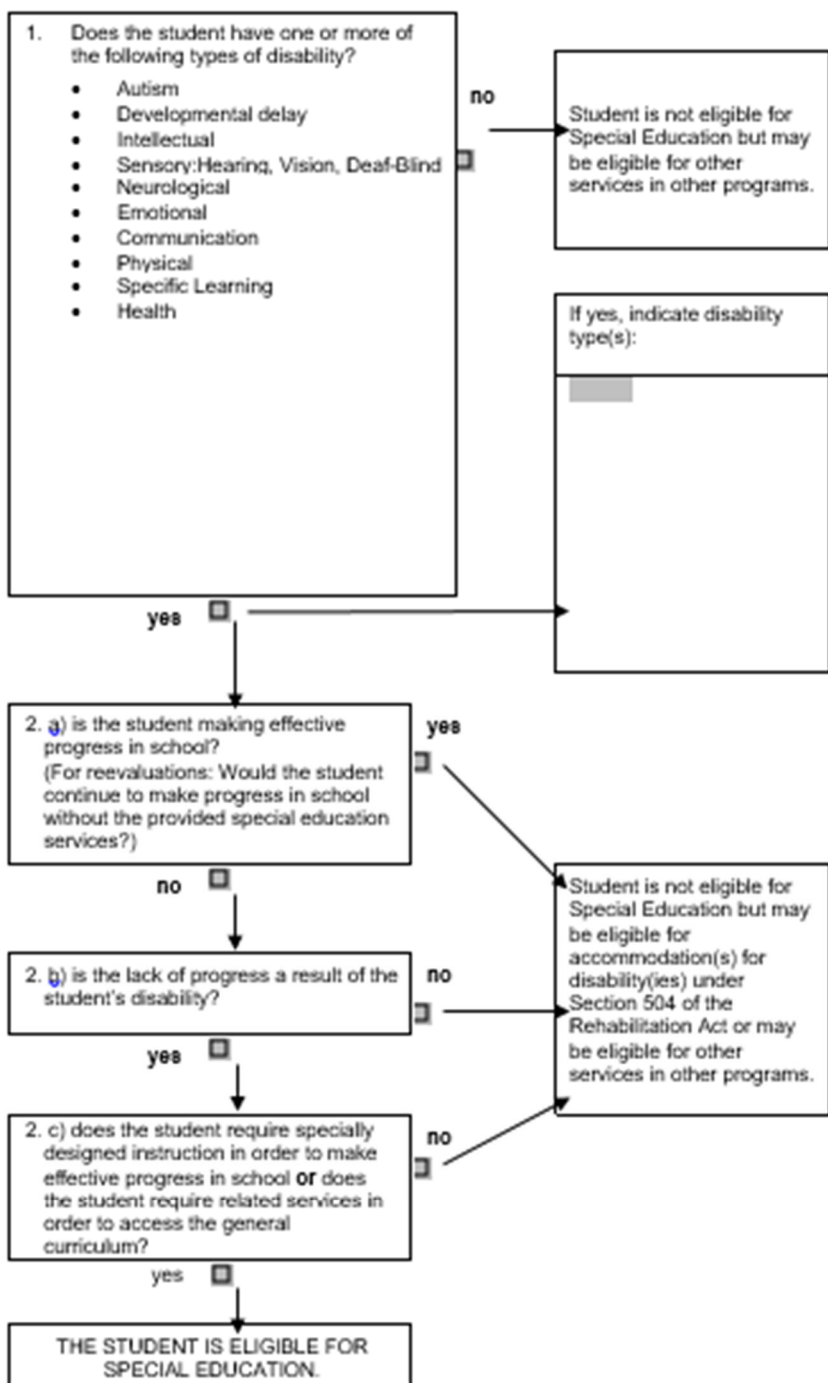
- A student has developed a severe anxiety disorder that results in extreme fears about performance and school attendance. He has an emotional disability and has, over the past year, fallen further behind in his classroom performance, occasionally does not attend school due to his anxiety level and no longer participates in any non-academic school events. The student is intelligent and capable and when he is not feeling stress or anxiety he is able to understand and participate fully in academic and non-academic activities. He does not require specially designed instruction. However, he does require ongoing **counseling** services to assist him in managing his anxiety disorder so that he can participate in school effectively. This student is eligible and should receive sufficient counseling services to allow him to continue to attend and participate in school and school events.

School District Name:
 School District Address:
 School District Contact Person/Phone #:

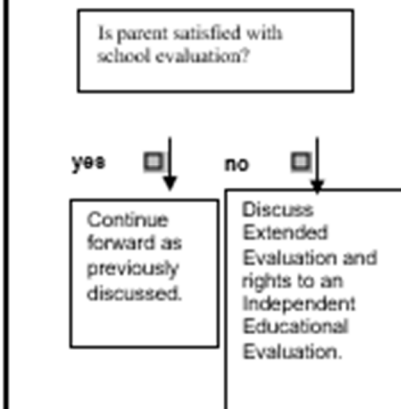
Special Education Eligibility/Initial and Reevaluation Determination

Student Name: DOB: ID#: Date:

A. Proceed through the flowchart until an eligibility determination is reached.



B. Answer this question for all students.



KEY EVALUATION FINDINGS AND/OR NEXT STEPS

Table 5A

SPECIAL CONSIDERATIONS RELATED TO DISABILITY IN DETERMINING ELIGIBILITY

Autism

- Performance may be inconsistent and may not be consistent with developmental norms.
- Environmental structure and presentation of materials may significantly affect performance.
- High anxiety is frequently a major component and may affect performance measures.
- Students may manifest difficulty with incidental learning.
- The impact of this disability is pervasive.
- Students may manifest attentional issues and issues with organizing information and understanding abstract concepts.

Developmental Delay

- Appropriate consideration only for students 3 to 9 years of age.
- Team must consider developmental normative data and curricular expectations of the educational environment.
- Test scores cannot be single determinant of disability finding particularly in making a finding of a significant delay. A balanced approach to assessment results is required.
- For 3-5 year old students, Team must consider student participation in developmentally appropriate activities.
- Appropriate standards to determine that the developmental delay exhibited by the student is “significant” – recommended minimum is 6 months delay. However, Team must determine if the effect on the student is “significant” in light of the educational context and expectations.
- Team should determine that delay is not a function of lack of instruction or opportunity to learn, nor a function of cultural differences or temporary events in the child’s life.
- Category should not be used as a “temporary catch-all,” and Team should consider if constellation of assessment findings fits with another disability type.

Intellectual Impairment

- Nature of impairment is permanent and generally consistent across similar learning tasks.
- Health or physical impairments may have similar presentations. Team should carefully consider history and other reasons for assessment results.
- Evidence of limited capacity in at least three different settings or situations should be present.
- The impact of this disability is pervasive.

Sensory Impairment – Hearing

- Language and communication access and skills are integral to making effective progress for students who are deaf or who have hearing loss.
- Hearing acuity, not auditory processing, is a key feature.
- Finding should address hearing capacity after correction, if correction is possible. Cochlear implants, hearing aids, or use of an FM system can correct or facilitate learning. If student uses any of these, the impact of such should be part of the assessment consideration.
- Careful consideration must be given to any sudden changes in hearing acuity to determine if short-term, corrective action can be taken, prior to determining eligibility.
- Hearing impairments are at high risk for co-existing with other disabilities.
- Due consideration must be given to assessment challenges with young children.

Sensory Impairment – Vision

- Vision impairments are at high risk for co-existing with other disabilities.
- There is a lack of formal assessment tools for vision loss and concomitant issues. This presents challenges in obtaining complete and representative assessment information.
- Stability or progressiveness of vision loss is integral to examining impact.
- Standardized tests developed for use with sighted individuals may provide inaccurate measures of skills, abilities, or developmental levels for blind or visually impaired students.
- Visual acuity, not visual processing, is a key feature of this impairment.
- Finding should address vision capacity after correction, if correction is possible.

Table 5A: SPECIAL CONSIDERATIONS RELATED TO DISABILITY – continued
Sensory Impairment – Deaf-Blind
<ul style="list-style-type: none"> • Deafblindness is at high risk for co-existing with other disabilities, the presence of which may mask hearing and vision loss. • Many syndromes are associated with deafblindness. Presence of a syndrome should trigger key assessments. • Unique challenges in obtaining representative skill levels. • Low incidence population – presents challenges in identification and service issues. Acuity measures often fluctuate. Presence of an individual familiar with deafblindness is recommended. • Safety and mobility generally significant concerns. • Intellectual capacity difficult to evaluate and often inappropriately ignored. Deafblind individuals have wide range of abilities.
Neurological Impairment
<ul style="list-style-type: none"> • Intellectual Impairment, Specific Learning Disability, or Emotional Impairment may have similar presentations. • Potential for intermittent, inconsistent, or delayed effects of neurological impairment confusing the connection to educational progress. • High incidence of co-occurrence of behavioral issues, substance abuse issues, or issues of socially inappropriate behavior. • Highly correlated with effects of neurotoxins (lead poisoning, substance abuse, Fetal Alcohol Syndrome). • Highly correlated with effects of stroke, brain tumors, traumatic brain injury, anoxia, spinal cord injury, infectious disorders (e.g., encephalitis), metabolic disorders, chemotherapy, radiation, degenerative diseases, and various syndromes.
Emotional Impairment
<ul style="list-style-type: none"> • Team must consider if presentation is due to serious emotional disturbance or social maladjustment (see Table 5B). • Willful decision making that does not result from deficits in judgment nor deficits in skill or performance attributable to an emotional impairment may preclude a finding of eligibility. • Voluntary behavior with an absence of remorse that cannot be attributed to an emotional impairment may preclude a finding of eligibility. • Involvement of the court or DYS must be carefully examined and not assumed to represent a finding of disability. • High anxiety is frequently a major component of an emotional impairment and may affect performance measures. • Lack of progress in relation to this type of disability must consider school attendance/school refusal/tardiness; transience; family, personal, or school crisis; and/or possible substance abuse. • High incidence of co-occurrence of behavioral issues, substance abuse issues, or issues of socially inappropriate behavior.
Communication Impairment
<ul style="list-style-type: none"> • Specific Learning Disability or Emotional Impairment may have similar presentation. • A finding of a “significant” communication impairment must be related to the ability of the student to convey meaning to others or to understand communication from others in both formal and informal educational contexts. • Should not be used to provide supportive services to students with language differences rather than a disability. • Presence of minor articulation errors or disfluencies must be considered in the context of the educational environment and its expectations in order to determine if a disability exists and if it is causal to a lack of educational progress. Many students with minor articulation errors or disfluent speech do not require special education.

Table 5A: SPECIAL CONSIDERATIONS RELATED TO DISABILITY - continued
<p style="text-align: center;">Physical Impairment</p> <ul style="list-style-type: none"> • Student is not eligible when the physical need is short term and medically treatable and does not affect ability to make effective educational progress. • Student is not eligible when problems of physical disability can be corrected through changes to the physical plant or classroom space. • Student is not eligible when problems of physical disability can be corrected through provision of assistive device(s) or equipment that can be used immediately without special training. (If such devices or equipment are educationally necessary, then the school is required to provide them during school hours.) • Student is not eligible when he/she has learned to independently use compensatory strategies or assistive devices or equipment and is, therefore, making effective educational progress. (If such devices or equipment are educationally necessary, then the school is required to provide them during school hours.) • Student may be eligible if physical impairment is progressive and although educational progress is not currently impaired, the progress of the physically disabling condition makes such limitation inevitable and requires immediate attention to compensatory strategies.
<p style="text-align: center;">Health Impairment</p> <ul style="list-style-type: none"> • See special considerations related to physical disabilities (above). Similar concerns are present for health impairments. • Consideration of severity is critical and must occur in the context of the educational program and educational expectations as well as the nature of the health impairment and expected longevity and severity. • Consideration of temporary, episodic, or cumulative impact related to chronic conditions with phases of partial remission and acute impairment should be carefully considered in light of student's educational progress over time. • Health conditions may have an impact for the student that fluctuates over time and in response to medication or medical treatment. The Team must determine if such fluctuations represent a persistent threat to the student's ability to make effective progress, or if they are episodic and short term in nature and can be managed through temporary accommodations. • Attention deficit disorders are discussed in more detail in Table 5B.
<p style="text-align: center;">Specific Learning Disability</p> <ul style="list-style-type: none"> • Test scores cannot be single determinant of disability finding particularly in making a finding of a severe discrepancy. A balanced approach to assessment results is required. • Federal requirements include that the Team must determine that the student does not achieve commensurate with age and ability, if provided with learning experiences appropriate for the student's age and ability (34 CFR 300.341(a)); and • Team must ensure that finding of inability to make progress is not the result of other impairments or environmental, cultural, or economic disadvantage (34 CFR 300.541(b)) (see also Table 5B). • Federal law requires that the Team find that the child has a severe discrepancy between intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematics calculation, and/or mathematics reasoning. (34 CFR 300.541(a)(2)) • A written statement(s) is required by the Team. (34 CFR 300.543) The statement must document the Team's determination of whether or not the student has a specific learning disability, the basis for the determination, the relevant behavior from observations, the relationship of that behavior to the student's academic functioning; the educationally relevant medical findings, if any; and whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services. The written report must also include the determination of the Team concerning the effects of environmental, cultural, or economic disadvantage. Each Team member is required to indicate if such statement reflects his or her own conclusions and if it does not, the Team member must submit a separate statement with his or her conclusions in these areas. • Disability finding meshed with finding related to inability to make progress in education – cannot be considered separately like most of the other disability types. • Consideration in relation to age, instructional history, cognitive abilities, and academic performance. • A pattern of strengths <u>and</u> weaknesses must be present. • Particular attention must be paid to reading instruction (or lack thereof) when considering SLD. See also Table 5B.

Table 5B

SPECIAL CONSIDERATIONS RELATED TO STUDENTS WITH CERTAIN CHARACTERISTICS

Groups	SPECIAL CONSIDERATIONS
Students with suspected ADD or ADHD	<ul style="list-style-type: none"> • Not eligible for special education <u>solely</u> by virtue of the diagnosis – assessment must show that attentional issues rise to the level of a disability – if so, most likely disability type will be “health impairment”. • Diagnosis by General Practitioners must be considered in light of educational impact Psychologists or Neurologists may be more precise in their use of this term in the educational context. • Student needs may be able to be met through environmental accommodations or adaptations and may not require special education. • Medical treatment options are controversial, and parents may elect not to consider their use for students with such characteristics. • Schools cannot make service contingent on use of medication for ADD or ADHD. • If the student <u>does</u> use medication, then assessment must reflect performance with medication. • Attentional issues may be components of other impairments or may co-occur with other impairments, and a careful consideration of emotional impairment, specific learning disability, neurological impairment, or other types of disabilities should accompany any discussion considering ADHD. • Student’s attentional issues may significantly interfere with attention to the educational environment and may, therefore, significantly adversely affect educational performance. With no other presenting issues, the disability determination would be Health Impairment.
Young Children	<ul style="list-style-type: none"> • If the student is coming from early intervention programs, consideration should be given to assessment information already available. • Assessment data may need to be gathered from natural environments such as the playground, the home, or other settings where the child spends time. • Observational data should include the child in relation to activities alone and with others, both adults and other children. • Young children develop at varying rates and according to the life experiences available to them. Great variation will be seen. Determining if the variation seen in the individual child’s performance is aberrant or significantly delayed is the challenge. • Many standardized norm referenced tests are not applicable to young children. Assessment sources may be primarily informal. • Early childhood specialists and the child’s family may be the most effective informants to the Team decision-making. • Concerns about the young child in relation to the general curriculum and the life of the school may consist of a review of typical play-based activities related to the developmental foundation for academic work and may not be based in a school environment.
Students with Different Linguistic or Cultural Background	<ul style="list-style-type: none"> • Different linguistic or cultural background may only be used to determine <u>ineligibility</u> if different linguistic or cultural background is the <u>determinant</u> factor for a student’s inability to make progress and the student does not otherwise meet eligibility criteria. • Different linguistic or cultural background more of an assessment factor as outlined in the following bullets. • Regulations require the use of tests that are linguistically and culturally free of bias. However, there are not sufficient unbiased assessment tools to provide comprehensive information. • Teams should ensure they have information available on the linguistic or cultural differences related to learning that may be applicable to the student being considered for special education eligibility. • Assessment of the student’s inability to make effective progress must go beyond simple determination of English language skills. Language proficiency, both receptive and

Table 5B: SPECIAL CONSIDERATIONS RELATED TO CERTAIN CHARACTERISTICS – continued	
Students with Different Linguistic or Cultural Background (continued)	<p>expressive, in relation to all aspects of school communication must be assessed to determine relationship of linguistic/cultural background to school achievement.</p> <ul style="list-style-type: none"> • Cultural differences may impact the student’s approach to school and learning and the student’s educational history. • Cultural differences of the parent may not be readily apparent in the student but may affect the student’s approach to school, learning, and assessment. • When possible, information from a person fluent in the language and culture of the student and conversant with academic expectations of the school would be valuable to the Team’s discussion. • Information on the student’s educational history should be considered very carefully and, if possible, information on educational history outside of the U.S. should be obtained.
Students involved with Social Services or the Courts	<ul style="list-style-type: none"> • Involvement with Social Services or the Courts should not result in a presumption that a student requires special education nor that inability to make progress in education is caused by factors outside of the school environment. • Schools must use the same standard to determine eligibility as for any other student.
Students with Multiple Impairments	<ul style="list-style-type: none"> • Teams may make a determination of multiple disabilities if all disabilities are inextricably meshed and there is no primary disability. • Determination of a primary disability would be appropriate if the Team believes that the educational impact of one type of disability is much greater than any other impairment of the student.
Social Maladjustment	<ul style="list-style-type: none"> • The Team must determine that student behavior interfering with student achievement does not result from willful misbehavior or the effects of willful unconcern with education with no indication of a causal disability such as an emotional impairment. • The determinations that a Team would make when considering if a student’s misbehavior is a result of the student’s disability are instructive. The Team would seek to determine if the student knew what was appropriate behavior at the time of the misbehavior, was capable of appropriate behavior at the time of the misbehavior, and still willfully choose not to do the appropriate thing. • Information related to use of alcohol or drugs may be a factor in making a finding that social maladjustment is causal to lack of progress rather than a disability.
Poor performance on MCAS	<ul style="list-style-type: none"> • Statutory language explicitly requires that students not be found eligible for special education solely because of poor performance on the Massachusetts Comprehensive Assessment System (MCAS) tests. • Poor MCAS performance should be considered one piece of assessment information that is appropriately considered when a student is referred for an evaluation because of a suspected disability.
Lack of Reading or Math Instruction	<ul style="list-style-type: none"> • Ineligibility may only be found if lack of instruction is the determinant factor for lack of progress and the student does not otherwise meet the eligibility criteria. • Special education is <u>not</u> the appropriate service solely to provide instruction to a student who has not received instruction in the past. • Lack of instruction may occur for students coming to the U.S. from underdeveloped countries. • Lack of instruction may occur for migrant students or students from families with transient histories. • Lack of instruction may occur when students have been homeless. • Lack of instruction may be considered by the Team when the Team has knowledge that the student received limited instruction with limited instructional variation. For instance, reading instruction that employed solely a whole language approach.

VI. CONCLUSION

The process and activities pertinent to making an eligibility determination are serious and critical. A Team is obligated to take such actions as are necessary to fairly consider all of the various indicators involved in such a decision. School districts will make the process of such decision-making more effective and more consistent across the Commonwealth if multiple options for assistance are available to students having difficulty in school.

School districts are encouraged to gather together the entire school community, including parents of students with and without disabilities, to discuss the type of school community that is necessary to serve all the students in the district. Such discussions will ensure that school administrators are fully aware of the demographics of the student body and the expectations of the school community that they serve. The commitment in Massachusetts to education reform and to effective schools that promote high standards and strong services for all students will help to ensure that special education remains an option for the students who need it the most and for whom the program was designed in the first place – students with disabilities who need special assistance to make progress in school.

What's next?

These guidelines strongly encourage Teams to carefully and separately discuss eligibility first at the initial determination, and again when the student is scheduled for a three year re-evaluation. However, a finding of eligibility for a student inevitably becomes a discussion of services as the Team then seeks to develop an appropriate individualized education program (IEP).

We know that the evaluation completed by the school district has two purposes: (1) to provide information for the Team to determine eligibility; and, if the student is eligible, (2) to provide information

for the Team to determine appropriate services. The Department, therefore, encourages Teams to use the information available about the disability to consider appropriate service and instruction for the student. However, information about disability is only one piece of information and does not take into account individual needs, and must not be used as a template to

force-fit services for any student. Although knowledge of a type of disability is a critical piece of information, the variation of student needs and behaviors both within and

Massachusetts has a long history of resisting efforts to use disability labels as a means of discriminating against children with disabilities. Our state statute and state special education regulations both contain this limitation:

Identification of "disability" cannot be used to provide a basis for labeling or stigmatizing the student or defining the needs of the student and shall in no way limit the services, program, and integration opportunities provided to the child.

among disabilities is incredibly diverse. The services and instructional program identified for the student, therefore, should be based on the individual needs of the student.

Making an eligibility determination well and fairly is critically important and deserving of our attention, but it is only the first step in seeking to appropriately serve students with disabilities. It must be followed by effective planning and services that are provided to allow the student to discover and use his or her strengths and resources. Ultimately, special education is provided to help students with disabilities flourish as individuals with the ability to participate fully in educational opportunities and prepare themselves for independent adult life. Massachusetts has deliberately chosen to ensure that eligibility determinations are based on an individualized inquiry process, with education professionals and parents working together to determine the nature of a student's difficulties in school. We have sought to provide guidelines rather than strict standards. The process does have very consistent parameters, many of which are delineated by law and regulation, such as the use of certain types of assessments and the deliberation of a Team of people, including the parent. However, since one of the primary concepts of the law is that services must be individualized, Massachusetts continues to support an individualized decision on eligibility that will depend for its consistency on well-informed educators and parents. We believe that requiring an affirmation of continuing eligibility at least every three years will ensure that Teams and districts will continue to carefully consider if and when students require special education services.

We hope these guidelines are helpful. Additional technical assistance in understanding the law and regulations that form the legal underpinnings of the eligibility determination may be obtained from the Massachusetts Department of Education, Program Quality Assurances, (781) 338-3700.

APPENDIX

Disability Work Groups:

Special thanks are due to the many individuals who gave their time and expertise to assist in the discussions and review of this document. If the document is helpful, it is due in major part to these individuals. Individuals and their affiliations are ordered below as members of the various Disability Work Groups convened during the summer and fall of the year 2000.

Work Group Focus: Autism

Members:

Veron Allalemdjian, Content Specialist, Massachusetts Department of Education
Joy Flanders, Teacher, Lowell Public Schools
Anne Larkin, Director, Say Yes to Education, Lesley University
Janet McTarnaghan, Education Consultant, Community Autism Resources
Mildred O'Callaghan, Special Education Director, Whitman-Hanson Regional Public Schools
Tracy Osbahr, Coordinator of Specialty Services, Western Regional Office, Massachusetts Department of Public Health
Ann Roberts, Director of Clinical Services, Boston-Higashi School
Louise Ross, Consultant, Autism Society of America- Mass. Chapter
Ruth Smith, Co-Director, Project Aware

Work Group Focus: Developmental Delay

Members

Kathy Barrett-Lewis, Family Ties Agency, DPH; Parent of a child with a disability
Maura Donovan, Pre-School Coordinator, Framingham Public Schools
Margery Gerard, Director of Special Education, Gateway Regional School District
Carol Grimm, MSPCC Project Connect, Framingham, MA
Ellie Lyons, Director, Odyssey Day School, Wakefield, MA
Linda Schaeffer, Pentucket Area Early Intervention, West Newbury, MA
Barbara Sugrue, Evaluator, Learning Lab, Lesley University, Cambridge, MA
Linda Tarmy, Education Specialist, Massachusetts Department of Education
Susan Turgess, Speech and Language Specialist, Rockland Public Schools

Work Group Focus: Intellectual Impairment

Members

Lee Clinton, Professor, Boston University
Sheryll Ferris, Teacher, Dartmouth Public Schools
Elizabeth Fishe, Director of Pupil Services, Hingham Public Schools
Debra Hart, Program Coordinator, Institute for Community Inclusion
Patricia Knipstein, Parent, Early Childhood Services, Department of Education
Pat Larson, Executive Director, Cardinal Cushing Centers
Jeanne Linehan, Education Specialist, Massachusetts Department of Education
Ellyn Salkin, Coordinator of Clinical Services, Cardinal Cushing Centers
Kay Seale, Elementary Program Director, Brockton Public Schools
Paulette Watson, Children's Service Coordinator, South Coastal DMR

Work Group Focus: Sensory Impairment-Hearing

Members

Louis Abbate, Executive Director, Willie Ross School for the Deaf
Liz Banta, Director, Case Management and Social Services, Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH),
Terrell Clark, Director of Clinical Programs, Children's Hospital Medical Center (CHMC)
Patrick Costello, Teacher, The Learning Center for Deaf Children
Patrice DiNatale, Principal, Horace Mann School for the Deaf and Hard of Hearing
Dennis Djerdigen, President, Clarke School for the Deaf, parent of a Deaf child
Jeannine Dusombre, Legal Council, Massachusetts Commission for the Deaf and Hard of Hearing
Holly Elkins, President, Massachusetts State Association of the Deaf (MSAD)
David Farwell, Executive Director, Beverly School for the Deaf
Robert Hoffmeister, Director, Center for Communication and the Deaf, Deaf Studies Department, Boston University, Child(ren) of Deaf Adults (CODA), parent of a Deaf child
Katherine Honey, Education Specialist, Massachusetts Department of Education
William Huston, 37 Deaf relatives, Child(ren) of Deaf Adults (CODA), counselor, Northern Essex Community College (NECC)
Judy Jacobs, Director of Programming, The Learning Center for Deaf Children
Diane Krause, Children's Specialist, Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)
Isabel Lyndon, Children's Specialist, Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)
Alan Marvelli, Program Director, Smith College/Clarke School for the Deaf Teacher Education Program
Ed Mulligan, Director, EDCO Program for the Deaf and Hard of Hearing in Newton
Evelyn Rankin, R.E.A.D.S. Collaborative Program for Deaf and Hard of Hearing Students
Kathy Russo, Department Head, Deaf and Hard of Hearing Program, A.L.L School, Worcester Public Schools
Marvin Sallop, Special Assistant to Commissioner Wood, Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)
Howard Shane, Director of Speech Pathology Services, Children's Hospital Medical Center (CHMC)
Pat Slate, parent of deaf child who attended The Learning Center for Deaf Children, the EDCO Program, and is now in college in upstate New York
Margaret A. Sunners, Federation for Children with Special Needs, Sped Trainer (contract basis), Special Education Advocate, parent of a hard of hearing child
Kendra Timko, Family Sign Language Program (FSLP), Massachusetts State Association of the Deaf (MSAD), third generation deaf in deaf family
Kathy Vesey, Director, Gallaudet University Regional Center at Northern Essex Community College

Work Group Focus: Sensory Impairment-Vision

Members

Ann Barber, M.Ed., Teacher of Visually Impaired/O&M Specialist, Perkins School for the Blind
Mary Beth Caruso, Perkins School for the Blind
Kim Charlson, MLS, Chair, Massachusetts Braille Literacy Council, consumer

Eileen Curran, President, Association of Massachusetts Educators of Students with Visual Impairments (AMESVI)
Sandra Daly, Director, Children's Services, Massachusetts Commission for the Blind (MCB)
Joseph D'Ottavio, MA, School Psychologist, Perkins School for the Blind
Cynthia Essex, Director, Secondary Programs, Perkins School for the Blind
George Flynn, Director, SEEM Collaborative, Stoneham
Katherine Honey, Education Specialist, Massachusetts Department of Education
Susan LaVenture, Executive Director, National Association of Parents of Children with Visual Impairments
Dr. Patricia Kowalski, New England College of Optometry
Thomas Miller, Supervisor, Preschool Service (birth-six), Perkins School for the Blind
Diane Redmond, M.Ed. Teacher of the Visually Impaired, Boston Public Schools, Ex-Officio, AMESVI
Darick Wright, MA, CLVT, Outreach Services, Perkins School for the Blind, Low Vision Therapist/Orientation & Mobility, UMass Boston, Graduate College of Education

Work Group Focus: Sensory Impairment-Deafblind

Members

Donna Bent, MA, MS, CAGS., Perkins School for the Blind, Teacher of Visually Impaired
Linda Collins, M.Ed., Teacher/Consultant for Deafblindness, Perkins School for the Blind
Michael Collins, Director, Hilton/Perkins Program
Susan DeCaluwe, M.Ed., Deafblind Specialist, New England Center (NEC)
James Earley, Ed.D., Administrator of Special Education, Watertown Public Schools
Tracy Evans Luiselli, Project Coordinator, New England Center for Deafblind (NEC)
Mary Hill Peters, Deafblind Specialist, New England Center (NEC), Deafblind Project
Katherine Honey, Education Specialist, Massachusetts Department of Education
Barbara Mason, M.Ed., Project Director, New England Deafblind Project (NEC)
Patricia Mason, Coordinator Deafblind Program, Lynch School of Education, Boston College
Barbara McLetchie, Ph.D., Lynch School of Education, Boston College
Thomas Miller, Supervisor, Preschool Service (birth-six), Perkins School for the Blind
Richard Murphy, Ph.D., Director, FLLAC Educational Collaborative
Steve Peck, classroom teacher, Garfield School, Revere
Pam Ryan, School Psychologist, Deafblind Program, Perkins School for the Blind
Vicki A. Wilson, MS, CCC-A, Audiologist, Perkins School for the Blind

Work Group Focus: Neurological Impairment

Members

Ronald Gorin, Special Education Administrator, Weymouth Public Schools
Francesca LaVecchia, Chief Neuropsychologist, MRC / State Head Injury Program
Nina Marchese, Educational Director, May Institute
Margaret Reed, Interim Director, Project Spoke
Sandra Shaheen, Neuropsychologist, Children's Hospital & Longwood Neurological Association
Rick Sprague, Executive Director, CHARMS Collaborative
Anna Thorpe, Content Specialist, Massachusetts Department of Education
Frank Vargo, Neuropsychologist, North Shore Children's Hospital & Fireside Center

Work Group Focus: Emotional Impairment

Members

Katherine Brady, Instructional Management Specialist, Fitchburg Public Schools
Bonnie K. Culhane, Director, Farr Academy
Diana Minton, Director of Pupil Personnel Services, Ipswich Public Schools
Cynthia Nicholls, Family Research Coordinator, Worcester Community of Care
Alec Peck, Professor, Boston College
Leah Thibodeau, Director of Studies, Chamberlain School
Jennifer Thomas, Liaison, Program Quality Assurance Services, Massachusetts Department of Education
Anna Thorpe, Content Specialist, Massachusetts Department of Education

Work Group Focus: Communication Impairment

Members

David Bloom, Teacher, Foxborough Public Schools
Pat Calley, Mass. Speech-Hearing-Language Association, Speech Therapist
Valerie Chase, Speech Therapist, Professor, Fitchburg State College, Consultant
Dr. Mary Connor, Education Department Chairperson, Curry College
Jeanne Linehan, Education Specialist, Massachusetts Department of Education
Christine Miller, Speech Therapist, Professor, Assumption College, Consultant
Kathy S. Murphy, Speech Therapist, Developmental Team, Harvard Vanguard Medical
Karl Pulkkinen, Public School Liaison, Landmark School
Andrea Roynestad, Speech Therapist, Morton Hospital
Sue Silver, Speech Therapist, Sharon Public Schools
Catherine Stauffer, Special Education Director, Lee Public Schools
Linda Weissman, Director of Student Services, Farmington River Regional School District

Work Group Focus: Physical Impairment

Members

Veron Allalemdjian, Content Specialist, Massachusetts Department of Education
Shelley Blanchard, Special Education Teacher, Mass Hospital School, Canton
Karen Chaffee, Physical Therapist, Gateway Regional Schools
Lisa Goldthwaite, Inclusion Facilitator, Newton North High School
Ann Howard, Professor, Fitchburg State College
Todd Kates, Director United Cerebral Palsy Association
John Keck, Education Consultant, Lesley College Adjunct
Kathy Levine, Special Education Director, East Bridgewater Public Schools
Jennifer O'Callaghan, Occupational Therapist Intern, Rockland Public Schools
Joyce Sullivan, Occupational Therapist, Rockland Public Schools
Michael Talbot, Director, Cotting Schools

Work Group Focus: Health Impairment

Members

Leslie Codianne, Director of Special Education, Cambridge Public Schools
Judy Devaney, Special Education High School Teacher, Barnstable Public Schools
Julianne Doyle, Educational Consultant in School Liaison Program, Dana-Farber Cancer Institute, Boston
Mary Fischer, School Nurse, Keefe Technical High School, Framingham

Barbara Gannon, School Liaison Program Coordinator, Dana-Farber Cancer Institute, Boston
Gail Havelick, Public Benefits Training and Policy Specialist, Massachusetts Department of
Public Health, Boston

Madeline Levine, Education Specialist, Massachusetts Department of Education

Linda Tarmy, Education Specialist, Massachusetts Department of Education

William Tosches, Neurologist, Private Practice, Hopedale

Jerome Schultz, Director of the Learning Lab, Lesley University, Cambridge

Work Group Focus: Specific Learning Disability

Members

Larry Finnerty, Director of Special Education, New Bedford Public Schools

Rose Marie Giovinni, Professor, Learning Disabilities, Fitchburg State College

Ilda Carreiro King, Private Educational Consultant

Madeline Levine, Educational Specialist, Massachusetts Department of Education

Megan O'Hearn-Curran, School Psychologist, Fitchburg, Adjunct Faculty, Fitchburg State
College

Mary Ries, Educational Coordinator, Gillingham Reading Specialist, Farr Academy

David Scanlon, Professor, Learning Disabilities, Boston College

Linda Tarmy, Education Specialist, Massachusetts Department of Education

Lauren Venuti, Private Reading Specialist/Orton Gillingham Trained

RESOURCES & BIBLIOGRAPHIES

Bibliographies and other resources were sometimes organized and recommended by Work Group members. Due to the volume of possible resources and the changing nature of organizations and resource information, the Department has chosen not to include such resource information in this document. Instead, we recommend that the reader go to the special education portion of the Massachusetts Department of Education website at:

<http://www.doe.mass.edu/sped/>

A current listing of all resources suggested in the disability areas will be included.

Spencer-East Brookfield Regional School District Extended School Year (ESY)

What are extended school year (ESY) services?

Extended school year (ESY) means an individualized extension of specific services beyond the regular school year that is designed to meet specific goals included in a student's individualized education program (IEP). ESY services will vary in intensity, location, inclusion of related services, and length of time, depending upon the student's needs. ESY services are provided at no cost to the parents as part of a free appropriate public education (FAPE) in accordance with the IEP, for students exhibiting the need for special education, related services, or both, beyond the regular school year.

How would I know whether a student needs ESY services?

To receive a FAPE, some students may require services beyond the regular school year. A FAPE must be reasonably calculated to confer some educational benefit to a student with a disability. The individualized determinations about each student's need for ESY services are made through the IEP process.

Who decides whether or not a student receives ESY services?

The IEP team, including the parent(s), determines whether ESY services are necessary for the provision of a FAPE.

When does the IEP team determine whether or not a student needs ESY services?

At least annually, The IEP team shall determine whether the student requires ESY services. This determination should be made early enough in the school year to allow the parent sufficient time to exercise their procedural safeguard rights if they disagree with the proposal made by the local school system. However, it should not be made so early as to not have sufficient information in order to make an informed decision.

How does an IEP team determine whether or not a student is eligible for ESY?

The determination as to whether a student needs ESY services to receive a FAPE must be made by the student's IEP team. In reviewing a student's IEP, the IEP team needs to consider the IEP content, the progress reports sent to the parents, existing IEP data, information from parents, teachers, related service providers, and others, as appropriate. The IEP team needs to consider the following questions:

- Is there a likelihood of substantial regression of critical life skills caused by the normal school break and a failure to recover those skills within a reasonable time?
- What is the student's degree of progress toward mastery of the IEP goals related to critical life skills?
- Is there the presence of emerging skills or breakthrough opportunities?
- Are there any interfering behaviors?

- What is the nature and severity of the student's disability?
- Are there any special circumstances to be considered?

After consideration of the factors applicable for the student with a disability, the IEP team must decide whether or not the benefits a student receives from his or her educational program during the regular school year will be significantly jeopardized if the student is not provided ESY. None of these factors in isolation, or in some combination, necessarily entitles a student to ESY services. Rather the regulations mandate the IEP team to consider if any of the factors will prevent a student from receiving some benefit from the student's educational program during the regular school year, if the student does not receive extended school year services.

When is regression/ recoupment considered severe or significant?

Research shows that regression and recoupment occur in all students and will vary across skills, people, and circumstances. The concern is that for some students with disabilities, the regression is so severe and the recoupment period so long that without ESY services, the learning that occurred during the regular school year would be significantly jeopardized if ESY services are not provided. The determination of need for ESY is made on an individualized basis after careful and critical analysis of the ongoing data gathered by the IEP team.

What is not considered ESY?

Because ESY services are uniquely designed to meet the individual needs of a student with a disability, it is necessary to emphasize that extended school year services are:

- Not a mandated twelve (12) month service for all students with disabilities;
- Not a child care service;
- Not necessarily a continuation of the total IEP provided during the regular school year;
- Not intended to teach new skills, or to increase progress on instructional objectives;
- Not required to be provided all day, every day, or each day during the normal school break;
- Not an automatic program provision from year to year;
- Not a service limited to or available by only broad categories of disabilities; or
- Not a service to be provided to maximize each student's potential.

**Spencer-East Brookfield Regional School District
Instructions/Notes for
Extended School Year Forms**

1. You must fill out a "ESY Referral Form", the checklist for Determining ESY Program and an "Extended School Year Documentation Form" for each child for whom you are recommending for the summer program. No student can be recommended for the summer program without these completed forms!
2. Although the student's liaison (most likely the Special Educator) will be responsible for turning in the student's Extended School Year Form, it is the responsibility of the Therapist or other teacher who is recommending services to get the form from the liaison and fill in the appropriate section of the student's form (e.g. Speech, PT, OT, etc.).
3. You need to fill out the form for all areas in which you are concerned that the student will regress (e.g. Reading and Math, OT, etc.). This information should be used to determine what program/services the student will need. You must complete information for at least two vacations (e.g. September and January or January and February).
4. The **definition of substantial regression we are using is:** requiring an equal number of days following the break as there were days in the break for the student to demonstrate skills at the level they were able to demonstrate on the day before the beginning of the break (i.e. after summer break, students should be at their June levels of performance by mid to late October).
5. Information will be **collected once during the school year**. The "Student Recommendation Form" and the "Extended School Year Documentation Form" will be collected March 31, 2016. Please do not wait to complete these forms. You should be completing the forms after each vacation.

Extended School Year Documentation Form Required Information

Skill Description	Standards based
Level Prior to Vacation:	Data based on internal measures (Map, Study island, pre/post assessment measures, FBA, etc)
Level After Vacation:	Document supporting data using internal measures and aligned to the standard(s)
Date and evidence when Child Reached Previous Level:	Data driven evidence with measures and aligned to standards.

Spencer-East Brookfield Regional School District
Pupil Services Department
302 Main Street
Spencer, MA 01562
508-885-8515
508-885-8541 FAX

EXTENDED SCHOOL YEAR (ESY) REFERRAL FORM

Student's Name: _____ DOB: _____

School/Grade: _____ SASID#: _____

Primary Disability: _____

Parent(s) Name: _____

Street: _____ Town: _____

Phone: _____ Cell: _____

Person Completing Form: _____

Extended school year (ESY) is designed to provide a free and appropriate public education (FAPE) to the children with disabilities who experience significant regression of critical skills because of an interruption of the instructional program. The information you provide will assist in planning ESY services.

NOTE: Your responses on this form serve as a guide as the team determines the student's eligibility for Extended School Year services.

Was the student recommended for summer services last year? YES NO

Did the student attend ESY regularly? YES NO

Did you review last year's ESY progress note, attendance, and specific services before making your recommendations? YES NO

Academics/Therapies (if applicable):

Check "yes" if the data shows that the student demonstrates a critical skill regression in the area following interruptions in instruction. Attach data and/or work samples that indicate regression. Check "no" if the student is making effective progress that could be maintained without ESY in the area. Write N/A if the service is not included in the student's IEP.

Skills	Yes	No
Reading – fluency – comprehension – both		
Written Language		
Mathematics		
Speech and Language Therapy		
Occupational Therapy		
Physical Therapy		
Vision Therapy		

Social skills (if applicable) check “yes” if the data shows that the student demonstrates a substantial regression in the ability to demonstrate previously acquired social skills following interruptions in direct social skills instruction. Attach data and/or evidence that indicate regression. Check “no” if the student is making effective progress that could be maintained without ESY in the social skills area. Write N/A if the service is not included in the student’s IEP.

Skills	Yes	No
Pragmatic Language		
Conversation Skills		
Attention/Time on task behavior		
Peer interaction skills (sharing, turn taking, etc.)		
Self-advocacy		
Observance of personal boundaries		

Recommendations for ESY services in Grid C:

Type of Service	Frequency	Minutes/Week
English/Language Arts ESY		
Math ESY		
Reading ESY		
Speech/Language ESY		
Physical Therapy ESY		
Occupational Therapy ESY		
Social Skills ESY		

When was this data collected to support the recommendation for ESY?

Sept/Oct _____ Nov/Dec _____ Jan/Feb _____ May/June _____

Please specify additional student needs such as self-care support, medical support, etc.:

Please list the specific skills that should be addressed with this student during ESY (attach additional sheets if necessary):

THIS FORM MUST BE COMPLETED FOR EVERY STUDENT BEING CONSIDERED FOR SUMMER PROGRAMMING.

The Spencer-East Brookfield Regional School District’s Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Recommendations for Extended School Checklist for Determining Extended School Year Program

A team must determine whether a student's regression would likely be substantial and whether the student would require a greater than usual time to "recoup" to get back to the level the student had achieved before a break in service.

Definitions according to Webster's Dictionary:

Substantial: Having a solid or firm foundation, soundly basis

Regression: Progressive decline

Criteria	Comments
Degree of student's disability. (Low, moderate, high)	
Specific curricular areas in which the student needs continuing education.	
Data indicating substantial regression and/or recoupment problems over short-term vacation periods or other breaks in the school year.	
Recorded students limited learning rate which lengthens the amount of time the student requires to review and/or re-learn previously attained objectives.	
Data indicating the loss of performance levels that were attained before a break in service.	
Data indicating lack of progress in meeting short-term objectives over two marking periods, resulting in little or no progress made over the school year.	

The DESE interprets a child's difficulties with "recoupment" to be an aspect of "significant regression."

Specifically, significant regression and recoupment consist of the following inter-related elements:

1. The loss of performance levels that were attained before a break in service.
2. The child's limited learning rate. which lengthens the amount of time the child requires a review and/or relearn previously attained objectives.
3. The fact that the time for that child to accomplish such recoupment is greater than the period of time the school district allows all other children for review and/or relearning.

23.07: Access to Student Records

(1) **Log of Access.** A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

1. (a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
2. (b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
3. (c) school nurses who inspect the student health record.

(2) **Access of Eligible Students and Parents.** The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

1. (a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.
2. (b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.
3. (c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.
4. (d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

(3) **Access of Authorized School Personnel.** Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) **Access of Third Parties.** Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

1. (a) A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and

allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

2. (b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
3. (c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.
4. (d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.
5. (e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.
6. (f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.
7. (g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.
8. (h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

(5) Access Procedures for Non-Custodial Parents. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

1. (a) A non-custodial parent is eligible to obtain access to the student record unless:
 1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
 2. the parent has been denied visitation, or
 3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
 4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.
2. (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).
3. (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

4. (d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).
5. (e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
6. (f) Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

Regulatory Authority:

603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

Disclaimer:

For an official copy of these regulations, please contact the State House Bookstore, at 617-727-2834 or visit [Massachusetts State Bookstore](#).

Last Updated: August 9, 2021



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Educational Information Email Release Form (FERPA Release Form)

Student Name: _____ Date of Birth: ___/___/___

Release of Information (check one)

I, _____, authorize the use of email to relay the private educational information of my child to me.

The use of email to relay information may also be used in communications with:

This authorization to use email to relay private educational information will remain in effect until terminated by me in writing.

I acknowledge that The Attorney General's Office has determined that email is not a confidential form of communication.

Signed: _____ Date: _____

Witness: _____ Date: _____

I prefer not to authorize the use of email to relay private educational information. Please contact me in the following ways:

Please call (check one or both): _____ my home/mobile | _____ my work

The best time to reach me is (day) _____ between (time) _____

If unable to reach me:

you may leave a detailed message

please leave a message asking me to return your call

NOTICE OF EMAIL CONFIDENTIALITY

STATEMENT OF CONFIDENTIALITY

This e-mail message, including any attachments, is for the sole use of the intended recipient(s). If you received this message in error, or have reason to believe you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please be advised that the Attorney General has ruled that communication via electronic mail in the public domain is not confidential and is considered a matter of public record.

DISCIPLINE FOR STUDENTS WITH SPECIAL NEEDS

A. Discipline and Students with Disabilities

All students are expected to meet the requirements for conduct and behavior as set forth in Spencer-East Brookfield Regional School District's policies and the applicable student handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act and related regulations require that additional protections be provided to students who have been found eligible for Special Education services or who the school district knows, or has reason to know, might be eligible for such services. Students who have been found to have a disability that impacts upon a major life activity, as defined under Section 504 of the Rehabilitation Act, are generally also entitled to increased procedural protections prior to imposition of discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

1. The IEP for every student eligible for Special Education or related services shall indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified to address the student's individual needs.
2. Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "change of placement," building administrators, the parent(s)/guardian(s) and relevant member of the student's IEP or 504 Team will meet to determine the relationship between the student's disability and conduct giving rise to the disciplinary action (Manifestation Determination.) When subject to disciplinary exclusions exceeding ten (10) school days in a single year, Special Education students have the right to receive services necessary to provide him/her with a free appropriate public education during the period of exclusion.
3. If building administrators, the parent(s)/guardians(s) and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or, where appropriate, conduct a functional behavior assessment.
4. If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or, where appropriate, conduct a functional behavioral assessment
5. If a student with a disability possesses or uses illegal drugs, sells, or solicits a controlled substance, possesses weapon or causes serious bodily injury to another on school ground or at a school function, the District may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court of BSEA Hearing Officer may also order the placement of student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

If you require more information regarding the rights of students with disabilities, please contact the Spencer-East Brookfield Regional School District's Student Services office at 508-885-8515.

SECTION 615 DISCIPLINE

SECTION	IDEA 2004 LAWS	SUMMARY
PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING – AUTHORITY OF SCHOOL PERSONNEL		
<p>615(k)(1)(A), (B), (C) & (D)</p>	<p>(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.— (1) AUTHORITY OF SCHOOL PERSONNEL.-- (A) CASE-BY-CASE DETERMINATION.--School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. (B) AUTHORITY.--School personnel under this subsection may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities). (C) ADDITIONAL AUTHORITY.--If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to subparagraph (E), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in section 612(a)(1) although it may be provided in an interim alternative educational setting. (D) SERVICES.--A child with a disability who is removed from the child's current placement under subparagraph (G) (irrespective of whether the behavior is determined to be a manifestation of the child's disability) or subparagraph (C) shall— (i) continue to receive educational services, as provided in section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and (ii) receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p>	<p><u>CASE-BY-CASE DETERMINATION</u> · School personnel have been given the new authority, in handling student disciplinary matters, to consider any unique circumstances on a case-by-case basis when deciding whether to change a student's placement. Section 615(k)(1)(A).</p> <p><u>AUTHORITY</u> · Principals' authority to exclude a student with a disability from school for a disciplinary violation for fewer than 10 days, equivalent to discipline imposed on students without disabilities for the same offense, has not changed. Section 615(k)(1)(B).</p> <p><u>ADDITIONAL AUTHORITY</u> · Clarifies that FAPE must be provided to an eligible student excluded from school for more than 10 days even if the conduct was not a manifestation of the student's disability. Section 615(k)(1)(C).</p> <p><u>SERVICES</u> · When student with a disability is removed under either (G) or (C), that student shall receive, as appropriate, a functional behavioral assessment, behavior intervention services and modifications designed to address the behavior violation to prevent reoccurrence. <u>Special Note:</u> Statute does not give any required timeframe, but current regulations (34 CFR 300.520(b)) require the Team to convene "not later than 10 business days after either first removing the student for more than 10 school days in a school year or commencing a removal that constitutes a change of placement" to develop assessment plan for conducting an FBA and implementing a BIP, or reviewing the current plans.</p>

SECTION	IDEA 2004 LAWS	SUMMARY
PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING – MANIFESTATION DETERMINATION		
<p>615(k)(1)(E), (F) & (G)</p> <p>615(k)(3)</p>	<p>(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—</p> <p>(1) AUTHORITY OF SCHOOL PERSONNEL.—</p> <p>(E) MANIFESTATION DETERMINATION.—</p> <p>(i) IN GENERAL.--Except as provided in subparagraph (B), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine--</p> <p>(I) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or</p> <p>(II) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.</p> <p>(ii) MANIFESTATION.--If the local educational agency, the parent, and relevant members of the IEP Team determine that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.</p> <p>(F) DETERMINATION THAT BEHAVIOR WAS A MANIFESTATION.--If the local educational agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall--</p> <p>(i) conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement described in subparagraph (C) or (G); (ii) in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and</p> <p>(iii) except as provided in subparagraph (G), return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.</p> <p>(G) SPECIAL CIRCUMSTANCES.--School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child--</p> <p>(i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;</p>	

SECTION	IDEA 2004 LAWS	SUMMARY
	<p>(ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or</p> <p>(iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.</p> <p>(H) NOTIFICATION.--Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section.</p> <p>(2) DETERMINATION OF SETTING.--The interim alternative educational setting in subparagraphs (C) and (G) of paragraph (1) shall be determined by the IEP Team.</p> <p>(3) APPEAL.—</p> <p>(A) IN GENERAL.--The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.</p> <p>(B) AUTHORITY OF HEARING OFFICER.—</p> <p>(i) IN GENERAL.--A hearing officer shall hear, and make a determination regarding, an appeal requested under subparagraph (A).</p> <p>(ii) CHANGE OF PLACEMENT ORDER.--In making the determination under clause (i), the hearing officer may order a change in placement of a child with a disability. In such situations, the hearing officer may—</p> <p>(I) return a child with a disability to the placement from which the child was removed; or</p> <p>(II) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.</p>	<p><u>MANIFESTATION DETERMINATION</u></p> <p>· IF the district, the parent and relevant members of the Team review all relevant information including the student’s file, the IEP, teacher observations and parentally provided information, and determine that the student’s behavior was caused by his/her disability or the district’s failure to implement the student’s IEP, or if there is a direct and substantial link between the student’s behavior and his/her disability, THEN they shall find that the behavior was a manifestation of the student’s disability.</p> <p><u>Special Note:</u> The statute no longer specifies particular considerations for making this determination, such as the student’s ability to understand the consequences of his or her behavior. Section 615(k)(1)(E)(i).</p> <p><u>BEHAVIOR WAS A MANIFESTATION</u></p> <p>· IF, prior to the student’s misconduct, the district had not conducted a functional behavioral assessment or implemented a behavior intervention plan, THEN the Team must do so, or they must review the existing behavior intervention plan and modify it as necessary. The district and the parent may agree to a change of placement as part of a behavior intervention plan; otherwise the student must return to the placement from which s/he was removed unless the special circumstances in (G) apply. Section 615(k)(1)(F).</p> <p><u>SPECIAL CIRCUMSTANCES</u></p> <p>· <u>Additional</u> circumstances under which a district may change a student’s placement to an interim alternative educational setting (IAES) determined by the Team for up to 45 days regardless of manifestation determination:</p> <p>-- At school; On school premises; At a school function a student:</p>

SECTION	IDEA 2004 LAWS	SUMMARY
		<ul style="list-style-type: none"> - carries or possesses a weapon (also includes carries or possesses "to" school) - knowingly possesses or uses or sells or solicits the sale of illegal drugs - inflicts serious bodily injury upon another person. <p>Section 615(k)(1)(G). <u>Special Note:</u> A student placed in an IAES must still continue to receive FAPE, and receive a functional behavioral assessment, behavioral intervention services and modifications to help ensure that the conduct does not recur. <u>See</u> Section 615(k)(1)(G).</p> <p><u>NOTIFICATION</u></p> <ul style="list-style-type: none"> · Not later than the date on which the decision to take disciplinary action is made, the district must notify parents of the decision and of the relevant procedural safeguards. Section 615(k)(1)(H). <p><u>APPEAL</u></p> <ul style="list-style-type: none"> · Parents may request a hearing to challenge the Team's placement decision or the manifestation decision. · The district may request a hearing if maintaining the student's current placement is substantially likely to result in injury to the student or to others. Section 615(k)(3)(A). <p><u>AUTHORITY OF HEARING OFFICER</u></p> <ul style="list-style-type: none"> · The hearing officer may order a change in placement to an IAES not to exceed 45 days, or to the placement from which the student was removed. Section 615(k)(3)(B).
PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING – PLACEMENT DURING APPEALS		
615(k)(4)	<p>(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—</p> <p>(4) PLACEMENT DURING APPEALS.--When an appeal under paragraph (3) has been requested by either the parent or the local educational agency—</p> <p>(A) the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time</p>	<ul style="list-style-type: none"> · When parent or the school district requests a hearing, the student shall remain in the interim alternative educational setting pending the hearing officer's decision or for the duration of the imposed discipline. Section 615(k)(4)(A).

