

Methuen Public Schools



Special Education Procedural Manual

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INTRODUCTION

How to Use This Manual

This Procedural Manual was developed to ensure consistency and accuracy of special education practices across the district. The practices and procedures included in this manual align with 603 CMR 28.00 Special Education Regulations.

All special education personnel responsible for the implementation or coordination of special education evaluations and services should become familiar with the practices and procedures.

This manual will be reviewed at least annually, which may result in revisions to content and/or forms. Staff will be notified of any changes and should review this manual in full at least once every school year.

Special Education Department Philosophy

It is the belief of the Methuen Public Schools that each child, regardless of ability, should have the opportunity to receive a free appropriate public education (FAPE) in a school climate that fosters the intellectual, physical, social, and emotional well being of each student. We believe that the function of this department is to provide children and staff with quality services so that students can achieve their greatest potential in the least restrictive environment. To that end, we are committed to bringing “best practice in the field” into each school and to the system as a whole.

We believe that the most productive and nurturing learning environments are created by school based teams with a common vision and effective collaboration skills. As experts in child development, the impact of individual differences on the learning process, and collaborative consultation, we serve as a resource to staff and parents seeking inclusive practices to meet the needs of an ever changing population.

REFERRAL PROCESS

Referral for Initial Evaluation

A student may be referred for an evaluation by a parent/guardian or any person in a care giving or professional position concerned with the student's development. Under the regulations, school districts must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case-by-case basis. A parent/guardian's right to refer their child for a special education evaluation, however, is not limited and should never be delayed because the school district has not fully explored and/or attempted some or all of the available instructional support programs or any other type of intervention. In any case where the parent/guardian or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school district must promptly send notice and seek permission to conduct an initial evaluation to determine if the student is eligible for special education. The school district has **five (5) school days** to respond in writing to a parent/guardian's request for an evaluation by completing a Proposed Action Notice (N1) and Evaluation Consent Form (N1A). A copy of the Parent's Notice of Procedural Safeguards should be included as well.

In the case of a request for an evaluation for the purpose of College Board testing, the school district is not obligated to complete these evaluations if such information does not already exist and is not necessary for the appropriate special education program for the student at the time of the request.

School Referral

When the school administration or Student Support Team (SST) determines that all efforts have been made to meet the needs of the student within the general education program, and these efforts have not been successful, a student should be referred by school personnel for an evaluation to determine eligibility for special education. The Supervising Principal or Associate Principal shall ensure that documentation of the use of instructional support services for the student is provided as part of the evaluation information reviewed by the TEAM when determining eligibility. The building's Special Education Administrator will notify the parents of the school district's proposal for an initial evaluation. The building Special Education Administrator shall send notice and consent within a "consent packet" (including Parent's Notice of Procedural Safeguards, N1, and Evaluation Consent) and shall coordinate the evaluation process.

Parent/Guardian/Student (18+) Referral

If a parent/guardian or caregiver verbally request an evaluation, *the building Special Education Administrator should be notified immediately*. Parents/Guardians are strongly encouraged to submit a written request for an evaluation before the referral process can begin, however, verbal confirmation of the parent decision to pursue a special education evaluation also necessitates the referral process begins. The building Special Education Administrator should contact the parent to gather information regarding the concern(s) and suspected area(s) of disability. District staff should inform parents/guardians about the instruction support process available in their child's school and provide parents/guardians with an opportunity for this support process to take place as a first step. Parents/Guardians should be encouraged, *but are not obligated*, to access the instructional support process for their child. Parents/Guardians should be told of their rights to request a special education evaluation at any point. *Unless given parent/guardian permission, the instructional support process cannot delay a*

parent/guardian's request for a special education evaluation. In this situation, if a parent/guardian agrees to access the instructional support process as a first step, instead of pursuing an evaluation, the building Special Education Administrator shall confirm and document this via written agreement. This agreement should be maintained in the student's special education file and a copy sent to the parents/guardians.

Private School Referral

When private school personnel submit a referral for a special education evaluation, the building Special Education Administrator or the Director of Student Services must notify the parents/guardians immediately. The school district is obligated to conduct special education evaluations for students who attend private school at no cost to the private school or parents/guardians. An evaluation cannot be conducted without receipt of signed parent consent. The school district must respond as described above.