SECTION	IDEA 2004 LAWS	SUMMARY
	<p>period provided for in paragraph (1)(C), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and (B) the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.</p>	<p>· All hearings on disciplinary matters must be expedited. The hearing must be completed within 20 school days from request, and the hearing officer's determination must be rendered within 10 school days of hearing. Section 615(k)(4)(B).</p>

PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING – PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

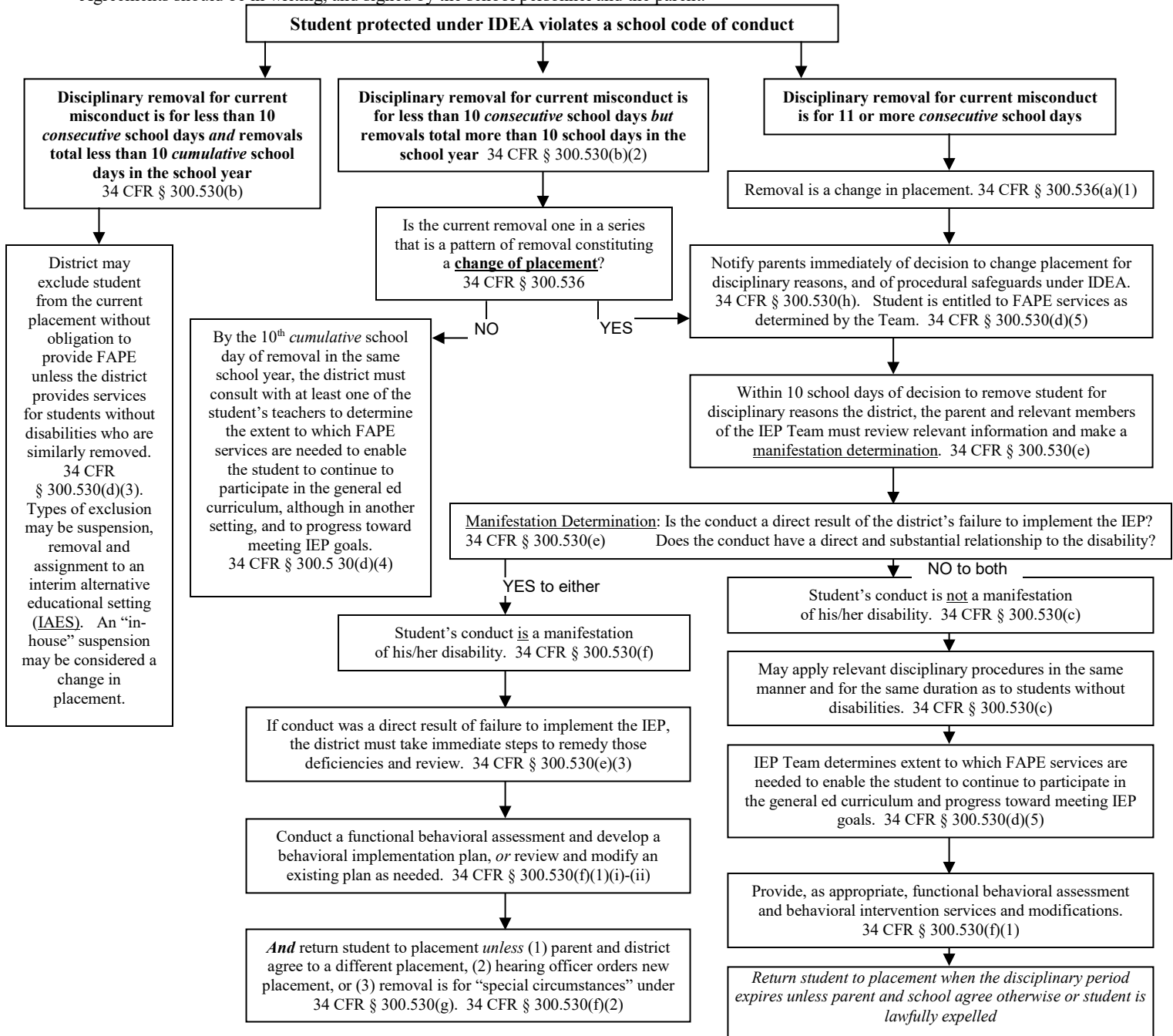
<p>615(k)(5)</p>	<p>(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.— (5) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.— (A) IN GENERAL.--A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. (B) BASIS OF KNOWLEDGE.--A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred— (i) the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services; (ii) the parent of the child has requested an evaluation of the child pursuant to section 614(a)(1)(B); or (iii) the teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency. (C) EXCEPTION.--A local educational agency shall not be deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child pursuant to section 614 or has refused services under this part or the child has been evaluated and it was determined that the child was not a child with a disability under this part. (D) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.— (i) IN GENERAL.--If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii). (ii) LIMITATIONS.--If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this</p>	<p><u>BASIS OF KNOWLEDGE</u> · A student not yet eligible for special education may be protected under the IDEA if the district had knowledge that the student has a disability. Knowledge may be presumed if, prior to the student's misconduct that precipitated the disciplinary action, a parent expressed a concern in writing to supervisory or administrative personnel or a teacher of a student. As under current law, the protections also apply if the student's parent has requested an evaluation. <u>Special Note:</u> The student's behavior or performance is no longer a standard for a district to be deemed to have knowledge that the student has a disability. Rather, a teacher or other school personnel must have expressed concern about a student's pattern of behavior. Section 615(k)(5)(B)(iii). <u>EXCEPTION</u> · As under current law, knowledge of disability may not be presumed if the district had conducted an initial evaluation and found a student ineligible for special education. Also, the law now states that knowledge of a student's disability cannot be presumed if the parent has not allowed an initial evaluation, or if the parent has refused special education services. Section 615(k)(5)(C).</p>
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SECTION	IDEA 2004 LAWS	SUMMARY
	<p>subsection, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.</p>	
PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING – DEFINITIONS		
<p>615(k)(6) & (7)</p>	<p>(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.— (6) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES—</p> <p>(A) RULE OF CONSTRUCTION. --Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.</p> <p>(B) TRANSMITTAL OF RECORDS. --An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.</p> <p>(7) DEFINITIONS.--In this subsection:</p> <p>(A) CONTROLLED SUBSTANCE.--The term `controlled substance' means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).</p> <p>(B) ILLEGAL DRUG.--The term `illegal drug' means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.</p> <p>(C) WEAPON.--The term `weapon' has the meaning given the term `dangerous weapon' under section 930(g)(2) of title 18, United States Code.</p> <p>(D) SERIOUS BODILY INJURY.--The term `serious bodily injury' has the meaning given the term `serious bodily injury' under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.</p>	<p><u>SERIOUS BODILY INJURY</u> · This new definition has now been introduced into IDEA 2004, adding specificity. Section 615(k)(7)(D).</p>

Discipline of Special Education Students Under IDEA 2004

20 U.S.C. § 1415(k) and 34 CFR §§ 300.530-300.536

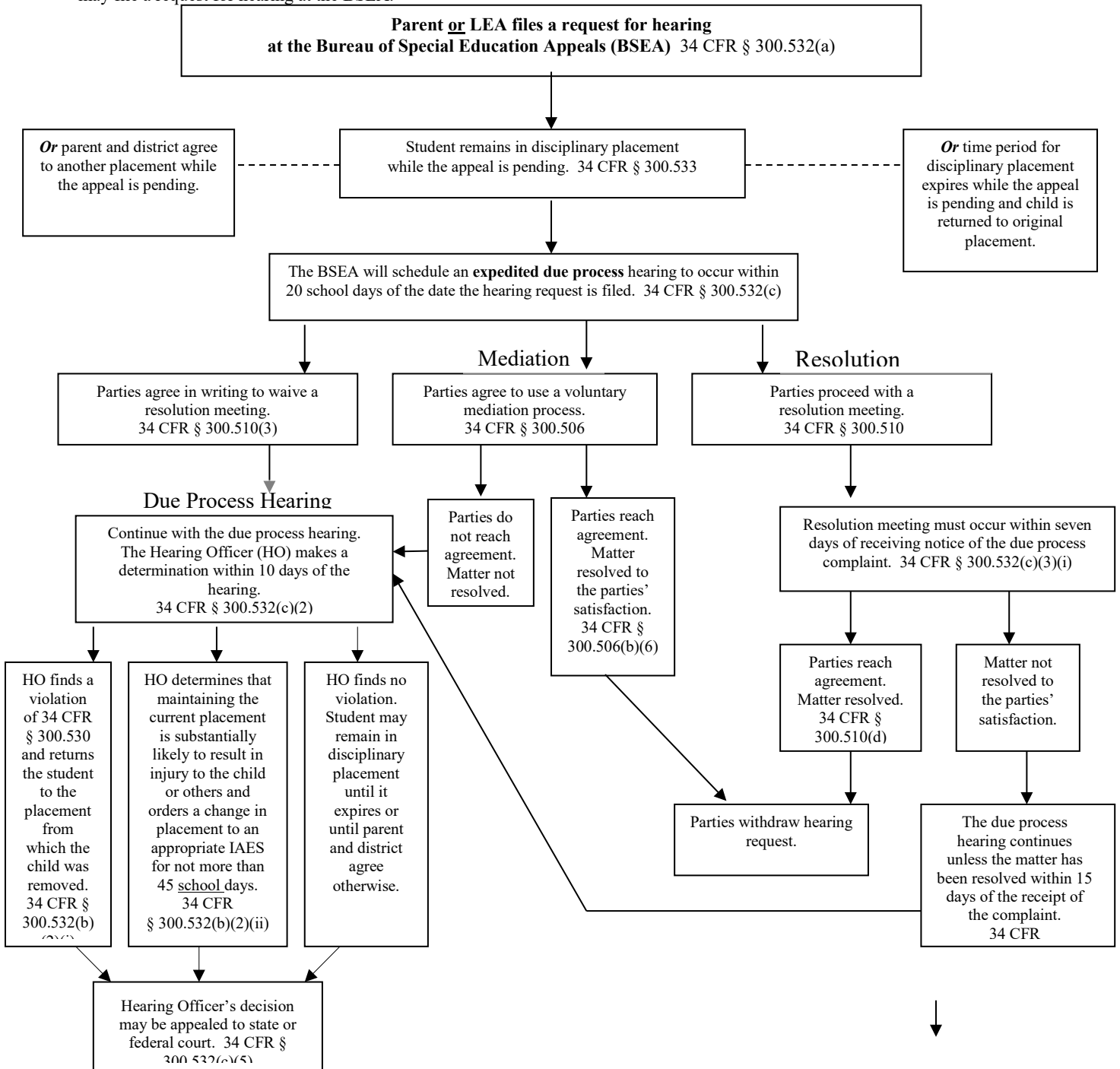
- This chart should be read in conjunction with discipline procedures in state law, M.G.L. c. 71, §§ 37H & 37H1/2, and district-wide and school-wide student codes of conduct.
- Protections in the IDEA apply to students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability (i.e., students who have not yet been found eligible but the school had a basis of knowledge of a disability, including students who have been referred for initial evaluation). 34 CFR § 300.354
- Beginning on the 11th school day of a student's disciplinary removal during the school year, and if removal is a change in placement, the student must be provided free appropriate public education (FAPE) services during the period of removal to allow him/her to continue to participate in the general education curriculum and progress towards IEP goals, even if in a different setting. 34 CFR § 300.530(b) & (d).
- If the conduct that the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination. 34 CFR § 300.530(g). The IEP Team must determine the IAES.
- Although the following flowchart lays out the steps that a school district must take when disciplining a student with a disability, it is important to remember that at any point the parent and school district can agree to change a student's placement for disciplinary reasons. Agreements should be in writing, and signed by the school personnel and the parent.



Appeals Process for Disciplinary Placement Decisions for Students with Disabilities Under IDEA 2004: 20 U.S.C. § 1415(k) and 34 CFR §§ 300.532-300.533

Who may file an appeal of a disciplinary decision?

- A parent of a child with a disability who disagrees with any decision regarding the child’s disciplinary placement, or the manifestation determination, may appeal the decision by requesting a hearing at the Bureau of Special Education Appeals (BSEA). Reasons for appeal may include but are not limited to disagreement with the student’s removal to an interim alternative educational setting (IAES), disagreement regarding the manifestation determination, disagreement regarding the determination of whether the removal is a change of placement, disagreement regarding the educational services the student receives during the period of removal, and disagreement regarding the functional behavioral assessment and/or implementation of a behavioral intervention plan. 34 CFR §§ 300.530-300.531.
- An LEA that believes that maintaining the student’s current placement is substantially likely to result in injury to the child or others may file a request for hearing at the BSEA.



DEFINITIONS

A student for whom the district is deemed to have knowledge of a disability – A child who has not yet been determined to be eligible for special education and related services may assert the disciplinary protections under IDEA if the school had a basis of knowledge that the child is a child with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge if: (1) the child’s parent expressed concern in writing to administrative or supervisory personnel of the school or district that the child is in need of special education and related services; (2) the parent of the child had requested a special education evaluation; or (3) the child’s teacher or other school or district personnel expressed specific concerns to the director of special education or to other supervisory personnel about a pattern of behavior demonstrated by the child. The school or district is *not* deemed to have knowledge of a disability if (1) the parent has not allowed an evaluation or has refused special education and related services, *or* (2) the child has been evaluated and determined not to be a child with a disability. 34 CFR § 300.534.

Change of placement – A change of placement because of a disciplinary removal occurs if a child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because: (1) the removals total more than 10 school days in a school year; (2) the child’s behavior is substantially similar to previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern. 34 CFR § 300.536.

Current placement – The placement from which the student was removed for disciplinary reasons.

Interim alternative educational setting (IAES) – An IAES is a disciplinary placement that is not the same as the child’s current placement as defined in his/her IEP.

Manifestation determination – The determination made by the district, the parent, and relevant members of the student’s Team, after review of all relevant information in the student’s file including the IEP, teacher observations, and relevant information provided by the parents, whether (1) the conduct in question was caused by or had a direct and substantial relationship to the child’s disability; *or* (2) the conduct in question was the direct result of the district’s failure to implement the student’s IEP. 34 CFR § 300.530(e).

Special circumstances – Where the disciplinary conduct is a “special circumstance,” school personnel may remove a student to an IAES for not more than 45 school days, regardless of the results of the manifestation determination. Special circumstances exist if the student:

- carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency (district); or
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
- inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency. 34 CFR § 300.530(g).

Serious bodily injury – As defined in 18 U.S.C. § 930, a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. 34 CFR § 300.530(i)(3).

Behavior Intervention Plan (BIP) – A plan to address problem behavior that includes, as appropriate, positive behavioral interventions, strategies, and supports; program modifications; and supplementary aids and services that may be required to address the problem behavior.

Functional Behavioral Assessment (FBA) – FBA is a problem-solving process for addressing student problem behavior. FBA relies on a variety of techniques and strategies to identify the reasons for a specific behavior and to help IEP teams select interventions that directly address the problem behavior.

Zero-Tolerance Policy – A zero-tolerance policy usually requires school personnel to automatically suspend any student who violates the code of conduct. In making a determination to discipline a student with a disability,

school personnel may consider any unique circumstances on a case-by-case basis, a provision which provides additional flexibility.

SPENCER/EAST BROOKFIELD DISCIPLINE AND MANIFESTATION DETERMINATION

March 8, 2019

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MANIFESTATION DETERMINATION

- If a student on an IEP or 504 plan will be removed from his or her current educational placement for more than ten school days, either because of a suspension for more than ten days or because a shorter suspension will bring the total number of days a student has been suspended to over ten days, the student's Team must hold a manifestation determination meeting to determine whether the behavior that gave rise to the discipline is related to the student's disability or to the school district's failure to implement the student's IEP or Section 504 Plan.

MANIFESTATION DETERMINATION

- The Team must include relevant members of student's Team (as agreed upon by Parents and School) and it must convene the manifestation determination meeting with 10 *school days* of a decision to change the placement (suspend or expel). If a student has previously reached the ten day limit, repeat manifestation determinations may be necessary for subsequent disciplinary issues.

MANIFESTATION DETERMINATION

- At the manifestation determination meeting, the Team must review relevant information, including the student's IEP or 504 Plan, teacher observations, and any relevant information provided by the parents bearing on the questions of:
 - whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability; and
 - whether the conduct in question was the direct result of the local educational agency's failure to implement the IEP or 504 Plan.

MANIFESTATION DETERMINATION

If the Team answers either question in the affirmative, it must conclude that the behavior was a manifestation of the disability.

- If the behavior is a manifestation of the student's disability or due to a failure to implement the IEP/504 Plan:
- the student must be returned to his or her educational placement unless the school district and the parent/guardian agree to a different placement
- the district must perform a functional behavioral assessment and develop and implement behavioral intervention services or modifications designed to address the behavior violation so that it does not reoccur

MANIFESTATION DETERMINATION

- If the Team determines that the behavior in question ***is not*** related to the student's disability or failure to implement the IEP or 504 Plan, the student will be subject to the same discipline and disciplinary proceedings as a regular education student. Under federal law:
 - Students on IEPs must continue to receive FAPE starting on the 11th day that the student is suspended during the during school year. Providing FAPE may well mean that the student remains in his /her stay put placement unless the Team, including Parents, agree otherwise.
 - Students on 504 Plans are not entitled to FAPE.

MANIFESTATION DETERMINATION

- Circumstances when a Regular Education Student is Entitled to Procedural Protections Under the IDEA or Section 504
- A regular education student will be able to assert protections under the IDEA and/or Section 504 if the school district has knowledge that the student was a student with a disability prior to the behavior that results in the disciplinary action.
- A district will not be deemed to have knowledge if the parent had refused to consent to an evaluation or the student had been evaluated and was found not eligible.

MANIFESTATION DETERMINATION

- A school district will be “deemed to have knowledge” that the student has a disability if:
 - The parent has expressed concern in writing that the student is in need of special education services;
 - The parent has requested an evaluation; or
 - The teacher or other school personnel has expressed a specific concern about a pattern of behavior demonstrated by the student directly to the director of special education or other supervisory personnel of the school district.

MANIFESTATION DETERMINATION

The IDEA has a section under discipline entitled “Special Circumstances”

This section says that a school district can remove a student to a 45 day interim alternative educational setting (IAES) for not more than 45 school days regardless of whether the behavior was or was not a manifestation of the disability in the following specific circumstances:

- Possession of a weapon;
- Possession or use of illegal drugs; or
- Infliction of serious bodily injury on another person at school or on school grounds.

STUDENT DISCIPLINE ISSUES

The 3 bucket rule:

There are 3 and only 3 ways a Student can be suspended from school, even for one day:

- **M.G.L. c.71, §37H**
- **M.G.L. c.71, §37H $\frac{1}{2}$**
- **MGL CHAPTER 71, §37H $\frac{3}{4}$**

STUDENT DISCIPLINE ISSUES

- **THE STATUTORY OFFENSES: M.G.L, CHAPTER 71, §37H AND §37H ½**
 - **M.G.L. c.71, §37H:** Permits Principal to expel or suspend students for possession of controlled substances, dangerous weapons, or assault on staff at school.
 - Length of time: Principal may suspend indefinitely or expel.
 - Due process required: Written notice of opportunity for hearing before the Principal. If expelled, Student has ten (10) days to submit written request for appeal hearing before the Superintendent.

STUDENT DISCIPLINE ISSUES

M.G.L. c.71, §37H ½: Permits Principal to **suspend** students who have been charged with a felony if the student's "continued presence in school would have a substantial detrimental effect on the general welfare of the school." Permits Principal to **expel** students who have been convicted or admitted in court to guilt of a felony.

- Length of time: Principal may suspend until the felony charges are resolved. Unless the Student is convicted or admits to guilt, Student returns to school as soon as felony charges resolve.
- Due process required: Written notice of the charges and the reasons for suspension/expulsion prior to suspension/expulsion taking effect. Right to appeal suspension/expulsion to Superintendent, in writing, within five (5) calendar days of that written notice. Superintendent must hold appeal hearing within three (3) calendar days and render a written decision within five (5) calendar days of the hearing.

STUDENT DISCIPLINE ISSUES

Since July 2014, any Students suspended or expelled under §37H or §37H^{1/2} :

- Must have an opportunity to make academic progress while excluded.
- Must have an opportunity to continue to receive educational services via a school-wide education service plan while excluded.
- If the Student moves to a new school district, the new district must either admit the Student or provide him/her with educational services.
- The procedural protections of M.G.L. c. 71 §37H ^{3/4} **do not apply** to suspensions or expulsions under §37H and §37H^{1/2}

STUDENT DISCIPLINE ISSUES

CHAPTER 222: DISCIPLINE UNDER MGL CHAPTER 71, §37H ³/₄

- MGL c. 71, §37H³/₄, and its regulations at 603 CMR 53.00, apply to all suspensions and expulsions of students not covered by §37H or §37H ¹/₂.
- **General Requirements of §37H³/₄**
 - School decision-makers **MUST** exercise discretion in deciding consequences; consider ways to re-engage the student; and avoid using expulsion as a consequence until everything else tried.
 - Other options prior to suspension: Removal of school-based privileges; exclusion from extra-curricular activities, athletics, and school-sponsored social events; morning or lunch detentions; Saturday school; etc.
 - Length of Time: No exclusion under §37H³/₄ can last beyond **90 days** or beyond the end of the school year (no rollover of suspension days to next school year).
 - “Short-term Suspension” is >10 consecutive days AND >10 cumulative days for the school year.
 - “Long-term Suspension” is 10+ consecutive days OR 10+ cumulative days for the school year.

STUDENT DISCIPLINE ISSUES

Procedural Requirements of §37H^{3/4}

Prior to the suspension/expulsion – 603 CMR 53.06

Written notice in English and home language that states:

- (a) All charges;
- (b) Basis for the charges
- (c) The reason for the potential exclusion; and
- (d) Provides an opportunity for a “meeting” with the principal and the date, time and location of the meeting/hearing,
- (e) The right to interpreter services at the meeting, if relevant, and
- (f) If long-term suspension is a possibility, then notice of the right to appeal to the superintendent as an appeal if the principal does suspend the student for longer than ten (10) consecutive days.

Where the term principal is used, it refers to “principal or designee”; where the term Superintendent is used, it refers to “Superintendent or his/her designee”.

STUDENT DISCIPLINE ISSUES

Exceptions to the “prior to suspension” rules – 603 CMR 53.07, 53.10

Emergency Removals: Please note that the regulations provide that a student may be suspended first, with written notice to follow where “the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption.” 603 CMR 53.07(1).

The hearing, along with written notice prior to the hearing, still has to be done, but the student can be suspended in the meantime. The written notice and the hearing must be held during the next two (2) school days following the emergency removal of the student.

STUDENT DISCIPLINE ISSUES

In-School Suspensions: In-school suspensions (ISS) of ten (10) or less consecutive or cumulative days do not require the full 37H $\frac{3}{4}$ procedure. Rather, ISS requires oral notice to the student from the principal of the charges against the student and the basis for the charges, with an opportunity to respond at a meeting held by the principal with the student. If the Principal determines that the charges are substantiated, then the student is informed of the in-school suspension. The Principal must make every effort to notify the Parent as soon as possible about the length of the suspension and the infraction committed.

HOWEVER, once in-school suspensions exceed 10 days, then the next day of in-school suspension has to now be treated as a long-term suspension requiring the process for long-term suspensions. Please note that during in-school suspensions, the student must be able to make progress in school, so has to be able to do his/her work, take tests, quizzes, receive information about assigned long term assignments, and other similar classroom activities.

STUDENT DISCIPLINE ISSUES

During the Principal's hearing- 603 CMR 53.08

At a hearing for a **short-term suspension**:

Discussion of the disciplinary offense, basis for the charge,
and any other pertinent information

Opportunity for Student to offer information

Opportunity for Parents to offer information

At a hearing for a **long-term suspension**, the student has
the following additional rights, at a minimum:

- right to counsel (at own expense)

right to present evidence and witnesses,

the right to cross-examine witnesses produced by the school
district,

the right to have the hearing recorded and to receive a copy of
the recording.

STUDENT DISCIPLINE ISSUES

After the meeting/hearing – 603 CMR 53.08, 53.09

Written notice in English and home language to memorialize the meeting – i.e., written findings/outcome. In addition, according to the regulations, the Principal's notice must outline how he/she will ensure that the student is allowed to make academic progress.

If the student is suspended for 10+ consecutive or cumulative days (long-term suspension), the notice must also provide:

Right of appeal

Appeal process; and

That exclusion will remain in effect pending appeal.

Best Practice: Also include information about the school-wide education services plan.

STUDENT DISCIPLINE ISSUES

Appeal Process under 37H³/₄

Applies to any exclusion for more than 10 school days (long-term suspension):

- 1) School provides written notice of appeal rights;
- 2) Student has 5 calendar days to appeal with option to extend additional 7 days;
- 3) Superintendent hears appeal within 3 school days.
- 4) Appeal Hearing: Superintendent shall make audio-recording and provide copy to Student or Parents upon request. The Student has the same rights as at a long-term suspension hearing before Principal. The Superintendent must issue a written decision within 5 calendar days. Superintendent may not impose a greater suspension than the Principal.

THE SUPERINTENDENT'S DECISION IS FINAL.

STUDENT DISCIPLINE ISSUES

OPPORTUNITY TO MAKE ACADEMIC PROGRESS/ RECEIVE EDUCATIONAL SERVICES DURING EXCLUSION (M.G.L, c. 76, §21)

- ALL students who are excluded (under §37H, §37H½, or §37H¾, in ISS, short-term or long-term) must have the opportunity to make academic progress during exclusion.
 - What does Academic Progress mean?
 - Ability to earn credits and make up assignments, including, but not limited to, homework, quizzes, exams, papers and projects missed.
 - Schools are NOT required to enable the student to make vocational progress during exclusion – Question #24.
 - Awarding reduced credit for disciplinary absences violates this provision – Question #25.

STUDENT DISCIPLINE ISSUES

ALL students who are excluded for 10+ days (under §37H, §37H½, or §37H¾) must have the opportunity to received educational services per a school-wide educational service plan.

- Education service plans may include tutoring, alternative placement, Saturday school, and online or distance learning.
- Upon suspension, the School shall provide the Student and the Parent with a list of alternative educational services. Upon selection of an alternative educational service by the Student/Parent, the School shall facilitate and verify enrollment in the service
 - If the student fails or refuses to engage in educational services, the school has met its legal obligations by providing the opportunity. However, if the Student subsequently changes his or her mind and requests education services, the School should provide the opportunity – Question 16.
 - Educational services plan can be district-wide instead of school by school – Question 21.
 - School must provide at least two (2) options for educational services but may limit or recommend particular services for educational reasons – Question 22.

STUDENT DISCIPLINE ISSUES

What does “educational services” cover?

- If non-core academic subjects are included in local graduation requirements, they must be included in the education service plan so the Student has the opportunity to make academic progress – Question 15.
- School must provide transportation services if the student received transportation services before the suspension or expulsion and the student would be unable to access the selected education service(s) without transportation – Question 18.

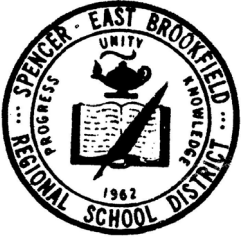
STUDENT DISCIPLINE ISSUES

If the suspended student is eligible for special education, the Team determines what educational services are necessary to for student to continue participating in general education curriculum and progress towards goals on IEP.

- Suspended special education student is not entitled to exactly the same services in exactly the same settings as those provided in school.
- Students with disabilities are entitled to all the rights and procedural protections of Chapter 222 in addition to the protections provided under state and federal special education law.

REFERENCES:

- DESE Q & A on Student Discipline
- Student Discipline, Chapter 71. s. 37H. 37H¹/₂, and 37H³/₄.



Spencer East Brookfield Regional School District

Pupil Services Department

302 Main Street, Spencer, Massachusetts 01562

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Web: www.sebrsd.org / Email: westerbank@sebrsd.org

Director of Pupil Services Department: Kara Westerman

MANIFESTATION DETERMINATION REFERENCE MATERIALS

Questions and Issues to Consider BEFORE Excluding a Student with Behavioral Challenges from the Regular Classroom or School

A Guide for Educators, Families, and Students

The following guide has been developed to assist educators, families, and students in ensuring that placement of a student (who exhibits behavioral challenges) in a learning environment outside the regular education setting for any length of time or the use of any exclusionary practice is warranted and required. Educators, families, and guardians should discuss the answers to the subsequent questions/issues together.

It is critical to remember that a student should only be excluded from the regular learning environment if his/her needs cannot be fulfilled when provided with supplemental supports and aids. Students should not be denied access to the regular classroom based on categorical disability labels, his/her needs for individualized curriculum and/or instruction within the regular classroom or his/her needs for specialized supports.

1. Have the student's present levels of performance and needs been assessed, evaluated, and clearly identified relative to:
 - a. Academic or educational outcomes and learning characteristics.
 - b. Social development
 - c. Physical Development
2. Have the student's educational needs been clearly delineated prior to determining the least restrictive placement for the student?
3. Have needed accommodations been considered (e.g., curriculum and environmental modifications) to enable the student to access and benefit from instruction within regular education setting?
4. Can supplementary aids and services be provided in the regular education setting?
5. Is an individual plan (i.e., special education, 504) in place? Are the accommodations being carried out?
6. What educational accommodations have been made to help the student develop positive social skills?
7. Are there unique benefits, social, academic, or otherwise, which the student will receive by remaining in the regular educational setting?
8. Has the Team considered the student's health and medication needs?
9. Are there particular regular educational settings and/or situations in which the student is more successful? How can you capitalize on these factors?
10. What kind of training have you received in the use of positive behavior management and discipline techniques?
11. What assessments have been utilized to determine factors across environments that are currently or historically contributing to the student behavior?
12. What support are staff and family members receiving to help them access environments that are currently or historically contributing to the student's behavior?
13. Will the student's placement in the regular education setting (even with or because of the use of supplementary aids and services) impair the education of other students taking into consideration:
 - a. Level/frequency of disruptive behavior.
 - b. Teacher time devoted to meeting the student's needs at the expense of other students,

- c. Need for extreme curriculum modification?
14. If the answer to question #13 above is “yes” then what can be done to lessen or eliminate the impairment of others?
 15. Will other students benefit from the student’s placement in the regular education setting?
 16. Does your school have a policy governing the placement of students outside the regular education setting?
 17. Have you assessed the effectiveness of the interventions, which have already been implemented?
 18. Is there a crisis response/helping team for the student and/or the school? Who is on it?
 19. Has the student and his/her family or advocate been involved in the placement outside the regular education setting?
 20. Does the student and his/her family advocate freely support placement outside the regular education setting?
 21. Has the team maximized the use of outside resources (e.g., mental health, alcohol/drug services, etc.)?
 22. Why do you think the student behaves as he/she does? (e.g., is the student experiencing great stress that you are aware of?)
 23. What have you tried to prevent the need for excluding the student from the regular education setting?
 24. What do you want to have happen for this student?



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Manifestation Determination Meeting

Student's Name: _____ Grade _____ D.O.B. _____

Student ID# _____ Date of Meeting: _____

Location of Meeting: _____ Date of Incident: _____

Chairperson: _____ Sign in sheet completed: _____

Current disability(ies) based on eligibility statements (or identified educational needs):

Present details regarding the misconduct, and review any relevant information from the student's file (including the IEP, teacher observations, psychological evaluations (if any) and information provided by the Parent/Guardian):

Has a Functional Behavior Assessment (FBA) been conducted, or has a Behavior Intervention Plan (BIP) been previously implemented, for this student? If so, when?

- 1. Was the misconduct in question the direct result of the school district's failure to implement the student's IEP? 34 C.F.R. § 300.530(e)(1)(ii)**

Summary of Team's Reasoning:

If so, what immediate steps will be taken to remedy these deficiencies? *34 C.F.R. § 300.530(e)(3)*

2. Was the misconduct caused by, or directly and substantially related to, the student's disability? *34 C.F.R. § 300.530(e)(1)(i)*

Summary of Team's Reasoning:

If the answer to either 1 or 2 above is Yes, then the conduct was a manifestation of the student's disability.

Based on the evidence and statements presented at the hearing, was the behavior a manifestation of the disability? Yes _____ No _____

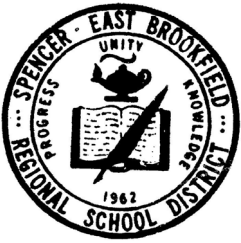
If behavior was NOT a manifestation:

- Student may be subject to the same disciplinary consequences as would a non-disabled student.
- Manifestation Determination team should determine to what extent services are necessary to provide FAPE while student is excluded from school.
- FBA and/or behavior support plan may be recommended.

If behavior WAS a manifestation:

- Student is entitled to immediate return to his/her education program, unless the parent and the District agree otherwise.
- FBA must be conducted (unless FBA done recently) and behavior support plan developed, or Team must review and modify an existing behavior plan as needed.

The Parent may challenge a Manifestation Determination or disciplinary placement in a due process hearing at the Bureau of Special Education Appeals, and the student **MUST** remain in the disciplinary setting pending the decision of the hearing officer or the expiration of the disciplinary placement, whichever comes first.



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Director of Pupil Services Department: Carla Chioda

Procedure for Ensuring Compliance with Transition Planning Requirements

Any student 14 or over must be invited to all IEP meetings where the Team discusses the student's transition planning. If a student who is 14 or older does not attend his/her IEP meeting, steps must be taken to ensure that the student's preferences and interests are considered. In Spencer-East Brookfield, students receive a separate Team Meeting Notification stating the date and time of the Team Meeting. Prior to the Team Meeting, a special education staff person takes responsibility for asking the student about his/her preferences and interests, in the event that the student is not able to attend at the Team Meeting.

Spencer-East Brookfield Regional School District begins considering transition and future goals for students at age fourteen, or younger if the Team determines that it is appropriate. Post-secondary plans, activities, and transition services are discussed annually at the review or re-evaluation of every subsequent IEP. In order to ensure that Transition Planning begins for every student at age 14, or sooner if determined by the Team, the Team Chair reviews of the requirements for transition planning for all eligible students prior to the Team Meeting that occurs in the year that the student turns 14, or earlier upon request by any Team member.

In order to ensure that the Transition Planning Form is updated annually, Team Chairs will review the previous TPF prior to the Team Meeting in order to understand how progress in the goal areas of the IEP are helping the student to achieve his post-secondary goals. The Team Chair will bring a blank TPF to the Team Meeting, and will fill in the form during the process of the meeting, incorporating aspects of the previous year's TPF if appropriate.

Compliance will be monitored through the use of a district developed IEP Compliance Tracking Form (ICTF). The Transition Planning Form will be included as an optional form on the Tracking Sheet. For all students who are eligible for continued transition planning. Team Chairs will indicate on the ICTF that the updated TPF is included in the packet that is sent to the student file of record in the Pupil Services Office. The Director will select files and review files from all levels on a quarterly basis to ensure that IEP process is in compliance and the students' needs are being met in this area.

For any student approaching graduation or the age of twenty-two, the IEP Team must consider the need for continuing services from adult human service agencies. Special education staff, in collaboration with the Director of Special Education, makes a 688 Referral to the Department of Developmental Services (DDS) for all students remaining in school until age twenty-two. Typically, this process is begun at the IEP meeting of the student's eighteenth year. The district also has procedures for providing a summary of the student's academic achievement and functional performance, including recommendations on assisting the student in meeting postsecondary goals, for students whose eligibility terminates because of graduation or because the student ages out.

Follow-up to secure adult services is a critical component of the transition process in order to ensure that each student is receiving the services determined by the adult agency. The IEP Team is required to reconvene if the identified agency fails to meet its obligation. It is the responsibility of the IEP Team to identify alternative strategies to meet the IEP transition goals.

FILE: Procedure for Ensuring Compliance with Transition Planning Requirements August 2015

TRANSITION PLANNING

A. Transition Overview

Transition is the process from moving from one phase of life to another. Transitional planning for students with disabilities should take place when changing from one grade to another, from one school to another, and from school to post-secondary activities. Discussion regarding transition should be held at each appropriate IEP Team meeting.

B. Transition Between Schools

Students in Spencer-East Brookfield transition to new school buildings at the following grades:

Preschool/Elementary – Middle School – High School
(Pre-K – 4) (5-8) (9-12)

Transition meetings for school personnel are held in the Spring – Special Education staff members from the school the child is graduating from (the sending school) meet with their counterparts from the school the child will be attending in the Fall (the receiving school.)

Discussions are held regarding the individual students who will be transitioning the next year. Topics include a student's:

1. strengths;
2. disability(ies);
3. areas of need
4. current Special Education services;
5. likely regular education classes, and;
6. possible Special Education services (subject to decisions made at the Spring IEP Team meeting.)

Staff members from each school visit the programs, on an as-needed basis, prior to the transition meetings in the spring.

The Team Chairperson from the receiving school conducts a Spring IEP TEAM Meeting for each student, at the sending school.

Additionally, in the spring all students participate in a “Move-Up Day” and visit the new school they will be attending in the Fall.

Special transition activities are arranged on a student-by-student basis, as needed.

Program specific transitions are conducted as needed. These may include, but are not limited to:

- Introductory meeting with student in current classroom;
- One-to-one conference between sending and receiving teachers;
- Discussion of specific academic programs.

Special Education teachers and other service providers from the sending school collaborate with their counterparts at the receiving school when writing students’ IEPs to assure accuracy and completeness.

C. Transition to Post Secondary

Beginning with the IEP in effect upon the student’s turning 14 years of age, the TEAM shall consider, and include in the IEP, appropriate goals and services related to training, education, employment and independent living skills necessary to assist the student in reaching the student’s post-secondary goals.

- Post secondary education
- Vocational training
- Integrated employment (including supported employment)
- Continuing and adult education
- Adult services, and
- Independent living community participation

The TEAM should address services needed to promote this transition. The transition services are based on the student’s needs, taking into account the student’s preference and interest, and includes specially designed instruction, community experiences, the development of employment or other post-secondary school adult living experiences, the development of employment or other post-school adult living objectives, and if appropriate, the acquisition of daily living skills and functional vocational evaluation.

Student Participation

Beginning with the development of the IEP to be in effect upon the student's turning 14 years of age, student's are invited and encouraged to participate in their TEAM meetings. Where the student chooses not to participate, documented efforts should be made to ensure that the student's interests and preferences are considered by the TEAM.

Age of Majority

In Massachusetts, regardless of the severity of their disability, students are considered adults and competent to make their own decisions at age 18 (Age of Majority.) One year prior to the student reaching the age of eighteen (18,) the school district informs the student of his/her right at age 18 to make all decisions in relation to Special Education programs and services. This letter is mailed by the Office of Pupil Personnel Services and a copy is maintained in the student's permanent file. A discussion of the student reaching the age of majority should take place at the IEP meeting and is documented in the *Additional Information* section of the IEP.

Upon reaching the age of eighteen, the school district implements procedures to obtain consent from the student to continue the student's Special Education program. The district may continue to send the parent written notices and information, but the parent will no longer have decision-making authority, except as follows:

1. The parent has received guardianship from the courts;
2. The student may choose to share decision-making authority with his/her parent including allowing the parent to co-sign the IEP. Such choice is made in the presence of the TEAM and is documented in written form, or
3. The student may choose to delegate continued decision-making to his/her parent, or other willing adult. Such choice must be made in the presence of the school district representative and one other witness and is documented in written form and maintained in the student record.

Graduation Policy:

A Student's right to a free and appropriate education is terminated upon graduation with a regular high school diploma, but is not terminated by any other kind of graduation certificate. Prior written notice is required because graduation from high school constitutes a change in placement. Prior to the date of graduation, the school shall provide the student with a written summary of the student's academic achievement and functional

performance, including recommendations for the student in meeting post-secondary goals.

Programs for Older Students:

The school district shall ensure that options are available for older students, particularly those eligible students of ages 18 through 21 years. Such options shall include continuing education; developing skills to access community services; developing independent living skills; developing skills for self-management of medical needs; and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus and shall be considered in-district programs if the program is operated by the public school and offers the student ongoing opportunities to interact with students or young adults without disabilities. Participation in such options for students younger than age 18 shall not relieve the school district of its obligation to ensure that student have access to instruction in the general curriculum.

Upon Reaching Age of Twenty-Two:

When students with disabilities graduate from school or turn 22 years of age, they move from an entitlement to a non-entitlement system. As adults, while they may be eligible for services from adult services agencies, these services are not guaranteed.

For students, approaching graduation of the age of twenty-two (22), the TEAM determines whether the student is likely to require continuing services from adult human services agencies. In such circumstances, a referral is made to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of Massachusetts law-known as Chapter 688. Filing a Chapter 688 referral creates a documented need for services and supports for adults with severe disabilities.

Rights of 16-21 Year Old Students:

Any student who has left school or is about to leave school should be aware of the following specific rights granted by state and federal law:

1. A student has the right to re-enroll in the school as a regular day student;
2. A student has the right to request an evaluation under Special Education, and if a student is found eligible for services, several program options are available;
3. A student retains the right to leave school at age 16 with parent consent, or at 18 years of age.

Other assistance may be available to a student including information concerning other educational opportunities which may lead to a GED and other schooling options that may provide a student with a marketable skill.

Postsecondary Schools/Colleges

Students with disabilities protected by Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the American with Disabilities Act of 1990 (Title II,) both which prohibit discrimination on the basis of disability. The school is not required to lower or waive essential requirements or make modifications that would fundamentally alter the nature of a services, program or activity or would result in undue financial or administrative burdens. The postsecondary school does not have to provide personal attendants, readers, or other devices of a personal nature, such as tutoring or typing.

What is the parent/student role?

A possible 688 referral should be discussed at the IEP Team meeting *at least two years before the student is expected to graduate or turn 22*, as part of transition planning. Ask the school to submit a 688 referral for your child. It must be signed by the parent, legal guardian, or by the young adult who is 18 or older. Request a copy of the form that is submitted.

In addition, the parent/student may want to consider applying for Supplemental Security Income (SSI) for any individual who may meet the 688 eligibility criteria. (See Additional Resources)

For more information about 688 and transition requirements of IDEA, visit the Massachusetts Department of Education Special Education Transition Planning webpage at: <http://www.doe.mass.edu/sped/links/transition.html> or call The Parent Training Information Center at the Federation for Children with Special Needs at 1-800-331-0688.

For Chapter 688 specific questions contact the Director of the Bureau of Transitional Planning (BTP) within The Executive Office of Health and Human Services, (EOHHS) at 617-573-1600.

Resources:

State Human Service Agencies

Department of Mental Health (DMH)

617-626-8000 or 617-727-9842 (TTY)

Department of Developmental Services (DDS)

617-727-5608 or 617-624-7590 (TTY)

Department of Public Health (DPH)

617-624-6000

Department of Children and Families (DCF)

617-748-2000 or 617-261-7440 (TDD)

Massachusetts Commission for the Blind (MCB)

617-727-5550 or 800-392-6450

Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)

617-740-1600 (Voice) or 800- 882-1155 (Voice/TTY)

Massachusetts Rehabilitation Commission

617-204-3600 (Voice/TDD/TTY)

800-245-6543 (Voice/TDD/TTY)

Additional Resources:

Supplemental Security Income (SSI) eligibility or any other issue affecting you or your son or daughter who is disabled:

Social Security Administration

800-772-1213

Legal Information:

Disability Law Center, Inc.

11 Beacon Street, Suite 925

Boston, MA 02108

617-723-8455 (Voice/TTY) 800-872-9992

Massachusetts Developmental Disabilities Council

1150 Hancock St. 3rd Floor

Quincy MA, 02169

617-770-7676 617-770-9499 (TDD)

Arc Massachusetts

217 South Street

Waltham, MA 02453

781-891-6270

Massachusetts Independent Living Council

280 Irving Street

Framingham, MA 01702

508-620-7452 (voice/TTY)

866-662-7452

Asperger's Association of New England

51 Water Street

Watertown, MA 02472

617-393-3824

Massachusetts Brain Injury Association

30 Lyman Street, Suite 10

Westborough, MA 01581

508-475-0032

800-242-0030

United Cerebral Palsy Association

71 Arsenal Street

Watertown, MA 02172

617-926-5480 617-926-8051 (TTY)

A Guide To Chapter 688

Transition Planning for Students
with Disabilities

Bureau of Transitional Planning
Executive Office of Health and
Human Services

Department of Elementary and
Secondary Education
Special Education Planning and Policy
Development Office

Revised
1/30/15

What is Transition?

For the purposes of this brochure, Transition refers to the progression from youth to adulthood, and the specific individual planning processes available to certain students with disabilities as they shift from life as a student to life as an adult.

School Related Transition Activities: For Massachusetts students receiving special education services, “transition” is a time that begins when they turn 14 (or earlier, if the IEP team agrees). From age 14 until they graduate or turn 22, students on IEPs receive “transition services” from their public school districts. Transition services are defined by federal law (the Individuals with Disabilities Education Act, or IDEA) as a “coordinated set of activities...designed to be within a results oriented process...to facilitate the student’s movement from school to post-school activities.” Transition services are based on the individual student’s needs, taking into account his/her strengths, preferences, and interests. These are school services which will help ensure that young adults will live, work, and/or go to postsecondary school as independently as possible when they leave public school.

“Chapter 688” Related Transition Activities: (what is Chapter 688?)

Massachusetts Chapter 688 of the Acts of 1983 (also known as the “Turning 22 Law”) stipulates that a student receiving special education, who because of the severity of his or her impairment may require continued disability-related services upon exiting school (by graduating or turning twenty-two years of age, whichever occurs first), shall be offered specific, coordinated transition planning. As such, the statute establishes the Bureau of Transitional Planning (BTP). The primary function of the BTP is to insure that for all students referred under Chapter 688, formal transition planning occurs in accordance with the process and outcomes described in the statute.

How does the Chapter 688 process work?

A student’s IEP team should make a referral for Chapter 688 transition planning at least two years prior to the student’s graduation or turning 22.

Who is Eligible for 688?

Persons who are automatically eligible for Chapter 688 include:

Anyone receiving SSI and/or SSDI based on his/her own disability

Or

Anyone listed in the registry of the Massachusetts Commission for the Blind

All young adults referred to Chapter 688 must be:

Receiving special education services in Massachusetts paid for by the school district (LEA)

And

In need of continuing services because of the severity of their disability

And

Unable to work 20 or more hours per week in competitive employment

To make the referral, the school district must ask the parent, young adult, or guardian to sign the consent in order to send school records to the appropriate local human services agency (DDS, DMH, MRC, DCF, etc.), generally selected based upon the most reasonable match between the student’s disability support needs and the agency’s area of expertise.

The human services agency must then develop an Individual Transition Plan (ITP) with the family, young adult and school system personnel.

If the student’s IEP team has difficulty selecting **one** human service agency, the 688 referral form, as well as copies of the current IEP and the most recent assessments, should be submitted to the Bureau of Transitional Planning, which will then designate an agency to develop the ITP.

The ITP is completed no later than six months prior to the date the student exits school, and contains a description of the student’s disability related needs which will require support after exiting school, as well as the agency or entity responsible for the provision of such services. **Please note: adult eligibility processes for a student requesting services from a state agency must still be completed, usually concurrently with ITP**

Once agency eligibility is determined, the ITP enables the agency to understand the student’s needs and to begin programmatic and fiscal planning required to provide necessary services.

What are the benefits of 688?

Although young adults are free to apply directly to the human services agencies outside of the 688 process, going through the process ensures that the agencies have enough time to set up the most seamless transition possible, and that time-sensitive transition needs such as housing or college applications can be identified and implemented in a timely manner.

The 688 process ensures that students are working with the appropriate human service agency before exiting special education, and that for those individuals who do not meet state agency adult eligibility requirements, there is time to plan for alternative supports to meet their needs.

It is important to note: Chapter 688 is NOT a continuation of special education, and it does NOT entitle young adults to state agency services after age 22. Also, it is NOT intended for the many young adults who have received special education services and are now able to work 20 or more hours per week in competitive employment, and lead independent lives as adults.

Revised 1/30/15

CHAPTER 688 GUIDELINES FOR REFERRAL

Student Profile	Corresponding DESE Disability Category	Transitional Agency
<ul style="list-style-type: none"> • Student is in the custody of or has an “open case” with DCF. • Exception: if the student is blind, s/he would be referred to the Massachusetts Commission for the Blind (MCB). 	<ul style="list-style-type: none"> • All except blindness or deaf/blind (e.g., not codes 02,04 or 09, which would be sent to one of the disability agencies below) 	DCF (Department of Children & Families) (Area Office) Mass.gov/eohhs/gov/departments/DCF
<ul style="list-style-type: none"> • Intellectual disabilities (ID) • Student may have ID coupled with other disabilities • Students living in a pediatric nursing facility may be referred to DDS. • Autism or developmental delay* *functional skills deficits should also be present	<ul style="list-style-type: none"> • Code 01-Intellectual • All other codes must be coupled with 01 • Code 11 –Autism* • Code 13 –Developmental delay* 	DDS (Department of Developmental Disabilities) (Area Office) Mass.gov/eohhs/gov/departments/dds
<ul style="list-style-type: none"> • Registered with MCB • May have blindness coupled with other disabilities such as emotional disturbance, deafness, or intellectual 	<ul style="list-style-type: none"> • Code 04 Sensory/Vision Impaired or Blind • Code 09-Sensory Deaf/Blind • All other codes if coupled with 02 and is registered with MCB 	MCB (Massachusetts Commission for the Blind) (Springfield Office) Mass.gov/eohhs/gov/departments/mcb
<ul style="list-style-type: none"> • Serious and long-term mental illness that has resulted in functional impairment that substantially interferes with or limits one or more major life activities.* *Serious and long-term mental illness is a disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, and that results in an inability to meet the ordinary demands of life. See: <i>Interpretive Guidelines for 104 CMR 29.00 Determining Service Authorization for Children, Adolescents and Adults</i> , Interpretive Guidelines for 104 CMR 29.00	<ul style="list-style-type: none"> • Code 05-Emotional • All other codes if coupled with 05 	DMH (Department of Mental Health) (Area Office) Mass.gov/eohhs/gov/departments/dmh
<ul style="list-style-type: none"> • Specific learning disabilities; Health related disabilities; Communication disabilities (Vocational Rehabilitation Services) • Traumatic Brain Injury (SHIP/Statewide Head Injury Program) • Physical disability with mobility impairment (Independent Living Program) NOTE: Students receiving residential services at the time of 688 referral should not be referred to MRC for transition planning unless specifically directed by the Bureau of Transitional Planning (BTP).	<ul style="list-style-type: none"> • Code 03-Communication • Code 06-Physical • Code 07-Health • Code 08-Specific Learning Disabilities • Code 10-Multiple Disabilities • Code 12-Neurological (Codes 11 and 13 may apply if no diagnosis of ID is present)	MRC (Massachusetts Rehabilitation Commission) (Central Office: Anne Spector, Statewide 688 Coordinator) 600 Washington Street Boston, MA 02111 Mass.gov/eohhs/gov/departments/mrc
<ul style="list-style-type: none"> • Deaf/use of American Sign Language (ASL); hard of hearing; AND <ul style="list-style-type: none"> • Unable to sustain independent competitive employment • Unable to complete postsecondary education/training without substantial assistance 	<ul style="list-style-type: none"> • Code 02 – Sensory/Hearing Impaired or Deaf 	MCDHH (Massachusetts Commission for the Deaf and Hard of Hearing) (Springfield Office) Mass.gov/eohhs/gov/departments/mcdhh

If it cannot be clearly determined which agency is appropriate, school districts should send the 688 referral and supporting documents to the Bureau of Transitional Planning.

COMMONWEALTH OF MASSACHUSETTS CHAPTER 688 REFERRAL FORM

Directions

All referrals should be submitted using the **electronic T22/Chapter 688 Referral Application** which is accessed through the EOHHS Virtual Gateway.

For more information please see the BTP website at Bureau of Transitional Planning | Mass.gov

STUDENT INFORMATION SASID#: _____ Date Completed: ____ / ____ / ____ DOB: ____ / ____ / ____ Sex: M F

Name: _____ Language Spoken: _____
(first) (last)

SSN: ____ - ____ - ____ Receives SSI/SSDI? Yes No Unknown

Disability Category: Primary _____ Secondary _____ Level of Need: high moderate low
(optional)

Parent/Guardian Name _____ Legal Guardian? Yes No Language Spoken: _____

Address: _____ Phone: (____) ____ - ____

SCHOOL DISTRICT/PROGRAM INFORMATION Is this student expected to graduate before age 22?
Yes, expected date: ____ / ____ / ____ No, expected date of SpEd termination: ____ / ____ / ____

School District (LEA): _____ LEA Address: _____

LEA Contact Person: _____ Phone: (____) ____ - ____ Name of High School: _____

Type of Placement: _____ List All Funding Agencies: _____

School/Educational Placement: _____ Address: _____

Signature of Special Education Director/Designee _____ Date: _____ Phone: (____) ____ - ____

REFERRAL SUBMISSION: Send to ***ONLY ONE*** of the following:

- | | |
|--|---|
| <input type="checkbox"/> Department of Children & Families (DCF) | <input type="checkbox"/> Department of Developmental Services (DDS) |
| <input type="checkbox"/> Department of Mental Health (DMH) | <input type="checkbox"/> MA Commission for the Deaf & Hard of Hearing (MCDHH) |
| <input type="checkbox"/> MA Rehabilitation Commission (MRC) | <input type="checkbox"/> MA Commission for the Blind (MCB) |

If you are unsure of agency, or more than one agency seems appropriate, please send to:

- The Bureau of Transitional Planning (BTP)

I hereby authorize the release of all personal information contained in this student's records, including medical and educational evaluations, to the Bureau of Transitional Planning at EOHHS and to any member agencies for the purpose of eligibility determination and transition planning. I also authorize the release of any other personal information concerning this student that is required during the transitional planning process by any state agency to any other state agency.

Signature of Student (18 or over) or Parent/Guardian _____ **Date** _____

What is a Chapter 688 Referral?

A Chapter 688 referral is a way to help adult agencies, schools, and families to identify and plan ahead for needed adult services for students with severe disabilities. Schools send a Chapter 688 referral electronically to the adult agency that the IEP Team thinks might be able to meet a student's needs when the student graduates from high school or turns 22. There is a list and brief description of the adult agencies under Tip #2 inside this brochure. For a guide to which adult agency might be the right one for your child, based on individual needs, see "Guidelines for Referral" on this website: www.doe.mass.edu/sped/iep/688

Please note: A 688 referral is not an application for agency eligibility. Schools submit the 688 referral, but *families* are responsible for submitting an application to the agency. Agencies must receive a complete application so they can decide whether the student will be eligible to receive adult services.

Who should have a Chapter 688 Referral?

To have a Chapter 688 referral, a student must:

- Have an Individualized Education Program (IEP)
- Need continuing services because of the severity of their disability
- Be unable to work 20 or more hours per week in competitive employment

Why is Chapter 688 Referral Important?

The Chapter 688 referral process is important for two reasons: (1) It allows adult agencies to advocate for funding from the state legislature to serve students with disabilities when they exit from school. (2) The Chapter 688 referral also alerts the adult agency to work with the student, family, and school to complete an Individualized Transition Plan (ITP) that will help to plan the supports the student may need after they exit school.

Resources

The LINK Center, a transition project of the Federation for Children with Special Needs
<https://fcsn.org/linkcenter/>

MA DESE Special Education Secondary Transition Website
<http://www.doe.mass.edu/sped/secondary-transition/>

MA DESE Guidance on Chapter 688
<https://www.doe.mass.edu/sped/iep/688/>

Bureau of Transitional Planning
<https://www.mass.gov/service-details/bureau-of-transitional-planning>

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street
Malden, MA 02148

781-338-3000 | www.doe.mass.edu



Massachusetts Department of
ELEMENTARY & SECONDARY
EDUCATION

Federation for Children
with Special Needs

The Schrafft Center
529 Main Street, Suite 1M3
Boston, MA 02129

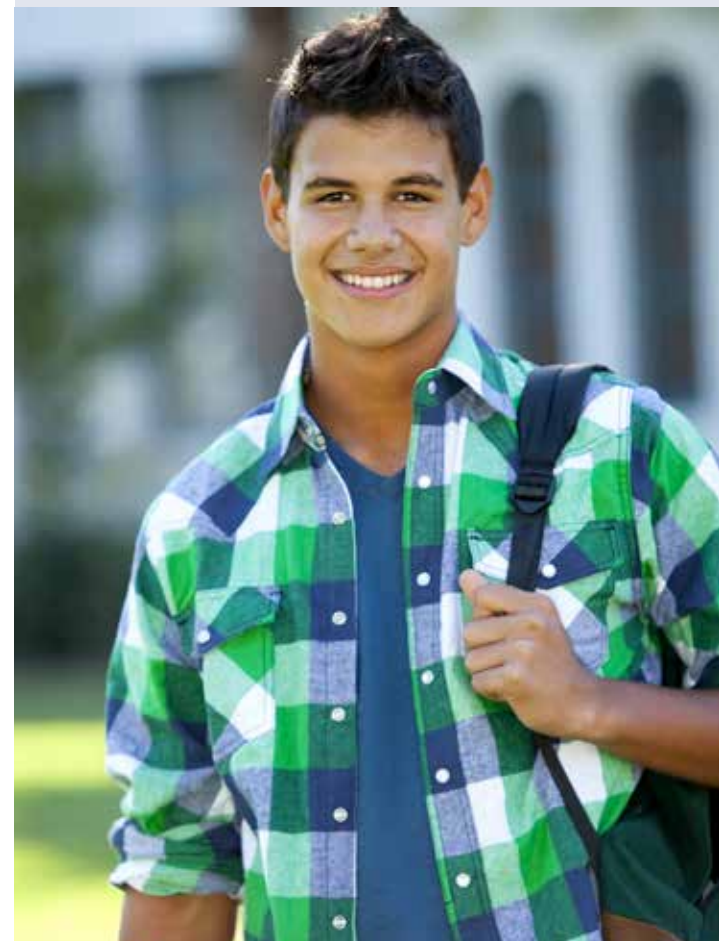
800-331-0688 | www.fcsn.org



FEDERATION FOR CHILDREN
WITH SPECIAL NEEDS

TIPS: Transition Information for Parents and Students with IEPs

(Ages 14-22)



Chapter 688 Referral

A series of brochures produced by
The LINK Center - a project of the
Federation for Children with Special Needs,
and the Massachusetts Department of
Elementary and Secondary Education (DESE)

Chapter 688 Referral: What you need to know....

TIP 1: Learn the steps in the Chapter 688 referral process:

- Start talking about the Chapter 688 referral with school staff at IEP Team meetings early in high school, to decide which adult agency will be the right one to send the referral to.
- The school must submit the referral electronically at least 2 years before the student is expected to graduate from high school or turn 22.
- The parent or guardian must sign the referral before it is submitted.
- If the IEP Team is not able to decide on one adult agency for a student, the Chapter 688 referral should be submitted to the Bureau of Transition Planning, which will select the agency they decide best fits the student's needs.

The Chapter 688 process helps students with disabilities connect to the appropriate adult agency before they leave high school.

TIP 2: Learn about the adult agencies:

- The [Department of Developmental Services \(DDS\)](#) provides supports for individuals with intellectual and developmental disabilities, including individuals with Autism Spectrum Disorder.
- The [Massachusetts Rehabilitation Commission \(MRC\)](#) helps individuals with disabilities to live and work independently through vocational rehabilitation and community living services.
- The [Department of Mental Health \(DMH\)](#) provides services and supports to meet the mental health needs of individuals of all ages to help them live, work, and participate in their communities.
- The [Massachusetts Commission for the Blind \(MCB\)](#) provides rehabilitation and social services to individuals who are blind, to help them become more independent and engage in their communities.
- The [Massachusetts Commission for the Deaf and Hard of Hearing \(MCDHH\)](#) provides accessible communication, education, and advocacy to consumers to make programs, services, and

opportunities fully accessible to persons who are deaf and hard of hearing.

- The [Department of Children and Families \(DCF\)](#) supports young adults, age 18-22, who are transitioning from DCF custody to independent living.

TIP 3: Learn what the family is responsible for after the school makes the Chapter 688 referral:

- To make sure the referral was received, contact the adult service agency and/or check in with your school's special education liaison.
- Because a 688 referral is **not** an application for agency eligibility and will not result in any adult services, families should submit an eligibility application to the desired adult agency. The agency will then determine if the person with disabilities will be eligible for adult services from that agency. It's a good idea for families to make multiple copies of forms, just in case they get lost in the process.
- Once the family has submitted the eligibility application, the family should check in with the adult service agency within a few weeks to make sure they received the forms.

TIP 4: Learn how to connect to other community resources.

- Get access to independent living and employment services through [Independent Living Centers](#), [MassHire](#), [peer mentoring](#), or youth/young adult groups.
- Individuals can also apply directly for services through MRC, DMH, or DDS if the IEP Team does not feel a Chapter 688 referral is necessary.



Examples of Chapter 688 referral

Tavon (age 16) has Autism without an intellectual disability. He has an IEP and is expected to graduate with a regular high school diploma when he is 18. Tavon does well with academics but struggles with social cues and executive functioning and will need supports to work 20 or more hours per week. The IEP Team agrees that the Chapter 688 referral should be submitted to DDS.

Cameron (age 17) has an IEP and is enrolled in his district's alternative high school. Due to significant mental health challenges, he has missed many days of school and will need an extra year to catch up in order to graduate with a regular high school diploma at age 19. Cameron currently receives services through DMH, and the IEP Team agrees that he will need DMH services after he leaves high school. The Chapter 688 referral will be submitted to DMH.

Aliyah (age 19) is in her second year of the 18-22 program at her school. She has an intellectual disability and will exit high school when she turns 22. Aliyah's vision is to get a job and live independently, but she will need significant supports to achieve both of these goals. The IEP Team agrees that the Chapter 688 referral should be submitted to DDS.

Julian (age 19) has many functional limitations. He will receive school services until he turns 22 and will need significant supports after he leaves high school. The IEP Team is unsure which adult agency would be the best to support Julian so the Chapter 688 referral will be submitted to the Bureau of Transition Planning (BTP).

Sadie (age 16) has a learning disability. She participated in MRC Pre-Employment Transition Services (Pre-ETS) through her high school. Her IEP Team agrees that Sadie will need supports to work 20 or more hours per week, so the school submits a Chapter 688 referral to MRC.

The Chapter 688 referral is not an application for adult agency eligibility.

TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

Student:	SASID:	Age:
Date form completed:		
Anticipated date of graduation:	Current IEP dates from: _____	to: _____
Anticipated date of 688 referral, if applicable:		

POST-SECONDARY VISION

Write the student's **POST-SECONDARY VISION** in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

DISABILITY RELATED NEEDS

Write the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

Student: _____ Date form completed: _____

ACTION PLAN

The **ACTION PLAN** should outline how the student can develop self-determination skills and be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision. Indicate how Special Education/General Education, family members, adult service providers or others in the community will help the student develop the necessary skills. **Disability related needs must also be stated on page 1.**

Develop the **ACTION PLAN** needed to achieve the **POST-SECONDARY VISION** by outlining the skills the student needs to develop and the courses, training, and activities in which the student will participate. Include information on who will help the student implement specific steps listed below in the Action Plan.

- **Instruction: Is there a course of study or specific courses needed that will help the student reach his/her post-secondary vision?** Consider the learning opportunities or skills that the student may need. This could include specific general education courses and/or special education instruction, career and technical education, and/or preparation for post-secondary outcomes such as vocational training or community college.
- **Employment: Are there employment opportunities and/or specific skills that will help the student reach his/her post-secondary vision?** Consider options such as part-time employment, supported job placement, service learning projects, participation in work experience program, job shadowing, internships, practice in resume writing/interviewing skills, the use of a one-stop resource center and job specific skills in areas such as customer service, technology, etc.
- **Community Experiences/ Post School Adult Living: Are there certain types of community and/or adult living experiences that will help the student reach his/her post-secondary vision?** Consider options such as participation in community based experiences, learning how to independently access community resources, building social relationships, managing money, understanding health care needs, utilizing transportation options and organizational skills.

BTP Bulletin – Chapter 688 Electronic Referral System

Updated on February 11, 2021

The Bureau of Transitional Planning (BTP) stopped accepting Chapter 688 paper referrals on behalf of students with disabilities in September 2017. This includes submissions directly to human service agencies as well as to the BTP. All referrals should be submitted using the new T22/Chapter 688 referral application which is accessed through the EOHHS Virtual Gateway. For all districts that are currently registered with the Virtual Gateway and have submitted Authorized User information for the T22/Chapter 688 application, individual users will receive an email containing their credentials for accessing the Virtual Gateway. (For users who already have a Virtual Gateway account, the email will provide information on the changes to the account.) In addition, individual users will receive an email invitation to access the required training on how to use the new application, which is in the Massachusetts Performance and Career Enhancement Learning Management System (PACE).

Districts, who are not previously registered with the Virtual Gateway, and are looking to doing business with the Virtual Gateway, need to submit their district information using the online Virtual Gateway Organization Management webpage. Visit the [Become a Virtual Gateway User | Mass.gov](#) > Register a New Virtual Gateway Organization for guidance.

To add or update an Existing Virtual Gateway Access Administrator (AA), districts need to submit their information using the online Virtual Gateway Organization Management webpage. Visit the [Become a Virtual Gateway User | Mass.gov](#) > Add/Update Existing Virtual Gateway Access Administrators for guidance.

If your district is registered, but you have not submitted Authorized User information, or would like to add or remove an Authorized User, please access the Turning 22 User Request Form at [User Request Forms | Mass.gov](#).

For assistance with additional questions, please contact T22UserAssistance@state.ma.us.

Special Education

Chapter 688

As of September 1, 2017, the Bureau of Transitional Planning (BTP) no longer accepts Chapter 688 paper referrals on behalf of students with disabilities. This includes submissions directly to human service agencies as well as to the BTP. All referrals should be submitted using the new T22/Chapter 688 referral application which is accessed through the EOHHS Virtual Gateway. For more information, please go to the [BTP website](#).

 ["A Guide To Chapter 688: Massachusetts' Transitional Planning" brochure](#)

 [Chapter 688 — Guidelines for Referral](#)

 [Chapter 688 Referral Parent/Student Brochure](#)

 [Chapter 688 Referral Form](#)

Chapter 688 Referral — *Why do it?*

The primary goal of filing a Chapter 688 referral is to plan for needed adult services for students with severe disabilities. Filing a Chapter 688 referral creates documentation that students with severe disabilities will need adult services and supports. This documentation alerts Transition Agencies (e.g., the Department of Developmental Disabilities, the Massachusetts Rehabilitation Commission, the Department of Mental Health) and the state legislature regarding the future needs of these students. In cases where a student is determined to be eligible for agency services, yet services are not provided due to a lack of funding or program availability, agency personnel can advocate to increase funds in the budget planning process for the next fiscal year in order to provide the needed services.

Filing a Chapter 688 referral sets in motion a two-year planning process for students whose entitlements to special education services will end when they graduate from school or turn 22 years of age. This planning results in the creation of an Individual Transition Plan (ITP) that describes how the student will connect with needed supports and services after exit from school. This planning process can be particularly important if the student is not deemed eligible for state agency services, if agency services are limited because of lack of funding or program availability, or if formal coordination of services is required among more than one state agency.

Transition Agencies typically ask that the student complete an eligibility application concurrent with the 688 planning process. This is beneficial, because if a student's eligibility for services is established, the ITP can include more specificity with respect to the programmatic and fiscal planning required to provide services.

688 Referral Process — *Appropriate for which students?*

Students who receive services in accordance with an IEP and receive SSI/SSDI and/or are on the registry at the Massachusetts Commission for the Blind (MCB) are automatically entitled to a Chapter 688 referral. Other students who may be appropriate for Chapter 688 referral are those students with severe disabilities who are in need of continued services and are unable to work 20 or more hours per week in competitive, non-sheltered, non-supported employment at the time they are ready to leave school.

Questions about a student's appropriateness for a Chapter 688 referral should be directed to the Disability Determination Division of the Massachusetts Rehabilitation Commission (MRC), 1-800-422-7200.

Refer 2 Years before Student Graduates or Turns 22

Only school systems can submit a Chapter 688 referral. A referral must be made at least 2 years before the student is expected to graduate from school or turns 22 years of age.

Specific guidelines on selecting a recipient Transition Agency can be found in the *Chapter 688 - Guidelines for Referral* document above. Districts are encouraged to review the guidelines and select a Transition Agency that provides the expertise and services that most closely address the student's areas of need. Districts are encouraged to contact the BTP if more than one Transition Agency seems appropriate or if further guidance is needed with a selection. As a final option, the referral may be sent to the BTP for routing to an agency.

Individual Transition Plan — *A planning document outlining needed adult services*

Special education services provided while a student is in school are entitlements mandated by federal and state law. Chapter 688 is not a continuation of special education services and is not an entitlement to services. If a student has been referred under Chapter 688, an Individual Transition Plan (ITP) is required and written for each student.

The receiving Transition Agency case worker or service coordinator convenes and chairs a meeting which includes the student's education team, the student and/or guardian or family members, treating clinicians where applicable, and any other party the student sees as helpful to the transition planning discussion. The product of this meeting is a fully drafted Individual Transition Plan (ITP), which contains a description of the student's disability-related needs which will require support after exiting school, the agency or entity responsible for the provision of such services, the location at which such services will be provided, and the expected duration for the provision of services. According to the Chapter 688 law, ITPs must be developed no later than six months prior to the date the student exits school.

Appeals:

Appeals of Individual Transition Plans are made to the Bureau of Transition Planning (BTP). For more information, call BTP at 617-573-1600.

Special Education

Technical Assistance Advisory SPED 2014-4

Transition Assessment in the Secondary Transition Planning Process

To: Middle and High School Principals, Administrators of Special Education, General and Special Educators, and Other Interested Parties

From: Marcia Mittnacht, State Director of Special Education

Date: April 9, 2014

The purpose of this advisory is to:

- a. Clarify the purpose of transition assessment in the secondary transition planning process.
- b. Provide guidance to school districts concerning the selection and use of transition assessments.

This advisory is released in the context of previous Department of Elementary and Secondary Education (DESE) secondary transition advisories and other DESE secondary transition resources, both existing and forthcoming.¹ The reader is invited to study these materials as an integrated whole.

Background

Through secondary transition planning, which occurs in Massachusetts for students with IEPs aged 14-22,² IEP Teams facilitate an individualized process that moves a student ever-closer to the successful realization of his or her personal vision for the future. That vision, documented on the Transition Planning Form (TPF) and in the IEP,³ is the beacon which guides the development of the IEP during the transition years.⁴ Year by year, a student's IEPs detail a sequential and developmental process whereby the student's disability-related needs are addressed in order to build skills necessary to achieve the student's postsecondary goals/vision

Purpose of Transition Assessment

Individualized, age-appropriate transition assessment is integral to the development of the IEP for students aged 14-22 and is required by the Individuals with Disabilities Education Act (IDEA),⁵ very much as assessments are integral to the special education process for students who are younger. Through ongoing transition assessment, the IEP Team (1) discerns the student's postsecondary goals in the areas of education/training, employment, and - where appropriate - independent living,⁶ (2) gains an understanding of the student's needs, strengths, preferences, and interests,⁷ and (3) measures the student's current performance and progress towards the development of skills. The results of transition assessment inform the development of measurable annual skill-based IEP goals and the delivery of transition services. Any reader of an IEP for a student aged 14-22 should be able to see a clear linkage between the student's postsecondary goals and transition assessments, and the student's annual IEP goals and transition services.⁸ The IEP should contain annual goals and transition services that flow from the student's vision, needs, strengths, preferences, interests, and assessment results.

Rather than adopting a restrictive approach which might seem to imply the required use of highly specialized formal assessments for each student, we encourage IEP Teams to think broadly about assessing students when they are aged 14-22. Age-appropriate assessment (i.e., assessment that is chronologically appropriate for students) is often part of typical school routine. Transition assessment can be conducted through special education, but key transition-related assessment data can also be garnered through routine whole-school programming such as social-emotional learning curricula, work-and-learning experiences, guidance department courses and opportunities, or the standard academic course of study.

Any assessment that is conducted when a student on an IEP is aged 14-22 can be viewed as a transition assessment, in that it affords information which can be used to discern the student's vision; understand the student's needs, strengths, preference, and interests; and measure progress towards the acquisition of skills. DESE has created a sample — but not exhaustive — [list of possible transition assessments](#) that can be found on our website as a link from [Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process](#).

The results of individualized transition assessment in the IDEA-defined domains of further education/training, employment, and independent living - as needed for each unique student - will inform the IEP Team's decisions regarding the student's course of study and the student's need for specially designed instruction, modifications, accommodations, supports, related services, and/or assistive technology, so as to gain skills and make progress towards realizing his/her vision.

Scope and Sufficiency of Transition Assessment

When considering an array of possible transition assessments, it may be helpful for IEP Teams to think in terms of an All-Some-Few model. For *all* students on IEPs, the Team may already possess certain types of information (e.g., data from the MCAS, report cards, achievement tests, work-based learning, preference surveys, student or family interviews, etc.). For *some* students on IEPs, Teams may have or need additional types of information (e.g., personality surveys, environmental or situational analyses, adaptive skills assessments, etc.). For a *few* students on IEPs, the Team may have or need more in-depth information (e.g., adaptive behavior assessments, functional vocational evaluation, life skills inventory).

The question often arises: "How do we know we have conducted enough transition assessments?" Transition assessment is an individualized, question-driven process, in that the number and type of assessments which are appropriate to conduct for each student is determined by the number and type of questions about the student for which answers are needed.

Experience demonstrates that a Team is likely to have many questions about a younger student for whom the transition process is beginning; indeed, it is developmentally appropriate for all students who are 14 or 15, with or without disabilities, to have many questions about themselves. Students nearing graduation who have had appropriate transition planning since age 14 are likely to have a clear vision and well-understood skills; therefore there will be fewer questions to address.

The IEP Team's questions to guide transition assessment fall into three general categories:

1. Who is the student (i.e., what are the student's needs and strengths)?
2. Who does the student want to be, or what does the student want to do (i.e., what are the student's preferences and interests)?
3. What is the fit between the student and the requirements of the educational, employment, and living environments into which the student plans to move when he or she exits high school?

The purpose of transition service delivery is to close the gap between the student's current skills and the demands of the student's intended future environment. Transition assessment enables the IEP Team to understand those gaps, and to plan how best to lessen or eliminate them. Depending on the individual needs of each student, examples of questions that can be addressed in post-secondary domains might include:

- If the student would like to attend college, does the student have necessary academic, social, and functional skills?
- Given the student's vision for employment, what experiences and educational opportunities does the student require now in order to be successful in that future occupation?
- If the student currently lacks skills necessary to fulfill a postsecondary goal of independent living, and the Team determines this is an area of need, how will those skills be acquired?
- If the student does not require an independent living postsecondary goal on his/her IEP, does the student nonetheless require functional IEP goals, perhaps involving the use of assistive technology, that will support the development of skills in areas such as financial literacy, healthcare, and/or self-help?⁹

As teens develop, it is expected that their postsecondary goals will change over time, as transition assessments and educational experiences in and beyond the classroom help them to clarify, refine, and communicate their vision and skills, and to better understand themselves and the demands of the future towards which they are working.

Types of Transition Assessments

Transition assessments can be formative or summative, and either informal or formal.

Formative assessments, such as quizzes, observations, running records, or short-term projects, are already used routinely on a regular (i.e., hourly, daily, weekly) basis to monitor student learning. They enable school professionals to see whether students are making progress and to create ongoing learning opportunities that are responsive to student needs. This type of "student progress monitoring" generally is summarized for the parent and student in progress reports during the course of the year. While these assessments are rarely specifically included in the IEP, unless there are notable patterns or findings associated with the progress monitoring activity, they provide important information to consider within the transition process and may help to inform annual skill-based IEP goals. Since general education professionals use formative assessments on a routine basis, these assessments can provide one avenue for the active and meaningful participation of general education teachers on the IEP team.

Summative assessments, such as a final exam, thesis, capstone project, or senior recital, are generally administered at the end of a term to provide a cumulative evaluation of a students' progress. This type of assessment is also often communicated to the parent and student in progress reports rather than in the IEP, again, unless there are notable patterns or findings associated with the completion of an activity. These too may provide important information to consider within the transition process and may help to inform annual skill-based IEP goals. Since general education professionals use summative assessments on a routine basis, these assessments, as well, can provide an avenue for the active and meaningful participation of general education teachers on the IEP team.

Informal assessments use non-standardized methods (e.g., interviews, inventories, curriculum-based assessments, criterion-referenced assessment), can be used in many settings and with many stakeholders in the student's life, and are useful in designing and evaluating the effect of instructional interventions. Unlike formal assessments, they may not allow comparisons with other students but can be used to establish a baseline and monitor progress. Informal assessment results may be reported to the parent and student through progress reports or in the IEP, depending on how they are used.

Formal assessments are standardized instruments that have guidelines for administering, scoring, and interpreting, and have been tested for reliability and validity. Scores can be compared across student populations. Formal assessments are almost always reported in the student's IEP unless they are not germane to the student's disability, or academic or non-academic functioning.

If the Team lacks understanding of how the student is likely to perform in varied environments such as the workplace, community, or college, or if a student has irregular and inconsistent performance, transition assessment information may be more helpful if it is collected across multiple settings at school (e.g., in an academic context and during "life of the school" and extracurricular activities), as well as in other settings such as home, community, and the workplace, and over time, and from a variety of people who know the student well (e.g., the student, family, teachers, agency personnel, friends, employers, coaches).¹⁰ Informal assessments can be developed to be flexible and well-suited to use in many contexts, with many stakeholders in the student's life.

It is important to remember that the student him/herself should be involved - as much as possible - in planning, implementing, and evaluating the assessment process. Students can be supported over time to assume increasing responsibility for driving their own assessment process. Guiding questions for students may be helpful, such as "What do I enjoy or dislike? What can I do well? What are my challenges? What would I like to do in the future? What skills do I have now? What skills do I need in order to overcome barriers and achieve my vision? How can I track my own progress towards acquiring these skills?" Families, who know the student in multiple contexts outside the school walls, are also essential partners in the transition assessment process.

Consent

The question often arises: "Is written consent required in order to conduct transition assessments?" The answer is, "It depends." Several factors determine the need for parental consent, or for the consent of students 18 years or older who have decision-making authority. Parental or student consent for transition assessment is **not needed** when:

- the assessment is administered to all students in a class, at a grade level, in a school district building, or district-wide, unless consent is required for all students participating in the assessment.¹¹
- the assessment is conducted as a routine activity or assignment within the curriculum.

In addition, according to IDEA, consent is not needed for "screening for instructional purposes, because such screening is not an evaluation."¹² Consent is not needed, also, to review existing data.¹³ Good practice dictates that educators conduct regular progress monitoring and discuss results and next steps frequently with students and parents, at least annually and certainly on a routine basis. Consent for progress monitoring is not required.

Therefore, schools are required to obtain consent for only those individual transition assessments that are:

- not administered to all students,
- not part of a routine or informal classroom activity, and
- not part of ongoing progress monitoring.

In this way, consent requirements for transition assessment are the same as those for any special education assessment and are generally required only for formal assessments given specifically to that one student and not to all students in the class or instructional group, in order to determine the student's needs, strengths, preferences, and interests related to further education/training, employment, and, where appropriate, independent living skills.

For any transition assessment that does require consent, the school district is required to provide or arrange for the provision of the transition assessment of the student within 30 school days upon receipt of consent from the parent, or from the student 18 years or older who has decision-making authority.

Documenting Transition Assessment in the IEP

A student's IEP Team may choose to record transition assessments and their results in several places on the IEP. However, so that all IEP readers can easily obtain a comprehensive overview of each student's assessments, the DESE recommends that all transition assessments be listed on IEP 1, under *Student Strengths and Key Evaluation Results Summary*, recording the student's educational and functional performance, strengths, and needs; progress towards goals; personal attributes and accomplishments; preferences and interests.

As is the case with any IEP, information from assessments should also flow through the document as a whole. Since each section of the IEP has a different function, results of transition assessments should serve various purposes.¹⁴ For example, the PLEP section facilitates instructional planning by providing a bridge from the *Key Evaluation Results Summary* to instructional intervention. Thus, in the PLEP section a discussion of results from transition assessment(s) can give information on how the identified disability(ies) impact the student's overall participation in the Massachusetts Curriculum Frameworks and the life of the school. Under *Current Performance Level* for each annual goal focus, transition assessment results may shed light on the student's current skill level in that particular focus area. Each focus area, whether academic (e.g., writing, reading, or math skills) or functional (e.g., organization, personal care, career awareness, self advocacy, or self regulation skills), builds skills that will make the biggest difference to the student during one school year. Each year's annual IEP goals build skills, year over year, which will promote the eventual realization of the student's vision/postsecondary goals.

Conclusion

According to IDEA, IEPs for students of transition age must include "appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services (including courses of study) needed to assist the [student] in reaching those goals."¹⁵ Our state's goal is that all students will have "the opportunity to reach their full potential and to lead lives as participants in the political and social life of the commonwealth and as contributors to its economy."¹⁶ In the rich context of Massachusetts' rigorous general education program, a carefully planned process of individualized, appropriate assessment and corresponding services for students on IEPs aged 14-22 helps prepare our youth to move confidently toward the future they have envisioned.

¹ See, for example, [Technical Assistance Advisory SPED 2009-1: Transition Planning to Begin at Age 14](#), [Administrative Advisory SPED 2011-1: Age of Majority](#), [Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process](#).

² [Technical Assistance Advisory SPED 2009-1: Transition Planning to Begin at Age 14](#).

³ [Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process](#).

⁴ See **Massachusetts Student-Driven Secondary Transition Visual Model**.

⁵ 34 CFR §300.320(b)(1).

⁶ 34 CFR §300.320(b)(1).

⁷ 34 CFR §300.43(a)(2).

⁸ For further discussion of the clear cause-and-effect relationship between the student's transition assessments and postsecondary goals, and the student's annual IEP goals and transition services, please see [Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process](#).

⁹ For information on which postsecondary goals are required by IDEA 2004 for students of transition age, please see [Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process](#).

¹⁰ See [Age Appropriate Transition Assessment](#) from the Division on Career Development and Transition (DCDT), in collaboration with the National Secondary Transition Technical Assistance Center (NSTTAC).

¹¹ 34 CFR §300.300(d)(1)(ii).

¹² 34 CFR § 300.302.

¹³ 34 CFR §300.300(d)(1)(i).

¹⁴ see [IEP Process Guide](#) .

¹⁵ 34 CFR §300.320(b)(1)(2).

¹⁶ Massachusetts G.L. c. 69, §1

Technical Assistance Advisory SPED 2017-1: Characteristics of High Quality Secondary Transition Services

To: Administrators of Special Education, Parents, Students, and Other Interested Parties

From: Marcia Mittnacht, State Director of Special Education

Date: July 14, 2016

Purpose

The purpose of this advisory is to help school districts improve outcomes for students with IEPs and to promote compliance with state and federal special education law by highlighting three characteristics of appropriate high quality secondary transition service delivery:

1. Transition Services should be coordinated.
2. Transition services should be provided based on the needs, strengths, preferences, and interests of individual students.
3. Transition services should be results oriented.

This advisory complements the Department of Elementary and Secondary Education (ESE)'s previously-issued advisories regarding transition goals, transition assessment, and self-determination,¹ and aligns with the federal Office of Special Education Programs (OSEP)'s prioritization of *Results Driven Accountability*.² It also aligns with the Commonwealth's goal of college and career readiness for all students.³

Background

Secondary Transition services are defined in IDEA as a coordinated set of activities within an individualized, results oriented process designed to improve students' academic and functional achievement and thus prepare them for life after high school.⁴ Transition services help students with IEPs build the skills they will need to live successful lives as adult learners, workers, and community members. Each year from age 14 (or earlier) onward,⁵ the IEP team helps each student to understand their needs, strengths, preferences, and interests, and to refine their postsecondary goals (i.e., vision) through ongoing age-appropriate transition assessment.⁶ The team then develops measurable annual IEP goals and designates transition services to address the student's disability-related needs and build skills in an additive fashion, moving the student closer each year toward achieving their postsecondary goals.

Characteristic #1: Transition services should be coordinated.

Transition services should be coordinated both at a systems and individual level as part of a purposeful, sequential, developmental IEP process.

Systems Level Coordination

School districts should provide a sufficient range and continuum of coordinated transition services to meet the full range of students' needs across the age span of 14 to 22 years.⁷ For older students (18-22), school districts must have available a sufficient breadth of transition services to teach these transition skills to all students who need them:

- skills necessary for postsecondary education and/or training,
- skills needed to seek, obtain and maintain employment,
- skills necessary for independent living,
- skills needed to access community services, and
- skills used to self-manage medical and other personal needs.⁸

When developing a continuum of services for students from age 14 onward, districts should consider **integrating special education services with the experiences and opportunities available to students without disabilities**.⁹ For example, how might guidance counselors, work-and-learning coordinators, faculty sponsors of student clubs, athletics coaches, art and music instructors, and others collaborate with special educators to build systems to provide experiences that align with students' needs, strengths, preferences, and interests? School districts should also explore how students with disabilities can gain work skills through whole school supports and services such as Connecting Activities,¹⁰ the Massachusetts Work-Based Learning Plan,¹¹ and Individual Learning Plans.¹²

Partnerships enhance districts' ability to provide a sufficient range and continuum of transition services. School districts can effectively implement appropriate transition services by **collaborating with community entities** such as institutions of higher education, employers, workforce investment boards, independent living centers, adult agencies, YMCAs, and adult education programs. Many districts already have connections to local career one-stops and businesses through work-and-learning programs for all students; special educators can improve transition services by partnering with these systems. The 2014 federal Workforce Innovation and Opportunity Act (WIOA)¹³ encourages a fully integrated workforce system with services to in-school youth with the full range of disabilities, including closer relationships between **vocational rehabilitation agencies and schools**. As part of this initiative, districts are urged to strengthen partnerships with the Massachusetts Commission for the Blind (MCB) and the Massachusetts Rehabilitation Commission (MRC); both of these agencies can provide services such as job exploration counseling, workplace readiness training, work-based learning experiences, self-advocacy training, and support for enrollment in postsecondary education programs. School districts can also explore innovative partnerships with **special education collaboratives**, which can offer resources such as professional development and staffing (e.g., transition specialists or job coaches). In this way, school districts are able to expand services beyond those available within the high school walls.

Institutions of higher education can also provide important community learning opportunities. The landscape of Early College options for all students, including those with disabilities, is rich

and varied. Innovative programming flourishes across the state, from unique partnerships between one high school and one college, to statewide systems such as the Commonwealth Dual Enrollment Partnership¹⁴, Gateway to College¹⁵, or the Inclusive Concurrent Enrollment Initiative (ICEI)¹⁶. In order for opportunities like these to be provided, school districts can establish close relationships with local colleges and universities, other school districts, and collaboratives.

School districts can also consider developing interagency councils to promote seamless student transition into adult life. Interagency councils have been created by school districts to include (and coordinate between) school districts, adult human service agencies, employers and employer representatives (such as a workforce investment board or Rotary), local colleges and universities, special education collaboratives, families, students, and other community members. Interagency councils support communication and collaboration, and connect students with resources that might not otherwise be readily available.

Individual Level Coordination

Transition services for each individual student with an IEP should be provided in a well-thought-out, stepwise, developmental progression so that each year students build new skills that move them closer toward achieving their postsecondary goals. When the student is age 14 (or earlier), the IEP team uses the Transition Planning Form (TPF)¹⁷ to map out the opportunities the student will experience that year in the areas of instruction, employment, and community participation – opportunities that can be provided by the school, families, employers, community members, and other stakeholders in the student’s life. The IEP team decides which transition services the school will provide, and these are recorded in the IEP.¹⁸

Each subsequent year until the student exits school, the team should look back at the previous years’ TPFs and IEPs to track progress. The TPF is a discussion guide, and nothing recorded on it that is not recorded in the IEP is required by law to occur. If actions steps outlined on the TPF did in fact not occur in the previous year, why not? What meaningful and feasible action steps can the team develop this year?

For the IEP:

- Which specific skills did the student gain through last year’s transition services?
- Did the student achieve last year’s measurable annual IEP goals? If not, why not?
- Which measurable annual IEP goals will address this year’s disability-related needs and build this year’s skills, to assist the student in meeting their measurable postsecondary goals?
- Which transition services does the student need, recorded in the IEP, to promote the accomplishment of this year’s measurable annual IEP goals and move the student closer each year toward achieving the postsecondary goals?

As the IEP team looks backwards and forwards, it should be informed by the results of transition assessment such as classroom and community observations, interviews, formal

assessment, standardized tests, academic assessments, behavioral assessments, self-determination scales, the Massachusetts Work-Based Learning Plan (WBLP), etc.¹⁹

Characteristic # 2: Transition services should be provided based on the needs, strengths, preferences, and interests of individual students.

Like all other special education services, transition services must be individually tailored to address each student's unique needs.²⁰ Individualization means that students with similar disability profiles may require very different transition services, because individual students may have different needs, strengths, preferences, interests, and postsecondary goals. The IEP team should consider a full range of possible services, not limited by existing programming or disability type.

All students, with and without disabilities, can benefit from a variety of experiences. For example, the ESE's Career Development Education framework²¹ recommends that all students experience the full continuum of career awareness, career exploration, and career immersion opportunities during high school. Many adults find a career that is a good fit by trying out a range of jobs from their teenage years onward. As most adults know from personal experience, even a disliked job can teach much about the rules of the workplace, appropriate personal and social skills, persistence and motivation, the dignity of work, and one's own inclinations. As much as possible, however, students' experiences should align with their individual preferences and interests. Students should not be placed indefinitely in a disliked setting, or in a setting that has no relationship to the student's postsecondary goals. Students with disabilities drop out of school and fail to graduate at a higher rate than other students.²² To stop this trend, we need to support students' motivations, aspirations, and investment in their own education. The more students can determine their own futures, the more promising those futures are likely to be. Of course, all young people grow and mature each year, and their preferences and interests will change based on their experiences and the natural developmental process. Transition services need to change and adapt with them.

Addressing each student's individual needs often requires creating and supporting individualized learning opportunities in the community – for example, by assisting individual students to access higher education courses, customizing authentic paid employment opportunities, or facilitating/preparing for meaningful participation in leisure and recreational activities.

Characteristic #3: Transition services should be results oriented.

Transition services must be results oriented.²³ In other words, they must develop students' functional and academic skills needed to make meaningful and effective progress towards achieving their postsecondary goals in the domains of postsecondary education/training, competitive employment, independent living, and community participation as appropriate to each student.²⁴ The IDEA emphasizes that providing effective transition services to promote successful post-school employment or education is an important measure of accountability for

students with disabilities.²⁵ Students' ongoing acquisition of functional and academic skills is monitored through formal and informal transition assessment.

Results oriented transition services encourage students to function as independently as possible. For example, through teaching, scaffolding, and fading supports, students with executive function challenges can be taught to plan, gather necessary materials, coordinate with other people, and successfully execute a project. For other students, one-to-one paraprofessional support can be faded as students learn to demonstrate skills with less assistance from others.

Results oriented transition services also support students to generalize and transfer skills throughout all the community environments where they will be living, working, or going to school as adults. For example, students might initially be taught pragmatic language skills through specialized instruction and practice with nondisabled peers in school. However, in order for pragmatic language skills to be learned so they will generalize across multiple adult settings, it is often necessary for students to receive instruction in the environments in which they will live, work, and learn when they are adults. A speech-language pathologist or other social skills expert may need to provide instruction and coaching to a student at a community-based job or recreation site. For many students with disabilities, the development of pragmatic communication and social skills is critical to lifelong success.

Results oriented transition services promote least restrictive environment (LRE) principles.

The right to a free and appropriate public education in the LRE is foundational to the IDEA and is supported by research on student outcomes. For example, research conducted in Massachusetts found that students with disabilities who were educated in inclusive settings were much more likely to graduate than those who were educated in substantially separate settings.²⁶ Therefore, to the maximum extent appropriate, students with disabilities must have the opportunity to learn academic and functional skills with age-appropriate people who do not have disabilities, both in school and in the community.²⁷ Supplementary aids and services (for example, a job or education coach, or assistive technology) must be provided, as necessary, to support students' successful placement in the LRE.²⁸ Of course, not all students will require supplementary aids and services; natural supports such as peers, co-workers, and employers are the first choice, because this mirrors experiences for those who do not have disabilities.

As many students with disabilities grow older, an increasing amount of their transition services should be provided in community settings. This is particularly true for older students who have completed four years of high school and remain eligible for special education services. Since they no longer have age-appropriate, nondisabled peers at the high school, the least restrictive environment for these older students – indeed, the “general curriculum” for these students – is most often the community, the colleges and training programs, and jobs where their former classmates are now engaged. Full inclusion for these students means interacting most of the day with adults who do not have disabilities, and having experiences and learning skills in environments where most other people do not have disabilities.

Research demonstrates that many transition skills are effectively acquired *only* in the community with nondisabled peers. One example is employment skills, long considered a critical focus of effective transition services.²⁹ Some students are provided opportunities to learn job skills in a setting within the public schools – for example, the school recycling center or principal’s office. This kind of work experience can constitute good first steps in the career development education continuum and can build job skills such as punctuality, self-regulation, and organization. However, by themselves these kinds of experiences may not be sufficient to teach many work skills that a student will need after exiting special education. Research demonstrates that adult employment outcomes for all students – including students with disabilities – are significantly improved when students have the opportunity to learn work skills through multiple and diverse employment opportunities that are paid and that take place in authentic community worksites (as compared to employment specially created for persons with disabilities).³⁰

Finally, in order for students with disabilities to eventually live, work, and learn in the community, they must be able to travel as independently as possible. Transition services can include travel training, which is individualized instruction designed to teach students how to independently use public or paratransit transportation to travel safely and effectively between home, school, work and community.³¹ All adults need to be able to successfully travel from home to work to recreation, and back again.

Conclusion

ESE has placed the highest importance on preparing students to succeed as adults.³² Coordinated, individualized, and results oriented transition services are critical to making this goal a reality for students with disabilities.

¹ The other ESE transition advisories address transition assessments, transition goals, and the age (14 years old) when transition services must begin. The transition advisories, as well as ESE’s self-determination advisory, may be found on ESE’s Transition Services website at www.doe.mass.edu/sped/secondary-transition

² OSEP’s *Results Driven Accountability* shifts from a system focused primarily on compliance to one that puts greater emphasis on results. See OSEP’s results driven accountability home page found online at www2.ed.gov/about/offices/list/osers/osep/rda

³ Massachusetts’ *Definition of Career and College Readiness* includes:

- *Learning skills* which include reading, writing and mathematical problem solving.
- *Workplace readiness* which includes attendance and punctuality, accepting direction with a positive attitude, taking initiative, communicating well and interacting with co-workers.
- *Quantitative and qualitative abilities* (referred to as “qualities and strategies”) which include the ability to think critically, be flexible, direct and evaluate one’s own learning, self-advocate, and act responsibly.

See www.mass.edu/library/documents/2013College&CareerReadinessDefinition.pdf

⁴ See 20 U.S.C. § 1401(34)(A).

⁵ See MGL c. 71B, s. 2.

⁶ See *Technical Assistance Advisory SPED 2014-4: Transition Assessment in the Secondary Transition Planning Process*, www.doe.mass.edu/sped/advisories/2014-4ta.html

⁷ IDEA regulations (34 CFR 300.115) require each school district to have a continuum of alternative placements available to meet the needs of students with disabilities for special education and related services. The United States Department of Education has further explained that “the LEA has an obligation to make available a full continuum of alternative placement options that maximize opportunities for its children with disabilities to be educated with nondisabled peers to the extent appropriate.” 71 Fed. Reg. at 46588.

⁸ See 603 CMR 28.06(4).

⁹ See Teresa Grossi and Cassandra Cole, *Teaching Transition Skills in Inclusive Schools* (Paul H. Brookes Publishing Co. 2013).

¹⁰ Connecting Activities is an ESE initiative that leverages a statewide infrastructure to support college and career readiness for all students. See www.massconnecting.org.

¹¹ The *Massachusetts Work-Based Learning Plan* was developed by ESE as a diagnostic, goal-setting, and assessment tool designed to drive learning and productivity on the job. See www.skillslibrary.com/wbl.htm

¹² See the *Massachusetts Guide for Implementing Individual Learning Plans*, found online at www.doe.mass.edu/ccr/schoolcounseling/ilpguidance2014.pdf

¹³ See www.doleta.gov/wioa

¹⁴ See www.mass.edu/strategic/read_cdep.asp

¹⁵ Several Massachusetts community colleges participate in this national initiative which serves at-risk youth, www.gatewaytocollege.org/.

¹⁶ See www.mass.gov/edu/birth-grade-12/higher-education/initiatives-and-special-programs/inclusive-concurrent-enrollment/.

¹⁷ Mandated Form 28M/9, www.doe.mass.edu/sped/28MR/28m9.pdf

¹⁸ See *Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process*, www.doe.mass.edu/sped/advisories/13_1ta.html

¹⁹ See <http://www.doe.mass.edu/sped/secondary-transition/indicator13-transition-assessment.pdf>

²⁰ See *Bd. of Educ. of the Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 181 (1982) (special education services must be “tailored to the unique needs of the handicapped child”).

²¹ www.doe.mass.edu/connect/cde

²² See profiles.doe.mass.edu/state_report/

²³ As noted in an earlier footnote, OSEP has revised its accountability system, shifting from a system focused primarily on compliance to one that puts more emphasis on results. See also 34 CFR 300.43(a)(1) (requiring transition services to be designed within a results-oriented process).

²⁴ The United States Department of Education has explained that the purpose of transition services is to help students with disabilities “make a successful transition to his or her goals for life after secondary education.” 64 Fed. Reg. 12474-12475. See also 20 U.S.C. § 1401(34)(A).

²⁵ See 20 USC § 1400(c)(14).

²⁶ Hehir, T., Grindal, T., & Eidelman, H. (2012, April). Review of Special Education in the Commonwealth of Massachusetts (Rep.). Retrieved www.doe.mass.edu/sped/hehir/2012-04sped.pdf

²⁷ See 20 USC § 1400(d)(1)(A); 20 USC § 1412(a)(1)(A); 20 USC § 1412(a)(5); MGL c. 71B, s.1.

²⁸ OSEP has concluded that transition services placements, including community work placements, must be based on LRE principles and must include supplementary aids and services needed to support placement in the LRE. See *Letter to Spitzer-Resnick, Swedeen, and Pugh*, Office of Special Education Programs, 59 IDELR 230, 112 LRP 32664 (June 22, 2012), found online at www2.ed.gov/policy/speced/guid/idea/memosdcltrs/062212workplacelre2q2012.pdf

See also 34 CFR 300.114(a)(2)(ii); 34 CFR 300.107.

²⁹ See Debra Martin Luecking and Richard G. Luecking, *Translating Research Into a Seamless Transition Model* (March 24, 2015) found online at: cde.sagepub.com/content/38/1/4

³⁰ See “Guideposts for Success” produced by the National Collaborative on Workforce and Disability/Youth (explaining that there is a professional consensus that work experiences and paid employment in the community are highly associated with positive post-school employment outcomes), cited in *Translating Research Into a Seamless Transition Model* by Debra Martin Luecking and Richard G. Luecking (March 24, 2015) found online at: cde.sagepub.com/content/38/1/4 or *Building Skills Through Summer Jobs: Lessons from the Field* (Rep.). (2015). Retrieved www.jporganchase.com/corporate/Corporate-Responsibility/document/54887-jpmc-summeryouth-aw2.pdf

³¹ See 34 CFR 300.39(b)(4)) (defining travel training). See also definition of travel training in recommendations from the Massachusetts Travel Instruction Network to Mass. Dept. of Transportation (October 5, 2015), found online at www.mass.gov/eohhs/docs/hst/matin-performance-measures.pdf

³² See www.mass.gov/edu/government/departments-and-boards/ese/



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Hearing Rules for Special Education Appeals

These Rules replace and supersede the Hearing Rules for Special Education Appeals issued in February 2008

March 2019

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Scope of Rules

The Department of Elementary and Secondary Education created the Bureau of Special Education Appeals (BSEA) to ensure due process rights of students with disabilities, parents, and public schools when a dispute arises concerning a student's educational program that cannot be resolved locally. The BSEA has jurisdiction over disputes among parents, school districts, private schools, and state agencies involving any matter concerning the provision of a free appropriate public education to a student with special needs.

The BSEA has the authority to resolve educational disputes pursuant to Massachusetts state law M.G.L. c. 71B (popularly known as Chapter 766), and its implementing regulations, 603 CMR 28.00. The BSEA has jurisdiction to resolve educational disputes under federal law as well, in accordance with 20 U.S.C. 1401 *et seq.* (the Individuals with Disabilities Education Act, "IDEA"), 29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973) and the regulations promulgated thereunder, 34 C.F.R. Part 300 and 34 C.F.R. Part 104 respectively.

These hearing rules are governed by 603 CMR 28.00, federal due process procedures and the Massachusetts Administrative Procedure Act, M.G.L. c. 30A. Unless modified explicitly by these Rules, hearings are conducted under the Formal Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* These provisions require the BSEA to conduct fair and impartial hearings and to render written decisions that are based upon findings of fact and supported by substantial evidence.

How to Begin an Administrative Due Process Hearing

RULE I: *Hearing Request*

A. Who May File a Hearing Request

A hearing before the Bureau of Special Education Appeals (BSEA) may be requested by:

1. The student, if age 18 or over;
2. The parent(s);
3. The legal guardian, individual with court-appointed educational decision-making authority or duly appointed educational surrogate parent;¹
4. The programmatically and /or fiscally responsible school district, state educational agency or other public agency;
5. An individual with whom the child lives and who is acting in place of the parent; or
6. An attorney or advocate for any of the above.

B. Hearing Request Content

To begin the hearing process, the party requesting the hearing (i.e., moving party) must send a written hearing request to the opposing party.² At the same time, the moving party must send a copy of the hearing request to the BSEA. The date that the opposing party receives the hearing request is the operative date for calculating due process timelines.

The hearing request must contain the following information:

1. Name and address of student;
2. Name, address, and telephone number of:
 - a. Person requesting hearing;
 - b. Parent(s);
 - c. Legal Guardian, if any;
 - d. Individual given court-appointed educational decision-making authority, if any;

¹ A copy of the appointment must accompany the hearing request for all individuals enumerated in this category.

² Sending the hearing request to the office of a school administrator, or to counsel for a party shall be deemed sufficient service.

- e. Duly appointed educational surrogate parent, if any; and,
 - f. Individual with whom the child lives and who is acting in the place of the parent;
3. Relationship to student of person requesting hearing;
 4. Name of programmatically and fiscally responsible school district(s) and / or name of state educational agency or other state agency(ies);
 5. Name of the school the child is attending;
 6. In the case of a homeless child or youth, within the meaning of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), available contact information for the child and the name of the school the child is attending;
 7. If applicable, the name, address, phone number, and fax number of the attorney or advocate representing the party who is requesting a hearing;
 8. The nature of the disagreement, including facts relating to such disagreement;
 9. A proposed resolution of the disagreement to the extent known and available to the party at the time.

The party requesting a hearing shall not be allowed to raise issues at the hearing that were not raised in the hearing request unless the other party agrees or the hearing request is amended in accordance with state and federal law.

The hearing request must be signed and dated by the person who is requesting the hearing. The person requesting the hearing must submit a signed statement that he/she has sent the hearing request to the opposing party. The signed statement must indicate the method (e.g., fax, mail, hand-delivery) by which the request was sent.

C. Timeline for Requesting a Hearing

A parent or agency shall request an impartial due process hearing within two (2) years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint. This timeline does not apply if a parent was prevented from requesting a hearing due to either specific misrepresentations by the school district that it had resolved the problem forming the basis of the hearing request or the school district's withholding of information from the parent that was required to be provided under federal law.

D. Response to Hearing Request

Within ten (10) calendar days of receipt of the moving party's hearing request, the opposing party must send to the other party and the Hearing Officer a response that specifically addresses the issues raised in the hearing request. However, if the school district sent a prior written notice to the parent regarding the issues raised in the parent's

hearing request in accordance with 34 C.F.R. § 300.503, the school district need not send an additional response.

E. Sufficiency Challenge

If the non-moving party believes that the hearing request does not contain the elements set out in Rule IB, that party may file a written challenge to the sufficiency of the hearing request with the Hearing Officer and the other party (ies) within fifteen (15) calendar days of receipt of the hearing request.

The Hearing Officer shall rule as to the sufficiency of the hearing request within five (5) calendar days.

If the hearing request is found to be sufficient, the original timelines remain unchanged.

If the Hearing Officer finds the hearing request to be insufficient, the moving party may file an amended hearing request with the Hearing Officer and the other party, provided the moving party does so within fourteen (14) calendar days from the date of the insufficiency ruling. Failure to file the amended hearing request within 14 calendar days (or such other time as ordered by the Hearing Officer) may result in the dismissal of the case without prejudice.

F. Resolution Session

Under the IDEA, a hearing cannot be held in response to a parent's hearing request until

1. the school district has convened a resolution meeting;³ within fifteen (15) calendar days⁴ of the date of receipt of the hearing request; or
2. the parties have agreed to participate in mediation in lieu of the resolution meeting; or
3. the parties have notified the BSEA in writing that they have both waived the resolution session.

If the school district has not resolved the complaint to the satisfaction of the parent within thirty (30) calendar days of the receipt of the hearing request, the hearing may occur, and all of the applicable timelines for a due process hearing shall commence. If the parent does not participate in the resolution meeting or participate in mediation in lieu of the resolution meeting, the hearing will be delayed until the meeting is held.

³ The resolution meeting must include parent, relevant members of student's IEP team with knowledge of the facts identified in the hearing request, and a school representative with decision-making authority, to attempt to resolve the issue(s) in the hearing request. If the parent does not participate in the resolution meeting or in mediation in lieu of the meeting, the hearing will be delayed.

⁴ If, for reasons other than a parent's failure to participate, the school district fails to convene a resolution meeting within fifteen calendar days of receipt of the hearing request, it shall be deemed to have waived the resolution session, and the hearing may occur.

G. Amending the Hearing Request

The moving party may amend the hearing request under two circumstances:

1. In response to a Hearing Officer's determination that a hearing request is insufficient, as described in E, above, the moving party may file an amended hearing request within fourteen (14) calendar days of the date of the Hearing Officer's determination.
2. If the other party consents in writing, or the Hearing Officer grants permission. (The Hearing Officer may not grant such permission later than five (5) calendar days before the start of the hearing.)

Whenever a hearing request is amended, the entire process starts over for the purpose of timelines, as if the amended hearing request were a new request. However, to the extent the amendment merely clarifies issues raised in the initial hearing request, the date of the initial hearing request shall be controlling for statute of limitations purposes. For issues not included in the original hearing request, the date of the amended hearing request shall be controlling for statute of limitations purposes.

H. Representation - Attorney or Advocate Notice of Appearance

Representation. Individuals may appear on their own behalf and present their case without attorney or advocate assistance if desired. A school district or state agency may designate an individual to act on its behalf. Any party has the right to be accompanied, represented, and advised by an attorney or advocate. Attorneys or advocates must file a written notice of appearance. The filing of any pleading, motion, or other paper is deemed to constitute the filing of an appearance unless the paper states otherwise.

Withdrawal From Representation. An attorney or advocate may withdraw from a case by filing written notice of withdrawal, together with a statement indicating that notice of the withdrawal has been provided to the client and all other parties.

I. Intervention

Upon written request, a Hearing Officer may allow any person or entity that may be substantially and specifically affected by the proceeding to intervene or participate in the entire proceeding or any part of it.

J. Joinder

Upon written request of a party, a Hearing Officer may allow for the joinder of a party in cases where complete relief cannot be granted among those who are already parties, or if the party being joined has an interest relating to the subject matter of the case and is so situated that the case cannot be disposed of in its absence. Factors considered in determination of joinder are: the risk of prejudice to the present parties in the absence of the proposed party; the range of alternatives for fashioning relief; the inadequacy of a

judgment entered in the proposed party's absence; and the existence of an alternative forum to resolve the issues.

How a Hearing Date is Scheduled

RULE II: *Hearing Schedule*

A. Hearing Date

In order to comply with the federal timeline requiring that in non-expedited cases no more than 45 days after the expiration of the 30-day resolution period a final decision is reached and mailed to the parties, the BSEA shall schedule a hearing date that is:

1. thirty-five (35) calendar days after receipt by the opposing party of a hearing request filed by a parent/student or filed on behalf of a parent/student (as stated in Rule I A); or
2. twenty (20) calendar days after receipt by the opposing party of a hearing request filed by a school district; or
3. twenty (20) calendar days after receipt of a hearing request involving an appeal of assignment of school district responsibility.

To the extent possible, the Hearing Officer shall ensure that hearings requiring multiple days are held on dates close to one another.

B. Notice of Hearing

The hearing notice shall include the following:

1. time, date, location of hearing;
2. name of initial Hearing Officer;
3. deadline to file response to hearing request;
4. deadline to challenge sufficiency of hearing request;
5. deadline for convening the resolution meeting;
6. date for issuance of decision; and
7. the BSEA's phone number (if technical assistance is needed).

C. Expedited Hearings

1. Student Discipline: Hearings involving discipline are scheduled on an expedited timeline consistent with federal IDEA regulations. Expedited status will be granted:
 - a. when a parent disagrees with a school district's determination that the behavior leading to discipline was not a manifestation of the student's disability; or
 - b. when a parent disagrees with a school district's decision regarding a student's placement in the discipline context; or
 - c. when a school district asserts that maintaining the current placement of the student during the pendency of due process proceedings is substantially likely to result in injury to the student or others.

2. Form of Expedited Hearing Request

Requests for expedited hearings must be in writing, and must conform to the requirements of Rule I. No specific form is required in order to request an expedited hearing. Failure to specifically request expedited status shall not preclude assignment of such status by a Hearing Officer as long as the hearing request sets forth grounds that meet the IDEA's expedited criteria.

3. Expedited Hearing Schedule

- a. A hearing on an expedited request will be held no later than fifteen (15) calendar days after the request is received by the opposing party.
- b. The resolution meeting must occur within seven (7) calendar days of receipt of the hearing request. If the school district has not resolved the complaint to the satisfaction of the parent within twelve (12) calendar days of receipt of the hearing request, the hearing may occur.
- c. A conference call may be scheduled at the request of a party or at the discretion of the Hearing Officer.
- d. Copies of all documents to be introduced as evidence and a list of the witnesses to be called at the hearing must be exchanged by the parties and received by the Hearing Officer two (2) business days prior to the expedited hearing date unless a different schedule is allowed by the Hearing Officer.
- e. A decision on the expedited hearing will be issued no later than ten (10) calendar days after the hearing.
- f. When expedited status is requested, a Hearing Officer will consider which issues, if any, meet the criteria above, and will schedule only those issues on

an expedited track. The remaining issues, if any, will be processed separately on a non-expedited track. Whenever possible, both cases will be heard by the same Hearing Officer.

- g. If the parties agree to have the expedited hearing decided on documents only, they must inform the Hearing Officer, in writing, of their agreement.

4. Postponements/Advancements

- a. An expedited hearing may not be postponed.
- b. A request to advance the hearing date will be granted only if the rescheduled date conforms to federal IDEA requirements with respect to the resolution session.

D. Accelerated Hearing Requests

1. Hearings may be assigned accelerated status in the following situations:

- a. When the health or safety of the student or others would be endangered by the delay; or
- b. When the special education services the student is currently receiving are sufficiently inadequate such that harm to the student is likely; or
- c. When the student is currently without an available educational program or the student's program will be terminated or interrupted immediately.

2. Form of Accelerated Hearing Requests

Requests for accelerated hearings must be in writing and must conform to the requirements of Rule I. No specific form is required in order to request an accelerated hearing. Failure to specifically request accelerated status will not preclude assignment of such status by a Hearing Officer when the hearing request sets forth grounds that meet accelerated criteria.

3. Accelerated Hearing Schedule

- a. A hearing assigned accelerated status will be held no later than thirty (30) calendar days after the request is received by the opposing party. When accelerated status is requested, a Hearing Officer will consider which issues, if any, meet the criteria above, and will schedule only those issues on an accelerated track. The remaining issues, if any, will proceed separately on a non-accelerated track. Whenever possible, both cases will be heard by the same Hearing Officer.

- b. A response to the hearing request must be filed no later than ten (10) calendar days after receipt of the hearing request.
- c. When parent(s) request the hearing, the resolution meeting must occur within fifteen (15) calendar days of receipt of the hearing request. The parties shall inform the Hearing Officer in writing within ten (10) calendar days of receipt of the hearing request whether they will convene or waive the resolution session.
- d. The responding party may file a challenge to the sufficiency of the hearing request no later than fifteen (15) calendar days after receipt of the hearing request.
- e. The BSEA will schedule a telephone conference call to occur nineteen (19) calendar days after a hearing request has been received by the opposing party.
- f. Copies of all documents to be introduced as evidence and the list of witnesses to be called at the hearing must be exchanged by the parties and received by the Hearing Officer five (5) business days prior to the accelerated hearing date unless a different schedule is allowed by the Hearing Officer.
- g. A decision on the accelerated issue(s) will be issued no later than fifteen (15) calendar days after the close of the record.

4. Postponements/Advancements of Accelerated Status Matters

- a. For matters assigned accelerated status, no postponements will be granted.
- b. At the written request of the party(ies), or upon the Hearing Officer's determination, an accelerated matter may be removed from the accelerated calendar, and shall proceed in accordance with the timelines set forth in federal and state law.

E. Conference Call

In all non-expedited cases, the BSEA will schedule a telephone conference call to occur nineteen (19) calendar days after a hearing request has been received by the opposing party. In general, the call should last no more than ten (10) minutes and will address scheduling of future events, timelines for exchange of information (discovery), and any other scheduling issues. The Hearing Officer may entertain discussion of substantive matters if no further resolution meetings are anticipated during the thirty (30) day resolution session period.

Requesting a Postponement Or Advancement

RULE III: *Postponement /Advancement*

A. Postponement

1. All requests for postponement of a hearing must be submitted in writing to the Hearing Officer and the opposing party. Except in extraordinary circumstances, a postponement request must be received at least six (6) business days before the scheduled hearing date. The request must set out the specific length of the extension requested, the reasons for the request, proposed alternate dates for the hearing, and indicate that all parties have been notified.
2. A party may agree to or oppose a request to postpone a hearing in writing. Opposition to a request for postponement will be given serious consideration by the Hearing Officer.
3. A Hearing Officer may grant an extension of the 45-day timeline at the written request of a party and only for good cause. The Hearing Officer will issue a written ruling on the request, documenting the length of the extension or the new date by which the Hearing Officer will mail the decision to the parties and the basis for the ruling. 34 C.F.R. § 300.515(c).

B. Advancement

1. A hearing may be held earlier than the initially assigned date when the parties jointly request advancement and notify the Hearing Officer in writing that the resolution meeting either has been waived or has been completed without resolution before expiration of the thirty (30) day time line for the resolution session.
2. If the initial hearing date has already been postponed and a new date assigned, the hearing may be advanced at the request of a party for good cause. The Hearing Officer may grant the advancement request and assign a new hearing date and decision issuance date, or deny the request for good cause.

The Prehearing Conference

RULE IV: *Prehearing Conference*

A. Hearing Request Prerequisite

A prehearing conference may be conducted only after a request for hearing has been filed with the BSEA and the parties have either completed or waived the resolution session.

Absent extraordinary circumstances, a prehearing conference shall not delay the hearing date unless a party requests or assents to a postponement for the purpose of scheduling a prehearing conference.

B. Purpose of Prehearing Conference

The prehearing conference shall clarify or simplify the issues as well as review the possibility of settlement of the case. At the prehearing conference, the parties shall be prepared to discuss their respective positions and the relief each seeks through the hearing. Not every case will require a prehearing conference. If the issues are clear, a case may proceed directly to hearing.

A prehearing conference may address:

- clarification of issues;
- remedies;
- identification of areas of agreement and disagreement;
- discovery;
- date for exchange of exhibits;
- length of hearing;
- need for an interpreter and/or stenographer;
- settlement;
- prehearing conference orders; and/or
- organization of the proceedings.

Participants in a prehearing conference must have full authority to settle the case or have immediate access to such authorization.

C. When Both Parties Request a Prehearing Conference

A Hearing Officer shall conduct such a prehearing conference upon joint request of the parties once the parties have either completed or waived the resolution session.

D. When One Party or Neither Party Requests a Prehearing Conference

When one party or neither party requests a prehearing conference, a Hearing Officer shall determine whether a prehearing conference is necessary.

If the Hearing Officer determines that a prehearing conference is necessary, the conference may be scheduled, but shall not delay the hearing date.

If neither party requests a prehearing conference, the Hearing Officer may not unilaterally convert a hearing into a prehearing conference.

A prehearing conference may also be held immediately prior to convening the hearing.

E. Telephonic Prehearing Conference

A party may request that a prehearing conference be conducted by telephone.

Exchange of Information, Motions, Subpoenas, Exhibits

RULE V: *Informal/Formal Exchange of Information*

A. Exchange of Information by Agreement

The parties are encouraged to exchange information cooperatively and by agreement prior to the hearing. The parents are entitled to receive copies of the student's school records. (*See Massachusetts Student Record Regulations, 603 CMR 23.00.*)

B. Discovery

The term "discovery" refers to formal requests for, and exchanges of, information. Unless the case has been granted expedited status, formal requests for information may be made at any time after a request for hearing is filed and the resolution meeting, when required, has been held or waived. Discovery may occur in the form of written questions (interrogatories), written requests for records (production of documents), or testimony under oath taken outside of a hearing (deposition).

The party upon whom the request is served shall respond within a period of thirty (30) calendar days unless a shorter or longer period of time is established by the Hearing Officer.

1. *Requests for Documents.* Any party may request any other party to produce or make available for inspection or copying any documents or tangible things not privileged, not supplied previously, and which are in the possession, custody, or

control of the party upon whom the request is made. (A party may request documents from a non-party through a subpoena duces tecum duly issued by the Bureau of Special Education Appeals, and those documents may be delivered to the office of the party requesting the documents prior to the hearing date. See Rule VIII B.)

2. *Interrogatories.* A party may serve on any other party written interrogatories for the purpose of discovering relevant, not privileged, information not supplied previously through a voluntary exchange of information. Hearing Officer approval is not required for twenty-five (25) or fewer interrogatories. No party, without Hearing Officer approval, shall serve more than twenty-five (25) interrogatories on another party. For purposes of determining the number of interrogatories, subparts of a basic interrogatory that are logical extensions of the basic interrogatory and seek only to obtain specified additional particularized information with respect to the basic interrogatory shall not be counted separately from the basic interrogatory. Each interrogatory shall be separately and fully answered under the penalties of perjury unless it is objected to, in which event, the reasons for the objection must be stated in lieu of an answer.
3. *Depositions.* In order to take the testimony of any witness by deposition, a party must file a written motion seeking approval from the Hearing Officer.
 - a. Time & Content. There shall be at least ten (10) calendar days notice to the parties of the motion to take a deposition. A motion requesting a deposition shall state the name and address of the witness to be deposed, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, the name and address of the person before whom the deposition will take place, and the reason why such deposition should be taken.
 - b. Authorization. The Hearing Officer shall allow the motion only upon a showing that the parties have agreed to submit the deposition in lieu of testimony by the witness or the witness to be deposed cannot appear before the Hearing Officer without substantial hardship, and that the testimony being sought is relevant and material, not privileged, and not discoverable by an alternate means.
 - c. Scope and Conduct of the Deposition. Depositions shall be taken orally before a person having power to administer oaths. Every witness testifying upon deposition shall be duly sworn, and the adverse party (ies) shall have the right to cross-examine. Objections to questions must set out the grounds relied upon. The testimony shall be reduced to writing and shall, unless waived, be signed by the witness, and certified by the officer before whom the deposition is taken. After the deposition has been subscribed and certified, it shall be forwarded to the Hearing Officer. Subject to appropriate rulings on objections, and the parties' agreement regarding its use, the deposition shall be received in evidence as if the testimony contained therein had been given by the witness in the proceeding.