When a parent/guardian of a private school student contacts the school district to request a special education evaluation, the same process as described above in Parent/Guardian/Student (18+) Referral should be followed. The building Special Education Administrator of the school the student would attend if in district is responsible for responding to this type of parent/guardian referral.

If a student is residing in neighboring state but attends a private school in Methuen, Methuen Public Schools is responsible for evaluating and/or providing services as outlined. The Director of Student Services will determine which school will conduct the evaluations based on evaluation loads.

Sending out Consent to Evaluate

When a request for an evaluation has been received, the school district has **five (5) school days** to respond in writing. Once the building Special Education Administrator has contacted the parent/guardian to gather information about the request for an evaluation, he or she will send a completed Evaluation Request Form to the central student services office to be processed. A secretary will generate and mail a consent packet to the parents/guardians which includes:

- A proposal to conduct an initial evaluation (N1)
- An evaluation consent form (N1A)
- A copy of the Parent's Notice of Procedural Safeguards

An evaluation process cannot begin until the school district receives signed consent to evaluate from parents/guardians.

What to Do If a Parent/Guardian Does Not Submit Signed Parental Consent

If receipt of the evaluation consent has not been received within thirty (30) calendar days, the central Student Services Office secretary will send a second packet to the parents/guardians with the date documented. If receipt of the evaluation consent has not been received within two weeks after the second packet, the building Special Education Administrator will follow up with the parents/guardians to inquire if there are any questions.

If parental consent is not received within thirty (30) calendar days for a re-evaluation, a second attempt, and if necessary, a third attempt will be made. The third attempt to receive consent will be sent via certified mail. If after three attempts there is no parental consent, the building Special Education Administrator will generate a District Refusal to Act (N2). The N2 will be mailed home and provided to the secretary at the central

Student Services Office to be submitted to the Department of Elementary and Secondary Education (DESE) as a rejected consent.

Additional efforts to obtain parental consent will be made and documented. If the parent/guardian revokes consent or refuses any evaluation, and the school district determines that such action will deny the student a free and appropriate public education (FAPE), the school district shall seek resolution through the Bureau of Special Education Appeals (BSEA).

In situations of divorce, where there is shared custody, if the school district is in receipt of signed consent to evaluate from either one of the parents, the school district will begin the evaluation process.

Receipt of Consent at End of School Year

If consent is received within **thirty (30) to forty-five (45) school days** before the end of the school year, the school district must ensure that a TEAM meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding of no eligibility no later than **fourteen (14) calendar days** after the end of the school year. For consents received fewer than **thirty (30) school days** prior to the end of the school year, the timeline starts at receipt of consent, stops on the last day of school, and re-starts at the start of the following school year (see *603 CMR 28.05(1)*).

EVALUATION PROCESS

Initial Evaluation

Upon receipt of a signed consent by the parents/guardians, the school district shall provide or arrange for the evaluation of the student by a multidisciplinary team within **thirty (30) school days**. A TEAM meeting must be scheduled within **forty-five (45) school days** from receipt of signed consent.

The building Special Education Administrator is responsible for notifying the evaluation team members that consent has been received and assessments can be scheduled. The building Special Education Administrator will generate the following to be sent to the parents/guardians by the central Student Services Office:

- A notice of team meeting (N3)
- An attendance sheet (N3A)

Assessments

The assessment(s) used shall be adapted to the age of the student. The school district shall ensure that appropriately credentialed and trained specialists administer all assessments. The evaluation must include assessments in all areas related to the suspected disability, plus educational assessments (Educational Assessment Forms Part A and Part B) by a representative of the school district to include:

- A history of the student's educational progress in the general curriculum. Such assessments shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Common Core incorporating the Massachusetts Curriculum Frameworks and the district curriculum (Ed. Form A); and
- An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults (Ed. Form B);
- The school district shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential (i.e. psychological, academic, observation);
- Any other evaluation necessary to address referral questions or suspected areas of disability (assessments may include Speech/Language, Occupational Therapy, Physical Therapy, Home Assessment, Health assessment that identifies medical problems or constraints that may affect the student's education);
- 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 may be considered;
- For children who are receiving early intervention services, current and appropriate early intervention assessments may be used to inform team decisions.

Assessments Required for Specific Learning Disabilities (SLD) Determination

When a specific learning disability is suspected as the primary disability impacting a student's ability to access the general curriculum, a specific set of forms (SLD Eligibility, SLD1, SLD2, SLD3, SLD4) must be used to aid in this determination. These forms consist of a historical review and educational assessment, identification of the specific area(s) of concern and evaluation methods, an analysis of certain exclusionary factors, a mandatory observation form, and, finally, a Team determination of eligibility that all Team members must sign.

Assessment Reports

Each person conducting an assessment shall summarize in writing the procedures employed, observations of student during testing, the results, and diagnostic impressions as well as specific recommendations. The evaluator shall define in detail, and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. *The evaluator should not determine eligibility in their evaluation;* however, recommendations around strategies and accommodations based on the findings would be appropriate. Assessments shall be completed and made electronically available for the building Special Education Administrator **at least three (3) school days** in advance of the TEAM meeting. These assessment reports should be available for parents/guardians **two (2) school days** in advance of the TEAM meeting *upon request*. This includes Educational Assessment Part A & B.

Evaluation reports must follow the school district's template.

Each person conducting an assessment must give the building Special Education Administrator two (2) signed copies with original signature of their final evaluation report at the meeting. One copy is for the parent/guardian and the other copy is for the student's special education file.

Reevaluation Process

A reevaluation will be conducted for each student with a current Individual Education Program (IEP) every three (3) years or more frequently if requested or recommended. Reevaluations occur not more frequently than once a year unless both parents/guardians and school district agree that evaluation is needed.

When a student is referred for a reevaluation, existing evaluation data should be reviewed first. If no additional information is needed to determine whether the student continues to be eligible, the district may request that a parent waive particular types of assessment(s).

The parent may either consent to waiver the assessment(s) or may choose to have the assessment(s) completed regardless of the recommendation for a waiver.

Evaluation is required PRIOR to ending an IEP service. The assessment that is used can be a combination of standardized assessment and curriculum or classroom based assessment data.

Psychological Evaluations as part of the Reevaluation Process

After the building Special Education Administrator reviews the existing evaluation data (from the last evaluations and any assessments that have been completed within the last three (3) years), she/he may do the following:

1. Generate a list of referral questions for this student, gathering information from general and special education teachers, related service providers and parents/guardians;
2. Determine, with the school psychologist, what testing is needed in order to answer referral questions. If there has been no change in cognitive function, and no neurological or brain based injury since the last evaluation, cognitive and psychological testing may not be needed. If projective tests are being conducted, these need to be explicitly stated on the evaluation consent form, which the parent/guardian signs. In the case of high school students; however, where

transitional issues are particularly salient, a full psychological battery should be routinely conducted whenever due.

At least **forty-five (45) school days** prior to the 3-year reevaluation date indicated on a student's IEP, the building Special Education Administrator will send out an Evaluation Consent Packet to the parents/guardians consisting of:

- Proposal to conduct a reevaluation (N1);
- Evaluation consent form (N1A)
- A copy of the Parent's Notice of Procedural Safeguards

Please refer to the Referral Initial Evaluation section for information pertaining to the process and procedure for an evaluation once consent is received.

“Private Evaluation”-Private Evaluation at Parent Expense

When a parent submits to the school district an evaluation report for a student who is NOT currently receiving special education services, the designated building personnel (Supervising Principal, Assistant/Associate Principal, Guidance Counselor, Teacher) shall immediately provide the building Special Education Administrator a copy of the report. In line with the school district's Child Find Obligations, the building Special Education Administrator will initiate the referral process by generating an Evaluation Consent Packet. This process does not preclude, nor should it, the general education staff from following any established procedures related to the 504 or RTI processes.

For students already receiving special education services whose parents/guardians submit private evaluations, the school district has **ten (10) school days** in which to schedule a TEAM meeting to review and consider information and recommendations included in the report. The building Special Education Administrator should be notified immediately of the receipt of the outside evaluation so that she/he can schedule the TEAM meeting. The building Special Education Administrator should consult with the parents as to the details so that the school district does not duplicate the testing, thereby invalidating the results of the later evaluation.