C. Objections/Protective Orders

The party upon whom a request for discovery is served may, within ten (10) calendar days of service of the request, file with the Hearing Officer objections to the request or move for a protective order. Disputes regarding discovery shall be resolved whenever possible by conference call. Protective orders may be issued to protect a party from undue burden, expense, delay, or as otherwise deemed appropriate by the Hearing Officer. Orders of the Hearing Officer may include limitations on the scope, method, time and place for discovery or provisions protecting confidential information.

RULE VI: *Motions*

A. Motion Defined

A party may request that a Hearing Officer issue an order or take any action consistent with relevant statutes or regulations. Such a request shall be called a motion.

B. Filing a Motion

After a party files a hearing request, motions may be filed in writing with the Hearing Officer. Each motion shall set forth the reasons for the desired order or action and shall also state whether a hearing on the motion is requested.

C. Notice of the Motion to the Other Party

Written motions must be served on all parties and the Hearing Officer simultaneously. The party(ies) filing the motion must submit a signed statement that he/she has sent a copy of the motion to the opposing party(ies). The statement must indicate the method (e.g., fax, mail, hand-delivery) by which the copy was sent. Any party may file written objections to the allowance of the motion and may request a hearing on the motion within seven (7) calendar days after a written motion is filed with the Hearing Officer and the opposing party, unless the Hearing Officer determines that a shorter or longer time is warranted.

D. Hearings and Rulings on a Motion

If a hearing on a motion is warranted, a Hearing Officer shall give all parties at least three (3) calendar days notice of the time and place for hearing. A Hearing Officer may rule on a motion without holding a hearing if: delay would seriously injure a party; testimony or oral argument would not advance the Hearing Officer's understanding of the issues involved; or a ruling without a hearing would best serve the public interest.

E. Evidence Relating to a Motion

In support of, or opposition to, a motion, a party may offer only evidence relevant to the particular motion. This evidence may consist of facts that are supported by affidavit (a sworn, written statement under oath), appear in records, files, depositions, or answers to

interrogatories, or presented by sworn testimony.

RULE VII: *Subpoenas*

A. Subpoena Defined

A subpoena is a written command to appear at a certain time and place to give testimony in the case. A subpoena may also require the production of documents. This is called a subpoena *duces tecum*.

B. Issuance

Upon the written request of a party, the BSEA shall issue a subpoena to require a person to appear and testify and, if requested, to produce documents at the hearing. A party may also request that the subpoena *duces tecum* direct that documents subpoenaed from a non-party be delivered to the office of the party requesting the documents prior to the hearing date.

The request, which must be simultaneously sent to the opposing party and the Hearing Officer, must be received by the Hearing Officer at least ten (10) calendar days prior to the hearing; shall specify the name and address of the person to be subpoenaed; and shall describe any documents to be produced. Subpoenas may be issued independent of the BSEA and shall be governed by the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01(10)(g). The BSEA may also issue a subpoena *sua sponte*, that is, on its own initiative without a formal request from a party.

C. When a Person Contests a Subpoena

A person receiving a subpoena may request that a Hearing Officer vacate or modify the subpoena. A Hearing Officer may so do upon a finding that the testimony or documents sought are not relevant to any matter in question or that the time or place specified for compliance or the breadth of the material sought imposes an undue burden on the person subpoenaed.

D. Enforcement

If any person fails to comply with a properly issued subpoena, the party requesting the issuance of the subpoena may petition the Superior Court for an order requiring compliance with the terms of the subpoena.

RULE VIII: *Exhibits, Witness List*

A. Five Day Rule

Copies of all documents to be introduced (exhibits) and a list of the witnesses to be called at the hearing must be received by the opposing party (ies) and the Hearing Officer at

least five (5) business days prior to the hearing unless otherwise allowed by the Hearing Officer.

B. Exhibit Preparation

All exhibits shall be numbered in the upper right hand corner, divided by tabs, and submitted to the Hearing Officer along with a numbered index. Use of loose leaf or other binders is encouraged.

How a Hearing Is Conducted

RULE IX: *Conduct of Hearing*

A. Generally

To the extent possible, hearings shall be scheduled at a time and place convenient to the parties. Hearings shall be as informal as is reasonable and appropriate under the circumstances. The Hearing Officer has the authority and obligation to ensure that appropriate standards of conduct are observed and that the hearing is conducted in a fair and orderly manner. Unless the parents request otherwise, the hearing is closed to the public, and all evidence taken at hearing shall remain confidential.

B. Hearing Officer Duties and Powers

The Hearing Officer shall have the duty to conduct a fair hearing; administer the oath or affirmation to witnesses testifying at the hearing; to ensure that the rights of all parties are protected; to define issues; to receive and consider all relevant and reliable evidence; to ensure an orderly presentation of the evidence and issues; to ensure a record is made of the proceedings; and to reach a fair, independent, and impartial decision based on the issues and evidence presented at the hearing and in accordance with the law. In furtherance of these duties, the Hearing Officer may:

1. Authorize the BSEA to issue subpoenas *sua sponte* or upon the request of any party to secure the presentation of evidence or testimony;
2. Request a statement of the issues and define the issues;
3. Rule on any requests or motions that may be made during the course of the due process proceedings;
4. After consultation with the parties and consideration of the proposed evidence, place reasonable limits on the presentation of evidence to prevent undue delay, waste of time, or needless presentation of cumulative evidence;

5. Assist all those present in making a full statement of the facts in order to bring out all the information necessary to decide the issues involved and to ascertain the rights of the parties;
6. Ensure that each party has a full opportunity to present its case orally, or in writing, and to secure witnesses and evidence to establish its claims;
7. Regulate the presentation of the evidence and the participation of the parties for the purpose of ensuring an adequate and comprehensible record of the proceedings;
8. Examine witnesses and ensure that relevant evidence is secured and introduced;
9. Receive, rule on, or exclude evidence;
10. Introduce into the record any regulations, statutes, memoranda, or other materials relevant to the issues at the hearing;
11. Continue the hearing to a subsequent date to permit either party to produce additional evidence, witnesses, and other information;
12. Order additional evaluations at public expense;
13. Order written briefs to be submitted by the parties, establish the issues to be addressed by the briefs, and set the deadline for their submission;
14. Reconvene the hearing at any time prior to the issuance of a decision for any purpose or pursuant to a post-hearing motion; and
15. Censure, reprimand, or otherwise ensure that all participants conduct themselves in an appropriate manner.

C. Evidence

The Hearing Officer shall not be bound by the rules of evidence applicable to courts, but shall observe the rules of privilege recognized by law. Evidence shall be admitted only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

1. *Documents.* The parties may offer as evidence documents that they have exchanged prior to the hearing in accordance with these rules. At the hearing, the Hearing Officer may permit or request the introduction of additional documentary evidence where no prejudice would result to either party.
2. *Oral Testimony.* Oral testimony shall be given under oath or affirmation, subject to the pains and penalties of perjury. Witnesses shall be available for examination and cross-examination.

3. *Regulations and Statutes.* Regulations and statutes may be put into evidence by reference to the citation or by submitting a copy of the pertinent regulation or statute.
4. *Stipulations.* Stipulations of fact, or stipulations as to the testimony that would have been given by an absent witness, may be used as evidence at the hearing. The Hearing Officer may require evidence in addition to the stipulations offered by the parties.
5. *Administrative Notice.* The Hearing Officer may take administrative notice of any fact of which judicial notice could be taken, and in addition may take administrative notice of statutes, regulations, and general, technical or scientific facts within the specialized knowledge of the Hearing Officer. Parties shall be notified of the facts so noticed and they shall be afforded an opportunity to contest the substance or materiality of the facts noticed. Facts officially noticed shall be included and indicated as such in the record.
6. *Additional Evidence.* The Hearing Officer may require any party to submit additional evidence on any relevant matter.

D. Evidentiary Standard

In reaching a decision, a Hearing Officer will assess the weight, credibility, and probative value of the evidence admitted into the record. Hearing Officers may use their experience, technical competence, and specialized knowledge in evaluating the evidence. The Hearing Officer's decision will be based upon a preponderance of the evidence presented.

E. Close of the Hearing

At the conclusion of all testimony, the Hearing Officer has the discretion to permit or require the parties to make oral or written closing arguments. A request to submit written closing arguments shall constitute a postponement request which must be documented and acted upon in accordance with Rule III above. If the Hearing Officer allows the submission of written closing arguments, they shall be submitted no later than seven (7) business days after the last day of hearing unless the parties jointly request, and the Hearing Officer allows, a different time period provided, however, that in no case shall written closing arguments be filed more than thirty (30) calendar days after the last day of hearing. The Hearing Officer has the discretion to limit the number of pages and font size of the written arguments.

The record is formally closed when additional submissions permitted by the Hearing Officer, (i.e. documents; written closing arguments), if any, are received by the Hearing Officer, or upon the date such documents or arguments are due, whichever comes first. A decision will be issued within twenty-five (25) calendar days after the close of the record.

F. Failure to Prosecute or Defend

If a party fails to file documents required by statute or regulation, to respond to notices or correspondence, to comply with orders of the Hearing Officer, to appear at the scheduled hearing or otherwise indicates an intention not to continue with prosecution of the claim, the Hearing Officer may dismiss the case with or without prejudice through a ten (10) day Order to Show Cause, or may take evidence and issue such orders as may be necessary including, but not limited to, ordering an educational program or placement for the student.

RULE X: *Rights of Parties***A. Rights of All Parties**

Under the provisions governing BSEA hearings, all parties shall have the right:

1. To receive from the BSEA, upon request, a list of its impartial Hearing Officers with their qualifications;
2. To be accompanied and advised by legal counsel and /or an advocate;
3. To present written documents;
4. To compel the attendance of witnesses pursuant to a subpoena;
5. To examine and cross-examine witnesses;
6. To request that the Hearing Officer prohibit the introduction of any evidence at the hearing that has not been disclosed to the parties at least five (5) business days before the hearing;
7. To obtain a certified written transcription of the entire proceeding by a certified court reporter and/or an electronic verbatim record of the hearing, free of charge, upon written request to the BSEA. Either may only be used in a manner consistent with these Rules and otherwise shall be kept confidential except with the parent's consent;
8. To receive a written or, at the option of the parents, an electronic decision setting forth the Hearing Officer's findings of fact and order, within the federally and state mandated timeline, provided that the Hearing Officer may grant reasonable extensions of time at the request of either party.

B. Parent Rights

Under the provisions governing the BSEA hearings, parents have the following additional rights:

1. To have the student, who is the subject of the hearing, present at the hearing;
2. To open the hearing to the public;
3. Pursuant to the Massachusetts Student Records Regulations, to inspect and to receive a copy of all student records pertaining to the student, including school records and papers related to the identification, evaluation, placement, or provision of a free appropriate public education to the student.

Hearing Decision

RULE XI: *Decision Without A Hearing*

A party may request a decision without a hearing

All parties must agree to a decision based solely on written material. The decision will have the same force and effect as any other BSEA decision.

RULE XII: *Decision and Implementation of Decision*

A. Decision

The written findings of fact and decision of the Hearing Officer, along with the notification of the procedures to be followed with respect to appeal and enforcement of the decision, shall be sent to the parties and their representatives, if any.

B. Finality of Decision

The Hearing Officer's decision is the final decision of the BSEA and is not subject to further agency review. Motions to reconsider or to re-open a hearing once a decision has been issued are not permitted.

C. Immediate Implementation

Except as provided below in Rule XIV, the Hearing Officer's decision shall be implemented immediately.

RULE XIII: *Rights of Appeal; Placement of Student During Appeal; Stay of Decision***A. Rights of Appeal**

Any party aggrieved by the decision of the Hearing Officer may file a complaint for review of the decision in the state Superior Court or in Federal District Court no later than ninety (90) calendar days from the date of the decision of the Hearing Officer.

B. Placement of Student During Judicial Appeal of BSEA Decision

If the BSEA decision calls for a change of placement with which parent agrees, that placement must be implemented immediately. In all other situations, the student must remain in his or her current educational placement unless the school district and parents agree otherwise.

C. Stay of Decision

A party seeking to stay the Hearing Officer's decision must seek and obtain a stay from the court having jurisdiction over the party's appeal.

RULE XIV: *Compliance with Decision*

A party contending that the Hearing Officer's decision is not being implemented may file a motion requesting the BSEA to order compliance with the decision.

The motion shall set out the specific areas of alleged non-compliance. The Hearing Officer may convene a hearing on the motion at which the scope of inquiry will be limited to facts bearing on the issue of compliance, facts of such nature to excuse performance, and facts bearing on a remedy. Upon a finding of non-compliance, the Hearing Officer may fashion appropriate relief and/or refer the matter to the Legal Office of the Commonwealth of Massachusetts Department of Elementary and Secondary Education for enforcement.

RULE XV: *Record*

Upon receipt of a written request from any party, the BSEA will arrange for and provide free of charge: 1) a certified written transcription of the entire proceedings by a certified court reporter or 2) an electronic verbatim record.

Dismissal/ Case Closure

RULE XVI: *Dismissal and Closure of Case*

A. Dismissal With and Without Prejudice Defined

A Hearing Officer may dismiss a case with prejudice or without prejudice. Dismissal with prejudice means that the issues litigated and/or raised in the hearing request are closed and cannot be reopened/relitigated in subsequent cases before the BSEA.

Dismissal without prejudice means that the same issues may be litigated at a later date by the filing of a new request for hearing within the statutory time period.

B. By Request of a Party

Any party may file a motion or request to dismiss a case for:

1. lack of jurisdiction;
2. failure of the opposing party to prosecute or proceed with the case;
3. failure of the opposing party to follow or comply with the Rules or any Hearing Officer order;
4. failure to state a claim upon which relief may be granted; or,
5. the clear failure of the opposing party to establish a viable claim for relief after presentation of its evidence.

The Hearing Officer may allow a motion or request to dismiss with or without prejudice.

C. By Order to Show Cause

A Hearing Officer may issue an order requiring that party to show cause why the case should not be dismissed if it is inactive or in the process of settlement. If that party fails to show such cause within the time period established by the Hearing Officer, not to exceed thirty (30) calendar days, the case may be dismissed with or without prejudice.

D. Inactive Cases

A case that has not been re-scheduled, withdrawn, or requested to be scheduled by either party for a period of one year from the original request for hearing, shall be dismissed with prejudice.

E. Withdrawal

The moving party may withdraw a request for hearing by filing a written withdrawal with the Hearing Officer and the opposing party. When received by the BSEA prior to the commencement of the hearing, the withdrawal automatically closes the case without prejudice, unless the parties and the Hearing Officer agree otherwise.

LEA Assignment Appeals

RULE XVII: *Appeals of Massachusetts Department of Elementary and Secondary Education Assignments of School District Responsibility*

A. Hearing Request

In order to request a hearing before the BSEA appealing a Massachusetts Department of Elementary and Secondary Education assignment of school district responsibility, it is required that Mandated Form 28 M/8 be used.

B. Applicable BSEA Rules

Hearings conducted by the BSEA involving appeals of Massachusetts Department of Elementary and Secondary Education assignments of school district responsibility are governed by 603 CMR 28.10(9) and are not subject to the following BSEA Hearing Rules: I A-G; II C; XIII A.

C. Right of Appeal

A party aggrieved by a Hearing Officer's decision regarding an appeal of a Massachusetts Department of Elementary and Secondary Education assignment of school district responsibility may file a complaint for review of the decision in state Superior Court pursuant to M.G.L. c. 30A.



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS
BUREAU OF SPECIAL EDUCATION APPEALS
1 CONGRESS STREET, 11TH FLOOR
BOSTON, MA 02114

TEL: 617-626-7250

FAX: 617-626-7270

<http://www.mass.gov/dala/bsea>

Hearing Request Form

COMPLETE ALL ITEMS ON THIS FORM.

Description of the Appeals Hearing process: A Special Education Appeals Hearing is conducted in accordance with federal and state statutes as well as the BSEA Hearing Rules. The Hearing Officer may conduct a pre-hearing conference prior to the full hearing. The formal administrative hearing allows the parties to present their respective cases through witnesses who testify under oath and documents that are entered into evidence. Hearings can last from a single day to multiple days. The Hearing Officer issues a final written decision based upon the submitted evidence and legal arguments. A Hearing Decision may be appealed to federal or state court within ninety days of the issuance of the decision. Further explanation of the Appeals Hearing process as well as a copy of the BSEA Hearing Rules may be found at the BSEA's website: <http://www.mass.gov/dala/bsea>

THIS FORM MAY BE USED TO FILE A HEARING REQUEST FOR THE FIRST TIME OR TO AMEND A HEARING REQUEST THAT HAS BEEN PREVIOUSLY FILED.

Please indicate whether this is an Initial Hearing Request or an Amended Hearing Request.

Please check one: Initial Hearing Request: Amended Hearing Request:

I. Student Information:

1. Student's Name:
2. Student's Address:
3. Student's School District:
4. School Student Attends:

II. Person Requesting Hearing:

1. Name of Person Requesting Hearing:

2. Please check one:

- | | | |
|--|--|---|
| <input type="checkbox"/> Parent | <input type="checkbox"/> Attorney for school | <input type="checkbox"/> Educational Surrogate Parent* |
| <input type="checkbox"/> Student (if 18 or older) | <input type="checkbox"/> Attorney for parent/student | <input type="checkbox"/> Guardian* |
| <input type="checkbox"/> School District | <input type="checkbox"/> Advocate for parent/student | <input type="checkbox"/> Person appointed by court to make educational decisions* |
| <input type="checkbox"/> Individual with whom the student lives and who is acting in place of parent | | |

**must attach copy of appointment.*

3. Address:

4. Phone Number(s): Home:

Work:

FAX Number:

III. Representation Information (if any):

Please check one: Parent School

1. Name of Your Attorney or Advocate

2. Address:

3. Phone Number:

FAX Number:

IV. Parent Information -- please provide information for each parent (if not listed in part II, page 1):

1. Name of Parent(s):

2. Address:

3. Phone Number(s): Home:

Work:

FAX Number:

V. Second Parent Information (if different from above):

1. Name of Parent(s):

2. Address:

3. Phone Number(s): Home:

Work:

FAX Number:

NOTE: Federal law requires that you completely and accurately describe the reason(s) you are asking for a hearing and the outcome you are seeking. This includes a description of the student's special needs, all of the issue(s) you want the hearing officer to address, and the facts relating to those issues.

Failure to provide complete information may result in a challenge to the sufficiency of the Hearing Request.

VI. Description of the issue(s):

Please describe the student, the student's IEP or educational program, and the reason(s) you are requesting a hearing. Please be as complete as possible including dates, names, and places when appropriate. Please identify all the issues you want the hearing officer to address. **Incomplete information may limit the scope of the hearing.** (Use additional pages if needed.)

(Description of the issue(s) continued from Page 2)

VII. Proposed resolution of the problem:

Please explain what you want the result of the hearing to be. (Use additional pages if needed.)

Signature of Person Requesting Hearing

Date

THIS FORM MUST BE SENT TO THE OPPOSING PARTY. AT THE SAME TIME, YOU MUST SEND A COPY OF THIS FORM TO THE BSEA. PLEASE SIGN BELOW TO CERTIFY THAT YOU ARE COMPLYING WITH THIS REQUIREMENT.

I certify that I am sending this hearing request form to the opposing party, and at the same time I am sending a copy to the BSEA.

I am sending this form to the opposing party by the following delivery method(s):

Please check:

- Mail
- Fax
- Hand-delivery
- Other (specify)

Signature

Educational Assessment: Part A

603 CMR 28.04(2)(a)(2)

Student Name: _____ DOB: _____ Grade: _____

School Personnel & Role: _____ Date: _____

SCHOOL HISTORY:

1. YEAR GRADE SCHOOL

2. Has the student received any instructional support services? NO YES If YES, please explain.

3. Have there been any school-related events/issues (such as attendance, recognitions, special education referrals, behavioral issues and medical problems) that have impacted upon the student's learning? NO YES If YES, please explain.

EDUCATIONAL PROGRESS AND POTENTIAL:

4. Is the student making progress in the general curriculum? YES NO If NO, explain why not and reference the student's educational history and state/district-wide assessment results when responding.

5. Has the student's progress been:
a. similar to that of his/her peers? YES NO If NO, list the possible factors that have enhanced/ limited progress.

b. consistent over the student's school history? YES NO If NO, list the possible factors that have enhanced or limited progress.

6. Provide any other comments related to the student's educational and developmental potential.

Educational Assessment: Part B

603 CMR 28.04(2)(a)(2)

Student Name: _____ DOB: _____ Grade: _____
School Personnel & Role: _____ Date: _____

CURRENT TEACHER ASSESSMENT:

1. Describe the student's specific abilities in relation to the learning standards of the Massachusetts Curriculum Frameworks and the district curriculum. Attach additional information (e.g. work samples and/or observational data) to support your response.

2. Does the student appear to have attention difficulties? NO YES If **YES**, please explain.

3. Does the student seem to participate appropriately in classroom activities? YES NO If **NO**, please explain.

4. Do the student's communication skills seem age-appropriate? YES NO If **NO**, please explain.

5. Does the student's memory appear to adversely affect learning? NO YES If **YES**, please explain.

6. Are the student's interpersonal skills with groups, peers and adults age-appropriate? YES NO If **NO**, please explain.

7. Comment on any additional factors that influence the student's performance.

REQUEST FOR WAIVER OF ASSESSMENT(S)

20 U.S.C. §614(c) (4); 603 CMR 28.07(2)

To: _____
Parent, Guardian, Educational Surrogate Parent, Student 18 and over

Re: _____ DOB: _____
Student's Name

Date: _____

Special education regulation states that school districts should avoid unnecessary duplication of assessments. Therefore, after the Team has carefully reviewed your child's school record for information that reflects the status of your child's disability(ies) and/or student performance, the school district recommends the following assessments be waived:

Type of Assessment:	Reason for Waiver Recommendation:

It is important that the school district knows your decision as soon as possible. Please indicate your response by checking one (1) box below and returning a signed copy to the district. If you do not agree to waive the above assessment(s), the school district is obligated to complete the noted assessment(s). Thank you.

I agree to waive the assessment(s) listed above.

I agree to waive only the following assessment(s):

Type of Assessment(s)

I do not agree to waive the above assessments.

*Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over**

Date

*Required signature once a student reaches 18 unless there is a court appointed guardian.

Directions to School District Staff: Please remember that the Team (20 U.S.C. § 614 (d)(1)(B)) and other qualified professionals must review existing evaluation data on the student and that a student may not be determined ineligible for services unless a reevaluation is completed. Please use this form in conjunction with N1 – School District Proposal to Act. N 1 should list the assessments that are recommended for completion.



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Home Tutoring Procedures

When a student is out of school for more than 14 days (consecutively), or for recurrent periods of less than 14 days that will add up to more than 14 days in the school year, and a physician feels that they are not able to attend school due to a medical reasons, then the student is eligible for home tutoring that is funded by the district.

If a parent is requesting home tutoring just so that the child can better understand a certain subject the district is not responsible to fund that tutoring. Upon request, the district does have a list of tutors who are willing to contract privately with parents/guardians for private tutoring.

If it is determined that a student requires home tutoring that will be funded by the district, the first step is to have the physician fill out the state mandated form (*Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons* 28R/3).

When a *Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons* form is received by the district, the Student Services Department needs to be notified to set up the tutoring. The school Principal is responsible for filling out the *Tutoring Processing Form* and sending it to the Student Services Department with the *Physician's Statement Form*.

Upon receipt of the forms, Student Services will contact a tutor and provide the student's information. The tutor will then contact the parents/guardians to set up the tutoring.

The tutor is responsible for obtaining the schoolwork from the teacher(s). The tutor will also be responsible for submitting the completed work back to the school/teacher(s).

If the student is in a hospital/treatment facility that requires a contract, and they have their own instructors, the Principal or Director of Student Services is responsible for signing the contract.

Individuals interested in becoming a tutor need to fill out the *Tutor Information Form* and send it to the Student Services Department. To be eligible for tutoring in the district, the individual must have the following qualifications:

1. At least an Associate's Degree is necessary; however, someone with a teaching degree is preferred
2. Be CORI checked

The Director of Student Services is responsible for submitting a *Personnel Acquisition Form* for the position of tutoring for all individuals approved for the tutoring list.

The district suggests up to 6 hours per week for tutoring, but each case will be determined individually to meet the student's needs.

Effective 3/15/2023, the district rate of pay for tutors is \$25/hour for paraprofessionals and \$40/hour for teachers. Tutors are responsible for completing and signing the *Request for Tutor Payment Form* and submitting it weekly to the Student Services Department. Student Services is responsible for processing the form for payment through the Payroll office.

Updated: March 2023



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

Jeffrey C. Riley
Commissioner

Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons

Massachusetts Department of Elementary and Secondary Education regulation, 603 CMR.
28.03(3)(c), provides:

Upon receipt of a physician's written order verifying that any student enrolled in a public school . . . **must remain at home or in a hospital on a day or overnight basis**, or any combination of both, for medical reasons and for a period not less than fourteen school days in any school year, a student is eligible to receive educational services in that setting, temporarily, from the public school district...

All fields must be completed and all required information provided in order for this form to be a valid authorization for service.

RETURN THIS COMPLETED FORM TO YOUR SCHOOL DISTRICT

Student Information:

Student Name: _____ DOB: _____
Address: _____ School District Name: _____

Physician Information:

Physician's Name: _____ Telephone #: _____
Type of Authorizer (M.D. or Nurse Practitioner): _____
License # _____
Address: _____

I affirm that it is medically necessary that the above named student must remain on a day or overnight basis:

At home, or in a hospital or any combination of both

For a period of:

At least 14 days, or on a recurring basis that will accumulate to at least 14 days over the

course of the current school year

Medical diagnosis and reason(s) student is confined to the home, hospital or is otherwise unable to attend school for medical reasons:

Date student was admitted to hospital or began confinement at home: _____

If the student also requires a reduction in the regular school workload due to this condition while at home or in a hospital, describe those limitations:

If the student also requires other modification to the educational program while at home or in a hospital due to the medical condition, describe those:

The student is expected to return to school on (Date must be provided) _____.
(If there is a continued medical need beyond this date, the student's parent or guardian must submit to the school district a new signed form from the physician in order to verify the need to continue the provision of educational services in the home and/or hospital).

Physician's Affidavit of Student's Medical Need for Home/Hospital Services

I am the above-named student's treating physician and am responsible for the student's medical care. I hereby certify that the student must remain at home or in a hospital, or any combination of both, on a day or overnight basis for a period of at least 14 days, or on a recurring basis that will accumulate to 14 days over the course of the school year, for the medical reasons articulated above.

Physician's Signature: _____

Date: _____

For additional information see www.doe.mass.edu/pqa/ta/hhep_qa.html or call the Problem Resolution System office (781) 338-3700.

RETURN THIS COMPLETED FORM TO YOUR SCHOOL DISTRICT



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Tutor Information Form

Name: _____ Date: _____

Mailing Address: _____

Phone Number: _____ Email Address: _____

Current Employment/School Information: _____

Degree: _____

Please list which grades/subjects you are able to tutor a student in:

Please list when you are available to tutor (i.e. immediately, summer, days, nights, weekends, etc.):

Have you been CORI checked? YES NO

Have you ever worked for the SEBRSD before? YES NO

Do you want to be on the Private Tutoring List provided to parents? YES NO

Please fill out all sections of this form and return to:

Student Services Department

302 Main Street

Spencer, MA 01562

508-885-8515 phone

508-885-8541 fax



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Tutoring Processing Form

Student Name: _____ School & Grade: _____

Date Referred for Tutoring: _____ IEP: ___ Yes ___ No | 504 Plan: ___ Yes ___ No

Reason for Tutoring: _____

Physician Form or Contract with Outside Agency: ___ Yes ___ No

(Name of Physician requesting tutoring or name of outside agency providing tutoring) (Date Contract Signed)

Date Internal District Tutor Notified: _____

Tutor Name: _____

Date Work will be Available for Tutor or Agency: _____

Start Date of Tutoring: _____ Expected Length of Tutoring: _____

Date Tutoring Ended: _____

Additional Information:

Signature, Director of Student Services

Date

CONFIDENTIAL

The Spencer-East Brookfield Regional School District's Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.

Spencer-East Brookfield Regional School District

Personnel Acquisition/Change Form

Name of Applicant/Employee: _____	
Street, City/Town, Zip _____	
Telephone Number _____	Email Address _____
License Number _____	Licensed For _____
MEPID Number _____	Education/Credits _____

Position Grade and/or Subject: _____

<input type="checkbox"/> New Position	Position Location: _____
	Start Date: _____

<input type="checkbox"/> Replacement Position	Replacing: _____
	Effective Date: _____

<input type="checkbox"/> Resignation	Effective Date: _____
<input type="checkbox"/> Retirement	Retirement Date: _____
<input type="checkbox"/> Termination	Termination Date: _____
<input type="checkbox"/> Transfer	Previous Pos/Location: _____

Account Name to be Charged: _____

General Ledger Account Num. _____

Recommended Step: _____ **Recommended Lane:** _____ **FTE Hours:** _____

Contractual Salary Amount: \$ _____

Number of Applicants: _____ **Number of Applicants Interviewed:** _____

Names of Applicants Interviewed (other than recommended candidate):	
1. _____	4. _____
2. _____	5. _____
3. _____	6. _____

Names of References Called:	Names of Written References:
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

Names of Interviewers:	
1. _____	Title/Position: _____
2. _____	Title/Position: _____
3. _____	Title/Position: _____

Administrator's Signature _____
Date

Approved Salary/Offer: Step _____ Lane: _____ \$ _____

Superintendent's Signature _____
Date

REQUEST FOR CLARIFICATION OF ASSIGNMENT OF SCHOOL DISTRICT RESPONSIBILITY UNDER 603 CMR 28.10

Please type or print clearly.

LEA ASSIGNMENT APPLICANT INFORMATION	
Name:	Title: (if applicable)
Agency/Organization: (if applicable)	Address:
Email:	Phone:

STUDENT INFORMATION		
Name:		
DOB:	Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Non-Binary	
<i>Current Residence</i>		
Name of Current Residence, Institution, Facility, OR Foster Parents/Relative and relationship:	Address:	
Current Residence Type: DCF Foster Placement <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Non-DCF Group Home <input type="checkbox"/> Residential School <input type="checkbox"/> Relative's Home (parent or other) <input type="checkbox"/> Other: _____		
Date Placed in Residence:		
<i>Current School Attendance</i>		
<i>ESSA Best Interest Determination for Students in DCF Foster Care</i>		
Is the student continuing to attend the school of origin? <input type="checkbox"/> Yes <input type="checkbox"/> No* * DESE and DCF joint guidance	*Has the required best interest determination meeting been held? <input type="checkbox"/> Yes <input type="checkbox"/> No**	Current district of Enrollment: _____ Date Of Enrollment: _____

*ESSA requires that foster care students continue to attend their school of origin, unless after a collaborative decision-making process it is determined to be in the student's best interest to enroll in and attend school in the district in which a foster care provider or facility is located (if different).

**After the best interest determination, requests for clarification of school district responsibility for a student's special education services can be directed to DESE's Office of Special Education Policy and Planning.

STUDENT INFORMATION - continued

Current School Information

Current School of Attendance:

Address:

Date Began:

Educational Placement - See IEP PL 1:

- Full Inclusion Program Partial Inclusion Program Substantially Separate Classroom
 Separate Day School - Residential School Other: _____
 public private

Student Residence and Enrollment History – Previous 3 years

Residence – Type and Address

School of Attendance – Name and Address

Date From / Date To:

Date From / Date To:

District of Enrollment:

Residence – Type and Address

School of Attendance – Name and Address

Date From / Date To:

Date From / Date To:

District of Enrollment:

Residence – Type and Address

School of Attendance – Name and Address

Date From / Date To:

Date From / Date To:

District of Enrollment:

Residence – Type and Address

School of Attendance – Name and Address

Date From / Date To:

Date From / Date To:

District of Enrollment:

Please attach additional documentation, if necessary.

PARENT INFORMATION	
PARENT 1	
Name:	<input type="checkbox"/> Biological <input type="checkbox"/> Adoptive
Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date: If yes, address at time of death:	Rights surrendered or terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date: If yes, address at time termination of rights:
<i>Parent 1 Residence History – at least three years, starting with current residence. Please explain gaps.</i>	
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:

Please attach additional documentation, if necessary.

PARENT INFORMATION	
PARENT 2	
Name:	<input type="checkbox"/> Biological <input type="checkbox"/> Adoptive
Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date: If yes, address at time of death:	Rights surrendered or terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date: If yes, address at time termination of rights:
<i>Parent 2 Residence History – at least three years, starting with current residence. Please explain gaps.</i>	
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:
Address:	Date From / Date To:

Please attach additional documentation, if necessary.

GUARDIANSHIP – Legal Guardianship Appointed by the Probate Court	
Legal guardian appointed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of guardianship certificate:
Guardian Name:	Type: <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary
Address:	Still in effect? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, date terminated:

REQUIRED DOCUMENTATION	
Document	Attached
IEP <i>Please do not submit the student's IEP in its entirety.</i>	<input type="checkbox"/> PL1 <input type="checkbox"/> Response Section Only Showing acceptance of IEP <input type="checkbox"/> Administrative Data Sheet
Parental Custody Agreement (if applicable)	<input type="checkbox"/>
Other Custodial Order (if applicable)	<input type="checkbox"/>
Legal Guardianship Certificate (if applicable)	<input type="checkbox"/>
Caregiver Affidavit (if applicable)	<input type="checkbox"/>
Voluntary Surrender documentation (if applicable)	<input type="checkbox"/>

Please attach any additional information that might assist DESE in making this LEA assignment of school district responsibility.

Submit this completed form and all relevant documentation to:

Via email: LEAssignment@mass.gov

Via regular mail: LEA Assignment Coordinator
Office of Special Education Planning and Policy
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-5023

Notification of Intent to Seek Approval for Individual Student Program

603 CMR 28.06(3)(e)(4)

Directions: A school district must annually complete and submit:

1) all three pages of this form; and

2) the specified supporting documentation described on page 3 "Required Documentation Assurance Checklist".

Prior approval for an individual student must be obtained from the Department whenever a school district intends to place a student in a program that has not been approved by the Department. The only exception is unless a settlement agreement stipulates dates prior to the request by the school district

Section I: Student Information

Student's First Name: _____ MI: _____ Last Name: _____

Date of Birth: ____/____/____ Male/Female: _____ Disability: _____

SASID Number: _____ Date of Current IEP: ____/____/____ to ____/____/____

Section II: Public School District Information

Public School District Name: _____ Public School District Code: _____

Public School District Contact Person: _____

Contact Address: _____

Telephone of contact: (____) _____ E-mail of contact: _____

Section III: Justification

The school district shall, in all circumstances, first seek to place a student in a program approved by DESE pursuant to the requirements of **603 CMR 28.09**. Preference shall also be given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and choice of such program complies with LRE requirements. (603 CMR 28.06(3)(d)).

Briefly describe why the student is being placed in the program setting. Include any and all steps taken to ensure:

Initial request:

- 1) List what Massachusetts approved special education schools were first considered and
- 2) Why the Team determined the unapproved program to be the appropriate educational setting for this student

Renewal request:

- 1) Provide a statement explaining why the Team determined the unapproved program continues to be the appropriate educational setting for this student

Notification of Intent to Seek Approval for Individual Student Program

603 CMR 28.06(3)(e)(4)

Section IV: Student Placement Information

Circle **One**: Day School **OR** Residential Program
Day Summer Program **OR** Residential Summer Program

Circle **One**: Initial Placement **OR** Renewal

FOR THIS APPLICATION:

Proposed Placement Start Date: ____/____/____ (MM/DD/YYYY)

Proposed Placement End Date: ____/____/____ (MM/DD/YYYY)

FOR RENEWAL REQUEST (if applicable):

Initial placement date at unapproved school: _____ (MM/DD/YYYY)

Authorized annual tuition for the prior IEP period: _____

Section V: Unapproved Special Education School Placement Information

Agency Name: _____ Primary Contact Person: _____

Agency Address: _____

Telephone of primary contact: (____) _____ E-mail of primary contact: _____

School/Program Name: _____ Program Code: ____ - ____ - ____ (4 digits)

School/Program Address: _____

Section VI: Public School District Special Education Administrator's Statement of Assurances

I hereby certify the following:

- (1) The student has a current, signed IEP AND PL1.
- (2) All appropriate DESE approved special education programs have been pursued and those educational programs have indicated that they cannot serve this student.
- (3) All required documentation as indicated on the attached checklist has been completed, and has been either sent to DESE where applicable or maintained in the student record where applicable, including a separate monitoring plan developed by the sending public school district.
- (4) The placement sought can provide the program and services in this student's IEP in appropriate settings by appropriately credentialed staff, such that the program can a) properly implement the student's IEP; b) provide for the student's health and safety; and c) provide the student with all of the safeguards to which the student is entitled under federal and state special education laws.
- (5) The placement sought (if in Massachusetts) has local school committee approval, or, if out-of-state, has the approval of the host state.
- (6) The school district is responsible for ensuring that this student participates in MCAS testing (on demand or alternate) as required.
- (7) SIMS data will be updated upon DESE approval for the placement.

Print Name of Special Education Administrator

School District

Signature of Special Education Administrator/School District

Date: MM/DD/YYYY

Notification of Intent to Seek Approval for Individual Student Program
603 CMR 28.06(3)(e)(4)

Section VII: Unapproved Special Education School Special Education Administrator's Statement of Assurances

I hereby certify that the price to be charged by this program is the lowest rate charged to any other purchaser of equivalent services, and the school will abide by DESE regulations, including, but not limited to 603 CMR 28.06(3)(f).

Print Name of Special Education Administrator

Unapproved Special Education/School

Signature of Special Education Administrator/ Unapproved Special Education School

Date: MM/DD/YYYY

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION ACTION:

Date Form Received: ___ / ___ / ___

DESE Support Staff Member Initials: _____

Date Additional Documentation Requested: _____ Date additional Documentation Received: _____

Date All Documentation submitted: _____

ESE Staff Signature: _____ Date: _____

Notification of Intent to Seek Approval for Individual Student Program

603 CMR 28.06(3)(e)(4)

Note to Public School District: As required under 603 CMR 28.06(3)(e)(4)(ii), the Department will notify the public school district within ten school days of receipt of this form if additional documentation is required.

Required Documentation Checklist	Check box to indicate completion
<p>Section 1: Evaluation of the Appropriateness of the Unapproved Program - to be kept on file locally in the public school district</p> <p>Detailed documentation must demonstrate a thorough evaluation of the unapproved placement sought, including evidence of site visit or rationale for not having conducted site visit, to ensure the following:</p> <ul style="list-style-type: none"> • That the program can appropriately implement the student’s IEP in a safe and educationally appropriate environment. • That the program can and will provide the student with all rights that are accorded to the student under federal and state special education law. • That the school staff in the unapproved program has the appropriate special education certification, licensure or registration. 	<input type="checkbox"/>
<p>Section 2: Approval to Operate the Program – to be kept on file locally in the public school district</p> <ul style="list-style-type: none"> • For in-state programs: Copy of the program approval to operate an approved special education school in Massachusetts. • For out-of state programs: Copy of the host state’s approval to operate an approved special education school or, if the host state does not have an approval process, then documentation from the program of its reputable accreditation. 	<input type="checkbox"/>
<p>Section 3: Pricing Information about the Unapproved Program - to be sent to DESE</p> <ul style="list-style-type: none"> • For in-state programs: <ol style="list-style-type: none"> 1. Completed Pricing Forms using forms from the Operational Services Division (OSD) of Purchased Services within the Executive Office for Administration and Finance; <p>For Residential programs ONLY:</p> <ol style="list-style-type: none"> 1. Completed Placement Consent Form (PL1(3-5) or PL1(6-21)) and signed IEP (parent and school signatures). • For out-of-state programs: <ol style="list-style-type: none"> 1. Completed Pricing Forms using forms from the Operational Services Division (OSD) of Purchased Services within the Executive Office for Administration and Finance or Statement Setting Tuition Rate by the Host State <p>For Residential programs ONLY:</p> <ol style="list-style-type: none"> 1. Completed Placement Consent Form (PL1(3-5) or PL1(6-21)) and signed IEP (parent and school signatures). 	<input type="checkbox"/>
<p>Section 4: Contract – to be sent to DESE</p> <ul style="list-style-type: none"> • School districts shall enter into signed written contracts with all out-of-district placements. • Contract Requirements (http://www.doe.mass.edu/lawsregs/603cmr28.html?section=06) 	<input type="checkbox"/>
<p>Section 5: Public School District Monitoring Plan - to be sent to DESE</p> <ul style="list-style-type: none"> • Documentation of public school district’s plan to ensure that the program is implementing this student’s IEP (number of announced or unannounced onsite visits planned for the year, progress reports, dates of IEP meetings, or how often phone calls will occur) <p>NOTE: The public school district must also regularly update the student file based on actual monitoring it conducts as a result of monitoring activities (include a summary of the onsite visit that specifies the date and time, receipt of progress reports from the unapproved program dates onsite or participation in IEP meetings or documentation of phone calls with staff from the unapproved program).</p>	<input type="checkbox"/>

Notification of Intent to Seek Approval for Individual Student Program
603 CMR 28.06(3)(e)(4)

NOTE: All documentation referenced, a copy of the completed form, and copies of the documents sent to DESE **must be kept on file locally** in the public school district and be available for review when DESE completes the next scheduled Coordinated Program Review, and is to be made available to DESE at other times upon request.

Mail form to: Catherine Fanning, Problem Resolution System Office
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA 02148

Massachusetts School-Based Medicaid (SBMP) Billing Service Documentation for Day/Residential Special Education Schools

Please use this form per [Administrative Advisory 2019-3](#): Updated State Mandated Form for Documentation of Medicaid Service Delivery in Out-of-District Programs (28M/12). This form should only be completed if services meet all requirements for Medicaid reimbursement. In order to be reimbursable, the service must be provided by a qualified practitioner, clinically appropriate and medically necessary, and authorized or ordered by a qualified practitioner when appropriate. Please see the SBMP [Interim Claiming Guide](#)^{1*} for information about these requirements. The supporting documentation (e.g., authorization and service notes demonstrating medical necessity) may be included with this form or kept in the student's health record.

PART I - Information to be provided by an approved special education day or residential school or educational collaborative

Additional service dates may be included on additional pages.

Student Name					SASID	
Service Date	Procedure Code	Activity/Procedure Notes ²	Diagnosis	Individual or Group (check one)	IEP related service (check one)	Start and End Times
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____

PART II - Signatures to be provided by an approved special education day or residential school or educational collaborative. Please note supervisor must be the same for all services noted on this form (and any additional attached pages). Please fill out one service documentation form (this form) per supervising professional signature needed.

_____ Provider's Signature	_____ Date
_____ Provider's Name (please print)	_____ Title
_____ Supervising Professional's Signature (when required for services provided "under the direction of")	_____ Date
_____ Supervising Professional's Name (please print)	_____ Title
_____ Name of Approved Special Education School or Educational Collaborative (please print)	

PART III - Information to be provided by Public School District (LEA)

School District Name		Provider Number
Student's MassHealth ID	Student Date of Birth	Service Period, Year

¹ <https://www.mass.gov/info-details/sbmp-resource-center#direct-service-claiming-resources>

² Use the clinically appropriate procedure code from the SBMP Resource Center's [SBMP Billable Procedure Codes \(https://www.mass.gov/info-details/sbmp-resource-center#direct-service-claiming-resources\)](https://www.mass.gov/info-details/sbmp-resource-center#direct-service-claiming-resources).

PART I CONTINUED - Information to be provided by an approved special education day or residential school or educational collaborative

Additional services for the same student are noted below. Please write the student's name and SASID again.

Student Name					SASID	
Service Date	Procedure Code	Activity/Procedure Notes ³	Diagnosis	Individual or Group (check one)	IEP related service (check one)	Start and End Times
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____
				I__ G__	Yes__ No__	____ / ____

³ Use the clinically appropriate procedure code from the ["SBMP Billable Procedure Codes"](https://www.mass.gov/info-details/sbmp-resource-center#direct-service-claiming-resources-) document published on the SBMP Resource Center at <https://www.mass.gov/info-details/sbmp-resource-center#direct-service-claiming-resources->

Massachusetts Parental Notice for One Time Consent to Allow the School District To Access MassHealth (Medicaid) Benefits

School District Name and Code: Spencer-East Brookfield Regional School District0767

School/District Contact: David Gates, Director of Student Services, 508-885-8515

Dear Parent/Guardian:

The purpose of this letter is to ask for your permission (also known as consent) to share information about your child with MassHealth. Local communities in Massachusetts have been approved to receive partial reimbursement from MassHealth for the costs of certain health-related services provided by the district to your child (or children). In order for your community to get back some of the money spent on services, the school district needs to share with MassHealth the following types of information about your child: name; date of birth; gender; type of services provided, when, and by whom; and MassHealth ID.

With your permission, the school district will be able to seek partial reimbursement for services provided by MassHealth, including, among others, a hearing test or eye exam; a school physical; occupational or speech or physical therapy; some school nurse visits; and counseling services with the school social worker or psychologist. Each year, the district will provide you with notification regarding your permission; you do not need to sign a form every year.

The school district cannot share with MassHealth information about your child without your permission. As you consider giving permission, please be advised of the following:

1. The school district cannot require you to sign up for MassHealth in order for your child to receive the health-related and/or special education services to which your child is entitled.
2. The school district cannot require you to pay anything towards the cost of your child's health-related and/or special education services. This means that the school district cannot require you to pay a co-pay or deductible so that it can charge MassHealth for services provided. The school district can agree to pay the co-pay or deductible if any such cost is expected.
3. If you give the school district permission to share information with and request reimbursement from MassHealth:
 - a. This will not affect your child's available lifetime coverage or other MassHealth benefit; nor will it in any way limit your own family's use of MassHealth benefits outside of school.
 - b. Your permission will not affect your child's special education services or IEP rights in any way, if your child is eligible to receive them.
 - c. Your permission will not lead to any changes in your child's MassHealth rights; and
 - d. Your permission will not lead to any risk of losing eligibility for other Medicaid or MassHealth funded programs.
4. If you give permission, you have the right to change your mind and withdraw your permission at any time.
5. If you withdraw your permission or refuse to allow the school district to share your child's records and information with MassHealth for the purpose of seeking reimbursement for the cost of services, the school district will continue to be responsible for providing your child with the services, at no cost to you.

I have read the notice and understand it. Any questions I had were answered. I give permission to the school district to share with MassHealth records and information concerning my child(ren) and their health-related services, as necessary. I understand that this will help our community seek partial reimbursement of MassHealth covered services.

Parent/Guardian Signature: _____ Date: _____

Child's Name:	Date of Birth:	SASID # (for district to add):
Child's Name:	Date of Birth:	SASID # (for district to add):
Child's Name:	Date of Birth:	SASID # (for district to add):

Add more children

Special Education

Administrative Advisory SPED 2013-1 (Updated)

Parental Consent to Access MassHealth (Medicaid) and the School-Based Medicaid Expansion Program (Additional Services and Eligibility Update)

To: Administrators of Special Education and Other Interested Parties

From: Marcia Mitnacht, State Director of Special Education

Date: June 13, 2013 — **Updated July 16, 2018 to address the School-Based Medicaid Expansion Program applicable to all MassHealth eligible students**

I. Introduction

Effective March 2013, the U.S. Department of Education implemented regulations for the Individuals with Disabilities Act (IDEA), Part B, that changed the requirements in IDEA regulations at 34 CFR 300.154(d) related to parental consent to access public health insurance, in Massachusetts, MassHealth (Medicaid).¹ The regulations now allow for a one-time consent for accessing a student's MassHealth insurance rather than require parental/guardian (parental) consent each time services change, such as when the student's Individualized Education Program (IEP) is revised annually. This change has made it easier for school districts to access MassHealth while still protecting family and children's rights.

Beginning July 1, 2019, the MassHealth School-Based Medicaid Program (SBMP) will be expanded to support partial payment reimbursement for services that are provided under other specialized plans, in addition to IEPs. The expanded program will allow for payment through MassHealth for services provided to students pursuant to an Individual Health Care Plan (IHCP), an Individualized Family Service Plan (IFSP), a Section 504 plan, or services that are otherwise medically necessary. There are no changes to the current requirements governing payment for services provided pursuant to an IEP. Additionally, under this expanded program, the requirements for one-time parental consent apply, as described below.

To prepare for these changes, the Department encourages schools and districts to communicate with parents whose students are eligible for MassHealth to obtain necessary written consent as early as possible to ensure that it is in place by July 1, 2019. The district may wish to include information about the requirements and the updated consent form with its 2018-2019 school year "back-to-school" documents.

II. Requirements

The previous regulations regarding parental consent are still in effect and districts must continue to comply with the following: (1) ensure that parents are informed of all of their legal protections before they consent and before the school district seeks to access MassHealth to pay for services; and (2) reduce the amount of paperwork and time spent meeting these requirements by seeking consent only once and providing notice annually thereafter.

III. One-Time Consent

The school district must provide written notification to the parent and obtain a one-time consent before accessing MassHealth. The notification must meet the requirements of the law. The Massachusetts Department of Elementary and Secondary Education (Department) has updated the template consent form to include all MassHealth eligible students ([attached](#)). Using this updated template, the school district can be confident of meeting all of the required data elements; for this reason, the Department has designated the template as a *mandated* form (28M/13). Districts may add their unique district information but may not alter or change the contents of the 28M/13 template.

The changes do not affect current services that are provided at no cost to the parent. Personally identifiable information will continue to be exchanged in order to access MassHealth, and a parent can still withdraw their consent at any time and such withdrawal will not result in any change or denial of special education, IHCP, IFSP, or Section 504 plan services, nor will there be any cost to the parent. If the parent speaks a language other than English or otherwise indicates a lack of understanding, the district must continue to take whatever steps are necessary to ensure the parent understands the content of the notice and the consent being given. The Department has made available this notice in several languages.

The requirements allow digital or electronic signatures for this consent if, when such digital or electronic signatures are used, the consent includes a record that "identifies and authenticates a particular person as the source of the electronic consent" along with all of the other required elements of the consent.

Districts must obtain this one-time written consent for all eligible students including those students who were previously enrolled in the program prior to this expansion of allowable coverage. Once one-time consent is obtained, school districts are not required to obtain written consent again in order access MassHealth, even if there is a change in the type or amount of services to be provided to the student or a change in the cost of the services to be charged to MassHealth.

IV. Annual Notice

After the one-time consent is obtained, school districts are required to provide notice of these requirements annually thereafter to the parents of students that are enrolled in MassHealth. For students with IEPs, the Parent's Notice of Procedural Safeguards (PNPS)² will serve as this annual notice requirement. For other students for whom MassHealth will be accessed and consent has been received, the district must provide annual notice in another format.

V. Special Considerations

The one-time consent provision makes it easier for districts to acquire the consent needed to submit claims to MassHealth. It has no effect, however, on districts' legal obligations under federal and state special education laws to provide eligible students with disabilities with a free, appropriate, public education (FAPE) in the least restrictive environment, or other laws governing students' entitlements under laws governing IHCPs, IFSPs, and Section 504 plans.

Refusal to consent: If a parent declines to provide consent (or withdraws consent), the school district may make reasonable requests, after providing the written notification (included on the one-time consent form) to obtain the one-time consent. However, a parent's withdrawal of consent or refusal to provide consent does not affect the district's legal obligation to provide FAPE (i.e., IEP services) to the student. School districts may not require parents to obtain IEP or other services governed by IHCPs, IFSP, or Section 504 plan outside of school through MassHealth, and school districts may not unilaterally reduce the level of a service (such as speech therapy) provided through the plans because a student receives the same or similar services outside of school through MassHealth or any other insurance program.

Student transfers to other schools or districts: With regard to students with disabilities who have an IEP, the one-time consent requirements apply to the school district that is accessing MassHealth to assist in paying for the student's special education services. Therefore, if the student moves from one school to another in the same district or is placed in a private special education school by the district that continues to have fiscal responsibility for the student's special education costs, then no additional consent is required, although the annual notice requirements continue. However, if the fiscal responsibility for the student changes to another district, the new district must obtain the one-time consent also in order to bill MassHealth for any services provided by that district.

Who consents for students who do not have parents acting for them?






A student who does not have parents able to act on their behalf may provide consent themselves if the student is aged 18 or over. Otherwise, if the student is under 18 years of age, a legal guardian may provide consent, or an appropriately authorized agent of a state agency that has custody may provide consent. Districts must obtain one-time consent from newly-appointed guardian or agency representative if custody for the student changes. It is *not* appropriate to receive consent for access to MassHealth from a Special Education Surrogate Parent, as this is an insurance decision and, although for students eligible for special education it is related to the provision of special education services, is *not* a special education decision.

VI. Conclusion

We hope this information is both helpful and results in reduced paperwork and expanded reimbursement for additional services. School districts should be careful to maintain the one-time consent on file for audit purposes by MassHealth, and for special education compliance purposes where applicable.

Attachment:

English

-  [Mandated form \(28M/13\) — Parental Notice and Consent to Access MassHealth \(Medicaid\) Benefits](#)
-  [Mandated form \(28M/13\) — Chinese Translation — Parent Notice and Consent to Access MassHealth \(Medicaid\) Benefits](#)
-  [Mandated form \(28M/13\) — Haitian Creole Translation — Parent Notice and Consent to Access MassHealth \(Medicaid\) Benefits](#)
-  [Mandated form \(28M/13\) — Portuguese Translation — Parent Notice and Consent to Access MassHealth \(Medicaid\) Benefits](#)
-  [Mandated form \(28M/13\) — Spanish Translation — Parent Notice and Consent to Access MassHealth \(Medicaid\) Benefits](#)

¹ Parental consent to school district access to private insurance is addressed at 300 CFR 300.154(e) and is unaffected by this change.

² Current PNPS available at [Parent's Notice of Procedural Safeguards, English Version — updated 12/2013](#)

[Education Laws and Regulations](#)

603 CMR 46.00

Prevention of Physical Restraint and Requirements If Used

Section:

[46.01](#): Scope, Purpose and Construction

[46.02](#): Definitions

[46.03](#): Use of Restraint

[46.04](#): Policy and Procedures; Training

[46.05](#): Proper Administration of Physical Restraint

[46.06](#): Reporting Requirements

[View All Sections](#)

Most Recently Amended by the Board of Elementary and Secondary Education, December 16, 2014. Effective January 1, 2016.

46.01: Scope, Purpose and Construction

(1) **Scope.** 603 CMR 46.00 governs the use of physical restraint on students in publicly funded elementary and secondary education programs, including all Massachusetts public school districts, charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*, as provided in 603 CMR 18.05(5)(h). Educational programs in facilities operated by the Department of Youth Services, the Department of Mental Health, the Department of Public Health, or County Houses of Correction shall be governed by the restraint, seclusion, and time-out requirements of such agencies.

(2) **Purpose.** The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the use of physical restraint that is inconsistent with 603 CMR 46.00. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

(a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and

(b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

(3) **Construction.** Nothing in 603 CMR 46.00 shall be construed to limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Nothing in 603 CMR 46.00 precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

46.02: Definitions

As used in 603 CMR 46.00, the following terms shall have the following meanings:

Commissioner shall mean the commissioner of the Department of Elementary and Secondary Education appointed in accordance with M.G.L. c.15, §1F, or his or her designee.

Consent shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent understands and agrees in writing to carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the



records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

Department shall mean the Department of Elementary and Secondary Education.

Mechanical restraint shall mean the use of any physical device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Parent shall mean a student's father, mother, or legal guardian or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

Physical escort shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Principal shall mean the instructional leader or headmaster of a public education school program or his or her designee. The board of directors of a charter school or virtual school, or special education school or program approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*, shall designate in the restraint prevention and behavior support policy who will serve as principal for purposes of 603 CMR 46.00.

Prone restraint shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

Public education programs shall mean public schools, including charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*, as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs.

"Programs" may be used in 603 CMR 46.00 to refer to "public education programs." For purposes of 603 CMR 46.00, public education programs shall not include the educational services provided within Department of Youth Services, Department of Mental Health, Department of Public Health, and County Houses of Correction operated or contracted facilities.

School Working Day shall mean a day or partial day that students are in attendance at the public education program for instructional purposes.

Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

Time-out shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

46.03: Use of Restraint

(1) Prohibition.



(a) Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

(b) Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
6. The program has documented 603 CMR 46.03(1)(b) 1 through 5 in advance of the use of prone restraint and maintains the documentation.

(c) Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

(d) All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

(2) Physical restraint shall not be used:

(a) As a means of discipline or punishment;

(b) When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;

(c) As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or

(d) As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

(3) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

(4) Referral to law enforcement or other state agencies. Nothing in 603 CMR 46.00 prohibits:

(a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;

(b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or

(c) The exercise of an individual's responsibilities as a mandated reporter pursuant to M.G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.



46.04: Policy and Procedures; Training

(1) Procedures. Public education programs shall develop and implement written restraint prevention and behavior support policy and procedures consistent with 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. Such policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students. Such policy and procedures shall include, but not be limited to:

- (a) Methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
- (b) Methods for engaging parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure;
- (c) A description and explanation of the program's alternatives to physical restraint and method of physical restraint in emergency situations;
- (d) A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00;
- (e) A description of the program's training requirements, reporting requirements, and follow-up procedures;
- (f) A procedure for receiving and investigating complaints regarding restraint practices;
- (g) A procedure for conducting periodic review of data and documentation on the use of physical restraints as described in 603 CMR 46.06(5) and (6);
- (h) A procedure for implementing the reporting requirements as described in 603 CMR 46.06;
- (i) A procedure for making reasonable efforts to orally notify a parent of the use of restraint on a student within 24 hours of the restraint, and for sending written notification to the parent within three school working days following the use of restraint to an email address provided by the parent for the purpose of communicating about the student, or by regular mail to the parent postmarked within three school working days of the restraint; and,
- (j) If the program uses time-out as a behavioral support strategy, a procedure for the use of time-out that includes a process for obtaining principal approval of time-out for more than 30 minutes based on the individual student's continuing agitation.

(2) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

- (a) The role of the student, family, and staff in preventing restraint;
- (b) The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- (c) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
- (d) When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
- (e) Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
- (f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.



(3) In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal of each public education program or his or her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. The Department recommends that such training be competency-based and be at least sixteen (16) hours in length with at least one refresher training occurring annually thereafter.

(4) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

(a) Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;

(b) A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

(c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

(d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;

(e) Demonstration by participants of proficiency in administering physical restraint; and,

(f) Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

46.05: Proper Administration of Physical Restraint

(1) Trained personnel. Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

(2) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.

(3) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.04(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

(4) Duration of restraint. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

(5) Safety requirements. Additional requirements for the use of physical restraint:

(a) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration.

(b) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.



(d) Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

(e) After the release of a student from a restraint, the public education program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

46.06: Reporting Requirements

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2).

(2) Informing the principal. The program staff member who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent or board of trustees for review. The principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.

(3) Informing parents. The principal shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(5)(c).

(b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(d) Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.

(e) Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

(5) Individual student review. The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least the following:

(a) review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of the restraints;



(b) an analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;

(c) consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;

(d) agreement on a written plan of action by the program.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees shall lead the review team's discussion. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

(6) Administrative review. The principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

(7) Report all restraint-related injuries to the Department. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report required by 603 CMR 46.06(4) to the Department postmarked no later than three school working days of the administration of the restraint. The program shall also send the Department a copy of the record of physical restraints maintained by the principal pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint. The Department shall determine if additional action by the program is warranted and, if so, shall notify the program of any required actions within 30 calendar days of receipt of the required written report(s).

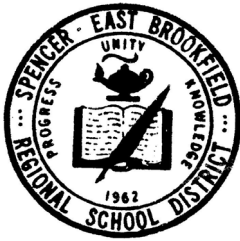
(8) Report all physical restraints to the Department. Every program shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.

Disclaimer:

For an official copy of these regulations, please contact the State House Bookstore, at 617-727-2834 or visit [Massachusetts State Bookstore](#).

Last Updated: March 25, 2021





Spencer East Brookfield Regional School District

Pupil Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 * Fax (508) 885-8541

Web: www.sebrsd.org / Email: chiodac@sebrsd.org

Director of Pupil Services Department: Carla Chioda

Physical Restraint Report

603 CMR 46.06(5)

Reporting Requirements: The nurse should immediately examine every student who has been restrained in the case of any injury or suspected injury.

In the case of any restraint: A copy of this written report should be filed with the Pupil Services Office within 24 hours of any physical restraint. A copy of this report should be given to the principal of the school. Principal or designee shall verbally inform the student's parents or guardians as soon as possible, and by written report postmarked no later than 3 school working days.

Additional requirements for restraints lasting longer than 20 minutes or that results in serious injury: A publicly funded education program is required to submit to the Department of Elementary and Secondary Education a report of physical restraint that last longer than 20 minutes or that results in serious injury (requiring emergency medical intervention) to a student or staff member. This report must be sent to the Department of Elementary and Secondary Education within five (5) school working days of the administration of the restraint.

IDENTIFYING INFORMATION

Name of School: _____

Name of Student: _____ Date of Restraint: _____

Does student currently receive Special Education services? YES NO Is student on a 504 plan? YES NO

Date of this report: _____ Site of Restraint: _____

This report prepared by: _____ Title: _____

Address: _____ Telephone: _____

Staff Administering Restraint:

Name: _____ Title: _____ Trained? YES NO

Name: _____ Title: _____ Trained? YES NO

IDENTIFYING INFORMATION CONTINUED

Observers (if any):

Name: _____

Title: _____

Name: _____

Title: _____

Administrator who was verbally informed of the restraint:

Name: _____

Title: _____

Reported by: _____

Title: _____

Parent who was informed of this restraint:

Name: _____

Phone: _____

Called by: _____

Title: _____

PRECIPITATION ACTIVITY:

Description of activity in which the restrained or other students were engaged immediately preceding use of physical restraint:

Behavior that prompted restraint:

Efforts made to de-escalate and alternatives to restraint that were attempted:

DESCRIPTION OF PHYSICAL RESTRAINT:

Length of Restraint: (circle one)

Less than 5 minutes

5-20 minutes

Longer than 20 minutes or resulting in
Serious injury

Time restraint began: _____ Time restraint ended: _____

Justification for initiating physical restraint (check all that apply):

- non-physical interventions were not effective
- to protect student from imminent, serious, physical harm
- to protect other student/staff from imminent, serious, physical harm
- to implement necessary restraint in accordance with the student's IEP or other written plan (describe pertinent provisions of the IEP or other written plan: _____)

Describe holds used and state why such holds were necessary:

Student's behavior and reaction during restraint:

CESSATION OF RESTRAINT:

How restraint ended (check all that apply):

- Determination by staff member that student was no longer a risk to himself or others
- Intervention by administrator(s) to facilitate de-escalation
- Law enforcement personnel arrived
- Staff sought medical assistance
- Other: (describe) _____

DESCRIPTION OF ANY INJURY TO STUDENT AND/OR STAFF AND ANY MEDICAL OR FIRST AID CARE PROVIDED:

Has staff administering restraint been informed of any known trauma background: YES NO

Incident report was filed with the following school official: _____

Incident report reviewed by director of Pupil Services: _____

FOR EXTENDED RESTRAINTS OR TIME OUTS LASTING LONGER THAN 30 MINUTES (beyond twenty (20) minutes):

Administrator authorizing extended restraint or time out: _____

Alternative to extended restraint that were attempted:

Outcome of those efforts:

Justification for administering extended restraint or time out:

FURTHER ACTION TO BE TAKEN:

The school will take the following action and/or disciplinary sanctions (check all that apply):

- Review incident with student to address behavior that precipitated the restraint
- Review incident with staff to discuss whether proper restraint procedures were followed
- Consider whether follow-up is necessary for students who witnessed the incident
- Conduct a local investigation of any complaint regarding this restraint (describe investigation procedures):

Disciplinary action/sanctions taken by the school (describe):

PARENT/GUARDIAN NOTIFICATION (required for all reported restraints):

Verbally informed of physical restraint on _____ by teacher/administrator/other
Or documented attempts to contact verbally (describe):

Written report sent within three (3) school working days of administration of restraint to parent/guardian on _____ by _____ (teacher/administrator/other) at the following address: _____

Sent in native language of the parent/guardian (language): _____

Parent/Guardian was offered opportunity to discuss the administration of physical restraint and/or disciplinary sanctions with teacher/administrator. Results of discussion (attach separate page if necessary):

Principal Review of pattern of restraints: _____ Date: _____

Monthly Administrative Review of Restraints: Date _____

Recommendations to reduce the need for the use of restraint: _____

Parent Comments: _____

The required copy of the records of physical restraint for this student is attached to this report for Department of Elementary and Secondary Education review. This record (Student Physical Restraint Log) of physical restraint is required to be maintained by the school administrator for the 30-calendar day period prior to the date of this reported restraint.



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

GUIDELINES FOR ARRANGING OBSERVATIONS IN SCHOOLS

The Spencer/East Brookfield staff regularly collaborates with parents and others to provide timely response to requests received for observation of their children's current or proposed special education programs. Observations may be conducted by the parent or his/her designated private evaluator or educational consultant. Spencer/East Brookfield will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress. The following guidelines apply to arranging for such observations:

Request: Requestors are asked to submit their observation requests in writing to their child's special education liaison (whether through use of the attached form or other written means) to include the following information:

- Student's name
- Parent's name, telephone and/or email contact information
- Student's classroom teacher and assigned grade
- Observer's name, and if the observer is someone other than the parent, any relevant affiliation of the observer, along with telephone number and/or email contact information
- Purpose of the observation, including any particular part of the school day the observer wishes to see

Scheduling: The liaison will provide a copy of the request to the building principal and special education chairperson. In order to assist in timely scheduling, Spencer/East Brookfield staff will contact the identified observer directly. Staff will generally be able to offer a time within a week for an observation of an hour or less. However, if more extensive observation is required, scheduling may take longer.

Staff availability: A school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will generally not be available for conversation during or immediately before/after the observation period. The purpose is to observe the program. Any discussions should take place at a Team meeting.

Restrictions on Scheduling: The district does not generally schedule observations for certain portions of the year such as during MCAS testing or during the first few weeks of school. In addition, because it may not be possible to accommodate all requests during the last few weeks of school, parents are urged to submit any observation request they may have as early as practicable in the school year. In addition, school staff retains its right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of program. The District also expects all observers to avoid disclosing any personally identifiable or confidential information they might obtain during the course of an observation (except that about student being observed, in which case it will be used consistent with the parent's authority and direction.) School staff retains the right to restrict program observations if necessary to protect students from such disclosure.



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Director of Student Services Department: David Gates

Agreement for Observation of Student/Program

Student to be Observed: _____ School: _____
D.O.B.: _____ Grade: _____
Date of Observation: _____ Time/Length of Observation: _____
Observer: _____ Relationship to Student: _____
Reason for Request for Observation: _____

I intend to use the information gained from this observation in the following manner:

Observation Guidelines:

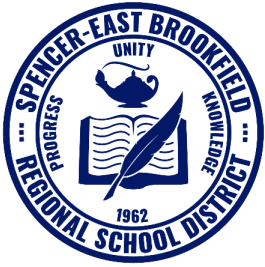
The Spencer/East Brookfield Regional School District provides *timely access* within a reasonable period of time to a student's program for purposes of observation by a parent, parent-designated evaluator or educational consultant upon request. The extent of observations shall be determined on an individual basis in an effort to permit access to a program that is sufficient in duration and extent to accomplish the purpose of the visit.

The observation law states that districts may not condition or restrict program observations except when necessary to protect: 1) the safety of the children in the program during the observation; 2) the integrity of the program during the observation; and 3) children in the program from disclosure by an observer of confidential or personally identifiable information he or she may obtain while observing the program. The Spencer/East Brookfield Regional School District will consider the need for these conditions or restrictions on an individual basis and principals or their designee will discuss them with the program observer in planning the school visit.

As such, principals of their designees may exercise their discretion at any time to reschedule or terminate an observation in the event of a building emergency or a disruption that impacts the physical or emotional well-being of the children in the school or the program being observed. We expect that these cases will be limited and mutually agreeable observation schedules will occur.

Further Stipulations:

1. If the designee reviews the student's records, as well as observes the program, the designee must have received written consent from the parent.
2. Any personally identifiable information regarding other students in the classroom shall not be included in the observation notes and shall be treated in accordance with the confidentiality laws and regulations including the School Record Regulations.
3. No part of the observation may be used to evaluate a staff member's performance.
4. Observation schedules will be determined prior to the observation in accordance with the schedule established between parties.
5. Videotaping and or photography is/are prohibited.
6. Audio taping is not permitted without a separate authorization.



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Director of Student Services Department: David Gates

Observations of Special Education Programs

The Spencer/East Brookfield School District staff regularly collaborates with others to provide timely response to requests received for observation of their children's current or proposed special education programs. Observations may be conducted by the parent or his/her designated private evaluator or educational consultant. The Spencer/East Brookfield Regional School District will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress.

1. A request to observe their child's current program or a potential placement must be made verbally or in writing to the building Principal. Parents are asked to provide the following information: child's name, the observer's name and contact information, and purpose of the observation (including any particular part of the school day the observer wishes to see).
2. In order to assist in timely scheduling, the building Principal or designee will contact the identified observer directly. Staff will generally be able to offer a time within a week of the request for an observation of an hour or less. However, if more extensive observation is required, scheduling may take longer. For urgent cases, efforts will be made to schedule the observation as soon as possible. The district does not generally schedule observations for certain portions of the year such as during MCAS testing or during the first few weeks of school. In addition, because it may not be possible to accommodate all requests during the last few weeks of school, parents are urged to submit any observation request they may have as early as practicable in the school year. In addition, school staff retains its right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of program.
3. The number, frequency, and duration of observation periods will be determined on an individual student basis in accordance with law and regulation. The start and end time of observation periods and a schedule of observation periods will be stated in advance. In order to minimize classroom or student disruption, the length of individual observation periods may be limited.
4. The Principal or designee will work with the classroom teacher and the observer to setup the specifics of the observation (including, but not limited to, scheduling and placement of the observer in the classroom). A school staff member will accompany the observer during the observation period and take notes as to what is observed, paying particular attention to note anything that is non-typical during the observation period. Given the ongoing responsibility of teachers or therapists to serve students,

they will generally not be available for conversation during or immediately before/after the observation period.

5. If the observer is not the parent, the parent must sign a release of the individual to observe.

6. The number of observers at any one time may be limited.

7. The observer will be informed that he/she is there to evaluate the appropriateness of a specific educational program to meet the needs of an individual child. He/she is not there to evaluate a teacher's ability to perform his or her contractual job duties.

8. The observer will be instructed regarding the disclosure of confidential or personally identifiable information relating to other children. Staff must be mindful of removing materials which may be part of students' records from plain view. In the event that removal is not possible the observer may be asked to sign a non-disclosure agreement.

Observational Assessment Consent Form

Dear Parent/Guardian,

To better serve your child, we are asking permission to conduct a school based observation. The assessment will be done by the school BCBA, whom is licensed both by the board and by the state of Massachusetts. The observation is completely voluntary and consent may be withdrawn at any time for any reason without penalty.

Child Name: _____

Date of Birth: _____

Age: _____

Conducting a school based observation will help us identify the following:

- Identifying problematic behavior(s)
- Identifying environmental events which may impact problematic behavior(s)
- Recommending possible changes needed to allow the student to be successful

A school based observation may include, but is not limited to, the following components:

- Interviews completed by the BCBA involving teacher(s), and/or parent(s)/guardian(s) regarding the student's behavior.
- Information gathering tools (e.g., cumulative file review)
- Observations of student behavior in school settings
- Data collection on student behavior

Please sign below to indicate whether you give consent to conduct a school based observation.

I give consent for my child, _____, to participate in a school based observation.

I **do not** give consent for my child, _____, to participate in a school based observation.

Parent/Guardian Signature

Date

All Observations at this level, will be completed by Kiara Pond, MS BCBA LABA.

BCBA License # 1-18-32099

LABA License # 2732-MH-B1



Spencer-East Brookfield Regional School District

Student Services Department

302 Main Street, Spencer, Massachusetts 01562

Telephone (508) 885-8515 | Fax (508) 885-8541

Web: www.sebrsd.org | Email: gatesd@sebrsd.org

Director of Student Services Department: David Gates

Request to Observe in a Classroom

Name: _____ Email: _____

Mailing Address: _____
Street City/Town State Zip Code

Residential Address: _____
(if different) Street City/Town State Zip Code

(check preferred contact)

Home Phone: _____ Cell Phone: _____

Institution: _____

Supervisor at Institution: _____

Supervisor's Phone: _____ Supervisor's Email: _____

Area(s) of Anticipated Certification: _____

Grade(s) of Anticipated Certification: PreK-2 1-6 5-8 8-12

Anticipated Start Date: _____ Anticipated End Date: _____

Please attach the specific observation requirements from your institution.

Briefly describe your ideal cooperating practitioner in terms of his/her instructional approach. _____

The following actions and/or documents must be received by Spencer-East Brookfield Regional School District's Superintendent's Office at least two weeks prior to the start of the observation period and/or practicum:

- This form (completed)
- Completed CORI form
- Completed school emergency contact form

Office Use Only

Approved Not Approved

Notes:

Authorized Signature

Date



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Director of Student Services Department: David Gates

Program Visitors Confidentiality Statement

Federal Rights and Privacy Act of 1974

The Federal Rights and Privacy Act of 1974 makes a very clear and strong statement concerning school children and their rights as U.S. Citizens. The law says, simply stated, that what happens to children in their school and academic pursuits on a day to day as well as on an overall basis, is confidential. Only the parties who have a “right” to that information (i.e.: the student, parent, child, teacher, guidance counselor, etc.) may discuss that individual child and his or her abilities/difficulties. The obvious intent of the law, for the purpose of our visitors, is to insure that our students do not become the topic of discussion throughout the community. Not only is this a legal issue, but even more importantly, it is an ethical one.

This is not presented to our visitors as an attempt to inhibit them from observing our program as a whole. Schools must be open to constructive criticism from parents and community members who would like to share their ideas with us or with their neighbors. However, those who visit our programs must not speak of their observations of an individual child (or children). That would be a serious breach of ethics and legal rules. Your cooperation is appreciated.

Visitor Signature

Date

Witness Signature (Administrator)

Date



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Director of Student Services Department: David Gates

August, 2022

Dear Parents/Students,

As you/your child approach your seventeenth birthday, the Spencer-East Brookfield School District is required to inform you of your/your student's decision-making rights as of your 18th birthday.

Enclosed you will find a copy of the Parent's Notice of Procedural Safeguards. Please review Section 2.2 which details the required transfer of rights to the student when a student turns 18 years of age.

You will find included a document that allows you to confirm this transfer of rights, to choose to share decision making authority, or in appropriate cases, to provide documentation of adjudication of guardianship past age 18.

Please review the enclosed information and your options and return the enclosed document labeled **Age of Majority** after indicating your preference.

Should you have any questions regarding this important transition, the staff of the Pupil Services Office is happy to assist.

Thank you,

David Gates, M.A, C.A.G.S
Director of Student Services
Spencer-East Brookfield Regional School District



Spencer East Brookfield Regional School District

Student Services Department

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Director of Student Services Department: David Gates

AGE OF MAJORITY / TRANSFER OF RIGHTS FORM

Student's Name: _____ Date of Birth: _____

Parent's Name: _____ Date of IEP Meeting: _____

In accordance with MA Special Education Regulation 28:07(5), the Spencer-East Brookfield Regional School District informs the student one year prior to the student reaching eighteen of his or her rights to make all decisions in relation to special education programs and services. The District has the obligation to obtain consent from the student to continue the child's special education program. The parent will continue to receive written notices and information but will no longer have decision-making authority except if indicated below. PLEASE CHECK WHICH OPTION APPLIES:

_____ **OPTION #1**

Special education rights will transfer to the student according to the provisions of state law. The student has been fully informed of the special education rights that will transfer when the student turns 18 years of age.

Signature of Student & Date

_____ **OPTION #2**

The parent has sought and received guardianship from a court of competent jurisdiction. The parent retains full decision-making authority. (see attached court document)

_____ **OPTION #3**

The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice shall be made in the presence of the Team and documented in written form. The student's choice shall prevail at any time that disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.

_____ has chosen to share decision-making with _____.

Signature of Student & Date

FILE: Age of Majority Form July 2017

Signature of Person Sharing Decisions & Date

Special Education

Technical Assistance Advisory SPED 2014-3 (revised)

Identifying the Need for Paraprofessional Support

To: Administrators of Special Education, Parents, and Other Interested Parties

From: Marcia Mitnacht, State Director of Special Education

Date: February 26, 2015

The purposes of this advisory are to:

- a. Advise school districts and parents about concerns regarding inappropriate utilization of paraprofessionals.
- b. Clarify when it may be appropriate to use a paraprofessional, as well as ensuring adequate training and supervision.
- c. Provide recommended actions and sample tools to increase school district capacity to support students with disabilities.
- d. Clarify the decision-making process for assigning paraprofessionals to individual students.

A. Introduction: Response to a Cry for Help

When school personnel or parents request a paraprofessional, they are asking for help. Something is amiss. Should a school district respond simply by assigning a paraprofessional to an individual student? Absolutely not.

"If schools respond exclusively to the request for a paraprofessional, without fully understanding the meaning behind the request, it increases the likelihood of masking the underlying issues and delaying attention to them."¹ Instead, "the task is to identify the underlying issues so that they can be addressed."²

The essential premise of this advisory is that the underlying learning needs of each particular student — that is, the root causes of the teacher's or parent's "cry for help" — must first be determined. Then there needs to be consideration of the full array of supports and services that may successfully address the student's unique needs. Districts must not restrict their consideration to use of a paraprofessional.

B. Concerns Regarding Inappropriate Use of Paraprofessionals

Data reflecting substantial increases in the number of special education paraprofessionals raises concerns about whether districts are effectively responding to the educational needs highlighted by requests for a paraprofessional.

The Department is particularly concerned by reports that, in some cases, paraprofessionals have been assigned simply on the basis of a student's educational profile or to provide a teacher with temporary relief from a demanding student. This may leave unaddressed key issues such as (a) improving teacher ability to educate a full range of students with disabilities; (b) building capacity in general education to design curriculum and instruction for mixed ability groups that include students with disabilities; and (c) changing or improving student behavior.

The Department is also concerned that paraprofessionals have been assigned responsibilities that require the skills of a licensed teacher - for example, making curriculum decisions, planning lessons or designing adaptations, as compared with implementing decisions made by the teacher. There have also been reports of inadequate training and supervision, making it impossible for a paraprofessional to be effective. And, paraprofessionals may continue to be assigned even though other services or supports could more appropriately address the student's learning needs. Inappropriate use of paraprofessionals may have

detrimental consequences such as over-dependence, interference with peer interactions, insular relationships, stigmatization, provocation of behavior problems, or diminished student-teacher interactions.

This is not to say that paraprofessional services should never be used.³ As with any other special education service, paraprofessionals are inherently neither appropriate nor inappropriate for a particular student. Appropriate use of paraprofessionals depends, to a large extent, on whether the paraprofessional has the requisite skills to address effectively one or more aspects of a student's unique needs and whether the paraprofessional is adequately trained and supervised to be effective. Importantly, appropriate utilization of paraprofessionals also depends on consideration of whether there are other service or support options that would be a better choice because they would address effectively these same learning needs and offer additional advantages such as fostering greater independence. The process for weighing these considerations and making a decision as to whether a paraprofessional should be assigned to a particular student, will be discussed in section E of this Advisory.

C. Over-Archiving Goal of Promoting Students' Independence

It is the essential mission of elementary and secondary education to prepare all students for successful adult life, which may include independent living, competitive employment, further postsecondary education or training, and participation in the life of their community. State and federal special education laws recognize that independence is a key factor of adulthood and our public schools must always strive to build independence in our students, particularly as they begin to approach adult life.⁴

In order for these core educational principles to be realized, decisions regarding special education and related services (and, in particular, decisions regarding paraprofessional services) must be made in a way that allows the unique learning needs of each student to be met and that, at the same time, allows each student to become as independent as possible, particularly in preparation for the end of secondary education.

The following recommended actions are intended to respect and promote these essential principles.

D. Recommended Actions: School District Level

Whole school approach. School districts can develop greater regular education capacity to effectively serve diverse learners. School district leaders should review the use of paraprofessionals within the context of the whole school environment and consider adopting a tiered model of supports such as [Massachusetts' Tiered System of Supports \(MTSS\)](#). Data gathered in the analyses of students' needs can be compiled into a chart or matrix, and reviewed by school-based teams to make decisions regarding system-wide allocation of services and supports. Effective use of school-based student support teams (SSTs) may reduce the number of retentions, suspensions/expulsions, and referrals to special education. SSTs may also assist in reducing the inappropriate use of paraprofessionals.

District culture. Some may unconsciously believe that a one-to-one paraprofessional is always needed for a student with a particular kind of educational profile. It is important for the district community to examine its own assumptions and to challenge those that perpetuate a status quo that can result in unintended negative consequences. District leaders may find it fruitful to share data on the use of paraprofessionals and to discuss with students, their families and special educators together how to achieve the best instructional services, and aim for the best academic and non-academic outcomes for students. Involving families in this discussion will assist in fully considering how the community as a whole, not just the school, can help to achieve successful adult life outcomes for all students.

E. Recommended Actions: Individual Students

The IEP decision-making process. State and federal special education law require an IEP Team to make all decisions regarding the assignment of a paraprofessional to a particular student. The Team makes this decision solely on the basis of whether paraprofessional services are appropriate to meet the unique learning needs of the particular student so that he or she will have the opportunity to receive FAPE in the least restrictive environment and at the same time prepare for "further education, employment, and independent living."⁵

Breaking down the IEP Team decision-making into a three-step process, that considers use of paraprofessionals within a broader context, may substantially increase the likelihood of using paraprofessionals appropriately and effectively. First, at least one member of the Team should be fully informed about the general education environment and the expectations that typical students are expected to meet in the coming year. In that context, the Team examines information available from evaluations and other information which may include concerns of the parent, and previous progress with earlier IEPs. The Team then identifies all of a student's *special education needs* arising from the disability

and presenting barriers to the student's learning. The Team must differentiate among needs that can and should be met in the general education environment with accommodations or minor modifications and needs that must be met through the delivery of specially designed instruction⁶ so that the student receives FAPE.

Second, the IEP Team considers the goals that are most important for the student to accomplish during the upcoming year and considers these goals in the context of the general curriculum, its available support services as well as the *entire range of specially designed instruction, related services and accommodations* that can meet the student's particular needs.

Finally, the Team then determines the extent to which needed services can be delivered in the general education classroom and which services may require removal from the classroom. Research supports that most students with disabilities have better outcomes when they are fully included in the general education classroom, and the Team is tasked with carefully considering the risks and benefits to the student when removal appears to be necessary. It is at the intersection of these two important priorities -- the least restrictive environment (the general education classroom) and the promotion of independence, that the Team may consider the use of a one to one paraprofessional. If a one to one paraprofessional can increase the student's access to the general education environment or assist in moving toward more independence, then generally the Team should identify use of the paraprofessional.

This decision-making process offers the following advantages: (1) it assists the Team to assign paraprofessionals when necessary to meet the individual student's unique special education needs, (2) precludes assignment of a paraprofessional based on limited information - for example, solely on the basis of a student's diagnosis or the needs of a teacher, and (3) seeks to ensure that service or support options (other than a paraprofessional) are also considered and utilized if they would address effectively a student's learning needs and offer additional advantages such as fostering greater independence.⁷

Training and supervision. School districts have an affirmative obligation to ensure that all paraprofessionals are trained and supervised so that they will be able to provide the services for which they are responsible, as reflected in federal Office of Special Education Programs (OSEP) policy guidance. Therefore, once an IEP Team decides that a paraprofessional is needed for a student, the Team has a responsibility to determine the means by which a paraprofessional will have sufficient training and supervision. This may occasionally require additional services or consultation in the IEP.

Develop a plan for fading paraprofessional support. It is important that paraprofessional services continue in amount and duration only as needed. For many students, other services or supports can be substituted for some or all of a student's paraprofessional services. Therefore, whenever an assignment of paraprofessional services is initially made, the Team should discuss and develop a plan for reviewing the continued need for these services, including a process to review and monitor the student's progress and determine whether the student's need can be met with other services or supports. The Team may establish criteria which, if met by the student, will trigger initiation of the IEP amendment process to consider a change in services. The family is a critical partner in the planning process, with the family made well aware of any potential changes in the student's program and engaged throughout the process. There is no "standard" plan for fading paraprofessional services—each will be individually tailored for the particular student.

Anchor district policies and procedures with best-practices for student leadership. Depending on the age of the student involved, the student may be a "driver" but at all times will be a participant in whatever actions are taken. Keep the student's needs and desires at the center of discussions and to the extent possible, involve the student in the planning and actions taken. If, after all, the purpose is to promote independence, then the student should be able to take pride in actively working toward his/her increased independence and full participation in the life of the school. With the student central to the process, educators and families alike must remember that each student is different and may need different approaches, and different amounts of time to respond to different actions. Anticipate that some students may need paraprofessional support in one or more areas for years, while others may move forward in leaps and bounds toward independence.

F. Conclusion

Paraprofessionals may be an essential service for some disabled students. Yet, their inappropriate use can waste resources, limit a student's potential for independence, and leave key issues unaddressed. To respond to these potential challenges, system-wide changes can substantially increase the capacity of a school district to respond appropriately to a wide range of learners, and consideration of paraprofessional services for an individual student must be integrated into the IEP decision-making process for determining all of the student's unique special education needs and how they should be met.

Attachment:

[Examples](#)

 [Student Needs Analysis \(sample 1\)](#)

 [Student Needs Analysis \(sample 2\)](#)

 [Student School Day Analysis \(sample\)](#)

¹ A Giangreco, M.F., Doyle, M.B., Suter, J.C., *Constructively Responding to Requests for Paraprofessionals: We Keep Asking the Wrong Questions*. Remedial and Special Education 33(6), October 2012, 362-373.

² Giangreco, M.F., Halvorsen, A.T., Doyle, M.B., Broer, S.M., Alternatives to Overreliance on Paraprofessionals in Inclusive Schools. Journal of Special Education Leadership 17(2), October 2004, 82-90.

¹ Giangreco, M.F., Doyle, M.B., Suter, J.C., Constructively Responding to Requests for Paraprofessionals: We Keep Asking the Wrong Questions, Remedial and Special Education 33(6), October 2012, 362, 363.

² Id.

³ Paraprofessional services may be appropriate, for example, for a disabled student to learn in the least restrictive environment - that is, with non-disabled students to the maximum extent appropriate. The paraprofessional may be appropriate to allow the student to participate in extracurricular and other nonacademic activities, or to address a wide variety of other educational needs identified on a student's individualized education program (IEP). Assignment of a paraprofessional may also be an effective tool to foster independent living by teaching a student how to utilize a personal care attendant. See also the examples in the attachment to this Advisory.

⁴ See 20 U.S.C. § 1400(d)(1)(A) (a principal purpose of the IDEA 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 ... prepare them for further education, employment, and independent living"); 20 USC § 1414 (d)(1)(A)(i) (requiring transition planning and services beginning at age sixteen); *Hendrick Hudson Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 201, n.23 (1982) (in enacting the IDEA, Congress endeavored to enable disabled students to "achieve a reasonable degree of self-sufficiency" and "become productive citizens, contributing to society"); MGL c. 71B, s. 2 (requiring transition services beginning at age fourteen or sooner).

⁵ See 20 U.S.C. § 1400(d)(1)(A) (a principal purpose of the IDEA is "to ensure that all children with disabilities have ... services designed to ... prepare them for further education, employment, and independent living"); DESE IEP Process Guide, p. 12 (2001) "(the IEP must address the unique needs of the student and, therefore, must be tailored to the individual student needs as determined through the evaluation process)".

⁶ Or related services necessary for access to the general curriculum. 603 CMR 28.02(20)

⁷ For additional guidance regarding the appropriate utilization and support of paraprofessionals, see Giangreco, M.F., Doyle, M.B., Suter, J.C., *Constructively Responding to Requests for Paraprofessionals: We Keep Asking the Wrong Questions*, Remedial and Special Education 33(6), October 2012, 362-373.

Special Education

Technical Assistance Advisory SPED 2014-3 (revised)

Identifying the Need for Paraprofessional Support

Examples — Identifying the Need for Paraprofessional Support

The following examples are intended to be illustrative, not exhaustive.

Student W is identified as presenting learning needs that are substantially different than those typically met by the general education teacher. The IEP Team might conclude that a paraprofessional, even with appropriate training and instruction, would not have the expertise or skills to meet these needs and that co-teaching with a special education teacher or collaboration between the special education and regular education teachers would appropriately address Student's underlying learning challenges.

Student X is identified as needing supplemental instruction. She also needs facilitation with peer interactions. After identifying her underlying educational needs, the IEP Team would consider the range of options that would meet those needs. The Team might determine that a paraprofessional is appropriate or that additional special education services (such as consultation to the regular education teacher and a social skills group) would better address Student's underlying learning difficulties. If a paraprofessional is to be assigned, the Team would discuss how to ensure the paraprofessional will be adequately trained and supervised.

Student Y has severe behavior problems. The needs might be identified as two-fold - both to safely contain and over time to reduce and eliminate Student's aggressive behaviors. The IEP Team might conclude that a paraprofessional is needed to help safely manage Student Y's aggressive behaviors while developing and implementing a plan to reduce, replace and/or eliminate the behaviors; but that paraprofessional services would not be able to address the underlining causes of Student's aberrant behaviors (and potentially could aggravate them); and that a behavior consultant and functional behavioral assessment are needed to develop a plan for more effectively addressing the Student's behaviors. The Team would also consider whether additional consultation services (perhaps from the behaviorist) may be needed to ensure appropriate training and supervision of the paraprofessional. Finally, the Team determines behavior criteria which, if met, would trigger a process for re-consideration of the need for paraprofessional services.

Student Z has significant mental health disabilities and is not making effective progress in the regular education classroom. The regular education teacher has little understanding or experience with the needs of students with this severity of mental health needs. The IEP Team would need to determine whether it may be sufficient to provide more or different consultation services to the regular education teacher; whether consultation services combined with a paraprofessional (who is appropriately trained and supervised) are needed to allow the student to access the curriculum and make effective progress; or whether Student's mental health needs are so significant that a different educational model is required for Student to receive an appropriate education.

[Education Laws and Regulations](#)

603 CMR 28.00

Special Education

Section:

[28.01](#): Authority, Scope and Purpose

[28.02](#): Definitions

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Most recently amended by the Board of Elementary and Secondary Education: September 20, 2022

28.01: Authority, Scope and Purpose

(1) 603 CMR 28.00 is promulgated pursuant to the authority of the Board of Elementary and Secondary Education under M.G.L. c. 69, §1B, and c. 71B.

(2) 603 CMR 28.00 governs the provision by Massachusetts public schools of special education and related services to eligible students and the approval of public or private day and residential schools seeking to provide special education services to publicly funded eligible students. The requirements set forth in 603 CMR 28.00 are in addition to, or in some instances clarify or further elaborate, the special education rights and responsibilities set forth in state statute (M.G.L. c. 71B), federal statute (20 U.S.C. §1400 et seq. as amended), and federal regulations (34 CFR §300 et seq. as amended).

(3) The purpose of 603 CMR 28.00 is to ensure that eligible Massachusetts students receive special education services designed to develop the student's individual educational potential in the least restrictive environment in accordance with applicable state and federal laws.

28.02: Definitions

(1) *Approved private special education school or approved program* shall mean a private day or residential school, within or outside Massachusetts, that has applied to, and received approval from, the Department according to the requirements specified in 603 CMR 28.09.

(2) *Approved public special education school* shall mean a program operated by a public school or an educational collaborative providing full day or residential special education services to eligible students in a facility serving primarily students with disabilities. Such program shall be approved when it has applied to, and received approval from, the Department according to the requirements specified in 603 CMR 28.09.

(3) *Certified special educator* shall mean a person with a teaching certificate or license in an area of special education or a related service provider with appropriate certification or license in his or her professional area. Licensure shall meet the requirements of the Massachusetts Regulations for Educator Licensure and Preparation Program Approval at 603 CMR 7.00 and the requirements for renewal of license at 603 CMR 44.00, as necessary. A certified or licensed special educator may provide, design, or supervise special education services.

(4) *Consent* shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication, understands and agrees in writing to the carrying out of the activity, and understands that the granting of consent is voluntary and may be revoked at any time. The consent describes the activity and lists the records (if any) that will be released and to whom.

(5) *Day* shall mean calendar day unless the regulation specifies school day, which shall mean any day, including a partial day, that students are in attendance at school for instructional purposes.

(6) *Department* shall mean the Massachusetts Department of Elementary and Secondary Education.

(7) *Disability* shall mean one or more of the following impairments:

(a) *Autism* - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR §300.8(c)(1).

(b) *Developmental Delay* - The learning capacity of a young child (3–9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.

(c) *Intellectual Impairment* - The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with mental retardation.

(d) *Sensory Impairment* - The term shall include the following:

1. *Hearing Impairment or Deaf* - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.
2. *Vision Impairment or Blind* - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
3. *Deafblind* - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

(e) *Neurological Impairment* - The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

(f) *Emotional Impairment* - As defined under federal law at 34 CFR §300.8(c)(4), the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

(g) *Communication Impairment* - The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.

(h) *Physical Impairment* - The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life

functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures, if such impairment adversely affects a student's educational performance.

(i) *Health Impairment* - A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality, or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

(j) *Specific Learning Disability* - The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think speak, read, write, spell, or to do mathematical calculations. Use of the term shall meet all federal requirements given in federal law at 34 CFR §§300.8(c)(10) and 300.309.

(8) *District or school district* shall mean a Massachusetts municipal school department or regional school district, acting through its school committee or superintendent of schools; a county agricultural school, acting through its board of trustees or superintendent/director; and any other Massachusetts public school established by statute, certificate, or charter, acting through its governing board or director. School districts have programmatic and financial responsibility in accordance with the procedures of 603 CMR 28.10.

(9) *Eligible student* shall mean a person aged three through 21 who has not attained a high school diploma or its equivalent, who has been determined by a Team to have a disability(ies), and as a consequence is unable to progress effectively in the general education program without specially designed instruction or is unable to access the general curriculum without a related service. An eligible student shall have the right to receive special education and any related services that are necessary for the student to benefit from special education or that are necessary for the student to access the general curriculum. In determining eligibility, the school district must thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.

(10) *In-district program* shall mean a special education program operated in a public school building or other facility that provides educational services to students of comparable age, with and without disabilities.

(a) For young children ages three to five years, the term shall include programs provided by the public school in the eligible child's home if such setting has been identified by the Team as the natural or least restrictive setting to deliver the services on the child's IEP.

(b) For students of ages three through 21, the term shall include programs provided by the district in a home or hospital setting if such setting is required by the student's physician and the student would otherwise have been served in an in-district program.

(c) For students aged 14 years or older, when the Team has determined that a vocational program is appropriate, work settings shall be considered in-district programs if such programs offer ongoing opportunities for students to interact with community members and/or other workers without disabilities engaging in similar activities.

(d) A program operated solely by an individual, not for profit corporation or agency, or proprietary corporation shall not be considered an in-district program unless it is located within a public school building.

(11) *Individualized Education Program (IEP)* shall mean a written statement, developed and approved in accordance with federal special education law in a form established by the Department that identifies a student's special education needs and describes the services a school district shall provide to meet those needs.

(12) *Least restrictive environment (LRE)* shall mean the educational placement that assures that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled, and that special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(13) *Notice* shall mean the notice and content required in accordance with the federal special education law whenever the school district proposes or refuses to initiate or change the identification, evaluation, or educational placement or the provision of special education services to the student.

(14) *Out-of-district program* shall mean a special education program located in a building or facility outside of the general education environment that provides educational services primarily to students with disabilities and shall include all programs approved under 603 CMR 28.09. Such program may be operated by a private organization or individual, a public school district, or a collaborative.

(15) *Parent* shall mean father or mother. For purposes of special educational decision-making, parent shall mean father, mother, legal guardian, person acting as a parent of the child, foster parent, or an educational surrogate parent appointed in accordance with federal law. Legal authority of the parent shall transfer to the student when the student reaches 18 years of age.

(16) *Program school* shall mean the school in which the student is enrolled according to the provisions of M.G.L. c. 71, § 89 (charter schools); M.G.L. c. 71, § 94 (Commonwealth of Massachusetts virtual schools); M.G.L. c. 74 (vocational schools); M.G.L. c.76, § 12A (Metco) or M.G.L. c. 76, § 12B (school choice), and shall not include schools approved under 603 CMR 28.09 or institutional school programs as described in 603 CMR 28.06(9).

(17) *Progress effectively in the general education program* shall mean to make documented growth in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, according to chronological age and developmental expectations, the individual educational potential of the student, and the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the district, and vocational programs and activities.

(18) *Related services* shall have the meaning set forth in federal special education law at 34 CFR §300.34. Individuals providing interpreting services for students who are deaf or hard of hearing shall be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.

(19) *State agency* shall mean a Massachusetts state agency.

(20) *Special education* shall mean specially designed instruction to meet the unique needs of the eligible student or related services necessary to access the general curriculum and shall include the programs and services set forth in state and federal special education law.

(21) *Team* shall mean a group of persons, meeting participant requirements of federal special education law as provided at 34 CFR §§300.321 and 300.116(a)(1), who, together, discuss evaluation results, determine eligibility, develop or modify an IEP, or determine placement.

28.03: School District Administration and Personnel

(1) **General Responsibilities of the School District.**

(a) **General.** Each school district shall provide or arrange for the provision of special education and related services for eligible students in accordance with the provisions of state and federal law and regulation.

1. The school district shall provide training to all school district staff, including general and special educators, administrators, and paraprofessionals, on the requirements of special education.
2. The school district shall provide such staff training in analyzing and accommodating diverse learning needs of all students in the general education classroom.
3. The school district shall provide such staff training in methods of collaboration among teachers, paraprofessionals, and teacher assistants to accommodate diverse learning needs.
4. The district shall conduct, in cooperation with the parent advisory council, at least one workshop annually within the school district on the rights of students and their parents and guardians under state and federal special education laws.

(b) **Facilities.** The school district shall provide facilities and classrooms for eligible students to maximize the inclusion of such students into the life of the school. Facilities and classrooms serving only students with disabilities shall be at least equal in all physical respects to the average standards of general education facilities and classrooms. Resource rooms and separate classrooms for students with disabilities shall be given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students.

1. All eligible students shall have access to school facilities including, but not limited to, those areas necessary to implement the student's IEP.
2. School districts shall provide whatever equipment and make whatever physical adaptations are necessary to comply with this provision, including acoustical and lighting treatments to remove physical communication barriers for students who are deaf or hard of hearing.
3. The Department may make unannounced inspections of facilities.
4. The following examples illustrate aspects of this requirement and shall not be construed as limiting or defining its scope:
 - a. Placing a classroom serving only older students with disabilities in a part of the school building in which all the classrooms are occupied by elementary school students would violate the requirements of 603 CMR 28.03(1)(b).
 - b. Placing a sign saying "special class on the front of a substantially separate classroom would violate the requirements of 603 CMR 28.03(1)(b).
 - c. Placing all special education facilities together in one part of a school building would violate the requirements of 603 CMR 28.03(1)(b).
 - d. Moving classrooms of students with disabilities to locations apart from the general education program because of financial or construction considerations violates the requirements of 603 CMR 28.03(1)(b).

(c) **Change of residence.**

1. When an eligible student or student's family changes residence from one Massachusetts school district to another, the last IEP written by the former school district and accepted by the parent shall be provided in a comparable setting without delay until a new IEP is developed and accepted.
2. If a student found eligible in another state moves to Massachusetts, the new Massachusetts district of residence shall provide the student with a free appropriate public education, including special education services comparable to those in the IEP from the former state, in consultation with the parents, until the Massachusetts district determines if it will accept the finding of eligibility and/or the current IEP developed for the student in the former state of residence. If the Massachusetts district determines that the finding of eligibility and the IEP developed for the student continues to accurately represent the needs of the student, then the Massachusetts district shall continue to implement the IEP. If the Massachusetts district determines that a new evaluation is necessary to determine continued eligibility or services, or a parent or another person concerned with the child's development requests an evaluation, the district shall immediately provide written notice to the parents as required under 603 CMR 28.04(1).

(d) **Preschool Screening.** Each school district shall conduct screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening shall be designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services.

1. The school district shall submit information to the Department describing the screening program and its elements as part of the local special education plan, when so requested.
2. Participation in the screening program for three and four year olds shall be optional on the part of the parents.

(e) **Private schools at private expense.** Nothing in 603 CMR 28.00 shall be construed to limit the rights of parents to have their children educated at private schools, completely at private expense. To the extent that public school districts provide and pay for special education services for eligible students enrolled in private schools at private expense, the following requirements shall apply:

1. Each school district shall provide special education designed to meet the needs of eligible students who are attending private schools at private expense and whose parents reside in the jurisdiction of the school district. The school district shall provide to such students genuine opportunities to participate in the public school special education program consistent with state constitutional limitations.
2. The school district shall provide or arrange for the provision of evaluation services and an IEP for any eligible private school student whose parent resides in the jurisdiction of the school district. The evaluation may take place in the public school, the private school, or an appropriate contracted facility, provided that the school district shall ensure that a representative of the student's private school is invited to participate as a member of the Team pursuant to 603 CMR 28.05.
3. The school district shall provide or arrange for the provision of the special education described by the student's IEP provided that school districts shall ensure that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services may be provided on private school grounds.
4. Special education provided by the school district to a private school student shall be comparable in quality, scope, and opportunity for participation to that provided to public school students with needs of equal importance. Programs in which both public and private school students participate may not include classes that are separated on the basis of school enrollment or the religious affiliation of the students.

(f) **Early Literacy Screening.** Effective July 1, 2023, each school district shall at least twice per year assess each student's reading ability and progress in literacy skills, from kindergarten through at least third grade, using a valid, developmentally appropriate screening instrument approved by the Department. Consistent with section 2 of chapter 71B of the general laws and the Department's dyslexia and literacy guidelines, if such screenings determine that a student is significantly below relevant benchmarks for age-typical development in specific literacy skills, the school shall determine which actions within the general education program will meet the student's needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress. Within 30 school days of a screening result that is significantly below the relevant benchmarks, the school shall inform the student's parent or guardian of the screening results and the school's response and shall offer them the opportunity for a follow-up discussion.

(2) **Administrator of Special Education.** Each school district shall appoint a person to be its Administrator of Special Education. The Administrator shall supervise all special education for the school district and shall ensure compliance with all federal and state special education laws. As appropriate, and in accordance with the requirements of M.G.L. c. 71B, § 3A, the Administrator may designate other school district personnel to carry out some of the duties of the Administrator.

(3) **Responsibilities of the School Principal.**

(a) **Instructional support.** The principal shall implement the plan developed and adopted by the district to ensure that efforts have been made or will be made to meet the needs of diverse learners in the general education program. As part of his/her responsibilities, the principal shall promote instructional practices responsive to student needs and shall ensure that adequate instructional support is available for students and teachers. Instructional support shall include remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, § 2. The principal may consult with the Administrator of Special Education regarding accommodations and interventions for students. Such efforts and their results shall be documented and placed in the student record. Additionally, if an individual student is referred for an evaluation to determine eligibility for special education, the principal shall ensure that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.

(b) **Coordination with special education.** The principal with the assistance of the Administrator of Special Education shall coordinate the delivery and supervision of special education services within each school building.

(c) **Educational services in home or hospital.** Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal shall coordinate such services with the Administrator of Special Education for eligible students. Such educational services shall not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.

(4) **Standard procedures and forms.** The Department may prepare standard forms to assist school districts in meeting state and federal special education requirements.

(a) The school district shall use forms that, at a minimum, contain the elements of those forms issued by the Department.

(b) School districts shall maintain required data on eligible students receiving special education services, shall ensure that such data remains current and accurate, and, on request, shall report such data in the form required by the Department and in accordance with 603 CMR 10.00 and the guidelines for reporting student and financial data.

(5) **Waivers.** A school district, collaborative, or approved special education school program may submit in writing a proposal for approval by the Department for the satisfaction of any requirement in 603 CMR 28.00 in a manner different from that specified in 603 CMR 28.00. The Department may approve such proposal if it shows substantial promise of contributing to improvements in the methods for meeting the goals of 603 CMR 28.00 and if such proposal does not conflict with any provision of law. No such proposal shall be implemented until approved by the Department.

(6) **Enforcement: Withholding of funds.** The Department may withhold funds for special education from cities, towns, school districts, or private schools or agencies that do not comply with regulations or statutes related to special education or do not carry out plans for such compliance within a reasonable period of time; provided, however, that nothing in 603 CMR 28.03(6) shall be construed to prevent the Department from withholding state and federal funds to the extent it deems necessary consistent with state and federal law, or from taking such other enforcement action as may be authorized by law.

28.04: Referral and Evaluation

(1) **Referral for Initial Evaluation.** A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.

(a) When a student is referred for an evaluation to determine eligibility for special education, the school district shall send written notice to the student's parent(s) within five school days of receipt of the referral.

(b) The notice required by 603 CMR 28.04(1)(a) shall meet all of the content requirements set forth in M.G.L. c. 71B, § 3, and in federal law and shall seek the consent of a parent for the evaluation to occur, and provide the parents with the opportunity to express any concerns or provide information on the student's skills or abilities.

(c) School districts shall provide the student's parents with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral, the content of the proposed evaluation, and the evaluators used.

(d) Upon referral, school districts shall evaluate children who are two and a half years of age and who may be receiving services through an early intervention program. An initial evaluation shall be conducted in order to ensure that if such child is found eligible, special education services begin promptly at age three.

(2) **Initial Evaluation.** Upon consent of a parent, the school district shall provide or arrange for the evaluation of the student by a multidisciplinary team within 30 school days. The assessments used shall be adapted to the age of the student and all testing shall meet the evaluation requirements set out in state

and federal law. The school district shall ensure that appropriately credentialed and trained specialists administer all assessments.

(a) **Required assessments.**

1. An assessment in all areas related to the suspected disability.
2. An educational assessment by a representative of the school district, including
 - a. a history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum; and
 - b. an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
 - c. The school district shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.
 - d. When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged.
 - e. For children who are receiving early intervention services, school districts are encouraged to use current and appropriate assessments from early intervention teams, whenever possible, to avoid duplicate testing.

(b) **Optional assessments.** The Administrator of Special Education may recommend or a parent may request one or more of the following:

1. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.
2. A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
3. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of a parent.

(c) **Reports of assessment results.** Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. The assessor may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. Summaries of assessments shall be completed prior to discussion by the Team and, upon request, shall be made available to the parents at least two days in advance of the Team discussion at the meeting occurring pursuant to 603 CMR 28.05(1).

(3) **Annual reviews and three-year reevaluations.** The school district shall review the IEPs and the progress of each eligible student at least annually. Additionally, every three years, or sooner if necessary, the school district shall, with parental consent, conduct a full three-year reevaluation consistent with the requirements of federal law.

(4) **Unscheduled evaluations for medical reasons.** If, in the opinion of the student's physician, an eligible student is likely to remain at home, in a hospital, or in a pediatric nursing home for medical reasons and for more than 60 school days in any school year, the Administrator of Special Education shall, without undue delay, convene a Team to consider evaluation needs and, if appropriate, to amend the existing IEP or develop a new IEP suited to the student's unique circumstances.

(5) **Independent education evaluations.** Upon receipt of evaluation results, if a parent disagrees with an initial evaluation or reevaluation completed by the school district, then the parent may request an independent education evaluation.

(a) All independent education evaluations shall be conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student may justify an

individual assessment rate that is higher than that normally allowed.

(b) The parent may obtain an independent education evaluation at private expense at any time.

(c) Public funding of independent education evaluations - When the parent requests public funding for an independent education evaluation, the district shall abide by the following provisions for a sliding fee scale:

1. If the student is eligible for free or reduced cost lunch or is in the custody of a state agency with an Educational Surrogate Parent appointed in accordance with federal law, then the school district shall provide, at full public expense, an independent education evaluation that is equivalent to the types of assessments done by the school district. No additional documentation of family financial status is required from the parent.
2. If the family financial status is not known, the district shall offer the parent information about the sliding fee scale and the opportunity to provide family income information to determine if the family may be eligible for public funding of all or part of the costs of an independent education evaluation. Provision of financial information by the family is completely voluntary on the part of the family. The lack of financial information provided by the family will disqualify the family from such additional public funding of all or part of the costs of an independent education evaluation under 603 CMR 28.04(5)(c) but shall not limit the rights of parents to request public funding under 603 CMR 28.04(5)(d).
3. If the family agrees to provide financial information, such information shall include anticipated annual income of the family, including all sources of income and verifying documents. Financial information shall be reviewed by the district, shall be kept confidential during review by the district, shall not be copied or maintained in any form at the district except to note that information was provided and reviewed and met or did not meet sliding fee scale standards. Financial documents shall be promptly returned to the parent upon the district's determination of financial income status.
4. The district shall consider family size and family income information in relation to Federal Poverty Guidelines and shall contribute public funds to the costs of the independent education evaluation according to the following standards:
 - a. If the family income is equal to or less than 400% of the federal poverty guidelines, the district shall pay 100% of the costs of an independent education evaluation.
 - b. If the family income is between 400% and 500% of the federal poverty guidelines, the district shall pay 75% of the costs of an independent education evaluation.
 - c. If the family income is between 500% and 600% of the federal poverty guidelines, the district shall pay 50% of the costs of an independent education evaluation
 - d. If the family income is over 600% of the federal poverty guidelines, the district shall have no obligation to cost-share with the parent.
5. When the parent seeks and receives public funding for an independent education evaluation under these provisions, the parent may request independent assessments in one, more than one, or all of the areas assessed by the school district.
6. The right to this publicly funded independent education evaluation under 603 CMR 28.04(5)(c) continues for 16 months from the date of the evaluation with which the parent disagrees.

(d) If the parent is requesting an independent education evaluation in an area not assessed by the school district, the student does not meet income eligibility standards, or the family chooses not to provide financial documentation to the district establishing family income level, the school district shall respond in accordance with the requirements of federal law. Within five school days, the district shall either agree to pay for the independent education evaluation or proceed to the Bureau of Special Education Appeals to show that its evaluation was comprehensive and appropriate. If the Bureau of Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent education evaluation requested by the parent.

(e) Whenever possible, the independent education evaluation shall be completed and a written report sent no later than 30 days after the date the parent requests the independent education evaluation. If publicly funded, the report shall be sent to the parents and to the school district. The independent evaluator shall be requested to provide a report that summarizes, in writing,

procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator may recommend appropriate types of placements but shall not recommend specific classrooms or schools.

(f) Within ten school days from the time the school district receives the report of the independent education evaluation, the Team shall reconvene and consider the independent education evaluation and whether a new or amended IEP is appropriate.

28.05: The Team Process and Development of the IEP

(1) **Convening the Team.** Within 45 school working days after receipt of a parent's written consent to an initial evaluation or reevaluation, the school district shall: provide an evaluation; convene a Team meeting to review the evaluation data, determine whether the student requires special education and, if required, develop an IEP in accordance with state and federal laws; and provide the parents with two copies of the proposed IEP and proposed placement, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e); or, if the Team determines that the student is not eligible for special education, the school district shall send a written explanation of the finding that the student is not eligible. The evaluation assessments shall be completed within 30 school working days after receipt of parental consent for evaluation. Summaries of such assessments shall be completed so as to ensure their availability to parents at least two days prior to the Team meeting. If consent is received within 30 to 45 school working days before the end of the school year, the school district shall ensure that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.

(2) **Determinations of the Team.**

(a) **Eligibility determination.** The Team shall examine the evaluative data, including information provided by the parent, and make one of the following determinations:

1. The student is eligible. If the student has one or more of the disabilities defined at 603 CMR 28.02(7) and if, as a result of the disability(ies), the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the Team shall determine that the student is eligible.
 - a. Consistent with state and federal special education law, the Team shall establish whether a student has a disability(ies) as defined in 603 CMR 28.02(7), determine the type(s) of disability(ies) and shall ensure that the student's inability to progress is a result of the disability(ies) and not a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or math.
 - b. Once eligibility has been determined, the type of disability of the student shall not be used to provide a basis for labeling or stigmatizing the student. Additionally, the type of disability shall not define the needs of the student and shall in no way limit the services, programs, or inclusion opportunities provided to the student.
 - c. If the Team determines that the student is an eligible student, the Team shall develop an individualized education program (IEP).
2. The student is not eligible. If the Team determines that the student is not eligible, the Team chairperson shall record the reason for such finding, list the meeting participants, and provide written notice to the parent of their rights in accordance with federal requirements within ten days of the Team meeting.

(b) **Evaluation information is inconclusive.** If the Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, may agree to an extended evaluation period.

1. The extended evaluation period shall not be used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a partial IEP that, if accepted by the parent, shall be immediately implemented by the district while the extended evaluation is occurring.
2. The extended evaluation period shall not be used to allow additional time to complete the required assessments under 603 CMR 28.04(2)(a).

3. If the parent consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.
4. The extended evaluation may extend longer than one week, but shall not exceed eight school weeks.
5. The extended evaluation shall not be considered a placement.

(3) **Developing the IEP.** Upon determining that the student is eligible for special education, the Team shall develop an IEP using the evaluation data to guide development of goals and objectives for the student.

(a) Parent disagrees with evaluation and seeks an independent education evaluation. If a parent disagrees with the evaluation results, the Team may, with the agreement of the parent, delay writing some or all of the IEP until an independent education evaluation can be completed.

(b) If the Team writes a partial IEP, a parent may consent to the proposed partial program prior to completion of the full IEP. In such case, the partial program shall be implemented immediately.

(c) The IEP shall be completed using the standard IEP format provided by the Department. If the Team members are unable to agree on the IEP, the Team chairperson shall state the elements of the IEP proposed by the school district

(4) **Contents of the IEP.** Upon determining that the student requires special education and based upon the evaluative data, the Team shall write an IEP for the student and decide the student's placement. The IEP shall describe the special education and related services that the student requires and shall include all elements required under federal and state law.

(a) The IEP shall include specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or may consist solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements.

(b) The Team shall carefully consider the general curriculum, the learning standards of the Massachusetts Curriculum Frameworks, the curriculum of the district, and shall include specially designed instruction or related services in the IEP designed to enable the student to progress effectively in the content areas of the general curriculum.

(c) For any student approaching graduation or the age of twenty-two, the Team shall determine whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education shall make a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, § 12A through C (known as Chapter 688).

(d) The daily duration of the student's program shall be equal to that of the regular school day, unless the Team states that a different duration is necessary to provide a free appropriate public education to the student. In such case, the Team shall specify the daily duration of the program, and the Team shall state on the IEP the reason for such different duration.

1. An extended year program may be identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.
2. If residential services are required, the IEP must clearly specify the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the goals and services on the student's IEP must reflect the comprehensive nature of the educational program required.
3. If a longer program is required, the student's IEP must specify why a longer program is necessary.
4. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction shall not be considered extended year programs.

(5) **Transportation.** The Team shall determine whether the student requires transportation because of his or her disability in order to benefit from special education.

(a) **Regular transportation.** If the student does not require transportation as a result of his or her disability, then transportation shall be provided in the same manner as it would be provided for a student without disabilities. In such case, the IEP shall note that the student receives regular transportation, and if the school district provides transportation to similarly situated students without disabilities, the eligible student shall also receive transportation.

1. If regular transportation is noted on the student's IEP and the student is placed by the school district in a program located at a school other than the school the student would have attended if not eligible for special education, the student is entitled to receive transportation services to such program.
2. If regular transportation is noted on the student's IEP and the student is enrolled by his or her parents in a private school and receiving services under 603 CMR 28.03(1)(e), such student is not entitled to transportation services unless the school district provides transportation to students without disabilities attending such private school.