Independent Educational Evaluation (IEE)

If a parent/guardian disagrees with an initial evaluation or reevaluation completed by the school district, the parent/guardian may request an independent educational evaluation (IEE). Parents/Guardians may obtain a private education evaluation at private expense at any time. If the parent/guardian requests an IEE at public expense, the school district must either pay for the IEE (at public rates only) or, within **five school days**, request a determination from the BSEA that the district's evaluation was comprehensive and appropriate. The building Special Education Administrator should immediately notify the Director of Student Services of any request for an IEE so that the appropriate response can be made and timelines followed. The parent/guardian's right to request an IEE is extended up to **16 months** after an evaluation or reevaluation process has been completed.

Extended Evaluation

If the Team finds the evaluation information insufficient to develop the IEP, the Team, with parent/guardian consent, may agree to an extended evaluation period.

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/guardian, shall be immediately implemented by the district while the extended evaluation is occurring.

The extended evaluation period shall not be used to allow additional time to complete the required assessments and should not exceed forty (40) school days (eight (8) school weeks).

If the parent/guardian consents to or accepts the 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.

The extended evaluation shall not be considered a placement.

THE TEAM PROCESS

The TEAM

The TEAM consists of the following members:

- The student's parent(s)/guardian(s);
- At least one general education teacher familiar with the student*;
- At least one special education teacher familiar with the student;
- A representative of the school district who has the authority to commit resources;
- An individual who can interpret evaluation results;
- Other individual(s) who have knowledge or expertise regarding the student;
- If appropriate, the student may be included; however after the student has turned 13, the student must be invited to his/her Team meeting.

*For any student placed in a substantially separate placement who does not attend general education classes or specials/enrichment, a general education teacher is not required.

*For any student placed in a substantially separate placement who does not participate in general education classes or specials/enrichment even if only for short opportunities, the general education teacher familiar with the student must attend the Team meeting.

A designated Team member with the authority to make decisions about school district resources must be present at every TEAM meeting. The building Special Education Administrator is typically responsible for facilitating initial and reevaluation TEAM meetings. The designated special education liaison for a student is typically responsible for facilitating all annual review and amendment TEAM meetings.

Scheduling the TEAM meeting

The building Special Education Administrator (initials and reevaluations) or Special Education Liaison (Reviews and Amendments) will schedule the TEAM meetings within timelines or as needed/requested. Forms required for scheduling TEAM meetings include:

- A meeting invitation (N3); and
- Meeting Attendance sheet (N3A)

If the parent/guardian waives the right to 10 days advance notice, this should be documented on the invitation, on the TEAM Meeting Summary and in the "Additional Information" section of the IEP.

TEAM Member Attendance Excusal

If a required TEAM member is unable to attend the TEAM meeting, the TEAM meeting can still be held as long as parents/guardians have provided signed permission to excuse the TEAM member and the absent TEAM member has provided written information input (i.e.; accommodations, goals/objectives). Parents/Guardians should be contacted as soon as the school district is aware that a TEAM member is unable to attend. A TEAM Meeting Excusal Form must be signed prior to or at the start of the TEAM meeting. It must be signed by the parent/guardian prior to or at the start of the TEAM meeting in order for the meeting to be held. If a TEAM member must be excused at any point during the meeting, parents/guardians must sign the TEAM Meeting Excusal Form in order for the meeting to continue.

Students 14 Years and Older

The Special Education Liaison and instances of an initial or reevaluation, the building Special Education Administrator, shall invite the student to the TEAM meeting and include his/her name on the attendance sheet.

Private School

In the case of a student attending a private school, the building Special Education Administrator should encourage the parent/guardian to include a representative from the student's school to attend the TEAM meeting with agreement by the parent/guardian. A Consent for Release of Information form should be included with the Meeting Invitation so the TEAM can obtain a student's current performance information.

Meeting Date/Time Change at Parent/Guardian Request

In the event that the parent/guardian contacts the school district in need of rescheduling the TEAM meeting time/date, the building Special Education Administrator or Special Education Liaison must send out a NEW Notice of TEAM Meeting Date and should use the text box for "contact information" to make a note of the parent/guardian requested change: "Meeting date changed per parent request." Copies of both meeting invitations should be included in the completed packet sent to Student Services. A **ten (10) day** written notice of new meeting date should be provided to parents/guardians; unless the school district and parent/guardian agree to a sooner day/time.