(b) **Special transportation.** If the Team determines that the student's disability requires transportation or specialized transportation arrangements in order to benefit from special education, the Team shall note on the student's IEP that the student requires special transportation. In such circumstances, transportation is a related service.

1. The Team shall determine necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required by the student and shall document such determinations in the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school district shall make such arrangements.
 - a. The district shall arrange to have eligible students who use wheelchairs transported in vehicles that do not require such students to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however, that this requirement shall not be applicable where a Team or the student's physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons.
 - b. The Team shall specify whether the student requires assistance in or out of the home, on or off of the vehicle, and in or out of the school. If such assistance is specified, the district shall ensure that it is provided.
 - c. The Team shall specify if the student has a particular need or problem that may cause difficulties during transportation, such as seizures, a tendency for motion sickness, behavioral concerns, or communication disabilities.

2. If special transportation is noted on the student's IEP, the student is entitled to receive transportation services to any program provided by the public school and in which the student participates.

3. If special transportation is noted on the student's IEP and the student is enrolled by his or her parents in a private school and receiving services under 603 CMR 28.03(1)(e), the school district's obligation to provide transportation shall be limited to transportation services within the geographic boundaries of the school district.

(c) In no event shall a school district allow transportation considerations to influence, modify, or determine the educational program required by any student in need of special education.

(6) **Determination of placement.** At the Team meeting, after the IEP has been fully developed, the Team shall determine the appropriate placement to deliver the services on the student's IEP. Unless the student's IEP requires some other arrangement, the student shall be educated in the school that he or she would attend if the student did not require special education.

(a) Identification by the Team of placement shall proceed in accordance with the options delineated in 603 CMR 28.06.

(b) Lack of an identified placement shall not delay the proposal of the IEP to the parent following the Team meeting.

(7) **Parent response to proposed IEP and proposed placement.** Immediately following the development of the IEP, and within 45 school working days after receipt of the parent's written consent to an initial evaluation or reevaluation, the district shall provide the parents with two copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.

(a) No later than 30 days after receipt of the proposed IEP and proposed placement, the parents shall:

1. Accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal; and
2. accept or reject the proposed placement.

(b) Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay.

28.06: Placement and Service Options

(1) **Reporting.** The Department shall determine specific protocols for school districts to report level of services and placements made for eligible students. School districts shall use such protocols for the purposes of reporting information only. No reporting protocol shall be used as the basis for specifying services, delaying, or otherwise limiting services or programs for eligible students.

(2) **Determining placement.** At the Team meeting, after the IEP has been developed, the Team shall consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services or in a separate classroom or school. The Team shall consider all aspects of the student's proposed special education program as specified in the student's IEP and determine the appropriate placement to provide the services. The Team shall determine if the student shall be served in an in-district placement or an out-of-district placement and shall determine the specific placement according to the following requirements:

(a) The decision regarding placement shall be based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.

(b) The placement selected by the Team shall be the least restrictive environment consistent with the needs of the student. In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that the student needs.

(c) **Least restrictive environment (LRE).** The school district shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(d) **In-district placement.** The placement decision made by the Team shall indicate the specific program setting in which services will be provided. The Team shall first consider in-district settings such as a general education classroom, a resource setting, a separate classroom, a work setting, a vocational school program, and/or another type of setting identified by the Team as appropriate and able to provide the services on the IEP in a natural or less restrictive environment. If an in-district setting is able to deliver the services on the IEP, the Team shall identify such placement and include such determination with the proposed IEP.

1. The school district shall determine specific instructional personnel and shall work jointly with the Team to arrange the specific classroom or school, in order to implement the placement decision and to assure that services begin promptly when parental consent to the IEP and placement has been received.
2. The school district shall not delay implementation of the IEP due to lack of classroom space or personnel, shall provide as many of the services on the accepted IEP as possible and shall immediately inform the parent in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and shall offer alternative

methods to meet the goals on the accepted IEP. Upon agreement of a parent, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

(e) **Placement meeting.** Upon developing the IEP, if the needs of the student and the services identified by the Team are complex, and the Team is considering an initial placement out-of-district or a different setting for a student who has been served in an out-of-district program, the school district may schedule a separate Team meeting to determine placement. The placement meeting shall meet the participant requirements of federal special education law as outlined at 34 CFR §300.116(a) (1) and shall be held within ten school days following the meeting at which the Team developed the IEP. At the request of the parent, the placement meeting may be held at a later date.

1. Any other school district that may be financially or programmatically responsible for the student shall be invited to participate in the placement meeting and shall receive notice of such meeting at least five school days prior to the meeting. The Department or other state agency involved with the student may designate a representative to participate in the placement meeting.
2. Prior to the placement meeting, the school district and parent shall investigate in-district and out-of-district placement options in light of the student's needs and identified services required.
3. At the placement meeting, the district and the parent shall report on the investigation of in-district and out-of-district options. If an in-district program can provide the services on the IEP, such program shall be identified at the placement meeting and provided by the district; if not, the placement Team shall identify an out-of-district placement.

(f) **Out-of-district placement.** If an out-of-district placement is designated by the Team, the Team shall state the basis for its conclusion that education of the student in a less restrictive environment with the use of supplementary aids and services could not be achieved satisfactorily.

1. Students in out-of-district placements shall be entitled to the full protections of state and federal special education law and regulation. Out-of-district options include, but are not limited to, special education schools approved under 603 CMR 28.09.
2. When an out-of-district placement is identified by the Team, the determination shall ensure that the student's placement is as close as possible to the student's home. The Team shall not recommend a day or residential school program outside of the city, town, or school district in which the student resides unless there is no suitable program within the city, town, or school district. The school district shall implement the placement decision of the Team and shall include consulting with personnel of the school contemplated to provide the program for the student to determine that the school is able to provide the services on the student's IEP. The Team shall not recommend a specific program unless it is assured that the adequacy of said program has been evaluated and the program can provide the services required by the student's IEP. Team identification of specific schools, however, shall not supercede LRE considerations, IEP considerations, or requirements to give preference to approved programs as provided in 603 CMR 28.06(3)(d).

(3) **General requirements for out-of-district placements.** For the duration of any student's placement in an out-of-district setting in Massachusetts, the Administrator of Special Education shall make a good faith effort, to ensure that the student's IEP is being appropriately implemented and that service delivery in the out-of-district setting is aimed at assisting the student to meet the goals identified on the student's IEP.

(a) **Program oversight:** The Department shall determine that programs approved under 603 CMR 28.09 have appropriate policies, procedures, and appropriately credentialed staff as may be necessary to provide special education services to publicly funded students. The Department shall investigate and resolve concerns raised through the Problem Resolution System of the Department. The approval activities and oversight of the Department for the approved programs does not relieve school districts of their responsibility to monitor the programs of individual students enrolled in the approved programs by the school districts. The approval activities and oversight of the Department for the approved programs does not make the Department a guarantor or insurer for services or programs provided to individual students.

(b) **Individual student program oversight:** The school district is required to monitor the provision of services to and the programs of individual students placed out-of-district. Documentation of monitoring plans and all actual monitoring shall be placed in the files of every eligible student who

has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits shall be documented and placed in the students' files for review. The duty to monitor out-of-district placements cannot be delegated to parents or their agents, to the Department, or to the out-of-district placement. The school district may, however, contract directly with a person to conduct such monitoring.

(c) **Student right to full procedural protections:** School districts that place eligible students in out-of-district programs retain full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation, including but not limited to those specified in 603 CMR 28.09. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program shall be initiated by the school district in coordination with the out-of-district placement.

(d) **Preference to approved programs:** The school district shall, in all circumstances, first seek to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference shall also be given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and choice of such program complies with LRE requirements. No student in an out-of-state placement as of June 1, 2000 shall be required to transfer to a facility in Massachusetts unless such transfer is consistent with the student's IEP and the LRE requirements of the law. When an approved program is available to provide the services on the IEP, the district shall make such placement in the approved program in preference to any program not approved by the Department.

(e) **Use of unapproved programs:** If the Team is unable to identify an appropriate placement in an approved school, the Administrator of Special Education may request assistance from the Department. Such request shall be in writing and shall contain copies of all assessments from the evaluation or reevaluation, the complete referral package that had been sent to approved schools, a listing of all approved schools that had been considered, and the decision given by such schools to refuse admission. A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 must ensure that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs shall be entitled to the full protections of state and federal special education law and regulation, including but not limited to those protections specified in 603 CMR 28.09 and in 603 CMR 18.00. The following documentation is required and may be reviewed by the Department of Elementary and Secondary Education at any time:

1. **Search:** The Administrator of Special Education shall document the search for and unavailability of a program approved by the Department under 603 CMR 28.09. The Administrator shall place such documentation in the student record.
2. **Evaluation of facility:** The Administrator of Special Education or his/her designee shall thoroughly evaluate the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation shall determine whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluation shall additionally determine whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation shall be documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits shall be documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility cannot be delegated to the parents or their agents or the proposed unapproved facility. The school district may, however, contract directly with a person to conduct such evaluation activities.
3. **School district approval to operate a private school in Massachusetts:** If services in an unapproved program are provided in a school setting, the Administrator of Special Education must ensure that such school has received approval from the local school committee under M.G.L. c.76, § 1 and that a copy of such approval is retained in the student record.
4. **Notification to the Department:** Prior to placement, the Administrator shall notify the Department of the intent to place the student and the name and location of the proposed placement.
 - a. Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Administrator shall obtain pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms

shall be completed by the proposed placement and shall document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program.

b. The Administrator shall forward the notice of proposed placement and completed pricing forms to the Department along with the information on the proposed terms of the contract that will govern such placement. The Department shall notify the district within ten days if there are any objections to such placement, and if none, shall forward the pricing forms to the state agency responsible for setting program prices. Such agency shall, according to its procedures, set an approved price for publicly funded students and shall forward such information to the school district making the placement.

c. The Department reserves the right to request any additional documentation or information regarding student placements in educational settings not approved under 603 CMR 28.09, including but not limited to documentation of a monitoring plan pursuant to 603 CMR 28.06(3)(b) and a plan detailing the time and resources necessary to establish or locate a program able to meet the student's needs in the city, town or school district where the student resides or in an approved program.

5. **Out-of-state:** If such services are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education must ensure that such school has received approval from the host state. No placements of Massachusetts students may be made in out-of-state programs without approval of the program by the host state or, if the host state does not have an approval process, then the program must provide documentation of reputable accreditation. The requirements of 603 CMR 28.06(3)(b through e), apply to all such placements.

6. **Department review:** The Department shall periodically, and at its discretion, review all required documentation and if such documentation is not available or is not appropriate, the Department may take action pursuant to 603 CMR 28.03(7). Such a review, however, does not make the Department a guarantor or insurer for services or programs provided to individual students.

(f) **Written contracts:** School districts shall enter into written contracts with all out-of-district placements. Each such contract shall include, but not be limited to, the following terms:

1. The out-of-district placement shall comply with all elements of the IEP for the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports.

2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and the Department in accordance with 603 CMR 23.00: Student Records.

3. The out-of-district placement shall allow the placing school district and/or the Department to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense.

4. The out-of-district placement shall afford publicly-funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by the Department.

5. No school district shall contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, or national origin, or that discriminates against qualified persons with disabilities.

(4) **Programs for older students.** The school district shall ensure that options are available for older students, particularly those eligible students of ages 18 through 21 years. Such options shall include continuing education; developing skills to access community services; developing independent living skills; developing skills for self-management of medical needs; and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus and shall be considered in-district programs if the program is operated by the public school and offers the

student ongoing opportunities to interact with students or young adults without disabilities. Participation in such options for students younger than age 18 shall not relieve the school district of its obligation to ensure that students have access to instruction in the general curriculum.

(5) **Access to district programs.** All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.

(6) **Instructional grouping requirements.** When eligible students aged five and older receive special education services for some or all of the school day outside of the general education environment, the school district shall make every effort to maintain the student's access to the general curriculum and participation in the life of the school. The school district shall devote resources to develop the school district's capacity for serving such eligible students in less restrictive alternatives.

(a) Programs serving young children shall meet instructional grouping requirements of 603 CMR 28.06(7).

(b) The size and composition of instructional groupings for eligible students receiving services outside the general education classroom shall be compatible with the methods and goals stated in each student's IEP.

(c) Instructional grouping size requirements are maximum sizes and school districts are expected to exercise judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size shall not exceed eight students with a certified special educator, 12 students if the certified special educator is assisted by one aide, and 16 students if the certified special educator is assisted by two aides.

(d) Eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, shall have instructional groupings that do not exceed eight students to one certified special educator or 12 students to a certified special educator and an aide.

(e) After the school year has begun, if instructional groups have reached maximum size as delineated in 603 CMR 28.06(6)(c) and (d), the Administrator of Special Education and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school. In such cases, the Administrator must provide written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes shall be in effect only for the year in which they are initiated. The district shall take all steps necessary to reduce the instructional groups to the sizes outlined in 603 CMR 28.06(6)(c) and (d) for subsequent years.

(f) The ages of the youngest and oldest student in any instructional grouping shall not differ by more than 48 months. A written request for approval of a wider age range may be made to the Department, which may approve such request.

(g) Instructional group sizes in all programs approved under 603 CMR 28.09 shall be limited to those outlined in 603 CMR 28.06(6)(d), and no such instructional groups shall have an age range greater than 48 months.

(7) **Programs for young children.** The school district shall ensure programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years.

(a) The requirements of 603 CMR 28.00 shall apply to the extent that they can be adapted to reflect the fact that such children may not be receiving services in the public school.

(b) School districts are encouraged to accept referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.

(c) The school district may elect, consistent with federal requirements as outlined at 34 CFR §300.323(b), to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services.

(d) The Team may allow a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday).

(e) **Type of Setting - Inclusionary.** Inclusionary programs for young children shall be located in a setting that includes children with and without disabilities and shall meet the following standards:

1. Services in such programs may be provided in the home, the public school, Head Start, or a licensed childcare setting.
2. For public school programs that integrate children with and without disabilities, the class size shall not exceed 20 with one teacher and one aide and no more than five students with disabilities. If the number of students with disabilities is six or seven then the class size may not exceed 15 students with one teacher and one aide.

(f) **Type of Setting - Substantially Separate.** Substantially separate programs for young children shall be those programs for three and four year olds that are located in a public school classroom or facility that serves primarily or solely children with disabilities. Substantially separate programs shall adhere to the following standards:

1. Substantially separate programs shall be programs in which more than 50% of the children have disabilities.
2. Substantially separate programs operated by public schools shall limit class sizes to nine students with one teacher and one aide.

(8) **Transportation Services.** The term transportation providers shall include the driver of the vehicle and any attendants or aides identified by the Team. The school district shall provide a qualified attendant on each vehicle that transports one or more students in need of special education, when such attendant is recommended by the Team in accordance with 603 CMR 28.05(5)(b).

(a) The district shall not permit any eligible student to be transported in a manner that requires the student to remain in the vehicle for more than one hour each way except with the approval of the Team. The Team shall document such determination on the IEP.

(b) The school district shall give transportation providers clear, written information on the nature of any need or problem that may cause difficulties for a student receiving special transportation along with information on appropriate emergency measures that may be necessary.

(c) The district shall provide an in-service training program for transportation providers. Such training program shall acquaint transportation providers with the needs of the students they are transporting and shall be designed to enable the transportation providers to meet those needs. All transportation providers shall be required to complete such in-service training prior to providing transportation services to eligible students.

(d) The district shall make sufficient inspections of equipment and unannounced spot checks throughout the year to ensure compliance with these requirements, and with all applicable state and federal safety and equipment laws, including M.G.L. c. 90.

(9) **Educational Services in Institutional Settings.** The Department shall provide certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health. The Department shall retain the discretion to determine based upon resources, the type and amount of special education and related services that it provides in such facilities.

(a) Decisions about admission to and discharge from institutional facilities are within the authority of institution administrators, not the school district. However, school districts are not relieved of their obligations to students in such settings. School districts are responsible for students in institutional settings in accordance with 603 CMR 28.10. Such students have the same rights for referral, evaluation, and the provision of special education in accordance with state and federal law as students in public schools.

(b) Non-educational services such as residential, medical and clinical services shall be provided by the state agency that controls the facility. The provision of such services shall be governed by the state agency in accordance with applicable laws, interagency agreements, or agency policies.

(c) Where a student's IEP requires a type or amount of service that the facility does not provide, it shall remain the responsibility of the school district where the father, mother or legal guardian resides, except as provided in 603 CMR 28.10(3)(c)1 and 2, to implement the student's IEP by arranging and paying for the provision of such services.

(d) The responsible school district coordinate with the Department and ensure that the student receives an evaluation, an annual review, and special education services as identified by the Team at a Team meeting convened by the responsible school district. The Department shall participate in Team meetings for any student receiving special education services in an institutional setting. To the extent that special education services are provided by the Department in such facilities, the Department will make every effort to provide services consistent with the student's IEP and available resources.

28:07: Parent Involvement

(1) **Parental consent.** In accordance with state and federal law, each school district shall obtain informed parental consent as follows:

(a) The school district shall obtain written parental consent before conducting an initial evaluation or making an initial placement of a student in a special education program under 603 CMR 28.00. Written parental consent shall be obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education.

1. The school district shall obtain consent before initiating extended evaluation services as described in 603 CMR 28.05(2)(b).
2. A parent may revoke consent at any time. Except for initial evaluation and initial placement, and as prescribed by 603 CMR 28.00, consent may not be required as a condition of any benefit to the student.
3. Parents have the right to observe any program(s) proposed for their child if the child is identified as eligible for special education services.
4. A parent may discontinue special education and related services provided to his or her child by notifying the school district in writing that the parent revokes consent to the continued provision of all special education and related services to the child. The school district shall respond promptly by sending notice to the parent of the district's intention to discontinue all special education and related services to the student 10 school days from the date of the district's notice based on the parent's revocation of consent. The school district may not challenge the parent's decision through the dispute resolution processes provided under 603 CMR 28.08. Nothing in this regulation shall prevent a school district and a parent from meeting to discuss discontinuation of all special education and related services provided the parent's participation is voluntary.

(b) If, subsequent to initial evaluation and initial placement and after following the procedures required by 603 CMR 28.00, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district shall consider with the parent whether such action will result in the denial of a free appropriate public education to the student. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it shall seek resolution of the dispute through the procedures provided in 603 CMR 28.08. Participation by the parent in such consideration shall be voluntary and the failure or refusal of the parent to participate shall not preclude the school district from taking appropriate action pursuant to 603 CMR 28.08 to resolve the dispute. This provision shall not apply if the parent has revoked consent to all special education and related services as provided in 603 CMR 28.07(1)(a)(4).

(c) When the participation or consent of the parent is required and the parent fails or refuses to participate, the school district shall make and document multiple efforts to contact the parent. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone call, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. The school district shall ensure that its efforts to involve the parent and

gain parental consent meet a reasonable measure standard as articulated in federal law at 34 CFR §§300.300(c)(2) and 300.322(d). If the above efforts are attempted and documented and the district is unable to secure parental consent to a reevaluation or placement subsequent to the initial placement in a special education program, the school district shall proceed in accordance with 603 CMR 28.07(1)(b). This provision shall not apply if the parent has revoked consent to all special education and related services as provided in 603 CMR 28.07(1)(a)(4).

(2) **Parent right to waive assessments.** Any individual assessment may be waived with the approval of the parents if an equivalent assessment has been recently completed and if the person conducting the school assessment determines that the assessment results are still accurate.

(a) All efforts shall be made to avoid duplicative or unnecessary testing.

(b) In accordance with federal requirements, if recommended by the school district, parents may agree to waive some or all assessments when the three-year reevaluation is required.

(3) **Reports to parents.** Written progress reports for eligible students shall be submitted to parents at least as often as report cards or progress reports for students without disabilities.

(4) **Parent advisory participation.** Each school district shall create a districtwide parent advisory council offering membership to all parents of eligible students and other interested parties. The parent advisory council duties shall include but not be limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. The parent advisory council shall establish by-laws regarding officers and operational procedures, and, in the course of its duties, the parent advisory council shall receive assistance from the district without charge, upon reasonable notice, and subject to the availability of staff and resources.

(5) **Student participation and consent at the age of majority.** When the student reaches 18 years of age, he or she shall have the right to make all decisions in relation to special education programs and services. The school district shall have the obligation to obtain consent from the student to continue the student's special education program. The parents will continue to receive written notices and information but will no longer have decision-making authority, except as provided in 603 CMR 28.07(5)(a) through (c).

(a) If a parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent shall not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction

(b) The student, upon reaching 18 years of age and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice shall be made in the presence of the Team and shall be documented in written form. The student's choice shall prevail at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making

(c) The student, upon reaching 18 years of age and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice shall be made in the presence of at least one representative of the school district and one other witness and shall be documented in written form and maintained in the student record.

(6) **When a parent provides transportation.** If a parent provides transportation to an eligible student requiring special transportation consistent with the requirements of 603 CMR 28.05(5)(b), the school district shall reimburse such parent the prevailing rate per mile for state employees. Reimbursement shall be for no more than the round-trip distance between the home and the school for school attendance and school-sponsored extracurricular activities. Mileage shall be determined based on a direct route between the student's home and school. No parent shall be obligated to provide such transportation.

(7) **Educational surrogate parent - District responsibility.** When a student is without parental representation and requires an educational surrogate parent to be appointed in accordance with federal law and regulations, the Department may request assistance from the district responsible for services to the student in identifying a person willing to serve as an educational surrogate parent.

(a) Upon assignment by the Department, such educational surrogate parent shall have all the rights and responsibilities of a parent in making decisions regarding eligibility and services for special education for the assigned student. The Department shall provide notice of appointment to the school district and any state agency with custody of the student.

(b) A person identified by the district and willing to serve as an educational surrogate parent shall have no conflict of interest and shall not be in the employ of the school district or any state or local agencies involved with the care of the student.

(c) A person identified by the district, appointed by the Department, and serving as an educational surrogate parent shall not receive financial remuneration from the district except that the school district shall reimburse the person for reasonable expenses related to the exercise of his or her responsibilities as an educational surrogate parent for a student enrolled in the district.

(8) **Communications with parents and students.** Each district shall ensure that all communications and meetings with parents and students pursuant to 603 CMR 28.00 meet the following standards:

(a) Communications shall be in simple and commonly understood words.

(b) Communications shall be in both English and the primary language of the home, if such primary language is other than English. Any interpreter used to implement this provision shall be fluent in the primary language of the home.

(c) Where the parents or the student are unable to read in any language or are blind or deaf, communications shall be made orally in English or with the use of a foreign language interpreter, in Braille, in sign language, via TDD, or in writing, whichever is appropriate.

28.08: Continuum of Options for Dispute Resolution

(1) **Local School District Procedures.** School districts are encouraged to develop local problem resolution procedures that allow parents to present a concern to a district representative and receive a response related to the concern. Local procedures shall not be used to delay or deny a parent's right to access other dispute resolution mechanisms.

(2) **Department Procedures.** The Department maintains a Problem Resolution System that provides for the investigation of complaints and the enforcement of compliance with 603 CMR 28.00, as well as with other statutes and regulations relating to the provision of publicly funded education. The Department can make findings on procedural issues and issues related to implementation of requirements. Any party wishing to file a complaint may do so through the Department. Use of the Department Problem Resolution procedures shall not prevent a party from requesting alternative administrative remedies of mediation or hearing on any matter, at any time. Copies of the Problem Resolution System Guidelines and Procedures are available from the Department upon request. Findings and orders issued by the Department on complaints and the Department's processing of a complaint are not reviewable by the Bureau of Special Education Appeals. Additionally, the pendency of a complaint before the Department does not make the Department a necessary party to actions on related issues pending before the Bureau of Special Education Appeals.

(3) **Bureau of Special Education Appeals: Jurisdiction.** In order to provide for the resolution of differences of opinion among school districts, private schools, parents, and state agencies, the Bureau of Special Education Appeals, pursuant to G.L. c. 71B, §2A, shall conduct mediations and hearings to resolve such disputes. The jurisdiction of the Bureau of Special Education Appeals over state agencies, however, shall be exercised consistent with 34 CFR §300.154(a). The hearing officer may determine, in accordance with the rules, regulations and policies of the respective agencies, that services shall be provided by the Department of Children and Families*, the Department of Developmental Disabilities*, the Department of Mental Health, the Department of Public Health, or any other state agency or program, in addition to the IEP services to be provided by the school district. Mediations and hearings shall be conducted by impartial mediators and hearing officers who do not have personal or professional interests that would conflict with their objectivity in the hearing or mediation and who are employed to conduct those proceedings.

(a) A parent or a school district, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with disabilities. A parent of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.

(b) No later than five days after receipt of a request for hearing or notice that an IEP, or proposed placement, or finding of no eligibility for special education has been rejected by the parent, the school district shall send a copy of such request or notice to the Bureau of Special Education Appeals. The Bureau of Special Education Appeals shall then give notice in writing to the parties of the rights of the parents and school district to request mediation and a hearing.

(c) A school district may not request a hearing on a parent's failure or refusal to consent to initial evaluation or initial placement of a student in a special education program, or on a parent's decision to revoke consent to the continued provision of all special education and related services to his or her child under 603 CMR 28.07(1)(a)(4).

(d) A school district may request a hearing to appeal the Department's assignment of school district responsibility under 603 CMR 28.10 according to the procedures in 603 CMR 28.10(9).

(4) **Mediation.** A voluntary dispute resolution procedure, called mediation, shall be provided by mediators employed by the Bureau of Special Education Appeals and may be used by parents and school districts to seek resolution of their dispute. Mediations shall be provided at no cost to the parties. No parent shall be required to participate in mediation.

(a) Within 30 days of receipt of a request for mediation, the mediator shall schedule a mediation session at a time and place convenient to the parties. The mediation shall include the parents, any representative of the parents' choosing, and a representative(s) of the school district, with one representative who is authorized to resolve the dispute on behalf of the school district. When the parties reach agreement, it shall be set forth in written form. Concurrent with a request for mediation or if no agreement is reached, the parents or school district may request a hearing.

(b) All discussions that occur during mediation are confidential and may not be used as evidence in a hearing. Parents and school districts may request a hearing without participating in mediation.

(5) **Hearings.** Five (5) days after receipt of a written request for hearing, the Bureau of Special Education Appeals shall notify the parties in writing of the name of the assigned hearing officer and, as appropriate, shall provide either a date for the hearing or a statement of federally required procedures to be followed before a hearing date can be assigned.

(a) The Bureau of Special Education Appeals shall issue Rules that state the parties' rights and obligations as to the hearing process, which shall be consistent with all state and federal laws. Such Rules shall be available to the public on request.

(b) Except as provided otherwise under federal law or in the administrative rules adopted by the Bureau of Special Education Appeals, hearings shall be conducted consistent with the formal Rules of Administrative Procedures contained in 801 CMR 1.00.

(c) The Special Education Appeals hearing officer shall have the power and the duty to conduct a fair hearing; to ensure that the rights of all parties are protected; to define issues; to receive and consider all relevant and reliable evidence; to ensure an orderly presentation of the evidence and issues; to order additional evaluations by the school district or independent education evaluations at public expense when necessary in order to determine the appropriate special education for the student; to reconvene the hearing at any time prior to the issuance of a decision; to take such other steps as are appropriate to assure the orderly presentation of evidence and protection of the parties' rights at the hearing; to ensure a record is made of the proceedings; and to reach a fair, independent, and impartial decision based on the issues and evidence presented at the hearing and in accordance with applicable law.

(6) **Hearing Decision.** The decision of the hearing officer of the Bureau of Special Education Appeals shall be implemented immediately and shall not be subject to reconsideration by the Bureau of Special Education Appeals or the Department, but may be appealed to a court of competent jurisdiction.

(a) The written findings of fact and decision of the hearing officer along with notification of the procedures to be followed with respect to appeal and enforcement of the decision shall be sent to the parties and their representatives.

(b) A party contending that a Bureau of Special Education Appeals decision is not being implemented may file a motion with the Bureau of Special Education Appeals contending that the decision is not being implemented and setting out the areas of non-compliance. The hearing officer may convene a hearing at which the scope of the inquiry shall be limited to the facts on the issue of compliance, facts of such a nature as to excuse performance, and facts bearing on a remedy. Upon a finding of

non-compliance, the hearing officer may fashion appropriate relief, including referral of the matter to the Legal Office of the Department or other office for appropriate enforcement action. The possibility of enforcement action does not make the Department a necessary party in matters pending before the Bureau of Special Education Appeals.

(7) **Student's right to IEP services and placement.** In accordance with state and federal law, during the pendency of any dispute regarding placement or services, the eligible student shall remain in his or her then current education program and placement unless the parents and the school district agree otherwise.

(a) If the parents are seeking initial placement in the public school, and the child is at least five years old, however, the child shall be placed in the public school program.

(b) For children three and four years of age, rights to services from the public school district are limited to children who have been found eligible for special education and have an IEP and placement proposed by the public school district and accepted by the parent.

(c) A hearing officer may order a temporary change in placement of an eligible student for reasons consistent with federal law, including but not limited to when maintaining such student in the current placement is substantially likely to result in injury to the student or others.

(d) Except as provided in 603 CMR 28.08(7)(a through c) above, any party seeking to change the eligible student's placement during the pendency of proceedings before the Bureau of Special Education Appeals or in subsequent judicial proceedings shall seek a preliminary injunction from a state or federal court of competent jurisdiction, ordering such a change in placement.

28.09: Approval of Public and Private Day and Residential Special Education School Programs

(1) **Approval from the Department.** The Department may grant approval to public and private day and residential schools providing special education services (special education schools) in Massachusetts in order to ensure that a continuum of special education programs is available to Massachusetts students with disabilities. Approval shall be granted by the Department in accordance with the provisions of 603 CMR 28.09. Upon receipt of approval special education schools are eligible to enroll publicly funded Massachusetts eligible students. Approval does not relieve special education schools of their obligation to comply with other applicable state or federal statutory or regulatory requirements or requirements set forth in their contracts with referral sources.

(a) **Limited approval for out-of-state programs.** The Department may grant approval to public and private day and residential schools providing special education services (special education schools) in states other than Massachusetts in the following circumstances.

1. An out-of-state program, in cooperation with a Massachusetts school district, seeks approval from the Department. The following documentation is required.
 - a. Written verification by the Massachusetts school district of its intent to place an eligible Massachusetts student in the out-of-state program.
 - b. Documentation from the program that the host state has approved the program to provide services to students with disabilities. If the host state does not have an approval process, then the program must provide documentation of reputable accreditation.
 - c. Documentation of tuition rate approved by the host state. If the host state does not approve or otherwise regulate tuition rates, then the program shall provide documentation meeting the requirements of the Massachusetts agency responsible for setting rates for special education schools and showing that the proposed rate is the lowest rate charged to any enrolled student for similar services.
2. Upon receipt of required documentation, the Department may grant approval for a period of time not to exceed three years from the date of application. The Department may withhold such approval if it deems that circumstances warrant such action. In such case, the Department will notify the Massachusetts school district and the out-of-state program of its actions and the reason for such actions.
3. Once approved by the Department, out-of-state programs may accept Massachusetts students without additional documentation during the three-year period of approval. It is the responsibility of the out-of-state program, in cooperation with a Massachusetts school district, to reinitiate the three-year approval status.

(b) **Approval for Massachusetts special education schools.** Approval for schools operating in Massachusetts includes meeting all of the requirements of 603 CMR 28.09 and 603 CMR 18.00. The Department reserves the right to withhold or deny approval if, in its discretion, circumstances warrant such action.

(2) **Eligibility.** Any individual, not-for-profit corporation or agency, or proprietary corporation or public educational collaborative or school district may file an application to establish and/or operate a special education school in Massachusetts to serve eligible students with disabilities. The Department shall require justification of the need for such program and may establish standards for approval eligibility, including but not limited to, standards for minimum or maximum size of such program.

(a) Residential programs shall demonstrate initiation of a request for a license with the state agency responsible for licensing programs providing residential childcare. Such state agency shall be responsible for licensing the residential non-educational component of the program.

1. The Department of Elementary and Secondary Education shall not grant final approval of the educational component of the residential school until all licensing activity for the residential component has been completed and a license has been awarded.
2. The educational component of a residential program must reflect the 24-hour nature of the service and indicate how residential services and educational services will be fully coordinated.

(b) The Department shall develop approval standards that shall specify the types of information, policies, procedures, and assurances to be included in any application for approval. The application shall include, but not be limited to:

1. A demonstration of the need for such a program;
2. The population to be served. Such population shall, at a minimum, consist of a majority of students who have been determined eligible for special education services.
3. The anticipated special education and related services that the program will provide;
4. The legal and financial stability of the program;
5. The safety and appropriateness of the physical plant for the student population that the school will serve;
6. Documentation of qualified staff; and
7. Procedures detailing how the school will provide education services for the identified population of students.

(c) For public special education school programs, the public school or educational collaborative must demonstrate that the program is developed for programmatic reasons and not because of lack of space at an in-district location.

(3) **Department review and approval.** The Department shall review for approval each application submitted and shall consult with other state agencies as necessary. The Department may, at its discretion, schedule site visits, interviews, or other inspection of the proposed program. The Department may deny approval; grant temporary, provisional, or full approval; or grant probationary approval. The Department shall provide the applicant with a written notice of its actions and the reasons for such actions.

(a) **Temporary approval/program pricing.** The Department, upon granting temporary approval to private special education schools, shall forward such approval, together with a description of approved program elements for the educational component of the program, and applicable pricing elements for the residential component of the program, if any, to the state agency responsible for program pricing.

(b) **Provisional approval.** If provisional approval is granted, the Department shall indicate the specific conditions that shall be met and shall establish a time limit not to exceed six months within which the program shall meet those conditions. In no case shall approval be given unless the applicant can demonstrate to the satisfaction of the Department that the health and safety of the students is protected and the school is able to carry out the provisions of each student's IEP.

(4) **Probationary approval.** The Department may place the program on probationary status if it becomes aware of conditions at the school that, in the Department's judgment, compromise the program's ability to provide a safe, healthy and appropriate educational environment. In such circumstances, the Department

shall provide written notice of the probationary status, the circumstances that caused the Department to take such action, and the actions necessary to correct the problem.

(a) **Health and safety issues.** When, in the Department's judgment, conditions at the school threaten the health or safety of the students in the program, acceptance of any additional eligible students (intake) may be prohibited and the Department shall establish a time not to exceed 14 days within which the program shall correct the problem.

(b) **Educational issues.** When, in the Department's judgment, conditions at the school compromise the program's ability to provide an appropriate education but do not threaten the health and safety of the students, the Department shall establish a time limit up to 90 days during which the program shall correct the problem. The Department shall determine if it is necessary to close intake during this period. The Department shall not close intake for more than 60 days in any 12-month period without a full review of the approval status of the school.

(c) **Notification requirements.** Within two school days of receipt of notice from the Department placing the program's approval on probation, the program shall provide notification to the parents of all enrolled Massachusetts students, all Massachusetts school districts with enrolled students, and officials of Massachusetts human service agencies or agencies of other states with responsibility for any students at the school. Notification shall state that the school has been assigned probationary status; that intake is closed, if applicable, and the reasons for such status.

(d) **Completed corrective action.** At the end of the time period for corrective action or when the issue giving rise to probationary status is resolved, whichever is sooner, the Department may reinstate the approval status of the program, change the approval status to provisional, or withdraw approval. The Department shall provide written notification of its action to the special education school.

(e) **Request for reconsideration.** Within one month of receipt of a written request for reconsideration of any Department action in relation to probationary status, the Department shall consider the request and make formal written response. The Department may, at its discretion, hold a hearing on the facts, make site visits, or issue an alternative remedy.

(5) **Disclosure of information.**

(a) An approved special education school shall make available to the Department, on request, information on all aspects of the school's program(s), the certification or credentials of its staff, and the individual records of enrolled Massachusetts students.

(b) The approved special education school shall also maintain on site and provide, on request, documentation of a safety inspection of all buildings by the Department of Public Safety or the local building inspector, an annual fire safety inspection from the local fire department, and a lead paint inspection, if applicable. More frequent inspections may be required at the discretion of the Department.

(c) Prior to any substantial change in program or physical plant, the special education school shall give written notification of intent to change to the Department. Notice shall be given with sufficient time to allow the Department to assess the need for the proposed change and the effects of such change on the educational program. The Department shall provide response to the approved program within thirty days if such change may affect the approval status of the program.

(6) **Public information and postings.** Each approved special education school shall maintain on site and make available for public review the following:

(a) Program information including a statement of purpose, a general description of the educational program, an organizational chart, and tuition information;

(b) Documentation of the current approval and or licensing status;

(c) Documents granting authority to operate the school, including documents that fully identify ownership, and, as applicable, the names of officers, boards, charters, partnership agreements, articles of organization, and by-laws;

(d) All required policies and procedures; and

(e) First aid, medical, and emergency procedures. The special education school shall conspicuously post first aid and emergency procedures, including emergency telephone numbers and location of nearest telephones within each building.

(7) **Educational staffing requirements.** An approved special education school program shall meet the requirements of 603 CMR 18.00 related to staffing, staff training, and personnel policies and shall demonstrate that its organizational structure provides for the effective and efficient operation of the school, supervision of school staff, and supervision of students. The school staff shall at all times provide appropriate supervision of students while they are engaged in any school related activity on or off school grounds.

(a) At least one staff member shall be designated as the educational administrator for the program. The educational administrator shall either possess licensure as a special education administrator or as a special educator and shall have a minimum of a master's degree in special education or a related field; and shall have a minimum of one year of administrative experience. Such person shall be assigned to supervise the provision of special education services in the school and ensure that the services specified in each student's IEP are delivered. The educational administrator shall be relicensed pursuant to the requirements of 603 CMR 44.00 and shall be required to obtain supervisor approval of his/her Professional Development Plan pursuant to 603 CMR 44.04.

(b) Teaching staff shall have teaching licensure appropriate to meet the needs of the population served and which is provided pursuant to the licensure requirements under 603 CMR 7.00. Teaching staff shall be relicensed pursuant to the requirements of 603 CMR 44.00. For the purposes of relicensure, teaching staff shall be subject to the same requirements as teachers in Massachusetts public schools and shall be required to obtain supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04. At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the school; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in the general curriculum.

(c) The Department may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services. To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.

(d) Staff providing or supervising the provision of related services shall be appropriately certified or licensed in their professional areas.

(e) Instructional groupings and student/teacher ratios shall not exceed the class size standards set forth at 603 CMR 28.06(6) and (7). The Department may impose additional limits, if, in the opinion of the Department, the population requires more specialized services.

(f) The special education school shall have a written plan for staff orientation and training that is consistent with the needs of the student population and provides, on average, at least two hours per month of relevant training for all staff including non-professional staff. Initial staff orientation shall include provision for training in emergency procedures, behavior management procedures, and requirements related to student protections as provided in 603 CMR 28.09(12). The special education school shall maintain written documentation of training provided and staff attendance at training as well as documentation of training received outside of the school. Upon request, such documentation shall be readily available for review by the Department.

(8) **Educational facilities and materials.** Approved special education schools shall provide the facilities, textbooks, equipment, technology, materials, and supplies needed to provide the special education and related services specified on the IEPs of enrolled students. If specialized materials or equipment needed solely for an individual student are necessary, the special education school may enter into an agreement for the provision of such materials or equipment by the school district enrolling the student. Approved schools shall additionally meet all facility requirements of 603 CMR 18.00.

(9) **Educational program requirements.**

(a) All approved special education schools shall meet or exceed the student learning time requirements for public school students set forth at 603 CMR 27.00 and shall ensure that such requirements are met for individual students unless the student's IEP requires otherwise. In addition to meeting the student learning time requirements, all ten month programs must run a minimum of 180 school days; 11 month programs a minimum of 198 school days and 12 month programs a minimum of 216 school days exclusive of weekends, holidays, and vacations.

(b) Each approved special education school shall ensure that all teaching staff have an understanding and knowledge of the general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks and that such knowledge is incorporated into the educational programs of the special education school.

(c) All approved special education schools shall ensure that there are flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. Such mechanisms may include, but are not limited to, a capacity for part-time attendance at a neighborhood public school or other community program or a period of transition from one program option to a less restrictive program option.

(d) All approved special education schools shall ensure that there are written procedures outlining how such schools will ensure that enrolled students also participate in state assessment programs in accordance with the assessment participation information provided on the student's IEP. Such procedures shall include how the approved school will provide for accommodations or alternate assessments when required.

(10) **Student Records.** Approved special education schools shall keep current and complete files for each publicly funded enrolled student and shall manage such files consistent with 603 CMR 23.00: Student Records and M.G.L. c. 71, § 34H.

(11) **Policies and procedures.** In addition to the written procedures required for residential schools by the state agency responsible for licensing residential programs providing childcare, and written procedures required by 603 CMR 18.00, all approved special education schools shall maintain on site a policies and procedures manual, and shall provide written notice to parents of enrolled students that copies of such policies or procedures are available on request. Policies and procedures shall additionally include the procedures required in 603 CMR 28.09(9) and emergency procedures, admissions procedures, behavior management procedures, procedures regarding suspension or termination of the student's placement, and orientation procedures for parents and students as required under 603 CMR 18.00 and the following:

(a) Personnel policies, including procedures for hiring, discipline, supervision, evaluation, handling complaints, and dismissal of staff. Procedures on hiring shall include a description of the steps the school will take to obtain, consider, and act upon information related to convictions for criminal offenses for any prospective staff members whose responsibilities bring them into direct contact with students in the school.

(b) If applicable, transportation procedures that ensure that vehicles are safe, insured, and operated by qualified and trained individuals, and that students are transported in a safe manner that is responsive to individual student's needs and provisions of their IEPs.

(12) **Student Protections.** Students shall be entitled to protections and standards in accordance with 603 CMR 18.00. In addition approved special education schools shall observe the following requirements:

(a) Serious Incidents - Immediate Notification and Reporting. In the event of serious injury or death of a student, criminal activity on the part of a student or staff member, or other serious incident affecting the well-being of any student, the approved special education school shall immediately notify, by telephone and by letter, the parents, the sending school district(s), any state agency involved in student care or program placement, and the Department of Elementary and Secondary Education.

(b) Emergency termination of enrollment. The special education school shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the special education school shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the special education school program. With the mutual agreement of the approved special education school and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.

28.10: School District Responsibility

(1) **General Provisions.** School districts shall be programmatically and financially responsible for eligible students based on residency and enrollment.

(a) With the exception of students who are in the care or custody of a state agency, nothing in 603 CMR 28.10 shall require a school district to provide special education to a student whose parent(s), and legal guardian if any, live outside Massachusetts and have placed the student in an education program in Massachusetts or who maintain contact with the student who remains in Massachusetts.

(b) Nothing in 603 CMR 28.10 shall limit the right of the student to timely evaluation, services and placement in accordance with 603 CMR 28.00.

(c) Nothing in 603 CMR 28.10 shall be interpreted to assign responsibility to school districts for any educational service or program other than services or programs provided under state or federal special education law.

(d) Any school district deemed responsible for a student under 603 CMR 28.10 shall continue responsibility for such student until another school district is deemed responsible under 603 CMR 28.10.

(2) **School district responsibility based on student residence.** The school district where the student resides shall have both programmatic and financial responsibility under the following circumstances:

(a) When students live with their parent(s) or legal guardian.

1. When a student who requires an in-district placement to implement his or her IEP lives with both of his or her parents during the school year, irrespective of school vacation periods, and the parents live in two different Massachusetts school districts, the school district where the student is enrolled shall be responsible for fulfilling the requirements of 603 CMR 28.00.
2. When a student who requires an out-of-district placement to implement his or her IEP lives with both of his or her parents during the school year, irrespective of school vacation periods, and the parents live in two different Massachusetts school districts, the school districts where the parents reside shall be equally responsible for fulfilling the requirements of 603 CMR 28.00.

(b) When students are eighteen years of age or over and they have established their own residences as adults.

(3) **School district responsibility based on residence of parent(s) or legal guardian.** The school district where the parent(s) or legal guardian resides shall have both programmatic and financial responsibility under the following circumstances:

(a) When a student is in a pediatric nursing home.

(b) When a student whose IEP requires an out of district placement lives and receives special education services at a special education residential school pursuant to a placement by the IEP Team.

(c) When a student lives and receives educational services in an institutional facility operated by or, through contract, authorized by the Department of Mental Health, the Department of Public Health, the Department of Youth Services, or the Department of Correction or County House of Correction, except as in 603 CMR 28.10(3)(c)1. and 2.

1. If an eligible student was placed or resided in foster care at the time the student entered the institutional facility, then responsibility shall remain with the district(s) assigned most recently pursuant to 603 CMR 28.10(5)(b).
2. If a student is 18 years of age or older and has established his or her own residence as an adult, the school district where the student resided prior to entering the institutional facility shall remain programmatically and fiscally responsible.

(4) **Shared school district responsibility.** The school district where the parent(s) or legal guardian resides shall have financial responsibility and the school district where the student resides shall have programmatic responsibility when a student who is not in foster care, as defined in 603 CMR 28.05(b), is living in a relative's home or living in a residence, crisis, or respite facility funded or supervised by a state agency other than the Department of Children and Families.

(a) When such a student is served in an in-district program, the school district where the student lives shall provide such services and may bill and shall receive payment for the special education costs (using the procedures of 603 CMR 10.07 to calculate such costs, including transportation expenses where applicable) from the school district where the parent(s) or legal guardian resides, unless such student is over 18 years of age and has established his or her own residence as an adult as described in 603 CMR 28.10(2)(b).

(b) When such a student is served in an out-of-district program, the school district where the parent(s) or legal guardian resides shall pay the tuition costs for the student's IEP program directly to the out-of-district school, and such other payments as may be required to other individuals or entities that provide services required by the student's IEP.

(c) In all cases where financial and programmatic responsibility are shared, the school district where the student resides shall invite the school district where the parent(s) or legal guardian resides to participate as a member of the student's Team, provided that such participation shall not limit the student's right to timely evaluation and placement in accordance with 603 CMR 28.00.

(5) Responsibility for Homeless Students and Students in Foster Care.

(a) Nothing in 603 CMR 28.00 shall limit the educational rights of homeless students and parents afforded under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (McKinney-Vento). The following provisions apply to these students.

1. Homeless students shall be entitled to either continue to attend their school of origin, as defined by McKinney-Vento, or attend school in the city or town where they temporarily reside. To the extent feasible, homeless students should remain in their school of origin unless doing so is contrary to the wishes of such student's parent(s) or legal guardian or state agency with care or custody of the student.
2. The school district(s) that was programmatically and financially responsible prior to the student becoming homeless shall remain programmatically and financially responsible for a homeless student until the parent(s) or legal guardian or state agency with care or custody of the student chooses to enroll the student in the school district where the shelter or temporary residence is located. When a student whose IEP requires in-district services is enrolled in the school district where the student is temporarily residing, then that school district shall become programmatically and financially responsible upon enrollment. When a student whose IEP requires out-of-district services is enrolled in the school district where the student is temporarily residing, then that school district shall become programmatically responsible upon enrollment and the school district(s) that was financially responsible prior to the student becoming homeless shall remain financially responsible until the student is no longer homeless.

(b) Nothing in 603 CMR 28.00 shall limit the educational rights afforded under the Every Student Succeeds Act (ESSA) to students who are in foster care, which means 24-hour substitute care for children placed away from their parents or guardians and for whom the Department of Children and Families has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. The provisions in 603 CMR 28.10(5)(b)1. through 4. apply to these students:

1. The school district(s) that was programmatically and financially responsible prior to the student's entry into foster care or prior to a subsequent change in the student's foster care setting shall remain responsible for the student's special education program for as long as the student continues to attend the same school.
2. For students in foster care who do not continue to attend the same school, and who enroll in the district in which their foster care setting is located, programmatic responsibility shall be with the district in which the student is enrolled and financial responsibility shall be with the district where the parent(s) or legal guardian resides.
3. When the Department of Children and Families relocates a student to reside in and attend an approved residential school, the school district that was programmatically responsible prior to this relocation shall remain programmatically responsible and the district where the parent(s) or legal guardian resides shall be financially responsible.
4. For all situations in which school districts share responsibility for students in foster care, the following provisions shall apply:
 - a. When such a student is served in an in-district program, the school district with programmatic responsibility may bill and shall receive payment for the special education costs (using the procedures of 603 CMR 10.07 to calculate such costs, including transportation expenses where applicable) from the school district where the parent(s) or legal guardian resides.

- b. When such a student is served in an out-of-district placement, the school district where the parent(s) or legal guardian resides shall pay the tuition costs for the student's IEP placement directly to the out-of-district school, and such other payments as may be required to other individuals or entities that provide services in the student's IEP.
- c. The school district with programmatic responsibility shall invite the school district where the parent(s) or legal guardian resides to participate as a member of the student's Team, providing that such participation shall not limit the student's right to timely evaluation and placement in accordance with 603 CMR 28.00.

(6) **Program schools.** A program school shall have programmatic and financial responsibility for enrolled students, subject only to specific finance provisions of any pertinent state law related to the program school. Specific provisions for program schools are as follows:

(a) For charter schools, Commonwealth of Massachusetts virtual schools, vocational schools, or schools attended under M.G.L. c. 76, § 12A (Metco), when the Team determines that the student may need an out-of-district placement, the Team shall conclude the meeting pursuant to 603 CMR 28.06(2)(e) without identifying a specific placement type, and shall notify the school district where the student resides within two school days.

1. Upon a determination as in 603 CMR 28.10(6)(a), the program school shall schedule another meeting to determine placement, and shall invite representatives of the school district where the student resides to participate as a member of the placement team pursuant to 603 CMR 28.06(2)(e)(1).
2. The Team meeting convened by the program school shall first consider if the school district where the student resides has an in-district program that could provide the services recommended by the Team, and if so, the program school shall arrange with the school district where the student resides to deliver such services or develop an appropriate in-district program at the program school for the student.
3. If the placement Team, in accordance with the procedures of 603 CMR 28.06(2)(e), determines that the student requires an out-of-district program to provide the services identified on the student's IEP, then the placement proposed to the parent shall be an out-of district day or residential school, depending on the needs of the student. Upon parental acceptance of the proposed IEP and proposed placement, programmatic and financial responsibility shall return to the school district where the student resides. The school district where the student resides shall implement the placement determination of the Team consistent with the requirements of 603 CMR 28.06(3).

(b) For schools attended pursuant to M.G.L. c. 76, § 12B (school choice), such schools may bill and receive payment from the school district where the student resides for the costs of out-of-district placements made by the program school. The program school shall invite the school district where the student resides to participate as a member of the student's Team and shall provide notice of the Team meeting at least five school days prior to the meeting, provided that such participation shall not limit the student's right to a timely evaluation and placement in accordance with 603 CMR 28.00.

(c) A Vocational school shall not discriminate in the enrollment of students with disabilities.

1. A vocational school may not accept students with disabilities on a conditional basis unless the vocational school has procedures that ensure that the reasons for conditional acceptance are equally applied to students without disabilities.
2. A vocational school may serve as an "evaluation site" for a student requiring an extended evaluation under the provisions of 603 CMR 28.05(2)(b) if the evaluative information that is required is primarily vocational in nature. In such circumstances, the student is not considered enrolled in the vocational school, nor shall an extended evaluation be considered a temporary placement. For the duration of the extended evaluation the student shall be considered enrolled in the public school district in which he or she was enrolled prior to the extended evaluation.

(7) **Temporary Assignments.** The Department reserves the right to assign temporary responsibility in cases where the student is not receiving services or when lack of assignment threatens the student's placement or program. Such temporary assignment shall be made based on the information available to the Department. The temporary district shall have all of the rights and responsibilities assigned to districts under 603 CMR 28.00. The temporary district may bill and shall be eligible to receive payment for the

special education costs (using the procedures of 603 CMR 10.07 to calculate such costs, including transportation expenses where applicable) from the district assigned responsibility for that period of time for which a temporary district was identified.

(8) Department Assignment of School District Responsibility.

(a) The Department may assign or a school district or agency may request the Department's assistance in assigning a city, town, or school district to be responsible for students in living situations described in 603 CMR 28.10(3),(4), or (5) in the following circumstances.

1. Students who are in the care or custody of a state agency and have no parent or legal guardian residing in Massachusetts; or
2. When the residence or residential history of the student's parent(s) or legal guardian is in dispute; or
3. When the student has a legal guardian who has been appointed on a limited basis; or
4. When a student has not yet been determined to be eligible and/or is not receiving services, or
5. When a student is in the care or custody of a state agency and is hospitalized and the agency gives notice to the responsible school district that the student will not return to the residence held prior to hospitalization.

(b) A request for an assignment shall not limit the right of the student to timely evaluation, services, or placement in accordance with 603 CMR 28.00. The school district or state agency requesting assignment shall be responsible for providing to the Department all required documentation to ascertain the legal status or residence(s) of the student or the student's parent(s) or legal guardian.

(c) The Department shall use the following criteria to assign a city, town or school district responsibility for a student in a living situation described in 603 CMR 28.10(3), (4), or (5).

1. If the child has been voluntarily surrendered for adoption or freed for adoption by the Probate Court or the Juvenile Court, the school district(s) where the parent(s) lived at the time that the child was surrendered or freed for adoption or when parental rights were terminated shall be responsible.
2. If the student is in the care or custody of a state agency and such state agency has obtained a legal guardianship for the student when the student has turned 18 years old, the school district(s) where the parent(s) lived at the time the court granted the request for guardianship shall be responsible.
3. If the parents' rights have been terminated and the Probate Court or the Juvenile Court has appointed a legal guardian for a minor student, the school district where the legal guardian resides shall be responsible.
4. If the legal guardian is an agency or organization or the legal guardian has been appointed on a limited basis such as a guardian ad litem, or a guardian appointed solely to monitor medications or finances, the school district where the parent(s) lives or last lived shall be responsible.
5. If the student's parents live in two different school districts, such school districts shall be jointly responsible for fulfilling the requirements of 603 CMR 28.00 except if the student actually resided with either parent immediately prior to going into a living situation described in 603 CMR 28.10(3) or (4) or the parents are divorced or separated and one parent has sole physical custody, then the school district where the student resided with the parent or the school district of the parent who has sole physical custody shall be responsible and shall remain responsible in the event the student goes into the care or custody of a state agency.
6. If the student's parent(s) or legal guardian resides in an institutional setting in Massachusetts, including, but not limited to, a correctional facility, a hospital, a nursing home or hospice, or a mental health facility, a halfway house, a pre-release center or a treatment facility, the school district where the parent(s) or legal guardian lived prior to entering the institutional setting shall be responsible.
7. If the student's parent(s) or legal guardian does not reside in Massachusetts, and the parent's or legal guardian's whereabouts are unknown, the school district of the last known Massachusetts residence of the student's parent(s) or legal guardian who lived in

Massachusetts shall be responsible.

(d) Using the above criteria, the Department shall notify in writing the assigned school district(s) of its decision. Upon notification of responsibility for provision of special education to a student under 603 CMR 28.10(8)(d), the school district(s) shall immediately assume responsibility for the student in accordance with the requirements of 603 CMR 28.00. Until such notification, the school district(s) that had been responsible for providing special education to such student under 603 CMR 28.00 shall continue to be responsible.

(e) The school district(s) that had been responsible for providing special education to the student prior to assignment by the Department under 603 CMR 28.10(8)(d) may bill and shall be eligible to receive payment (using the procedures of 603 CMR 10.07 to calculate such costs, including transportation expenses where applicable), from the newly assigned district for the special education costs that were incurred during the period of time in which the newly assigned district should have been responsible.

(f) A school district may seek a review of the Department's assignment under the procedures of 603 CMR 28.10(8) at any time that the district has information that was not available to the Department at the time that the assignment was made. The Department will review the information presented and will confirm or change the assignment of school district responsibility, and notify the districts of this decision under 603 CMR 28.10(8)(d).

(9) **Appeal of Assignment of School District Responsibility.** The assigned district may appeal the Department's assignment of responsibility to the Bureau of Special Education Appeals, subject to the following procedures:

(a) A district may appeal the assignment of school district responsibility within 60 days of the most recent notification of assignment.

(b) The request for appeal shall meet the following standards:

1. A request for appeal shall be based only on the information provided to the Department under 603 CMR 28.10(8)(b) and 603 CMR 28.10(8)(f) if applicable;
2. The request shall state the basis of the appeal;
3. The request for appeal shall identify the district(s) that the appealing district claims should have been assigned responsibility; and
4. The appealing district shall include such district(s) as a party to the appeal.

(c) A party may request a decision without a hearing with the agreement of all parties.

(d) The Bureau of Special Education Appeals shall render a decision within 45 days of receipt of the hearing request. The granting of a postponement shall not extend the 45-day deadline for issuance of a decision unless the postponement is requested by a party and allowed by the hearing officer for good cause.

(e) The Bureau of Special Education Appeals may return the case to the Department of Elementary and Secondary Education based on new information presented at the hearing.

(f) The decision of the Bureau of Special Education Appeals shall be limited to a determination of the assigned school district and the effective date of such assignment.

***Technical Changes:**

State agency names shall be revised throughout 603 CMR 28.00 where necessary to conform to recent statutory name changes.

Regulatory Authority:

M.G.L. c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3; c. 71, § 38G.

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603 CMR 23.00:

Student Records

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Most Recently Amended by the Board of Education: August 15, 2006

603 CMR 23.00 is promulgated by the Board of Education pursuant to its powers under M.G.L. c.71, § 34D which directs that "the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the commonwealth," and under M.G.L. c. 71, § 34F which directs that "the board of education shall adopt regulations relative to the retention, duplication and storage of records under the control of school committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times." 603 CMR 23.00 was originally promulgated on February 10, 1975, and was reviewed and amended in June, 1995. 603 CMR 23.00 is in conformity with federal and state statutes regarding maintenance of and access to student records, and are to be construed harmoniously with such statutes.

23.01: Application of Rights

603 CMR 23.00 is promulgated to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

(1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parent.

(2) If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.

(3) If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school principal or superintendent of schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c. 71, section 34E, the parent of a student may inspect the student record regardless of the student's age.

(4) Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a school committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

23.02: Definition of Terms

The various terms as used in 603 CMR 23.00 are defined below:



Access shall mean inspection or copying of a student record, in whole or in part.

Authorized school personnel shall consist of three groups:

(a) School administrators, teachers, counselors and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the school committee shall have access only to the student record information that is required for them to perform their duties.

(b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee or are employed under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

(c) The Evaluation Team which evaluates a student.

Eligible student shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the school committee acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team shall mean the team which evaluates school-age children pursuant to M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

Parent shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non-custodial parent for purposes of M.G.L. c. 71, § 34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age child with special needs shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

School committee shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c. 71B (Chapter 766) approved private school.

Student shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to that person's employment by the school committee.

The student record shall consist of the transcript and the temporary record, including all information recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The term as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

The transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/ her birthdate; name, address, and phone



number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed, and highest performance level achieved on all MCAS tests required for the competency determination.

23.03: Collection of Data: Limitations and Requirements

All information and data contained in or added to the student record shall be limited to information relevant to the educational needs of the student. Information and data added to the temporary record shall include the name, signature, and position of the person who is the source of the information, and the date of entry into the record. Standardized group test results that are added to the temporary record need only include the name of the test and/or publisher, and date of testing.

23.04: Personal Files of School Employees

The term student record does not include notes, memory aids and other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party. Such information may be shared with the student, parent or a temporary substitute of the maker of the record, but if it is released to authorized school personnel it becomes part of the student record subject to all the provisions of 603 CMR 23.00.

23.05: Privacy and Security of Student Records

(1) The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school.

(2) The superintendent of schools or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.

(3) The principal and superintendent of schools shall insure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and that any computerized systems employed are electronically secure.

23.06: Destruction of Student Records

(1) The student's transcript shall be maintained by the school department and may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

(2) During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the eligible student and his/her parent are notified in writing and are given opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice shall be placed in the temporary record.

(3) The temporary record of any student enrolled on or after the effective date of 603 CMR 23.00 shall be destroyed no later than seven years after the student transfers, graduates, or withdraws from the school system. Written notice to the eligible student and his/her parent of the approximate date of destruction of the record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. Such notice shall be in addition to the routine information letter required by 603 CMR 23.10.

(4) In accordance with M.G.L. c 71, section 87, the score of any group intelligence test administered to a student enrolled in a public school shall be removed from the record of said student at the end of the school year in which such test was so administered.

23.07: Access to Student Records

(1) **Log of Access.** A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

(a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;



(b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and

(c) school nurses who inspect the student health record.

(2) **Access of Eligible Students and Parents.** The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

(a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.

(b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.

(c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.

(d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

(3) **Access of Authorized School Personnel.** Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) **Access of Third Parties.** Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

(a) A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.

(d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.



(e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.

(f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.

(g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

(5) Access Procedures for Non-Custodial Parents. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless:

1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. the parent has been denied visitation, or
3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

(b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

(c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

(d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).

(e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

(f) Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

23.08: Amending the Student Record

(1) The eligible student or the parent shall have the right to add information, comments, data, or any other relevant written material to the student record.

(2) The eligible student or the parent shall have the right to request in writing deletion or amendment of any information contained in the student record, except for information which was inserted into that record by an Evaluation Team. Such information inserted by an Evaluation Team shall not be subject to such a request until after the acceptance of the Evaluation Team Educational Plan, or, if the Evaluation Team Educational Plan is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:



(a) If such student or parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student record, either student or parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objections known.

(b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such student or parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the student or parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

23.09: Appeals

(1) In the event that any decision of a principal or his/her designee regarding any of the provisions contained in 603 CMR 23.00 is not satisfactory in whole or in part to the eligible student or parent, they shall have the right of appeal to the superintendent of schools. Request for such appeal shall be in writing to the superintendent of schools.

(2) The superintendent of schools or his/her designee shall within two weeks after being notified of such appeal (longer should the appellant request a delay) review the issues presented and render a written decision to the appellant, stating the reason or reasons for the decision. If the decision is in favor of the appellant, the superintendent of schools or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

(3) In the event that the decision of the superintendent of schools or his/her designee is not satisfactory to the appellant in whole or in part, the appellant shall have the right of appeal to the school committee. Request for such appeal shall be in writing to the chairperson of the school committee.

(4) The school committee shall within four weeks after being notified of such appeal (longer should the appellant request a delay) conduct a fair hearing to decide the issues presented by the appellant.

(a) School officials shall have the burden of proof on issues presented by the appellant.

(b) The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing.

(c) If the appeal concerns statements by an employee of the school committee, such person(s) shall have the right to be present and to have an advocate of his/her own choosing.

(5) Nothing in 603 CMR 23.00 shall abridge or limit any right of an eligible student or parent to seek enforcement of 603 CMR 23.00 or the statutes regarding student records, in any court or administrative agency of competent jurisdiction.

23.10: Notification

(1) At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter informing them of the following:

(a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.

(b) The general provisions of 603 CMR 23.00 regarding parent and student rights, and that copies of 603 CMR 23.00 are available to them from the school.

(2) In those school systems required under M.G.L. c. 71A to conduct a bilingual program, all forms, regulations, or other documents regarding 603 CMR 23.00 that a parent receives or is required to receive shall be in the language spoken in the home of the student, provided that it is a language for which the school system is required to provide a bilingual program.

23.11: Monitoring

The Department of Elementary and Secondary Education may, pursuant to a request by an eligible student or parent or on its own initiative, conduct reviews to insure compliance with 603 CMR 23.00. The school committee and the specific school(s) involved shall cooperate to the fullest extent with such review.

23.12: Severance Clause

The provisions of 603 CMR 23.00 are severable and should any section be found upon judicial review to exceed the authority of the State Board of Education, the remaining sections shall not be affected.



Regulatory Authority:

603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

Disclaimer:

For an official copy of these regulations, please contact the State House Bookstore, at 617-727-2834 or visit [Massachusetts State Bookstore](#).

Last Updated: August 9, 2021



[Education Laws and Regulations](#)

603 CMR 18.00:

Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs

Section:

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Most Recently Amended by the Board of Elementary and Secondary Education, December 16, 2014. Effective January 1, 2016.

18.01: Authority, Scope and Purpose

(1) 603 CMR 18.00 is promulgated pursuant to MGL c. 71B, §10. 603 CMR 18.00 governs the program and safety standards for day and residential special education schools operated by public and private entities and serving publicly funded students.

(2) The requirements set forth in 603 CMR 18.00 are in addition to, or in some instances clarify or further elaborate, the program approval standards set forth in 603 CMR 28.09.

(3) Some approved special education schools may have a residential component with a current license from the state agency responsible for licensing programs providing residential services to children pursuant to 102 CMR 3.00. At the discretion of the Department, some of the requirements in this section may be met through obtaining a license under 102 CMR 3.00. However, the special education school's educational component remains fully subject to these regulations, as deemed appropriate by the Department of Elementary and Secondary Education.

18.02: Definitions

(1) *Approved private special education school or approved program* shall mean a private day or residential school, within or outside Massachusetts, that has applied to, and received approval from, the Department according to the requirements specified in 603 CMR 28.09.

(2) *Approved public special education school* shall mean a program operated by a public school or an educational collaborative providing full day or residential special education services to eligible students in a facility serving primarily students with disabilities. Such program shall be approved when it has applied to, and received approval from, the Department according to the requirements specified in 603 CMR 28.09.

(3) *Consent* shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his/her native language or other mode of communication, that the parent understands and agrees in writing to the carrying out of the activity, and understands that the granting of consent agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

(4) *Day* shall mean calendar day unless the regulation specifies school day, which shall mean any day, including a partial day, that students are in attendance at school for instructional purposes.

(5) *Department* shall mean the Massachusetts Department of Elementary and Secondary Education.

(6) *District or school district* shall mean a Massachusetts municipal school department or regional school district, acting through its school committee or superintendent of schools; a county agricultural school, acting through its board of trustees or superintendent/director; and any other Massachusetts public school established by statute or charter, acting through its governing board or director.

(7) *Eligible student* shall mean a person aged three through twenty-one (3-21) who has not attained a high school diploma or its equivalent, who has been determined by an IEP Team to have a disability(ies), and as a consequence is unable to progress effectively in the general education program without specially designed instruction or is unable to access the general curriculum without a related service. An eligible student shall have the right to receive special education and any related services that are necessary for the student to benefit from special education or that are necessary for the student to access the general curriculum. In determining eligibility, the school district must thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.

(8) *Emergency termination* shall mean removal of a student from a program due to an unplanned circumstance, including a student endangering his/her physical health or safety or endangering the physical health or safety of others.

(9) *Individualized Education Program (IEP)* shall mean a written statement, developed and approved in accordance with federal special education law in a form established by the Department that identifies a student's special education needs and describes the services a school district shall provide to meet those needs.

(10) *Parent* shall mean father, mother, guardian, person acting as a parent of the child, or an educational surrogate parent appointed in accordance with federal law. For students in the Department of Children and Families care or custody, an Educational Surrogate Parent's authority to act as a parent is limited to special education decision-making. When the father and mother are not living together, the parent shall be the father or mother with legal custody of the child for the purposes of educational decision-making. In the absence of any court decree to the contrary, legal authority of the parent shall transfer to the student when the student reaches eighteen (18) years of age.

18.03: Requirements for Daily Care

(1) **Supervision of Students.**

(a) The school shall at all times provide appropriate supervision of students while they are engaged in any school related activity on or off school grounds.

(b) Each program shall develop and implement a written staffing plan for the employment of childcare workers. This plan shall include but not be limited to:

1. A rationale describing the need for such childcare workers;
2. A detailed description of the duties and responsibilities of such childcare workers;
3. A detailed work schedule for childcare workers, including days and hours worked and the students for whom they will be responsible;
4. A detailed description of how the school will provide childcare services in the absence of childcare workers due to illness, position. vacancy, emergencies, or other unexpected circumstances;
5. A detailed justification of the childcare worker to student ratio requested by the school, including the ages, capabilities, behavioral and educational needs of the students, and other information as may be required due to the respective goals of individual students and/or programs.

(2) **Childcare Worker to Student Ratio.** The Department may approve a student to childcare worker ratio not lower than 4:1 nor greater than 6:1 during non-"school day" waking hours and not lower than 6:1 nor greater than 8:1 during sleeping hours or an alternative ratio justified by the special education school. The Department shall make the final decision on alternative ratios. In rendering such decisions, the Department will consider but not be limited to the following factors in priority order:

(a) The requirements of IEPs;

(b) The recommendations of the state agency responsible for licensing programs providing residential childcare;

(c) The current approval status of the school;

(d) The most current monitoring data available.

(3) **Childcare Worker Staff Development and Training.** Each program shall develop and implement with staff input a detailed written plan for staff development and inservice training of all childcare workers. This training plan shall be ongoing in nature and provide for a minimum of two hours of formal training per month and shall include but not be limited to the following:

(a) Procedures for orienting new childcare workers to the role and purpose of the school;

(b) Information and discussion on the nature and needs of the students enrolled in the school;

(c) The role of the childcare worker in the growth and development of students, and the relationship of this work to the IEPs of students;

(d) Procedures to be followed in the event of an emergency;

(e) Basic first aid and emergency training;

(f) Techniques for dealing with disruptive and violent behavior, including skill training on the proper use of non-violent restraint; and

(g) Other topics that may be relevant to the operation of the school or the student population served.

(4) **Supervision of Childcare Workers.** Each program shall provide ongoing and regular supervision of all childcare workers by a professional staff person who has supervisory and administrative responsibility within the school. Such responsibilities shall include, but are not necessarily limited to:

(a) Regularly scheduled conferences between childcare workers and supervisors to plan and share information relative to the needs of individual students;

(b) Regularly scheduled conferences between teachers, childcare workers and other educational personnel to ensure that there is coordination among all components of an individual student's program;

(c) Regular review and discussion of ongoing case logs.

(5) **Clothing, Grooming, and Hygiene.**

(a) Clothing. The school shall make provisions with parents or, where appropriate, state agencies to assure that students in the school are provided with adequate, clean, appropriate, fashionable, and seasonable clothing, as required for health and comfort subject to the following conditions:

1. No student shall be required to wear a uniform that identifies the student as a resident of a particular school.
2. Each student shall have his/her clothing identified for personal use, and such identification shall be inconspicuous.
3. For students whose clothing is provided by a state agency, the school shall provide such students the opportunity to participate in the selection of their own clothing.

(b) Grooming and Hygiene. The school shall provide each student with the personal grooming and hygiene articles and materials necessary to meet his/her individual needs. The provision of such articles shall not be contingent upon behavior and may not be part of a level or privilege system.

1. The school shall instruct and assist each student in developing good grooming habits.
2. The school shall provide students with the opportunity to brush their teeth after meals.
3. The school shall conduct a toilet training program for all students who are not toilet trained, unless otherwise indicated in the student's IEP.
4. In addition to the above, residential schools shall:
 - a. Ensure that the right to personal privacy for each child is protected at all times.

- b. Ensure that each student bathes or showers in a private bath or shower frequently enough to maintain proper hygiene. The school shall provide students with assistance and/or supervision in bathing if they are unable to perform this function by themselves.
- c. The school shall ensure that each student has his or her own articles necessary for personal grooming and hygiene.
- d. The school shall assist each student in learning good grooming practices.
- e. The school shall encourage each student to brush his or her teeth at least twice daily.
- f. The school shall make arrangements for hair cutting and styling, in accordance with the wishes of the student and parents and consistent with good health practices.

(6) **Religious Services.** Residential schools shall make available opportunities for students to voluntarily participate in religious services, in accordance with individual preferences.

(7) **Food and Nutrition.**

(a) The school shall, provide a nourishing well- balanced diet to all students.

(b) Residential schools shall provide at least three meals daily, at reasonably appropriate times, which constitute a nutritionally adequate diet.

1. The school shall prepare and serve meals in a manner and amount appropriate to the nutritional needs of each student, including special dietary needs, consistent with applicable state and federal regulations.
2. No student shall be denied, nor unreasonably delayed, a meal for any reason other than medical prescriptions. Meals shall not be withheld as a form of punishment under any circumstances.
3. The school shall encourage students to eat a well balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where medically prescribed.
4. The school shall serve meals to students which are substantially the same as those served staff, unless age differences or special dietary needs require differences in diet.
5. The school shall allow students to eat at a reasonable, leisurely rate.
6. Staff shall be present to assure that each student receives adequate amounts and variety of food.

(c) Schools that serve meals to students shall prepare written menus for each week and shall maintain copies of menu plans for typical weeks. Staff possessing an understanding of the nutritional needs of students shall develop menus.

(d) Schools shall provide or arrange for nutritional mid-morning snacks for students, where appropriate.

(e) Nutritional Requirements.

1. Schools that serve meals and snacks to students shall provide for one-third to one- half of the daily nutritional needs of children in accordance with the "Food and Nutrition Board, National Academy of Sciences National Research Council Recommended Dietary Allowances" in one regular meal and one or more snacks.
2. Schools shall provide to parents, when appropriate, a written list of nutritional items which should be included in a snack or lunch when parents are required to provide meals and snacks. The school shall have a method for providing a nutritious meal and snack in accordance with this section to a student who should arrive without one or whose parent has provided an inappropriate meal or snack.

(f) Written Plan and Designated Person. The school shall have a written plan which describes the methods for purchase, storage, preparation and serving of food and identifies one person responsible for the food program.

(g) Requirements for Food Preparation, Storage and Services.

1. The school shall store, prepare, and serve all food so that it is clean, wholesome, free from spoilage and safe for human consumption.
2. The school shall provide refrigeration and storage for food at not more than forty-five (45) degrees Fahrenheit for food requiring refrigeration.
3. The school shall store all food in clean, covered containers.
4. The school shall properly wash and sanitize all bottles, utensils, and dishes.
5. The school shall dispose of food, milk or formula unfinished by a student.
6. The school shall prepare tasteful meals and serve them in a manner which makes them appetizing.

(8) Toileting Procedures for Day and Residential Schools.

(a) Written Plan. Schools that enroll students who are incontinent shall have a written plan describing procedures for:

1. Regular toileting and diapering of students;
2. Disposal or laundering of soiled clothing or diapers; and
3. Protecting the personal privacy of all such students.

(b) Toilet Training. The school shall toilet train students requiring such training in accordance with the plan requested by the parents or the IEP for the student and in accordance with the student's physical and emotional abilities.

(c) Diapering Requirements. The school shall change the diapers of students when soiled or wet and wash and dry each student with individual materials during each diaper change.

1. The school shall maintain a supply of clean, dry diapers adequate to meet the needs of the students.
2. The school shall use either a disposable covering on the changing surface which shall be changed after each use, or a surface which can be disinfected properly.

(d) Clothing Requirements. Schools that enroll students who are incontinent shall keep extra clean, dry indoor clothing to change a student's clothing which becomes soiled or wet. The school shall store clothing or diapers which are a potential health hazard in a covered waterproof container unless they can be sanitized immediately after removal from the student.

(9) Visiting, Mail, and Telephones.

(a) Visiting Policy. The school shall have a written policy pertaining to visiting and other forms of communication with family, friends, and others.

1. Such policy shall be developed with the goal of encouraging healthy family relationships, maximizing the individual student's growth and development, and protecting the students, staff, and programs from unreasonable intrusions.
2. Such policy shall be available to students, staff and parents.
3. The school shall provide opportunities and encourage students to visit with parents or siblings unless such visits have been limited by court order or by the student's IEP.
4. The school shall provide opportunities for visits with relatives and friends on the premises, with reasonable privacy, in accordance with the student's IEP.
5. The school shall establish visiting hours which meet the needs of the students and parents.
6. The school shall formulate procedures for students visiting outside the facility, including:
 - a. A method for recording the student's location, the duration of the visit, and the name and address of the person responsible for the student while absent from the school;
 - b. A method for recording the student's return, and a procedure for action if a student fails to return.

(b) Mail and Telephone. Written and telephone communication shall not be prohibited. It shall be each student's right to open and send his/her own mail unread by staff, except in accordance with the following circumstances:

1. Such restrictions or censorship must be limited to that which is necessary to achieve the therapeutic purpose outlined in the student's IEP.
2. Mail that is restricted or censored must be returned to the sender with reasons therefore.
3. Staff may open and inspect student's mail for contraband only in the presence of the student.
4. The school shall make available a telephone (pay or free) to students.
5. Telephone communication may not be restricted or monitored unless there are specific therapeutic reasons justifying such limitations.
 - a. Such therapeutic reasons must be clearly stated in the student's IEP and must be no greater than necessary to achieve the therapeutic purpose.
 - b. If phone conversations are monitored, the parties to the conversation must be informed.
 - c. There must be no restrictions or monitoring of conversations between a student and his/her attorney, social worker or clergy person.

(10) **Runaways:** The school shall have a written policy, including a definition of runaways, appropriate for the school population and location, as well as procedures for handling situations involving students who have run away. These policies must be approved by the Department. All personnel in the school shall be familiar with the procedures for handling these situations and the persons or agencies to be notified. The school shall notify the Department, and the parents or Department of Social Services as appropriate, immediately whenever any student runs away.

18.04: Physical Facility and Equipment Requirements

(l) **Safety Requirements and Inspections for Schools.**

- (a) Safety Inspection. The school shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access.
- (b) The school shall obtain a written report of an annual fire inspection from the local fire department. The school shall request fire inspections on a quarterly basis and maintain copies of such requests and inspections at the facility.

(2) **Physical Facility/Kitchen Area.**

- (a) Kitchen Security. The school shall take measures consistent with the programmatic and developmental needs of its students to ensure the safe and secure storage of kitchen equipment, including major appliances.
- (b) Required Maintenance. The kitchen shall be maintained in a sanitary condition, and garbage receptacles used in the kitchen shall be emptied and cleaned daily.

(3) **Physical Facility/Dining Area.**

- (a) Dining Rooms or Areas. The school shall maintain dining rooms or areas which are sufficiently large to accommodate tables and seats for persons eating in an uncrowded manner and which are clean, well lighted and ventilated.
- (b) Dining Furniture. The school shall provide tables and chairs for use by students while dining which are of a type, size, and design appropriate to the ages and needs of the students. When feeding tables or high chairs are used, they shall be designed to prevent students from falling or slipping.
- (c) Dining Utensils. The school shall provide eating and drinking utensils which are appropriate to the age and needs of the students.
 1. Eating and drinking utensils shall be free from defects, cracks and chips.
 2. Disposable cups and plates may be used, but if plastic silverware is used, it shall be heavy duty and dishwasher proof.

3. All reusable eating and drinking utensils shall be thoroughly washed and sanitized before reuse.
(d) Drinking Water and Cups. The school shall provide a source of sanitary drinking water located in or convenient to rooms occupied by students. When non-disposable cups are used for drinking water, they shall be washed and sanitized after each use.

(4) Physical Facility/Bathing and Toilet Facilities.

(a) Equipment and Facilities. The school shall provide adequate numbers of toilet areas for students being served, and shall locate and equip toilet areas so as to facilitate maximum self-help by students. The school shall provide toilet and bathing equipment and facilities in accordance with the following provisions:

1. Water Temperature. The school shall provide both hot and cold running water in sinks, tubs, and showers. For preschool and severely disabled students the water temperature shall be no more than one hundred twenty degrees Fahrenheit and no less than one hundred ten degrees Fahrenheit. The temperature may be controlled through regulation of the boiler or a mixing valve in the faucet.
2. The school shall provide toilets which allow for individual privacy (with partitions and doors), unless inconsistent with a toilet training program.
3. The school shall provide bathing, handwashing and toileting fixtures which are specially equipped, if used by the physically handicapped.
4. The school shall provide mirrors at convenient heights for use by all students.
5. The school shall provide a place for storage of toiletries and for hanging towels and washcloths.
6. When adult toilets and sinks are used, the school shall provide non-tippable stands to permit access by those students who are able to use them.
7. In addition to toilets, portable "pottychairs" may be utilized in the bathroom or separate area for students unable to use toilets. If a separate area is used, it must be a private area.
8. If cloth diapers are used, a flush sink or toilet for rinsing diapers must be provided.

(b) Day Schools. In addition to the requirements outlined above, day schools shall provide and maintain one toilet and sink for every fourteen students in one or more well ventilated bathrooms or state why a lower ratio meets the needs of the school.

(c) Residential Schools. In addition to the requirements outlined above, residential schools shall provide:

1. At least one toilet for each six (6) residents, easily accessible to students in sleeping quarters;
2. At least one sink for each six (6) residents;
3. At least one tub or shower for each six (6) residents.

(5) Physical Facility/Living Areas.

(a) Arrangement of Living Areas. Schools shall design the living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school.

(b) Furnishings. The school shall provide furniture and furnishings which are safe, appropriate, comfortable, and home-like.

(c) Bedrooms. The school shall provide bedrooms which:

1. Have direct outside ventilation;
2. Provide at least fifty (50) square feet per student in multiple sleeping rooms, and not less than seventy (70) square feet in single rooms;
3. Have at least one window; and
4. Have a means for students to mount pictures on bedroom walls (for example, by means of pegboard or cork strips) and to have other decorations.

(d) Individual Furniture. The school shall provide each student with appropriate individual furniture, and an individual closet (or a designated section of a closet) with clothes racks and shelves.

(e) Storage Areas. The school shall provide accessible storage areas for personal possessions, such as toys, books, prosthetic equipment, pictures, games, radios, arts and crafts materials, toiletries, jewelry, letters, other articles and equipment, and a secure area for money and valuables.

(f) Common Areas. In addition to sleeping quarters, and space designated for specific activities, the school shall provide students with a lounge, living room, or family room available for their use.

(6) Physical Facility/Classroom Space. Each room or area which is utilized for the instruction of students shall be of an adequate size to accommodate the students being taught.

(a) The school shall ensure that the size of each classroom is adequate with respect to the number of students, size and age of students, and students' specific educational needs, physical capabilities, and educational and vocational activities.

(b) In addition to the regular instructional area, the school shall have a library or resource room which contains a variety of materials appropriate to the age and abilities of the students enrolled.

(7) Physical Facility/General Space Requirements.

(a) Indoor Space. The school shall have a minimum of thirty-five square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices, or areas regularly used for other purposes, which shall meet the following requirements:

1. Floors of rooms used by students shall be clean, unslippery, smooth and free from cracks, splinters and sharp or protruding objects and other safety hazards, and those in direct contact with the ground shall have flooring impenetrable by water.
2. Ceilings and walls shall be maintained in good repair, and shall be clean and free from sharp or protruding objects and other safety hazards.
3. All steam and hot water pipes and radiators shall be protected by permanent screen guards, insulations, or any other suitable device which prevents students from coming in contact with them.
4. Room temperatures in rooms occupied by students shall be maintained at not less than sixty-eight degrees Fahrenheit at zero Fahrenheit outside and at not more than the outside temperature when the outside temperature is above eighty degrees Fahrenheit (measured at two feet from the outside walls and twenty inches above floor level).
5. There shall be designated space separate from classroom areas for administrative duties and staff or parent conferences.

(b) Outdoor Space. The school shall maintain or have access to an outdoor play area of at least seventy-five square feet per student using it at any one time. The average width of such a play area shall not be less than eight feet and shall conform to the following requirements:

1. Some part of the outdoor play area shall be accessible to direct sunlight.
2. It shall be free from hazards (e.g. hidden corners, unprotected poles, wells, cesspools, and steps); poisonous plants, (e.g. poison oak or ivy); and dangerous machinery or tools.
3. If any part is adjacent to a highway, a roof, a porch or other dangerous area, it shall be fenced with a non-climbable barrier at least five feet high.
4. It shall not be covered with a dangerously harsh or abrasive material.

(8) Physical Facility/Architectural Barriers.

(a) Requirements for Students with Limited Mobility. The school shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of section 504 of the Rehabilitation Act of 1973.

(b) Building Entrances. A school which enrolls students requiring wheel chairs shall have at least one entrance without steps and wide enough for a wheel chair, for each building utilized in carrying out the IEPs for such students.

18.05: Required Policies and Procedures

(1) Admissions.

(a) No school, or program operated by a school, shall enroll eligible students under the provisions of 603 CMR 28.00 unless approved to do so by the Department.

(b) Prior to admission, the school shall provide to the parents and the local school district a written copy of the school's policies and procedures, including:

1. The school's statement of purpose;
2. The type of services provided;
3. Admission criteria;
4. Parents' rights as described in 18.05(4);
5. Health care, including provisions for emergency health care and/or hospitalization as described in 18.05(9);
6. Planning for both foreseen and emergency terminations as described in 18.05(6), (7);
7. Methods of behavior support, violence prevention, discipline, management of harmful behavior by a student to himself/herself or others, and proper use of restraints as described in 18.05(5);
8. Activities related to daily living skills;
9. Contractual obligations with regard to payment for services. The school shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00;
10. Clothing requirements;
11. A description of normal daily routines;
12. Any specific treatment strategy employed by the facility;
13. A description of any normally occurring religious practices;
14. Visiting hours and other procedures related to communication with students and the facility as described in 18.036(9);
15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;
16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility.
17. A copy of the approved school calendar.

(c) No student shall be placed in any approved special education school until the local school district or the parent provides documentation from a licensed physician of a complete physical examination of the student not more than twelve (12) months prior to the admission. In the event of emergency placements, the school shall make provisions for a complete examination of the student within 30 days of admission. The results of all physical examinations shall be made part of the student's health record.

(2) Admission Interview.

(a) Prior to admission, and upon request, the director of the school or designee shall be available to the parents, the student and the public school for an interview.

(b) The interview shall include an explanation of the school's purpose and services, policies regarding parent and student rights including student records, the health program including the procedures for providing emergency health care, and the procedure for termination of a student.

(c) The interview shall allow the opportunity for the student and parents to see the facilities, to meet staff members, and to meet other students enrolled.

(3) Placement Preparation for Residential Students.

(a) The school shall establish procedures to prepare the staff and students in the living unit for the new student's arrival and shall provide staff with appropriate information to receive the new student and assist in his/her adjustment.

(b) Upon admission, the school shall designate and prepare sleeping quarters for the student and space for the student's personal belongings.

(c) The school shall assign at least one staff member to help orient a newly admitted student to the facility and to explain the opportunities and programs available.

(4) Parental Involvement.

(a) The school shall have a written plan for involving parents, and shall have a Parents' Advisory Group. The Parents' Advisory Group shall advise the school on matters that pertain to the education, health, and safety of the students in the program.

(b) The school shall have a procedure for assuring that it is informed by a parent or guardian of any changes in a student's legal status and of the results of all judicial and administrative proceedings concerning the student, and for disseminating this information to appropriate personnel.

(5) Behavior Support.

(a) Each school shall provide a written statement of the rules, policies and procedures for the behavior support of students. The statement shall contain a description of the safeguards for the emotional, physical and psychological well-being of the population served; measures for positive responses to appropriate behavior; and definition and explanation of behavior management procedures used in the facility including, where applicable:

1. Methods of assessing and monitoring students' progress in the program;
2. The type and range of restrictions a staff member can impose for behavior which is unacceptable;
3. The type of restraint used in an emergency; the array of interventions used as alternatives to restraint; and the controls on the misuse and abuse of restraint;
4. The use of the behavioral support strategy of time-out;
5. Any denial or restrictions of on-grounds program services.

(b) Students shall participate in the establishment of such rules, policies and procedures whenever feasible and appropriate.

(c) Prior to admission, the school shall provide students and parents with a written copy of its behavior support policy.

(d) The school shall inform parents and students of any significant changes in the behavior management procedures.

(e) No student shall be subjected to abuse or neglect, cruel, unusual, severe or corporal punishment, including the following practices:

1. Any type of physical hitting or pain inflicted in any manner upon the body;
2. Requiring or forcing the student to take an uncomfortable position such as squatting or bending or requiring or forcing the student to repeat physical movements when used as punishment;
3. Punishments which subject the student to verbal abuse, ridicule or humiliation;
4. Denial of visitation or communication privileges with family;
5. Denial of sufficient sleep;
6. Denial of shelter, bedding, food or bathroom facilities.

(f) The goal of behavior support shall be to maximize the growth and development of the student and to protect the group and the individuals in it.

(g) The school shall directly relate consequences to the specific misbehavior and shall apply such consequences without prolonged delay.

(h) Day educational programs approved under 603 CMR 28.09 shall develop a policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00. Residential educational programs approved under 603 CMR 28.09 shall comply with the requirements contained in 102 CMR 3.00 except for the school day, during which the requirements of 603 CMR 46.00 shall apply for students enrolled in such programs. Educational programs within a program or facility subject to M.G. L.c.123 or Department of Mental Health Regulations shall comply with the restraint requirements of M.G.L.c.123, 104 CMR 27.12 or 104 CMR 28.05, as applicable.

(i) Any behavior support policy which results in a student being separated in a room apart from the group or program activities shall include, but not be limited to, the following:

1. Guidelines for staff in the utilization of such an area;
2. Persons responsible for implementing such procedures;
3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes, except that during the school day in a residential educational program, and in an day educational program approved under 603 CMR 28.09, the duration of the procedures shall be governed by 603 CMR 46.00;
4. Requirement that students shall be observable at all times and in all parts of the room, and that the staff shall be in close proximity at all times;
5. A procedure for staff to directly observe the student at least every fifteen minutes;
6. A means of documenting the use of such area including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who directly observed the student at least every fifteen minutes.

(i) Time out rooms shall not be locked.

(ii) Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.

(6) Suspension.

(a) Upon admission of a student, the school shall provide a written policy on suspensions to the parents, and the school district or human service agency that placed the student. Such policy shall conform to the federal requirements on discipline pursuant to 34 CFR §300.

(b) Whenever a student is suspended, the school shall immediately notify the parents or the Department of Social Services as appropriate, and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents or the Department of Social Services as appropriate and the public school district and human service agency responsible for the placement.

(c) No student may be suspended and sent home unless a responsible adult is available to receive the student.

(d) Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent total suspension of the student from the program.

(7) Termination.

(a) Upon admission of a student pursuant to 603 CMR 28.00, the school shall ascertain a school district contact person. The school shall keep such person informed of the progress of the student and shall notify that person immediately if termination or discharge of the student is being discussed.

(b) The school shall, at the time of admission, make a commitment to the public school district or appropriate human service agency that it will try every available means to maintain the student's placement until the local Administrator of Special Education or officials of the appropriate human

service agency have had sufficient time to search for an alternative placement.

(c) Planned Terminations:

1. Except in emergency cases, the school shall notify the school district of the need for an IEP review meeting. The school district shall arrange such meeting and provide to all parties including the parent and if appropriate, the student, notice of this meeting (10) days in advance of the intended date of the meeting. The meeting shall be held for the purpose of planning and developing a written termination plan for the student.
2. The plan shall describe the student's specific program needs, the short and long term educational goals of the program, and recommendations for follow-up and/or transitional services.
3. The school shall thoroughly explain termination procedures to the student, the parents, the Administrator of Special Education and officials of the appropriate human service agency.
4. The written termination plan shall be implemented in no less than (30) days unless all parties agree to an earlier termination date.

(d) In case of an emergency termination, which shall be defined as circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others, the school shall follow the procedures required under 603 CMR 28.09(12).

(8) Research, Experimentation, Fund Raising, Publicity and Observation.

(a) The school shall not conduct any of the following without prior written notification to, and the prior written specific consent of, the affected student's parent. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to any of the following. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements. There also shall be consent by the student (if 14 years of age or older), unless the school has written documentation that the student is not capable of such a decision. A written copy of the school's notification to parents and the parent's consent, if granted, shall be sent to the school district responsible for the student.

1. Research or experimentation;
2. Use of the student's or family's name, photographs, or videotapes, for fund raising, publicity, or any other purposes.

(b) The school shall not allow, without the written specific consent of the affected student's parents observation of any student in the school by persons other than parents of current or prospective students, paid staff of the school, volunteers and student interns working in the school, authorized staff of the public schools responsible for students in the school, authorized staff of the Department or authorized state or federal monitoring personnel. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to observations of the student as provided above. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements.

(c) The consent required under section 18.05(8)(a) is not required for observation or data collection used to evaluate or document the services provided by the program when such observation or data collection is conducted by staff from the school, the Department, the public school, the parents or authorized state or federal monitoring personnel.

(d) The school shall develop and maintain a written policy regarding the requirements of subsections 18.05(a),(b),(c) and shall make this policy available to parents and public schools.

(9) Health and Medical Services. The school shall provide a narrative description of provision made for medical, nursing and infirmary care of students.

- (a) The school shall have a licensed physician available for consultation.
- (b) The school shall have a registered nurse or a licensed practical nurse available as deemed necessary by the Department depending upon the health care needs of the school population.
- (c) The school shall have available either a physician or a registered nurse who shall aid in the development of the health care policies for the school.

(d) The school shall have a written health care policy and procedures manual which shall be made available to all staff. The health care manual shall be approved by the health care consultant and shall include all applicable policies and procedures.

(e) The school shall have written policies and procedures for emergency first aid and care including:

1. Training of all direct service staff by a certified instructor in emergency first aid.
2. Adequate first aid supplies, including but not limited to band aids, gauze, adhesive tape hydrogen peroxide or other cleaning solutions and ipecac shall be maintained and stored in a secure place, out of the reach of students. First aid supplies should be located and easily accessible in each major activity area.
3. Written procedures for providing first aid shall be kept with the first aid supplies.
4. The telephone number of the fire department, police station, poison prevention center, hospital emergency room, and ambulance service serving the school shall be posted in both living quarters and educational facilities.
5. The procedures to be followed in the case of illness or emergency, including transportation methods and notification of parents.
6. The procedures to be followed in event of fire or other emergency.
7. A procedure for informing parents or the Department of Social Services if appropriate of any medical care administered to their child other than basic first aid. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to routine or other medical care. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements.
8. The procedures to be followed in the case of illness or emergency if the parents cannot be reached.

(f) The school shall describe in writing its procedures and policies regarding the administration of medication:

1. No medication shall be administered to a student without written authorization from a parent. Such authorization shall be renewed annually.
2. No prescription medication shall be administered to the student without the written order of the physician prescribing the medication for the student.
3. The school shall have written policies and procedures regarding prescriptions and administrations, and procedures shall include the following:
 - a. Administration Procedures: The school shall identify in writing all persons authorized by law, regulation, and the school to prescribe and administer medication to a student. The school shall also develop procedures to:
 - (i) document the prescription and administration of all medication;
 - (ii) provide notification to attending physicians of significant changes in behavior or in a student's health that may result from medication.
 - (iii) record significant side effects of medication.
 - b. Prepackaging: A school may request that prescription dosages be prepackaged by the pharmacist to facilitate administration.
 - c. Staff Training: All staff shall be provided with copies of the school's policies and procedures regarding administration of medication. Staff providing care and instruction to a student receiving medication shall be given instruction by a physician or registered nurse regarding the nature of the medication, potential side effects, and any special precautions or requirements that may need to be observed. Only trained staff shall administer medication.
4. Any change of medication or dosage must be authorized by a new order from a physician.

5. A written record of the administration of prescribed medication to students shall be maintained.
6. All medicine shall be kept in a locked, secure cabinet and labeled with the student's name, the name of the drug, and the directions for its administration. The school shall dispose of or return to the parents any unused medication. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist. Provision must be made for refrigerating those medications which require it.
7. The school shall have a written policy regarding the amount of medication to be kept on the premises at any one time for each student receiving medication.
8. A review of medications administered to a student shall be incorporated into all progress reviews conducted for the student.
9. The school shall not administer or arrange for the administration of antipsychotic medications except under the following circumstances. Antipsychotic medication shall mean drugs which are used in treating psychoses and alleviating psychotic states.
 - a. Any antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment and care of the child, and only after review of the student's medical record and actual observation of the student.
 - b. If antipsychotic medication is prescribed, the prescribing physician shall submit a written report to the school detailing the necessity for the medication; the staff monitoring requirements, if any; potential side effects that may or may not require medical attention; and the next scheduled clinical meeting or series of meetings with the student.
 - c. No antipsychotic prescription shall be administered for a period longer than is medically necessary, as determined by the prescribing physician after meeting with the student, reviewing the student's progress, and examining the student for potential side effects. All meetings with the student after the initial meeting shall be on a schedule determined by the physician as sufficient to monitor the student while on antipsychotic medication.
 - d. Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any.
 - e. Except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to administration of any medication for routine or emergency purposes. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements. Except for students in the care or custody of the Department of Social Services, informed written consent shall be obtained in the following manner: If a student is in the custody of his/her parent(s), parental consent (in writing or in a witnessed conversation) is required. Parental consent pursuant to this subparagraph may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought.
 - f. The school shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The school shall have procedures to follow if the student refuses to take the medication.
 - g. In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive alternative to the medication. The treating physician must determine in his/her professional judgement that medication is necessary to prevent the immediate substantial

and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9) (e).

(g) The school shall describe in writing a plan for the preventive health care of students:

1. The school, in cooperation with the student's parents and/or human service agency which is responsible for payment, shall make provision for each student to receive an annual comprehensive medical and dental examination. The school shall require a written report from the physician(s) of the results of the examination and any recommendation and/or modification of the student's activity.
2. The school shall, in cooperation with the student's public school, develop a plan to ensure that vision, hearing, postural and other required screenings are conducted in accordance with M.G.L. c.71, s.57.
3. The school shall have a policy and procedure for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the school. The local board of health must be notified in accordance with M.G.L. C. 111, s.111.
4. The school shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches (other than those available to students with permission to smoke) out of the reach of students. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly.
5. Where appropriate, the school shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation.
6. The school shall require that all students have necessary immunizations as required by the Department of Public Health.

(h) The school shall describe in writing its policy for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.

(i) The school shall describe in writing procedures and staff training relative, to the reporting of suspected child abuse or neglect to the Department of Social Services as required by M.G.L. c.119, s.51A and B or, for students over the age of 18, to the Disabled Persons Protection Commission.

(j) The school shall have on file a signed consent form for treatment of acute medical problems. The consent must be signed by the parents and be updated annually.

(k) In the absence of an emergency or epidemic of disease declared by the Department of Public Health, the school shall not require any student to receive medical treatment when the parents object thereto on the ground that such treatment conflicts with a religious belief.

(10) **Emergency Procedures.** The school shall establish and post a written plan detailing procedures for meeting potential emergencies. The plan shall include procedures for:

- (a) The assignment of personnel to specific tasks and responsibilities in emergency situations;
- (b) Instructions for the use of alarm systems and signals;
- (c) Systems for notification of appropriate persons;
- (d) Specification of evacuation routes and procedures;
- (e) The conduct of emergency drills for staff, at least quarterly and under varied conditions, in order to:
 1. Assure that all personnel on all shifts are trained to perform assigned tasks;
 2. Assure that all personnel on all shifts are familiar with the use of the firefighting equipment in the facility; and
 3. Evaluate in writing the effectiveness of emergency plans and procedures.

(f) The conduct of evacuation drills which include actual evacuation of students to safe areas during at least two drills each year on each shift. Sufficient drills must be held each year to ensure that all students are able to evacuate the building safely.

1. The school shall take special care to help all students to understand the nature of such drills.
2. The school shall make special provisions for the evacuation of any mobility impaired student in the facility.
3. The school shall keep a written log of each such evacuation drill, detailing such things as the date, the time elapsed, the students and staff who participated, and any witnesses.

(g) Provision of a telephone number for students and staff to call and a system for emergency assistance to students while they are away from the facility and during the time that the school is in session. The school also shall be responsible for providing immediate backup that may be necessary as the result of any emergency.

(h) Maintenance of an ongoing safety program which shall include but not be limited to investigation and recording of all accidents and recommendations for accident prevention. The school shall send copies of such investigations, records, and recommendations to the Department.

(i) Water safety procedures which shall be in accord with the requirements of the local and/or state health departments and Department requirements for appropriately certified personnel and which shall provide for:

1. Insuring the students' safety when participating in recreational and/or therapeutic water activities; and
2. A system to secure water recreational areas when not in use and to prevent unauthorized use by students.

(j) Procedures for reporting and handling situations involving students who have run away.

(11) **Personnel Policies.** The school must provide a detailed description of its personnel policies.

(a) Each school shall designate one person who shall have administrative responsibility over the operation of the school. Schools with more than 40 professional certified staff may have one (or more) assistant administrators provided the Department approves such positions.

(b) The administrator or designee shall at all times be on the premises of the school while the school is in operation. All staff on duty shall know who is responsible for administration of the school at any given time.

(c) The school shall have available its written current personnel policies and practices. Such personnel policies shall include a description of:

1. Criteria and procedures for hiring, written evaluations, suspension or dismissal of any staff person, including teacher and staff evaluation forms;
2. The procedures for handling staff complaints; and
3. Provisions for vacations, holidays, leaves, sick days, and any other benefits or requirements maintained by the school.

(d) The school shall have written job descriptions for all staff positions which shall be made available to staff. Copies also shall be made available to parents, if requested.

(e) The school shall establish in writing a salary range including benefits covering all positions and shall inform each employee of the same for his/her position.

(f) The school shall submit written evidence that personnel are currently certified, licensed, or registered as required by applicable laws and regulations for providing services for the special education of the particular population typically served or to be served by such school. Such evidence must be submitted annually for all newly hired staff members.

(g) The school shall provide orientation for all new staff to ensure an understanding of the school's philosophy, organization, program, practices and goals. The school shall describe in writing the school's program for staff orientation.

(h) The school shall describe in writing its plan for developing and delivering inservice training.

1. Each staff member providing direct services to students must participate in a minimum of two hours of staff development each month.
2. The school shall describe in writing its arrangements with any professional training program, including a description of student intern responsibilities and supervision of student interns by the college and the school.

(i) The school shall describe in writing its plan for using volunteer services. Volunteers shall be chosen for their ability to meet the needs of the students enrolled and shall be provided appropriate orientation, training, and supervision.

(j) The school shall describe in writing its policies and practices regarding equal employment/ educational opportunities/affirmative action in regard to race, color, creed, national origin, sex, and handicap.

18.06: Effective Date

The effective date of 603 CMR 18.00, as amended, is January 1, 2016.

Disclaimer:

For an official copy of these regulations, please contact the State House Bookstore, at 617-727-2834 or visit [Massachusetts State Bookstore](#).

Last Updated: January 12, 2016

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
AMBULATORY CARE

114.3 CMR 30.00: TEAM EVALUATION SERVICES

Section

30.01: General Provisions

30.02: Definitions

30.03: General Rate Provisions

30.04: Allowable Fees

30.05: Severability

30.01: General Provisions

(1) Scope and Operative Date. 114.3 CMR 30.00 governs the rates of payment by governmental units for TEAM Evaluation Services, as mandated by MGL c.71B and 603 CMR 28.00, provided to publicly-aided individuals by authorized professionals. 114.3 CMR 30.00 is effective July 1, 2004

(2) Authorization of Services. 114.3 CMR 30.00 is not a program policy manual. Governmental units that purchase services under 114.3 CMR 30.00 are responsible for the definition and authorization of covered benefits for their beneficiaries. Information about program policies and benefit limitations must be obtained from the appropriate governmental unit.

(3) Exclusion. 114.3 CMR 30.00 does not govern rates of payment to hospitals, Community Health Centers and Mental Health Centers for TEAM Evaluation Services. Community Health Center rates are governed by 114.3 CMR 4.00. Mental Health Center rates are governed by 114.3 CMR 6.00. Pursuant to M.G.L.c. 118G s. 11 (b), no acute hospital may charge governmental units at a rate higher than the rate payable by the Division of Medical Assistance for these services.

30.02: Definitions

Assessment. A professionally sound, complete, and suitably individualized examination and assessment of a child's need for special education and treatment services described in 603 CMR 28.00, in the context of the child's physical, developmental, social, and educational history and current circumstances. Such an assessment is rendered by an authorized professional as defined herein and trained in the area of suspected need and generally includes a written assessment report as defined herein. Types of assessments may include but are not limited to:

- (a) Medical Assessment. A comprehensive health assessment by an authorized physician that identifies medical problems that may affect the child's education, such as physical constraints, chronic illness, neurological and sensory deficits, and developmental dysfunction.

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The medical assessment generally includes at least the following:

1. Medical history to include health of family, prenatal and birth history, developmental history, and history of significant medical conditions including hospitalization, injuries and accidents.
2. Complete physical examination to include blood pressure and nutritional assessment.
3. Neurological and developmental assessments to include gross motor functioning, fine motor functioning, language, visual and auditory functioning.
4. Test for visual acuity and hearing by audiometry.
5. Ordering and interpretation of diagnostic tests to include, if indicated, hematocrit or hemoglobin, sickle cell test (if appropriate), blood lead test, urinalysis (with culture for females), tuberculosis skin test, and other tests as indicated.
6. Dental assessment and referral for a complete dental examination if one has not been done within six months.
7. Written Assessment Report.

- (b) Psychological Assessment. An assessment by an authorized psychologist or school psychologist including an individual psychological examination and culminating in specific recommendations. Sensory, motor, language, perceptual, attentional, cognitive, affective, attitudinal, self-image, interpersonal, behavioral, interest, and vocational factors are evaluated in regard to the child's maturity, integrity, and dynamic interaction within the educational context. The assessment is based on the child's developmental and social history, diagnostic observation of the child in familiar surroundings (such as a classroom), and psychological testing as indicated. Psychological testing may include, but is not limited to, a vocational interest evaluation, educational achievement testing, intelligence testing, personality evaluation, assessment of brain damage, and neuropsychological examination.
- (c) Home Assessment. An assessment by an authorized social worker, nurse, or counselor of pertinent family history and home situation factors including, with prior written parental consent, a home visit. This assessment includes a description of pertinent family history and individual developmental history and estimates of adaptive behavior at home, in the neighborhood, and in local peer groups. Estimates of adaptive behavior are based to the greatest possible degree on information obtained by direct observation of the child or direct interview of the child in the neighborhood setting.
- (d) Educational Assessment. An assessment of the student's educational progress and status in relation to the general education curriculum consistent with 603 CMR 28.04(2) and conducted by a certified educator(s).
- (e) Other Assessment. An assessment, other than a medical, psychological, or home assessment, by an authorized professional in a medically-related area that is related to a child's suspected need for special education and services described in 603 CMR 28.00. Such assessments, when necessary, may include but are not limited to assessments by a medical specialist (for example, a neurologist, a psychiatrist, or an ophthalmologist), a physical therapist, an occupational therapist, a speech therapist, or an audiologist.

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Authorized Professional. An individual who, at a minimum, meets the qualifications for the particular assessment services to be performed as specified below, as well as such requirements as have been or may be adopted from time to time by a governmental unit purchasing assessments from eligible providers.

- (a) Medical Assessment Services. A pediatrician or other physician, other than an intern, resident, fellow, or house officer, who is licensed to practice by the Massachusetts Board of Registration of Physicians.
- (b) Radiology Services. A licensed physician or licensed osteopath other than an intern, resident, fellow, or house officer.
- (c) Psychological Assessment Services.
 - 1. A psychologist who is licensed to practice by the Massachusetts Board of Registration of Psychologists, or
 - 2. A school psychologist who is certified by the Massachusetts Department of Education.
- (d) Home Assessment Services.
 - 1. A social worker who has a Master's degree in social work and who is licensed by the Massachusetts Board of Registration of Social Workers as:
 - a. a certified social worker, or
 - b. an independent clinical social worker; or
 - 2. A nurse who is registered by the Massachusetts Board of Registration in Nursing.
 - 3. A counselor who has a Master's degree in counseling education, counseling psychology, or rehabilitation counseling.
- (e) Medical Specialist Services. A physician, other than an intern, resident, fellow, or house officer, who is licensed to practice by the Massachusetts Board of Registration of Physicians.
- (f) Restorative Services.
 - 1. A physical therapist who is currently licensed by the Board of Allied Health Professions; or
 - 2. An occupational therapist who is currently licensed by the Board of Allied Health Professions; or
 - 3. A speech therapist who is currently licensed by the Board of Speech Language Pathology and Audiology.
- (g) Rehabilitation Clinic Services.
 - 1. A physical therapist who is currently licensed by the Board of Allied Health Professions; or
 - 2. An occupational therapist who is licensed by the Board of Allied Health Professions; or
 - 3. A speech therapist who is currently licensed by the Board of Speech Language Pathology and Audiology; or

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4. A physician who is licensed to practice by the Massachusetts Board of Registration of Physicians.
- (h) Audiological Services. An audiologist who is currently licensed by the Board of Speech Language Pathology and Audiology.
- (i) Educational Assessment Services. A teacher holding certification by the Massachusetts Department of Education.

Comprehensive Pediatric (age 21 and under) Restorative Evaluation. An all-inclusive, in-depth assessment of a child's medical condition and level of functioning and limitations by a physical, occupational, or speech therapist, to determine the need for treatment and, if necessary, to develop plan of treatment. Includes written report.

Division. The Division of Health Care Finance and Policy, established under M.G.L. c. 118G.

Governmental Unit. The Commonwealth, any department, agency, board, or Commission of the Commonwealth and any political subdivision of the Commonwealth. This definition includes public school departments.

Individual Consideration (I.C.). Those rates for authorized services that are determined by a governmental unit based upon the nature, extent, and need for such service and the degree of skill and time required for its provision. Providers must maintain adequate records to determine the appropriateness of their I.C. claims and must provide these documents to the purchasing agency upon demand.

Physician's Comprehensive Rehabilitation Evaluation. A cardiopulmonary, neuromuscular, orthopedic, functional assessment performed at a rehabilitation clinic by a physician.

Psychological Testing. The use of standardized test instruments and procedures by an eligible provider in order to evaluate aspects of an individual's functioning, including but not limited to aptitudes, educational achievements, cognitive processes, emotional conflicts, and type and degree of psychopathology. These tests must be published, valid, and in general use as defined by listing in the Mental Measurement Yearbook or by conformity to the Standards for Educational and Psychological Tests of the American Psychological Association.

Publicly-Aided Individual. A person for whose mental and physical health evaluation, as defined 603 CMR 28.00, governmental units of the Commonwealth are in whole or in part liable under a statutory public program.

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30.02: continued

TEAM Evaluation. An evaluation by a multidisciplinary team that consists of assessments in all areas related to the child's suspected need for special education and services described in 603 CMR 28.00. Such assessments may include but are not limited to a medical assessment and associated diagnostic medical laboratory and radiological testing, a psychological assessment, a home assessment, and such other assessments as may be required in a child's diagnosis. (For the purposes of 114.3 CMR 30.00, this definition excludes the educational assessment by the school department and the classroom assessment by a teacher defined in 603 CMR 28.00; rates of payment for these assessments are not the subject of 114.3 CMR 30.00.) Independent evaluation services are included under authority of 114.3 CMR 30.00.

TEAM Evaluation Services. The individual services comprising TEAM Evaluation assessments. This includes services performed in independent TEAM Evaluation assessments.

Therapist Evaluation. Evaluation performed by a physical therapist, an occupational therapist, or a speech therapist at a rehabilitation clinic.

Written Assessment Report. A report summarizing in writing the procedures employed in an assessment, the results, and the diagnostic impression; defining in detail and in educationally-relevant and common terms, the child's needs; and offering explicit means of meeting those needs.

603 CMR 28.00. Regulations for the Implementation of MGL c.71B

30.03: General Rate Provisions

(1) General Rate Provisions. The rates of payment for TEAM Evaluation services to which 114.3 CMR 30.00 applies are the lower of:

- (a) The eligible provider's usual charge to the general public for the same or similar services; or
- (b) The schedule of allowable fees listed in 114.3 CMR 30.04.

(2) Effect of 114.3 CMR 30.00. The rates of payment contained in 114.3 CMR 30.00 constitute full compensation for services rendered to publicly-aided individuals as well as for administrative or supervisory duties associated with those services. Any third party payments or sliding fees received on behalf of a publicly assisted client reduces, by that amount, the amount of the purchasing unit's obligation for services rendered.

(3) Written Assessment Report. The provision of a written report in connection with a TEAM Evaluation Assessment is considered an administrative duty associated with patient services for which, in accordance with 114.3 CMR 30.03(2), no additional payment will be received.

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30.04: Allowable Fees

(1) Fee-for-Service Reimbursement. Specific services performed as part of a TEAM Evaluation are reimbursed on a fee-for-service basis. The allowable fees for the services performed are those set forth in regulations at 114.3 CMR pertaining to such services. A listing of many of the allowable fees from other regulations that may apply to TEAM Evaluation services is presented in 114.3 CMR 30.04(1). Allowable fees from the regulations cited apply to all providers eligible under 114.3 CMR 30.00, except in cases where such providers and services are governed by other Division regulations (such as Community Health Centers and Mental Health Centers).

For certain TEAM Evaluation services, no other Division regulation contains an allowable fee for that service. This includes home assessment services, participation in TEAM meetings, educational assessments conducted by certified educational personnel, and diagnostic observation by psychologists. Allowable fees for these services are as follows:

	<u>ALLOWABLE FEE</u>	<u>PROCEDURE</u>
99199TM	\$80.37	Home Assessment, including written assessment report
99199TM	Fee shall be that contained in 114.3 CMR 29.00, per hour of diagnostic services	Participating in TEAM Meeting by psychologist (if requested by Administrator of Special Education)
	\$32.15	Participation in TEAM Meeting by authorized social worker, nurse, or counselor
	\$262.91	Educational Assessment by certified educational personnel, including written assessment report.
	Fee shall be that contained in 114.3 CMR 29.00 for diagnostic services	Diagnostic Observation: Observation by an authorized psychologist or school psychologist of a child in a familiar setting such as the classroom to examine and determine the child's physical, psychological, social, economic, educational, and vocational assets and disabilities for purposes of developing a diagnostic formulation and designing a treatment plan.

Following is a listing of some of the allowable fees from other regulations that may apply to TEAM Evaluation services. This listing is current as of October 1, 2003. At such time that these other regulations are amended, the allowable fees for TEAM Evaluation services will be those contained in the amended regulations, and not those listed herein.

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
AMBULATORY CARE

30.04: continued

- (a) Selected Medical Assessment Services for which Allowable fees are Contained in 114.3 CMR 17.00. Rates shall be those contained in 114.3 CMR 17.00.
- (b) Selected Psychological Assessment Services for which Allowable Fees are Contained in 114.3 CMR 29.00. For psychological testing procedures, the tests to be performed are listed in the service description; in cases where other tests are deemed more age-appropriate, however, such tests may be substituted for those listed, subject to any prior approval requirements that the governmental unit may have.
- (c) Selected Rehabilitation Clinic, Audiological, and Restorative Assessment Services for which Allowable Fees are Contained in 114.3 CMR 39.00.

(2) Individual Consideration for Psychological Services.

(a) Rates of payment to eligible providers for services authorized in 114.3 CMR 29.00 but not listed herein or for authorized services performed in exceptional circumstances are determined on an Individual Consideration (I.C.) basis by the governmental unit purchaser upon receipt of a report that describes the services rendered. Such services include but are not limited to hypnosis and behavior modification.

(b) Hours. The determination of the number of hours of service purchased for authorized I.C. procedures is in accordance with the following criteria:

1. Time required to perform the service;
2. Severity or complexity of the client's disorder or disability;
3. Prevailing professional ethics and accepted practice;
4. Such other standards and criteria as may be adopted from time to time by the Commission or governmental purchaser.

(c) The total allowable fee for services determined on an I.C. basis is determined by multiplying the approved hours of service times the maximum hourly rate of \$62.70.

Allowable Fees for Psychological Tests. The allowable fees for psychological tests are as follows. These rates cover the complete cost of interviewing, testing, scoring, interpreting, and writing reports of test, unless the allowable fee is designated I.C. For services designated I.C., an eligible provider may bill for time spent at the rate of \$62.70 per hour for interview, testing, scoring, interpreting, and report writing.