TEAM Responsibilities

The TEAM is responsible for managing three important activities:

- Eligibility Determination/Initial and Reevaluations
- Development of the IEP
- Placement decision

Eligibility Determination

If the student has one or more of the disabilities defined at 603 CMR 28.02(7) (see list below) 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. *The TEAM must ensure that the student's inability to progress is as 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 and math.*

Disability Categories:

- 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):
 - Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affect 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 below.

- 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 this section.
- A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c) (1)(i) of this section are satisfied.
- **Communication:** 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.
- **Developmental Delay:** The learning capacity of a young child (3-9 year 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.
- **Emotional:** 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.
- **Health:** 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.
- **Intellectual:** 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 terms shall include students with mental retardation.

- **Neurological:** 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.
- **Physical:** 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.
- **Sensory:** the term shall include the following:
 - **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 auditorily-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing
 - **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.
 - **Deaf-Blind:** Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.
- **Specific Learning Disability:** Specific learning disability is defined as follows:
 - **General.** The term means a disorder in or ore more of the 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.
 - 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.

Criteria for determining the existence of a specific learning disability:

A Team may determine that a child has a specific learning disability if the child does not achieve commensurate with his or her age and ability levels in one or more key areas as provided with learning experiences appropriate for the child's age and ability levels. If the Team finds that a child has a severe discrepancy between his/her intellectual ability and achievement in one or more of the following areas, the Team may determine that the child has a specific learning disability.

- Oral expression

- Listening comprehension
- Written expression
- Basic reading skills
- Reading Comprehension
- Mathematics calculation
- Mathematics reasoning

The District has authority to use a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures.

Extra steps are required when a specific learning disability is suspected:

Federal regulation requires additional steps in the evaluation process if the Team suspects a student of having a specific learning disability. The District must take the following steps in such cases:

- At least one Team member other than the student's teacher must complete a classroom observation of the student's academic achievement.
- The Team Chair with the assistance of the school psychologist, if necessary, must complete a written report completing the required documents
 - SLD Component 1
 - SLD Component 2
 - SLD Component 3
 - SLD Classroom Observation Form
 - SLD Determination of Eligibility
- Team members must certify in writing whether the written report reflects their conclusion of a finding of a specific learning disability. Any individual who disagrees with the written report must submit a separate statement to express their differing conclusions.

The Team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of a visual, hearing, or motor impairment, e.g.,

- Mental retardation,
- Emotional disturbance, or
- Environmental, cultural, or economic disadvantage

What if a Student has a Disability but is Making Effective Progress in School?

If a student is found to have a disability however does not require specially designed instruction in order to make progress the student is not eligible for special education. Specially designed instruction includes modifications that effect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning. If the student only requires accommodations, then that student is not eligible for special education. General educators within the general education environment typically provide accommodations. Preferential seating, pencil grip use, or cooperative learning strategies are some examples of these kinds of typical accommodations. Accommodations do not involve modifying the material content, but do allow students to receive information in a more effective manner based on their individual needs. The District Curriculum Accommodation Plan (DCAP) is an important document to reference for additional information about general education supports and interventions, including best practice accommodations. The DCAP can be found on the Methuen Public Schools Website:

<https://drive.google.com/file/d/0B4fZyUoCUrOZOUwwazYxRDg1UFU/view?usp=sharing>

The Special Education Eligibility Flowchart

The Eligibility Flowchart has been designed to assist TEAMS in making eligibility determinations. The flowchart is a worksheet and not a notice/form. The worksheet becomes part of the student record but does not need to be mailed to parents/guardians with the proposed IEP. This form should be completed at the TEAM meeting. Prior to submitting the IEP documents to the building Special Education Administrator, the eligibility flowchart should be transcribed into Infinite Campus and then included in the packet sent to the Student Services Office.

Finding the Student Eligible

If a student is found eligible for special education, an IEP must be developed. In most cases, development of the IEP will occur within a single meeting after the determination of eligibility has been made.

Finding the Student Not Eligible

If the TEAM determines that the student is not eligible, the building Special Education Administrator shall record the reason for such finding on the TEAM Meeting Summary notes. This should also be documented on the Notice of Refusal to Act form (N2). At the conclusion of the meeting, parents/guardians should be given a copy of the TEAM Meeting Summary notes, and the N2 must be sent to the parents/guardians within **ten (10) school days** of the TEAM meeting. Parents/Guardians should also be provided with a copy of the Parent's Notice of Procedural Safeguards.

What if a Parent/Guardian Disagrees with the Eligibility Finding?

Parents/Guardians have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA), including a finding of no eligibility. Parents/Guardians may contact the BSEA directly. Information regarding how to contact the BSEA is included in the Parent's Notice of Procedural Safeguards sent to parents/guardians with the consent packet. Parents/Guardians should be asked if they are satisfied with the evaluation completed by the school district. If parents/guardians disagree with the school district's evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the parent/guardian requests an IEE at public expense, the school district must either pay for the IEE (public rate setting only) or, within five (5) school days, request a determination from the BSEA that the school district's evaluation was comprehensive and appropriate.

A 504 Accommodation Plan may be Appropriate

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or major life activities. Major life activities include learning. *Determination of eligibility for a 504 Accommodations Plan is a separate process from the special education eligibility process and is coordinated through the Supervising Principal, Assistant/Associate Principal, or Guidance Counselor.*

If a parent/guardian or school member wishes to pursue a 504 eligibility process, they should be directed to contact the Supervising Principal, Assistant/Associate Principal, or Guidance Counselor.

DEVELOPMENT OF THE IEP

Upon determining that the student is eligible for special education, the TEAM shall develop an IEP. The first question to ask parents/guardians is, "What concerns do you have for your child that you want to see addressed in this IEP?" The IEP should be developed using the evaluation data and current school performance data to guide the development of goals and objectives for the student.

If an extended evaluation is needed due to insufficient information to develop an IEP, or if a parent/guardian is not satisfied with the evaluations and requests an Independent Evaluation, the TEAM may choose to write a partial IEP. If the TEAM writes a partial IEP, a parent/guardian may consent to the proposed partial program prior to completion of the full IEP. In such a case, the partial program shall be implemented immediately upon receipt of the signed partial IEP.

The TEAM should work together to develop the IEP. The building Special Education Administrator or the Special Education Liaison will facilitate the process. The IEP shall be completed using the standard IEP format provided by DESE (forms found on Infinite Campus). Key components of the IEP include, Parent Concerns, Student Strengths and Key Evaluation Findings, a Vision Statement, Present Level of Performance for General Education Curriculum and other areas of education, Accommodations, Specially Designed Instruction, Goals/Objectives, Service Delivery, Schedule Modification including Extended School Year (ESY), Transportation, MCAS Accommodations, and Placement. A TEAM Meeting Summary form should be used to document the decision made at the TEAM meeting. School districts cannot come to a TEAM meeting with a completed IEP. The TEAM, including parents/guardians, must work together to develop the IEP for the student. Parents must leave the meeting with TEAM Meeting Summary. When developing an IEP, the TEAM must develop appropriate services that meet the needs of the student based upon the area(s) of identified disability. All service determinations are to stem from the current performance levels of the student as originated in the disability area(s). The addition of a service that student is not currently receiving should not be made in the absence of an evaluation that presents disability linked data to support the implementation.

Only related service providers may determine the specific evaluations to assess a possible area of need as determined by the TEAM. When possible, the related service provider should be invited to attend the meeting. In the case where a specialist is absent, the TEAM may not propose specific services. If assessments are recommended, the TEAM may request an assessment addressing the area of concern but should not identify a specific test. For example, the TEAM could agree to a behavioral assessment rather than a Functional Behavior Assessment (FBA).

Please note, for initial and reevaluation meetings, each school based evaluator will be responsible for providing a summary of their evaluation and entering it into the key evaluation results section of the IEP. When summarizing the evaluation in the key evaluation results section of the IEP, the title of the evaluation, the evaluators name and standard scores should be included. In addition, the Special Education liaison is responsible for entering the MCAS results (or note not applicable) as well as the disability category.