1. Psychological Testing for the Non-Hearing Impaired.

<u>PROCEDURES</u>	<u>ALLOWABLE FEE</u>	<u>DESCRIPTION</u>
Vocational interest evaluation	\$47.03	Normally including but not limited to Strong Campbell Interest Inventory and Kuder Preference Record
Educational achievement testing	\$62.70	Normally including but not limited to the Jastak Wide Range or Peabody Individual Achievement Tests

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
AMBULATORY CARE

30.04: continued

<u>PROCEDURES</u>	<u>ALLOWABLE FEE</u>	<u>DESCRIPTION</u> (continued)
Intelligence Testing only	\$125.40	Including either the Wechsler Intelligence Scales or the Stanford-Binet Intelligence Scale which must be individually administered.
Personality Evaluation	\$250.80	Including at least: a) two or more of the following types test or their age-appropriate equivalents: Rorschach TAT-Thematic Apperception Test TED-Tasks of Emotional Development MMI-Minnesota Multi-phasic Personality Inventory, and b) one or more types of tests from the following group, normally including but not limited to figure drawing, Bender-Gestalt, or word association
Intellectual and Personality Evaluation	\$376.20	Including but not limited to the tests for "Intelligence Testing" and "Personality Evaluation"
Assessment of brain damage	\$250.80	Normally including but not limited to Wechsler Intelligence Scales and standardized tests of memory such as the Wechsler Memory Scale and the Benton Visual Retention Test
Unlisted Services	I.C. at \$62.70 per hour	Including such services as abbreviated or "quick" intelligence tests or a separately administered Rorschach test.

2. The following procedures are to be billed in half hour increments, at the hourly rate of \$62.70, for times not to exceed the specified ranges, unless prior notification is made to a governmental unit or purchaser.

<u>PROCEDURES</u>	<u>RANGE</u>	<u>DESCRIPTION</u>
Neurobehavioral Interview	1-2 hours (\$62.70 per hour)	Patient, caregiver, or other informants. Included under Partial Neuropsychological Assessment, and Consultation. If more than one person is interviewed, use Consultation instead.
Partial Neuro-	2-8 hours	A neuropsychological Assessment that is less than

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
AMBULATORY CARE

30.04: continued

<u>PROCEDURES</u>	<u>RANGE</u>	<u>DESCRIPTION (continued)</u>
Psychological Assessment	(\$62.70 per hour)	comprehensive in its assessment of neuropsychological functioning. May range from brief screening of one to broader assessment of several neuropsychological functions. May, but need not include: record review; patient review; neurobehavioral history; administering, scoring, and interpreting tests of neuro-psychological functions; and report preparation. If the provider performs a Partial Neuropsychological Assessment, then the provider <u>may not</u> also bill for a Neurobehavioral Interview.
Comprehensive Neuropsychological Assessment	8-12 hours (\$62.70 per hour)	Generally includes, but not limited to: record review; patient interview neurobehavioral history (medical psychological, educational); assessment of neuropsychological functions (attention, language, memory, visuoperception, sensory, motor, executive, some personality); scoring; interpretation of data, including diagnosis and recommendations; report preparation; and follow-up meeting to review findings. If a provider also performs a Comprehensive Neuropsychological assessment, then the provider may <u>not</u> also bill for a Neurobehavioral Interview.
Consultation	2-4 hours (\$62.70 per hour)	May, but need not, include: medical record review; patient interview; review of previous neuropsychological, psychological, educational testing; observation; attendance at medical/educational team meetings.
Serial Brief Consultation	0.5-2 hours (\$62.70 per hour)	Intended for monitoring neurobehavioral status or progression over course of treatment of condition. Conducted with patient, care-givers, or other informants.

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
AMBULATORY CARE

30.04: continued

3. Psychological Testing for the Hearing Impaired.

<u>PROCEDURES</u>	<u>ALLOWABLE FEE</u>	<u>DESCRIPTION (continued)</u>
Vocational Interest Evaluation	\$62.70	Normally including but not limited to Geist Picture Interest Inventory or California Picture Interest Inventory
Educational achievement testing	\$125.40	Normally including but not a. Metropolitan (Deaf Forms) b. Stanford
Intelligence Testing Only	\$156.75	Individually administered and normally including but not limited to the Wechsler Intelligence Scales and the Revised Beta or Ravens Progressive Matrices
Personality evaluation	\$188.10	Normally including but not limited to a face-to-face interview, TAT (Thematic Apperception Tests), Rorschach, figure drawing and TED (Tasks of Emotional Development) test
Assessment of brain damage	\$250.80	Including: a. the Wechsler Intelligence Scales or other tests designed to obtain the base line level of nonverbal intellectual functioning. b. standardized tests of memory such as the Bender-Gestalt, Graham Kendall Memory for Design, and the Weigl Color-form Sorting Test
Unlisted Services	I.C. at \$62.70 per Hour	

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
AMBULATORY CARE

30.04: continued

4. Other Psychological Assessment Services.

ALLOWABLE FEE

PROCEDURE

\$62.70
per hour

Diagnostic Services: A session between a client eligible provider for the determination and examination by interview techniques of a patient's psychological, social, economic, educational, and vocational assets and disabilities for the purpose of developing a diagnostic formulation and designing a treatment plan.

(c) Restorative, Rehabilitation Clinic, and Audiological Services for which Allowable Fees are Contained in 114.3 CMR 39.00.

1. Rehabilitation Clinic Services.

ALLOWABLE FEE

PROCEDURE (continued)

\$129.08

Physician's Comprehensive Rehabilitation Evaluation (written report required)

\$124.53

Pediatric Evaluation

\$124.53

by a Physical Therapist

\$166.04

by a Occupational Therapist

by a Speech Therapist

2. Audiological Services. Rates are those contained in 114.3 CMR 39.04(2).

3. Restorative Services.

ALLOWABLE FEE

PROCEDURE

\$124.53

Comprehensive Pediatric Physical Therapy Evaluation-Office Location

\$124.53

Comprehensive Pediatric Occupational Evaluation-Office Location

\$166.04

Comprehensive Pediatric Speech Therapy Evaluation-Office Location

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
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30.04: continued

(d) Other Assessments and Services. Reimbursement of eligible providers for other direct TEAM Evaluation assessment services are in accordance with the allowable fees in the Bureau of Ambulatory Care regulation pertaining to the particular service provided.

30.05: Severability

The provisions of 114.3 CMR 30.00 are hereby declared to be severable and if any such provisions or the application of such provisions to any person or circumstances shall be held to be invalid or unconstitutional, such invalidity will not be construed to affect the validity or constitutionality of any remaining provisions to eligible providers or circumstances other than those held invalid.

REGULATORY AUTHORITY

114.3 CMR 30.00: M.G.L. c. 118G.

114.3 CMR: DIVISION OF HEALTH CARE FINANCE AND POLICY
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(PAGES 1013 AND 1014 ARE RESERVED FOR FUTURE USE.)

Administration and Finance

Circuit Breaker "Best Practices" Guidelines

All Students

- Maintain a separate file for each Circuit Breaker student
- File all signed, rejected or other Individual Education Plans (IEPs) and Amendments in chronological order
- Identify any rejected IEPs with a notation on the 1st page of the rejected IEP
- Highlight any important Service Delivery changes
- Account for any gaps between the IEP Service Dates and the date IEP is signed/accepted by student's parents/guardians. Districts that have students with complicated IEP situations (i.e., IEPs not signed/accepted on a timely basis and/or IEPs that are rejected) should consider adding a summary sheet outlining all IEPs by service dates, signature dates, etc.
- Retain copies of all Settlement Agreements (ESE will request copies during summer reviews)

In District Students

- Document the Service Hours delivered and claimed on the Service Delivery Grid. Note any Service Delivery date changes within the IEP. Account for any Days in Cycle Conversions
- Review and highlight important Service Delivery language contained in the Additional Information and Schedule Modification sections of the IEP. If a service claimed is not on the Service Delivery Grid, verify that it is supported elsewhere within the IEP in clear language to be acceptable upon audit
- File a copy of the credentials of high cost service providers claimed, e.g., Specialty Consultation (Doctorate) and BCBA, in student's folder
- Highlight any Specialized Equipment purchased for the student in the IEP. Maintain a copy of the invoice and requisition; all invoices and requisitions should reference the student (e.g., SASID # or initials). The student must be referenced somewhere in the requisition process to meet the audit requirement

Circuit Breaker "Best Practices" Guidelines Out of District Students

- Maintain a spreadsheet or other double check processing system evidencing payments of tuition and one to one services. Do not rely on purchase orders to record your claim; claims must be based on actual payments
- Maintain a copy of all Day, Residential and One to One Service invoices from Private Schools, LEAs and Collaboratives in chronological order by fiscal year
- Retain copies of all agreements with Private Schools, LEAs and Collaboratives
- Retain copies of any Cost Sharing Agreements and highlight any important provisions (cost sharing %; name of LEA/DCF)
- Retain copies of Forms 28M/3 and Individual Price Authorizations submitted as well as OSD Price Authorization letters received
- Retain a copy of any LEA Assignment Letters for abandoned students

Administration and Finance

Amendment to the Move-In Law

To: Superintendents, Special Education Directors

From: David Driscoll, Commissioner of Education (Interim)

Date: August 10, 1998

Section 130 of the fiscal year 1999 budget amended G. L. c.71B, s5, the so-called move-in law. The move-in law applies to students with special needs who are in a day or residential placement at a Chapter 766 approved private school or a pediatric nursing home who move (or whose parent or guardian moves) to a different school district during the fiscal year. This amendment clarifies ambiguities in the move-in law, as amended by the fiscal year 1998 budget and is effective July 1, 1997 (the effective date of the fiscal year 1998 budget).

Prior to its amendment, the move-in law provided that whenever a child in a day or residential placement (or such child's parent or guardian) moved to a different school district on or after July 1, the school committee of the former community of residence was required to pay the approved budgeted costs, including necessary transportation costs, of such placement until the end of the fiscal year.

The move-in law, as amended, contains an additional provision addressing moves that occur between April 1 and June 30. Pursuant to this provision, if a student in a day or residential placement (or such child's parent or guardian) moves between April 1 and June 30, the former community of residence is required to pay the costs of such placement for the balance of the fiscal year and for the subsequent fiscal year as well.

Thus, if a student moves on or after July 1 of any fiscal year, the former community of residence continues to be financially responsible for the costs of such student's day or residential placement for the balance of the fiscal year in which the move occurred. However, if the student moves between April 1 and June 30, the former community of residence continues to be responsible for the costs of such student's day or residential placement for the balance of the fiscal year in which the move occurred and for the following fiscal year.

The text of the move-in law is attached for your convenience.

I hope this information is of assistance.

G. L. c.71B, s5, as amended by section 130 of the fiscal year 1999 budget:

Notwithstanding the provisions of section 27C of chapter 29 or any other general or special law to the contrary, if a child with a disability for whom a school committee currently provides or arranges for the provision of special education in an approved private day or residential school placement, including placement in a pediatric nursing home pursuant to the provisions of section 3, or his parent or guardian moves to a different school district on or after July 1 of any fiscal year, such school committee of the former community of residence shall pay the approved budgeted costs, including necessary transportation costs, of such day or residential placement, including placement in a pediatric nursing home, of such child for the balance of such fiscal year; provided, however, that if such move occurs between April 1 and June 30, such school committee of the former community of residence shall pay such costs for the balance of the fiscal year in which the move occurred as well as for the subsequent fiscal year.

Special Education

Administrative Advisory SPED 2014-1

Demonstration of performance skills of educational interpreters

To: Educational Interpreters for Students Who Are Deaf or Hard Of Hearing, School Districts, Approved Private Special Education Schools, and Collaborative Programs

From: Heidi Reed, Commissioner, MA Commission for the Deaf and Hard of Hearing Marcia Mittnacht, State Director for Special Education, MA Department of Elementary and Secondary Education

Date: March 5, 2014

The Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) and the Massachusetts Department of Elementary and Secondary Education (DESE) have collaborated to provide this guidance to educational interpreters for public school students who are Deaf or hard of hearing, and to the school districts (including charter schools), approved private special education programs, and collaborative programs¹ that employ such interpreters. We urge all to whom this advisory is addressed to review carefully the time-sensitive information provided in it, which will affect the ability of educational interpreters to be registered with MCDHH and to provide educational interpreting services to public school students in the near future.

This advisory will address:

1. Current requirements
2. Educational Interpreter Performance Assessment (EIPA) skill demonstration
3. Educational Interpreters — New Registrants — Transition Period

1. Current Requirements

Since July 2007,² any staff members providing educational interpreting for public school students who are Deaf or hard of hearing must be registered through the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH). These individuals include staff members who are identified as educational interpreters, oral transliterators, or others who fulfill the role of educational interpreter, but are not identified as such.³ [Educational Interpreter Registration](#).

To date, almost 200 individuals have registered with MCDHH as interpreters in Massachusetts schools. Districts obtain evidence of registration directly from educational interpreters to document compliance with 603 CMR 28.02(18), or from the [registry](#).

Registration is only a first step. Verification of requisite skills is the next step. The remainder of this advisory addresses other requirements that educational interpreters must now meet if they wish to provide educational interpreter services in districts.

Interpreters who work as oral transliterators should register and demonstrate skill level by providing evidence of the Oral Transliteration Certificate (OTC) through the national Registry of Interpreters for the Deaf (RID). The OTC uses a pass/fail test. Oral Transliterators will appear on the registry with the code "OTC."

2. Educational Interpreter Performance Assessment (EIPA) skill demonstration

Effective March 17, 2014, MCDHH will begin notifying registrants of the requirement to demonstrate their interpretation skills through taking the Educational Interpreter Performance Assessment tool (EIPA) performance assessment and achieving a score of 3.5 or above. MCDHH will schedule testing with existing registrants, testing will be videotaped in Massachusetts and sent to the EIPA Center in BoysTown, Omaha, Nebraska, for scoring.⁴ Once tested, registrants can expect to receive score reports in approximately 90 days. MCDHH also will receive a copy of registrants' score reports.

MCDHH will schedule EIPA testing or individuals may use previous EIPA score reports. The national Registry of Interpreters for the Deaf (RID) also includes an educational interpreting certification and an Oral Transliteration certification, both of which would be acceptable for Massachusetts registration qualifications. For more information, contact MCDHH at 617-740-1690

Registrants who wish to remain on the registry, but do not demonstrate the required performance level⁵ will be required to submit a professional development remediation plan to MCDHH within two weeks of receiving their score report and commit to an EIPA retest no later than August 31, 2015. The purpose of the remediation plan is to demonstrate what the registrant will do to improve their interpreting skills before the retest. MCDHH will review the remediation plan and either accept it or require additional actions of the registrant. Assistance in developing a remediation plan can be obtained by contacting the Educational Interpreter Professional Development Consultant for MCDHH; Diane M. Stains, at edu.terp@MassMail.State.MA.US. During a remediation period and until August 31, 2015, the individual may remain on the registry at the discretion of MCDHH and depending upon appropriate participation in agreed upon remediation activities.

Beginning on March 17, 2014 through August 31, 2015, MCDHH will engage in scheduling and facilitating the EIPA testing. MCDHH and DESE have purposefully allowed a transition period for those currently employed educational interpreters to take the EIPA and, if necessary, to address gaps identified in the EIPA through focused professional development, before they need to take a re-test. All educational interpreters on the registry must be tested or re-tested by August 31, 2015, if the registrant is not scheduled for testing or re-testing by August 31, 2015, he/she will be removed from the registry.

Any registrant can request to take the EIPA through MCDHH at any time. When a registrant successfully demonstrates skills at the acceptable level or above, MCDHH will notify the registrant by mail. The asterisk on an individual's registration documents and next to the individual's name on the online registry will reflect that that the registrant has met all requirements. As a courtesy, at the request of the successful registrant, MCDHH will also notify the school at which the registrant is employed.

Those MCDHH registrants who have already demonstrated an acceptable EIPA score on a previous administration of the EIPA test will not be required to do so again as long as the registrant files the score report through the [online registry](#).

Until September 2015, the registry will reflect that some registrants have demonstrated their skills through passing the EIPA and others have not. Districts should begin looking for the differentiation in interpreter's registration documentation and make note of the implications for employment.

Individuals currently registered may voluntarily participate in EIPA testing at any time. MCDHH will contact current registrants who have not participated in testing. MCDHH intends to complete testing performance skills of all registrants by the end of August 2015. Consequently, by September 1, 2015, the Commonwealth will have a good understanding of the performance skills of existing educational interpreters, as well as gaps in skills that will allow us to plan continued effective professional development to address those gaps. During the winter of 2015 the DESE and MCDHH will jointly issue guidance regarding subsequent actions that may be taken to ensure strong performance of educational interpreters for students who are Deaf or hard of hearing.

We recommend that school districts employing educational interpreters for students who are Deaf or hard of hearing join in encouraging their employed interpreters to demonstrate their performance skills through the EIPA as soon as they are able to schedule such testing. We all share in the desire that all students have high quality access to excellent teaching and learning opportunities. Demonstration of skills of interpreters is an important milestone in that process that helps to ensure good quality learning opportunities for our students. Within a year, most educational interpreters should be able to produce registration documentation that establishes they have met the required qualifications. Districts should be anticipating that qualification notice.

3. Educational Interpreters — New Registrants — Transition Period

After March 17, 2014: Individuals wishing to register for the first time as educational interpreters beginning after March 17, 2014, should contact Diane M. Stains at [✉ edu.terp@MassMail.State.MA.US](mailto:edu.terp@MassMail.State.MA.US) to obtain a date for EIPA testing and include the date of the testing on the registration documentation. Educational interpreters receive documentation of registration and should provide this documentation to districts. Districts should retain the documentation as evidence of compliance with 603 CMR 28.02(18). Districts who hire or employ interpreters without evidence of registration will be in violation of 603 CMR 28.02(18). Districts are reminded that they may verify the registration status of an individual at the [online registry](#).

After September 1, 2015, MCDHH and DESE have agreed that demonstration of sign language skills at the 3.5 level on the EIPA or evidence of the Oral Transliteration Certificate (OTC) through the national Registry of Interpreters for the Deaf (RID) will become a condition of new or continuing registration. Districts will continue to be expected to only employ registered individuals as educational interpreters. For a ninety day period after September 1, 2015, until all test results are received for individuals tested in July and August, such individuals may remain on the registry until EIPA test reports are received. Therefore, as of January 2016, the only registrants on the registry will be those who have demonstrated ASL skills or oral transliteration skills at the required level.

¹ For purposes of this advisory, the term "district" shall refer to school districts (including charter schools), ESE-approved private special education programs, and collaborative programs.

² In 2011, the policy was incorporated into regulation at section 28.02(18) of the Massachusetts Special Education Regulations, 603 CMR 28.

³ For purposes of this advisory, the term "educational interpreter" shall include any staff member whose function is to providing educational interpreting or oral transliteration services for deaf and hard of hearing individuals, regardless of their title.

⁴ The cost of taking the EIPA is \$310. Individuals will be asked to make such payment to BoysTown.

⁵ MCDHH will remove individuals from the registry if their score level on the EIPA is 2.0 or lower. Such individuals may engage in remedial activities at their choice, but may not be employed as educational interpreters in schools until such person is able to demonstrate skills on the EIPA at 3.5 or better.

Special Education

Technical Assistance Advisory SPED 2014-1

DSM-5 Changes and the Impact on Students with Autism Spectrum Disorders (ASD)

To: Administrators of Special Education, Parents, and Other Interested Parties

From: Marcia Mitnacht, State Director of Special Education

Date: July 30, 2013

I write this advisory in response to some significant changes in the Diagnostic and Statistical Manual of Mental Disorders (DSM), which is a key diagnostic tool.

While special education eligibility is not a medical decision or a diagnosis, making a determination of eligibility often includes medical assessment and diagnostic terminology. In the past, the Department of Elementary and Secondary Education (Department) has emphasized that eligibility for special education is an educational determination¹ made by a Team of people familiar with the child and with assessment information available about the child. However, the DSM is used by health care professionals in the United States and much of the world as an authoritative guide for making diagnoses. Therefore, changes to the DSM deserve special mention.

The purpose of this advisory is to:

- a. Confirm that changes in the DSM-5 diagnostic categories do not alter a student's current eligibility status or IEP, nor does it change any of the federal and state laws or regulations related to the determination of special education eligibility or services.
- b. Provide some detail on the changes to the DSM.

Background DSM-5 Changes:

The latest version of the DSM, the DSM-5, modifies previously separate DSM sub-categories of diagnoses in the area of Autism; including, Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS), Asperger's Disorder and Autistic Disorder. All these subcategories are no longer separately named in the DSM-5; they are now subsumed under the broad classification of Autism Spectrum Disorder.²

This diagnostic name change may be alarming to parents of students with these current diagnoses who worry that their children's eligibility for special education services will be affected based solely on the DSM-5 changes. It is important to note, however, that the DSM-5 Committee stated that all individuals who currently have a DSM-4 diagnosis of Asperger's Disorder, PDD-NOS, or Autistic Disorder should be given the diagnosis of Autism Spectrum Disorder.³ This technical change in diagnostic category in the DSM-5 will not alter a student's current eligibility status or IEP, in part because there is no substantive change in the DSM-5 with respect to the criteria for each disorder, but also because special education eligibility and IEP determinations are based on federal and state special education regulations, which include definitions of "disability" for purposes of special education eligibility.⁴

Readers are reminded that the definition of "autism" in the Massachusetts Special Education Regulations (MSER) explicitly defers to the definition of autism that appears in the federal Individuals with Disabilities Education Act regulations. It states that "autism" is "a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or

change in daily routines, and unusual responses to sensory experiences." 34 CFR §300.8(c)(1). The federal "autism" definition, and thus, the Massachusetts definition, is unaffected by the changes to the DSM-5. As such, a student's eligibility and IEP remains the same as well.

The DSM-5 contains a new diagnostic category called Social Communication Disorder. Students who struggle with social (pragmatic) communication will typically fall into one of two diagnostic categories in the new DSM-5: Autism Spectrum Disorder (ASD) or Social Communication Disorder (SCD). According to the DSM-5, ASD must be ruled out before a diagnosis of SCD may be given.⁵

School personnel and parents should be knowledgeable about what the DSM-5 SCD diagnosis means and not confuse it with the MSER definition for "communication impairment." The MSER definition does not include difficulties with social communication and would most likely not be an appropriate disability identification for students presenting solely with social communication issues. Some evaluators may give students with social (pragmatic) communication difficulties the DSM-5 diagnosis of SCD, and not ASD. For these students, IEP Teams making an eligibility determination will most likely need to crosswalk to the MSER definition of autism, not communication impairment, to analyze whether that definition fits the evaluative information available to the Team. As in all eligibility determinations, the Team will also need to consider whether the student's disability negatively impacts the student's ability to make effective education progress.

For students on the autism spectrum, readers are also reminded that G.L. c. 71B, §3⁶ requires IEP Teams to consider seven areas of need when developing the IEP of a student on the spectrum.

1. The verbal and nonverbal communication needs of the student.
2. The need to develop social interaction skills and proficiencies.
3. The needs resulting from the student's unusual responses to sensory experiences.
4. The needs resulting from resistance to environmental change or change in daily routines.
5. The needs resulting from engagement in repetitive activities and stereotyped movements.
6. The need for any positive behavioral interventions, strategies and supports to address any behavioral difficulties resulting from autism spectrum disorder.
7. Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development (e.g. organizational support, generalizing skills, practicing skills in multiple environments).ⁱ

Conclusion:

If a student has a diagnosis on the autism spectrum, his or her eligibility for special education services in Massachusetts does not change due to recent changes in the DSM-5 related to children on the autism spectrum. The DSM-5, although widely used, is only one diagnostic tool. Additionally, federal and state special education laws and regulations, not the DSM-5, prescribe the criteria for the listed definitions of disability, such as autism.

¹ See "[Is Special Education the Right Service](#)".

² American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Washington, DC, American Psychiatric Association, 2013. Discussion of Autism Spectrum Disorder occurs beginning on p.51

³ The diagnostic criteria in DSM-5 for ASD identify two key areas: "persistent deficits in social communication and social interaction across multiple contexts..." as well as "restricted, repetitive patterns of behavior, interests, or activities..." The DSM-5 provides significant detail on both of these areas, and indicates that either of these criteria may be met through information provided "currently or by history." See also: [DSM-5 Implementation and Support website](#)

⁴ See Section 28.02(7) of the Massachusetts Special Education Regulations.

⁵ The DSM-5 definition of social (pragmatic) communication disorder includes persistent difficulties in the social uses of verbal and nonverbal communication. Because social communication deficits are one component of autism spectrum disorder (ASD), it is important to note that social (pragmatic) communication disorder cannot be diagnosed in the presence of restricted repetitive behaviors, interests, and activities (the other component of ASD). See also: [DSM-5 Implementation and Support website](#)

⁶ See also "[Technical Assistance Advisory SPED 2007-1](#)".



Comparison of the Diagnostic Criteria for Autism Spectrum Disorder Across DSM-5,¹ DSM-IV-TR,² and the Individuals with Disabilities Education Act (IDEA)³ Definition of Autism

Colleen M. Harker, M.S. & Wendy L. Stone, Ph.D.
 University of Washington READi Lab (Research on Early Autism Detection and Intervention)
 September 2014

Table 1: Comparison of DSM-5 and DSM-IV-TR Diagnostic Criteria

	DSM-5	DSM-IV-TR	
Diagnostic Classification	Autism Spectrum Disorder (ASD)	Pervasive Developmental Disorders	Key Differences
Diagnostic Subcategories	None <i>(However, it is specified that individuals with a well-established DSM-IV diagnosis of Autistic Disorder, Asperger's Disorder, or PDD-NOS should be given the diagnosis of ASD).</i>	1. Autistic Disorder 2. Asperger's Disorder 3. Pervasive Developmental Disorder, Not Otherwise Specified (PDD-NOS) 4. Rett's Disorder 5. Childhood Disintegrative Disorder (CDD) <div style="text-align: right; margin-right: 20px;">] Autism Spectrum Disorder(s) </div>	In DSM-5: <input type="checkbox"/> There are no diagnostic subcategories, reflecting research indicating a lack of reliability across clinicians in assigning subcategories. <input type="checkbox"/> ASD encompasses Autistic Disorder, Asperger's Disorder, and PDD-NOS. Rett's Disorder and CDD are no longer included in the ASD diagnosis.
Requirement for Diagnosis	Must meet all 3 behavioral criteria in category A and at least 2 in category B. (See below).	Must meet at least 6 behavioral criteria overall, with at least two from category A.1, one from category A.2, and one from A.3. (See below.)	In DSM-5: <input type="checkbox"/> It is now specified that behavioral criteria can be met on the basis of historical report.

	Social Communication & Social Interaction (Category A)	Social Interaction (Category A.1)	
Specific Behavioral Criteria: SOCIAL	<p>A. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by <u>all three</u> of the following, currently or by history:</p> <ol style="list-style-type: none"> 1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions. 2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication. 3. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers. 	<p>A.1. Qualitative impairment in social interaction, as manifested by <u>at least two</u> of the following:</p> <ol style="list-style-type: none"> a. Marked impairments in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body posture, and gestures to regulate social interaction. b. Failure to develop peer relationships appropriate to developmental level. c. A lack of spontaneous seeking to share enjoyment, interests, or achievements with other people, (e.g., by a lack of showing, bringing, or pointing out objects of interest to other people). d. Lack of social or emotional reciprocity (e.g., not actively participating in simple social play or games, preferring solitary activities, or involving others in activities only as tools or "mechanical" aids). 	<p>In DSM-5:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Social communication and social interaction are combined into one category, in recognition that communication is necessarily social in nature, and based on factor analytic studies. <input type="checkbox"/> It is specified that social communication/ interaction deficits must be manifested across multiple contexts.
	N/A	Communication (Category A.2)	
Specific Behavioral Criteria: LANGUAGE/ COMMUNICA- TION	<p><i>Symptoms in this area are now subsumed under Categories A (Social) and B (Restricted Activities)</i></p>	<p>A.2. Qualitative impairments in communication as manifested by <u>at least one</u> of the following:</p> <ol style="list-style-type: none"> a. Delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime). b. In individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others. c. Stereotyped and repetitive use of language or idiosyncratic language. d. Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level. 	<p>In DSM-5:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Language impairment (a) is not included in the diagnostic criteria, but is included as a specifier (see 'Specifiers'). <input type="checkbox"/> Impaired conversation (b) is considered an aspect of social-emotional reciprocity (A.1). <input type="checkbox"/> Stereotyped language (c) is considered an aspect of restricted/repetitive behaviors (B.1). <input type="checkbox"/> Social and imaginative play(d) are incorporated into A.3.

	Restricted, repetitive behavior, interests, activities (Category B)	Restricted repetitive & stereotyped patterns of behavior (Category A.3)	
Specific Behavioral Criteria: RESTRICTED/ REPETITIVE ACTIVITIES	<p>B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by <u>at least two</u> of the following, currently or by history.</p> <ol style="list-style-type: none"> 1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, lining up toys or flipping objects, echolalia, idiosyncratic phrases). 2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day). 3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interest). 4. Hyper- or hyporeactivity to sensory input or unusual interests in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement). 	<p>A.3. Restricted repetitive and stereotyped patterns of behavior, interests and activities, as manifested by <u>at least one</u> of the following:</p> <ol style="list-style-type: none"> a. Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus. b. Apparently inflexible adherence to specific, nonfunctional routines or rituals. c. Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements). d. Persistent preoccupation with parts of objects. 	<p>In DSM-5:</p> <p><input type="checkbox"/> Sensory issues are now included as a behavioral symptom (B.4.).</p>
Age of Onset	<p>C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life).</p>	<p>B. Delays or abnormal functioning in at least one of the 3 behavioral must be present prior to age 3 years.</p>	<p>In DSM-5:</p> <p><input type="checkbox"/> Symptoms do not have to be apparent before age 3.</p>

Level of Impairment	D. Symptoms must cause clinically significant impairment in social, occupational, or other important areas of current functioning.	Optional: Global Assessment of Functioning (0-100) may be used.	In DSM-5: <ul style="list-style-type: none"> <input type="checkbox"/> Functional impairment must be present for a diagnosis. <input type="checkbox"/> Severity levels for behavioral criteria A and B must be specified: <ul style="list-style-type: none"> <input type="checkbox"/> <u>Level 3</u>: Requiring very substantial support <input type="checkbox"/> <u>Level 2</u>: Requiring substantial support <input type="checkbox"/> <u>Level 1</u>: Requiring support
Rule-Outs	E. These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay.	C. The disturbance is not better accounted for by another Pervasive Developmental Disorder.	In DSM-5: <ul style="list-style-type: none"> <input type="checkbox"/> Social (Pragmatic) Communication Disorder (SCD) is presented as an alternative (new) diagnosis for individuals who have marked deficits in social communication, but whose symptoms do not otherwise meet criteria for ASD.
Comorbidities	The following “Specifiers” should be indicated: <ul style="list-style-type: none"> <input type="checkbox"/> With or without accompanying intellectual impairment. <input type="checkbox"/> With or without accompanying language impairment. <input type="checkbox"/> Associated with a known medical or genetic condition or environmental factor. <input type="checkbox"/> Associated with other neurodevelopmental, mental, or behavioral disorder. <input type="checkbox"/> With catatonia. 	ADHD and Stereotyped Movement Disorder cannot be diagnosed along with Autistic Disorder.	In DSM-5: <ul style="list-style-type: none"> <input type="checkbox"/> Comorbidities with other conditions are recognized; Specifiers are used to further describe the symptomatology.

Summary of Research Findings Comparing DSM-5 and DSM-IV-TR Criteria for Autism

Several studies have compared the DSM-5 criteria to the DSM-IV-TR criteria in clinical samples. The majority have used retrospective methods (e.g., record review) to apply DSM-5 criteria to individuals with an established DSM-IV-TR diagnosis.⁴⁻⁹ Interpretation of these findings is challenging, because the initial diagnoses were based on the DSM-IV-TR criteria, which did not include some behavioral criteria specified in DSM-5. Four studies compared the use of DSM-IV-TR and DSM-5 diagnostic criteria on the same contemporaneous sample,¹⁰⁻¹³ and one conducted a meta-analysis¹⁴ of studies that used both contemporaneous and retrospective approaches. Only three studies used the current published DSM-5 criteria;^{9, 11, 13} the others used draft versions from either 2010⁷ or 2011.^{4-6, 8, 10, 12} The meta-analysis reported similar findings for studies applying the 2010 and 2011 DSM-5 draft criteria.¹⁴

Most studies report that DSM-5 criteria, compared to DSM-IV-TR criteria, result in fewer individuals diagnosed with ASD.^{5-7, 10, 12, 13} The reduction rate across these studies ranged from 25%-68%, though one study found only a 9% reduction, or sensitivity of .91.⁸ One study reported that higher-functioning individuals in the PDD-NOS subgroup were less likely to receive a DSM-5 diagnosis of ASD than were individuals in the other DSM-IV-TR subgroups.¹⁰ While some studies reported that females, young children, and/or non-cognitively impaired individuals with a DSM-IV-TR diagnosis were disproportionately under-identified using DSM-5 criteria,⁴⁻⁶ others reported similar identification rates for these subgroups.^{8, 13} One study found that a failure to satisfy all three criteria in the social-communication domain of DSM-5 was the most common reason (39%) that individuals with a DSM-IV-TR diagnosis did *not* receive a DSM-5 diagnosis of ASD.¹³ Findings are mixed regarding the extent to which the new DSM-5 diagnosis of Social Communication Disorder (SCD) is successful in capturing individuals with a DSM-IV-TR diagnosis who do not meet DSM-5 diagnostic criteria for ASD.^{11, 12}

Table 2: Comparison of IDEA Definition of Autism and DSM-5 Diagnostic Criteria

IDEA Definition	Similarities with DSM-5	Differences from DSM-5
<p>“Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. A child who manifests the characteristics of autism after age three could be identified as having autism if the aforementioned criteria are satisfied. Autism does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of <u>IDEA</u>.”</p>	<ul style="list-style-type: none"> □ Both definitions include symptoms in the areas of social interactions, nonverbal communication, repetitive activities, stereotyped movements, resistance to change, and unusual sensory responses. □ Both definitions indicate that symptoms need not be apparent before age 3. 	<ul style="list-style-type: none"> □ IDEA uses the classification of ‘autism,’ while DSM-5 uses the classification of ‘autism spectrum disorder (ASD).’ □ DSM-5 presents more detailed behavioral descriptions for each symptom. □ DSM-5 provides an algorithm for how many symptoms in each behavioral domain are required for a diagnosis. □ IDEA provides more detailed description for stereotyped activities than for social impairments, suggesting an emphasis on the former. □ IDEA specifies that the symptoms must adversely affect the child’s educational performance, while DSM-5 requires impairment in social, occupational, or other important areas of functioning. □ DSM-5 requires the specification of severity levels for the two behavioral domains. □ DSM-5 uses “specifiers” to describe co-morbidities, such as language and intellectual impairment.

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Special Education

Administrative Advisory SPED 2015-2R

Special Education Parent Advisory Councils, Acceptable Alternatives, and Use of Social Media

To: Superintendents, Administrators of Special Education, and Other Interested Parties

From: Marcia Mitnacht
State Director of Special Education

Date: March 18, 2015 (Section on Social Media revised 5/26/2015, 9/11/2015)

The Department of Elementary and Secondary Education (Department) issues this advisory relative to Special Education Parent Advisory Councils (PACs or SEPACs) and alternatives. The advisory also comments on the use of social media.

Background: The Massachusetts special education law, [Chapter 71B¹](#) of the Massachusetts General Laws, requires a school district to establish a Parent Advisory Council (PAC) and assigns both an advisory and participatory function to the PAC. A school district is required to demonstrate that it has established a PAC upon request of the Department. When the [Public School Monitoring²](#) office conducts a [Coordinated Program Review](#) (CPR)³ to monitor and review a school district's compliance with special education regulations, it checks to confirm that a PAC is operating. If no PAC is established, the Department will require the district to establish a PAC.

As outlined in the [Guidance for Special Education Parent Advisory Councils⁴](#), the PAC must offer membership to all parents of students found eligible for special education in the district, as well as other interested parties. The PAC is authorized to provide advice to the district regarding special education programs and policies. Additionally, the PAC is authorized to meet with designated school officials and to engage in activities which enable the PAC to participate in the planning, development and evaluation of the district's special education programs.

Acceptable alternatives to a district level Special Education Parent Advisory Council: School districts have presented the Department with evidence of strong efforts to create a PAC but with parent response suggesting that there is not an interest or poor participation in the PAC. In such cases, the following alternatives will be accepted as compliance with the spirit of the requirement.

- 1. Regional PACs:** Districts may work with other districts or through an Educational Collaborative to establish a regional PAC. Each regional PAC must have, at a minimum, a representative from each participating district. The participating districts must comply with the Massachusetts special education laws and regulations pertaining to PACs, their role and responsibilities.
- 2. Collaboration with MassPAC and the Federation for Children with Special Needs:** Districts may choose to work with the [Massachusetts Association of Special Education Parent Advisory Councils \(MassPAC\)⁵](#) to develop and/or increase membership. The MassPAC at the Federation provides information, training, and networking opportunities to Massachusetts Special Education Parent Advisory Councils (SEPACs) and the professionals who collaborate with them. The Federation of Children with Special Needs provides leadership training for SEPACs and Administrators of Special Education through the [Advancing Parent-Professional Leadership in Education \(A.P.P.L.E.\)⁶](#) project. This leadership program has been designed to assist participants to develop collaborative leadership skills and team action plans for increasing parent involvement in the district.
- 3. A Series of District Level Parent Training and Participation Events:** The Conditions for School Effectiveness (CSE) articulates what schools need to have in place in order to educate their students well; including Family Engagement. [The Conditions for School Effectiveness Self-Assessment⁷](#) has been

designed as a tool that can be used as a benchmark in which districts can gauge their practice in key areas. In an effort to implement Conditions for School Effectiveness in the area of Family Engagement, districts may annually provide opportunities for parents of students with disabilities to participate in at least three district level activities and trainings specifically designed for parents of students with disabilities. Districts should document these opportunities and develop a process for monitoring the effectiveness of the activity. The monitoring process should include a method for collecting feedback from participating parents. This feedback should be used to develop meaningful activities for parents in an effort to increase interest and membership in a SEPAC.

Regardless of the alternative method identified, districts must seek approval from PQA through PQA's [Alternative Compliance Waiver](#)⁸ pursuant to 603 CMR 28.03(5). The Department has discussed the alternatives outlined in this advisory and district applications will only need to reference the type of acceptable alternative that will be used, how the parent community was consulted, and must identify specific annual steps that will show how they will maintain and monitor the effectiveness of their methodology. The district(s) must seek approval of their waiver request in advance of substituting any of these alternatives for a fully functioning district level PAC. The alternative compliance waiver **will be in effect for three years** and if renewed, must present evidence of successful alternative compliance.

The Use of Social Media: Section Revision (9/11/2015): Districts have asked if they may use social media as a replacement to a face-to-face meeting in order to increase membership and participation in the district PAC. The PAC is an advisory council to the school committee, and is subject to the state's [Open Meeting Law](#)⁹. This law includes (but is not limited to) the requirement that the meeting is open to its members and to the public.

Section revision (5/26/15): The Attorney General's Regulations, updated March 18, 2015, permit remote participation in certain circumstances. The Massachusetts [Open Meeting Law Guide](#)¹⁰ Open Meeting Law Guide¹⁰ indicates that the public body may allow remote participation by its members if the practice has been properly adopted. The PAC may therefore utilize remote participation if the school committee(s) for the district(s) involved has adopted the practice.

If remote participation is adopted, PAC members are encouraged to review the Open Meeting Law Guide to consider the particulars of use of remote participation. Use of remote participation is allowed for the following reasons: If it is not possible to physically attend the meeting due to personal illness, personal disability, emergency, military service or geographic distance. In such cases, the chair may choose to use an acceptable method of remote participation including telephone; internet or satellite-enabled audio or video conferencing, or other technology that allows all members to be clearly audible to one another. Text messaging, email or other technology without audio are not an acceptable means of remote participation. When members are participating remotely, there must be a quorum of the body physically present at the meeting, all members must be clearly audible to one another and all votes must be taken by a roll call vote. It is important to ensure that remote participation is not used in a way that would defeat the purpose of the Open Meeting Law.

The use of social media tools such as Facebook or Websites may be considered to share information. PACs may use this type of social media to post upcoming activities and events sponsored by the advisory council. The PAC must work with their district to ensure that they are aware of and in compliance with district policies and procedures relating to the use of the Internet and Social Media. In closing, we hope this guidance is helpful. If you have any questions or require additional information, please contact the Program Quality Assurance unit at the Department of Elementary and Secondary Education (781-338-3700).

¹ Chapter 71B: Massachusetts special education law, also known as Chapter 766, and in regulation at [603 CMR 28.00](#)

² [Public School Monitoring Office](#): Public School Monitoring implements the Department's compliance monitoring and complaint management procedures for school districts, charter schools, educational collaboratives, and approved public and private day and residential special education schools and provides technical assistance to school personnel and the public regarding the implementation of laws and regulations.

³ [Coordinated Program Review \(CPR\)](#): The Department oversees local compliance with education requirements through the Coordinated Program Review (CPR). Each school district and charter school in Massachusetts is scheduled to receive a CPR every six years and a mid-cycle special education follow-up visit three years after the CPR.

- ⁴ [Guidance for Parent Advisory Councils](#): This guidance document was designed to ensure that every special education parent advisory council operating in the state understands the capacity and potential that they have to collaborate with the school community to influence special education programs and policies in their district.
- ⁵ [Massachusetts Association of Special Education Parent Advisory Councils \(MassPAC\)](#): Statewide organization providing information, training, and networking opportunities to Massachusetts special education parent advisory councils (SEPACs) and the professionals who collaborate with them.
- ⁶ [Advancing Parent-Professional Leadership in Education \(A.P.P.L.E.\)](#): Leadership Training for SEPACs and Administrators of Special Education
- ⁷ Conditions For School Effectiveness Self Assessment tool: This tool can be used as benchmarks against which schools can gauge their practice in key areas.
- ⁸ Alternative Compliance Waiver: Proposal for approval by the Department for the satisfaction of any requirement in 603 CMR 28.00 in a manner different from that specified in 603 CMR 28.00. The Department may approve such proposal if it shows substantial promise of contributing to improvements in the methods for meeting the goals of 603 CMR 28.00 and if such proposal does not conflict with any provision of law. No such proposal shall be implemented until approved by the Department. (See 603 CMR 28.03(5).) Districts may use the following form: [Form C1: Request for Waiver Form-Special Education Advisory Council](#)
- ⁹ [Open Meeting Law](#): Massachusetts law which requires that meetings of all governmental bodies be announced 48 hours in advance, recorded by means of minutes, and open to the public.
- ¹⁰ The [Open Meeting Law Guide](#), Massachusetts Guide for public bodies regarding the Open Meeting Law. Updated March 18, 2015.

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Evaluation of Bias Content in Counseling Materials

Guidelines for Identifying Bias

As schools work to increase success for all students, it is important to recognize the impact of bias in classrooms, instructional materials and teaching strategies. Bias in general may be identified by determining whose interest is being portrayed and whose interest is being excluded. Evaluating for bias requires us to learn about others and to respect and appreciate the differences and similarities. The diversity of race, language, national origin, gender, disability, custom, religion, physical makeup and lifestyle are positive and essential characteristics of our nation and its heritage.

A Bias Review should consider the following elements:

Gender	Socio-Economic Status	Native Language
Race	Gender Expression and Identity	Occupation
Ethnicity	Physical Disability	Body Shape/Size
Sexual Orientation	Age	Culture
Religion	Family Structure	Geographic Setting

Selection of counseling materials often begins with the counselor or psychologist, who first determines a need for resources and seeks out the possibilities on the basis of content, presentation style and available funds. As teachers or counselors select materials, they must first be aware of their own biases and experiences which may influence their choice of instructional materials and examples.

The “Washington Models for the Evaluation of Bias Content in Instructional Materials” provides a guide reviewing instructional and guidance materials for bias that included “Ten Quick Ways to Analyze Children’s Books for Racism and Sexism” along with stereotype examples and alternatives.

The “General Criteria for Evaluating Counseling Materials” review form should be completed by a review team based on the use and application of the materials (e.g. guidance counselor, administrators and school psychologists for counseling materials).

Copies of completed review forms and recommendations for use of the reviewed material(s) should be kept on file at the school and district office.

REFERENCES:

The Spencer-East Brookfield Regional School District’s Policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; and will apply to race, color, national background, religion, sex, disability, economic status, political party, age, handicap, sexual orientation, gender identity, homelessness and other human differences.

10 Quick Ways to Analyze Children’s Books for Racism and Sexism

The Council on Interracial Books for Children

Both in school and out children are exposed to racist and sexist attitudes. These attitudes—expressed over and over in books and other media—gradually distort their perceptions until stereotypes and myths about people of color and women are accepted as reality. These ten guidelines are offered as a starting point in evaluating children’s books from this perspective.

The 10 guidelines were adapted from a 1980 brochure by the Council on Interracial Books for Children (citation follows). The Worlds of Words adaptation also updates the language to reflect current terminology. The issues of racist and sexist representations in books, however, continue to remain relevant, and genderism has emerged as a critical area of analysis for misrepresentations in children’s books.

1. **Check the Illustrations**

- **Look for Stereotypes.** A stereotype is an oversimplified generalization about a particular group, race, sex, or gender, which usually carries derogatory or inaccurate messages, and is applied to all members of a group. While you may not find stereotypes in blatant forms, look for variations that demean, ridicule, or patronize characters because of their race, sex, or gender.
- **Look for Tokenism.** If there are characters of color in the illustrations, do they look just like white people except for the color of their skin? Is there one token character of color amidst many white faces? Do people of color look stereotypically alike, or are they depicted as genuine individuals with distinctive features?
- **Look for Active Doers.** Do the illustrations depict characters of color in subservient and passive roles or in leadership and action roles? Who is depicted as needing help and who takes action? Are males the active doers and females the inactive observers? Are gender identities portrayed that go beyond a female/male binary?

2. **Check the Story Line**

Although blatant racist and sexist representations are no longer prevalent, racist and sexist attitudes and assumptions still find more subtle expression in books. Some of the subtle forms of bias include the following.

- **Standards for Success.** Does it take “white” behavior for a person of color to get ahead? Is “making it” in the dominant white society projected as the only ideal? To gain acceptance and approval, do persons of color have to exhibit extraordinary qualities—excel in sports, get As, etc.? In friendships between white children and children of color, does the child of color have to do most of the understanding and forgiving?
- **Resolution of Problems.** How are problems presented, conceived and resolved in the story? Are people of color considered to be “the problem”? Are the oppressions faced by people of color and women represented as related to social injustice? Are the reasons for poverty and oppression explained, or are they accepted as inevitable? Does the story line encourage passive acceptance or active resistance? Is a particular problem that is faced by a person of color resolved through the benevolent intervention of a white person? Who causes and who resolves the problem?
- **Role of Women.** Are the achievements of girls and women based on their own initiative and intelligence, or are they due to their good looks or to their relationship with boys? Are gender roles incidental or critical to characterization and plot? Could the same story be told if the gender roles are shifted? Are there characters with a range of gender identities?

3. **Look at the Lifestyles**

Are people of color and their setting depicted in such a way that they contrast unfavorably with the unstated norm of white middle-class suburbia? If people of color are depicted as “different,” are negative value judgments implied? Are people of color depicted exclusively in ghettos, barrios, or migrant camps? If the illustrations and text attempt to depict a particular culture, do they go beyond oversimplifications and offer genuine insight into the lifestyles of the characters?

Look for inaccuracy and inappropriateness in the depiction of cultures outside of dominant white society. Watch for instances of the “quaint-natives-in-costume” syndrome, which is most noticeable in areas like clothing and customs, but also extends to behavior and personality traits.

4. **Weigh the Relationships Between People**

Do the white people in the story possess the power, take the leadership, and make the important decisions? Do people of color and females primarily function in supporting roles?

How are family relationships depicted? In African-American families, is the mother always dominant? In Latin families, is the family always portrayed as struggling? If the family is separated, are societal

conditions—unemployment, poverty, for example—cited among the reasons for the separation? Are characters from a range of genders portrayed in nurturing roles?

5. **Note the Heroes**

For many years, books showed only “safe” heroes of color, in particular those who avoided serious conflict with the white establishment of their time. People of color today insist on the right to define their own heroes (of any gender) based on their own concepts and struggles for justice. When heroes of color do appear, are they admired for the same qualities that have made white heroes famous or because what they have done has benefited white people? Ask, “Whose interest is a particular hero really serving?”

6. **Consider the Effect on a Child’s Self-Image**

Are norms established that limit any child’s aspirations and self-concept? Children of color are often bombarded with images of the color white as the ultimate in beauty, cleanliness, virtue, etc., and the color black as evil, dirty, menacing, etc. Does the book counteract or reinforce this positive association with the color white and negative association with black? Will all children of color from a range of backgrounds find one or more characters with whom they can readily and positively identify?

Are there gender associations based on who performs brave and important deeds? What concept of beauty is portrayed and does that concept of beauty vary by gender?

7. **Consider the Author or Illustrator Background**

Analyze the biographical material on the jacket flap or the back of the book. If a story deals with a theme related to a specific minoritized group, what qualifies the author or illustrator to deal with the subject? If the author or illustrator are not members of the minoritized group being written about, is there anything in their background that would recommend them as the creators of this book? Also, consider the same issues related to other members of the bookmaking team—e.g. translator, editor, publicist.

8. **Check Out the Author’s Perspective**

No author can be wholly objective. All authors write out of a cultural as well as personal context. In the past, children’s books were created by white, middle class authors and illustrators, so that a single ethnocentric perspective dominated children’s literature in the United States. Read carefully to determine whether the direction of the author’s perspective substantially weakens or strengthens the value of the book. Are omissions and distortions central to the character or message of the book? Check the websites of the author and illustrator to read their statements and perspectives in discussing their creation of the book.

9. **Watch for Loaded Words**

A word is loaded when it has insulting overtones. Examples of loaded adjectives (usually racist) are *savage*, *lazy*, *conniving*, *superstitious*, *treacherous*, *wily*, *crafty*, *docile*, and *backward*.

Look for sexist and gendered language and adjectives that exclude or ridicule women or exclude gender identities beyond male/female. Look for use of the male pronoun to refer to both males and females or the use of binary language that signals that the only two options for gender identity are male or female. While the generic use of the word “man” was accepted in the past, its use today is outmoded. The following examples show how sexist language can be avoided: substitute ancestors for forefathers; chairperson for chairman; community for brotherhood; firefighters for firemen; manufactured for man-made; the human family instead of the family of man. Examples of how gendered language can be avoided include substituting siblings for brother and sister, parents for mom and dad, children for boys and girls, and they for he/she.

10. **Look at the Copyright Date**

Only a few books with characters of color appeared prior to the mid-1960s, many of which were published to meet the new market demand but were still written by white authors, edited by white editors, and published by white publishers. They therefore reflected a white point of view. Authors of colors writing about their own experiences emerged in the 1970s, but this trend has fluctuated with the market over the years. Non-sexist books, with rare exceptions, were not published before 1972 to 1974.

The copyright dates, therefore, can be a clue as to how likely the book is to be overtly racist or sexist, although a recent copyright date is no guarantee of a book’s relevance or sensitivity. The copyright date only means the year the book was published. It usually takes about two years from the time a manuscript is submitted to the publisher to the time it is actually printed and put on the market. This time lag meant little in the past, but is significant in a time of rapid change and evolving consciousness as children’s book publishing attempts to be relevant.

Adapted by Worlds of Words (2020) from 10 Quick Ways to Analyze Children’s Book for Racism and Sexism (1980), published as a brochure by the Council on Interracial Books for Children (New York). The brochure is out of print and the organization no longer exists.

STEREOTYPE EXAMPLES AND ALTERNATIVES	
EXAMPLES	ALTERNATIVE
RACE/ETHNICITY/RELIGION	
African Americans are depicted as employed only as athletes, or as unemployed. Native Americans are depicted as people of the past. Japanese Americans are depicted only as participants in World War II. Latinos are depicted only in the context of migrant farm work. Non-Christian religions are depicted as extreme.	All ethnic groups are portrayed as equally independent/dependent, leaders/subordinates, peaceable/ militant, open/secretive, thoughtful/impulsive etc. Religions are not presented as either right or wrong.
SEX /GENDER	
Boys are depicted as doing; girls as watching. Women are depicted only in relationship to men (husbands, sons, and bosses); as timid, silly and interested in trivial things. Men and boys must be fearless, confident, competitive, and controlling their emotions.	Members of both sexes are depicted in nontraditional as well as traditional roles in the family, at work, and in leisure activities. Members of both sexes are depicted as independent/dependent, positive/fearful, active/passive, intelligent, emotional, gentle and caring for others.
OTHER AREAS	
Gay, lesbian, bisexual and transgender people are portrayed only as angry protestors; only in Mardi-Gras type parade costumes; or only in the context of HIV/AIDS.	All identity groups are portrayed in different settings and emotions – with different ranges of dress, activity and health.
Only <i>nuclear family</i> groups are portrayed, with young, able-bodied, heterosexual parents – the father works outside the home, the mother works inside the home, and there are two to four children.	In addition to the traditional <i>nuclear family</i> model, family groups are depicted in which there are single parents, adopted and foster children, stepparents, same-sex parents, and/or relatives living with the family, including relatives as surrogate parents. <i>Extended family</i> models are depicted, where emphasis is placed on roles and relationships rather than physical proximity.
All illustrations and photos are of young, able-bodied, thin, traditionally-attractive individuals.	Examples of all different ages and body types are visible, including people of size, people with wheel chairs and people with birth marks and other physical “differences”. All identity groups are portrayed in different settings and emotions – with different ranges of health - sometimes as able-bodied, sometimes as healthy, sometimes as ill and sometimes with disabilities.
OMISSION	
When non-majority and women’s contributions to humankind are included, they are segregated in special chapters, sections, units or bordered boxes, and do not appear in context.	Non-majority and women’s contributions are interwoven with the rest of the text, as they are in life.



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General Criteria for Evaluating Instructional Materials

Recommended Instructional Material:

- a. Type of material:
- Textbook Novel (Fiction) Video (DVD/Movie) Music (CD)
- Computer Software Novel (Non-Fiction) Script (Play)
- b. Title: _____ Copyright Date: _____
- c. Author: _____ Publisher: _____
- d. Course or subject area: _____ Grade level (s): _____
- e. Is this material part of a Series? Yes No Title of Series: _____

Gender/Sex				
	Standard is clearly articulated or inferred 3	Standard is present, but limited in presentation and/or explanation 2	Limited presentation of standard 1	Standard is not present N/A
Male and female characters reflect qualities such as leadership, intelligence, imagination and courage.				
Male and females are represented as central characters in story and illustrations.				
Male and females are shown performing similar work in related fields				
People are referred to by their names and roles as often as they are referred to as someone's spouse, parent or sibling.				
Stereotyping language as "women chatting/men discussing" is avoided.				
Biographical or historical materials include a variety of male and female contributions to society.				
Groups which include male and females are referred to in neutral languages such as people, mail carriers, firefighters, or legislators.				
TOTAL SCORE:				
Comments/Suggestions to address scores of 2 or 1:				

Multicultural				
	Standard is clearly articulated or inferred 3	Standard is present, but limited in presentation and/or explanation 2	Limited presentation of standard 1	Standard is not present N/A
Materials contain racial/ethnic balance in main characters and in illustrations.				
Minorities are represented as central characters in story and illustrations.				
Minority characters are shown in a variety of lifestyles in active, decision- making and leadership roles.				
Materials provide an opportunity for a variety of racial, ethnic, and cultural perspectives.				
The vocabulary of racism is avoided.				
Stereotyping language is avoided.				
Biographical or historical materials include minority characters and their discoveries and contributions to society.				
One religion is not perceived as superior to others.				
Oversimplified generalizations about different religions are avoided in text and illustrations.				
TOTAL SCORE:				
Comments/Suggestions to address scores of 2 or 1:				

Persons with Disabilities				
	Standard is clearly articulated or inferred 3	Standard is present, but limited in presentation and/or explanation 2	Limited presentation of standard 1	Standard is not present N/A
People are sometimes portrayed as able-bodied, healthy, ill, and having disabilities.				
Qualities of character such as leadership, imagination, courage, and integrity are distributed among non- handicapped persons and persons with disabilities.				
Non-handicapped persons and persons with disabilities are represented as central characters in story and illustrative materials				

Non-handicapped persons and persons with disabilities are shown performing similar work in related fields.				
Non-handicapped persons and persons with disabilities are shown working and playing together as colleagues				
Persons with disabilities are referred to by their names and roles rather than their disability				
Biographical and historical materials include contributions to society by persons with disabilities				
TOTAL SCORE:				
Comments/Suggestions to address scores of 2 or 1:				

Socio-Economic Status				
	Standard is clearly articulated or inferred 3	Standard is present, but limited in presentation and/or explanation 2	Limited presentation of standard 1	Standard is not present N/A
Social class groupings portray all individuals in a variety of roles (positive and negative) and situations displaying positive and negative characteristics of integrity, humility, valor, and intelligence.				
Oversimplified generalizations about social classes and groups are avoided in text and illustrations.				
All individuals are judged by their strength of character rather than their socio-economic status.				
Characters are described by their behaviors, beliefs, and values rather than unnecessary socio-economic descriptors.				
Contributions of individuals are valued for their benefit to all peoples of society.				
Materials provide an opportunity for dialogue which considers a variety of socioeconomic perspectives.				
TOTAL SCORE:				

Comments/Suggestions to address scores of 2 or 1:

Family				
	Standard is clearly articulated or inferred 3	Standard is present, but limited in presentation and/or explanation 2	Limited presentation of standard 1	Standard is not present N/A
In addition to the traditional nuclear family model, family groups are depicted in which there are single parents, adopted and foster children, step-parents, same-sex parents, and/or relatives living with the family.				
A variety of life's experiences are depicted.				
People of all groups are depicted in a variety of clothing and with a variety of eating habits and activities.				
Males and females are depicted in non-traditional as well as traditional roles in the family, at work, in leisure activities, and in attitude.				
TOTAL SCORE:				
Comments/Suggestions to address scores of 2 or 1:				

Do you recommend the use of this instructional material within the classroom? ___yes___no

Comments:

Name of Evaluator: _____

Signature of Evaluator: _____ Date: _____