Duration of TEAM Meetings

TEAM meeting should be run efficiently so that the TEAM is able to address the agenda and accomplish the goal of the meeting. To insure the TEAM works together effectively and efficiently, the following recommendations are provided:

- Making reports available to parents/guardians ahead of time to review (two (2) school days prior to the TEAM meeting);
- Distributing all reports to TEAM members ahead of time for review;
- An agenda, including the meeting purpose and member introductions, should be provided to the TEAM at each meeting;
- Meeting Excusal forms should be completed prior to the start of the meeting whenever an invited TEAM member is not present or needs to be dismissed from a TEAM meeting;
- Evaluators provide a summary of their evaluations rather than a detailed review;
- Draft goals and objectives ahead of time for consideration in a Google Doc at the TEAM meeting;
- Discuss ONLY the goal focus rather than a detailed review of goals and objectives and document it on the TEAM Meeting Summary form;
- Designate a timekeeper;
- Be sure that the parents/guardians and teachers understand that the IEP is not meant to be a lesson plan or schedule;
- Refrain from using the TEAM meeting as a consult meeting -- table discussions that can be held in follow-up conferences or consult meetings in order to remain on task;
- Make a clear statement when the meeting is concluded.

Special Transportation

If the TEAM determines that the student's disability requires transportation or specialized transportation arrangements in order to access special education services, the TEAM shall note on the student's IEP that the student requires such services. In such circumstances, transportation is a related service and the determination for need should be made a data-driven decision linked to the student's identified area of disability with respect and consideration of the least restrictive environment for the student. This must occur at each type of TEAM meeting, which includes a TEAM determination of special transportation or renewal of special transportation. Once the TEAM has determined the need for transportation, the building Special Education Administrator should complete the Transportation request form and submit it to the Student Services Office.

All transportation requests, changes and deletions should be submitted to the Student Services Office who will contact the transportation provider. Parents/Guardians should **NOT** contact the transportation provider directly regarding changes.

Extended School Year (ESY)

ESY refers to special education and related services beyond the normal calendar year for students with disabilities. Eligibility for ESY is determined by examining two global criteria: regression/recoupment and non-regression. These criteria should be considered for every student using the following factors:

- The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students. (regression/recoupment)
- The nature of severity of the student's disability. (non-regression)
- The student's progress in the areas of learning is crucial to attaining self-sufficiency and independence from caretakers. (non-regression)

- The student's stereotypic, ritualistic, aggressive or self-injurious interfering behaviors prevent the student from receiving some educational benefits from his/her program during the school year. (non-regression)
- Other special circumstances identified by the IEP TEAM such as: the ability of the student to interact with non-disabled students; the areas of the student's curriculum that need continuous attention; the student's vocational needs; and/or the availability of alternative resources. (non-regression)

ESY is officially discussed and determined at each student's annual IEP meeting. School staff will complete regression/recoupment data collections to help make individual recommendations. Throughout the school year, school staff are asked for ESY projections. Projections are used only for planning, are not definitive and do not replace the need for individual student IEP TEAM decisions.

Early in the school year, a TEAM may not be able to make a determination for ESY services if the student is new to staff. In that event, the TEAM may wish to delay this decision until later in the year. In most cases ESY determinations should be made no later than March (post Thanksgiving, December and February school breaks); however, in cases where there is a question regarding regression, the TEAM may use April vacation to document regression. In the circumstances of the "non-regression" criteria, ESY decisions should be made no matter how early in the school year an annual review meeting is held.

State/District Wide Assessment Accommodations

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. All students participate in state and district wide assessments with accommodations outlined in the IEP. MCAS accommodations must be consistent with accommodations students generally receive in their curriculum. Students who require alternative assessments will continue to be evaluated through MCAS-Alt until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

Students with Disabilities and Bullying

According to the bullying legislation, Chapter 92, school districts have several responsibilities regarding students with social skills disabilities. It is important to remember that these responsibilities fit within the broader legislation. We have an obligation to teach all of our students the skills that are needed to avoid and respond to bullying, harassment and teasing. Additionally, those students who have disabilities that result in poorly developed social skills require special attention.

For students with Autism and other disabilities affecting social skills development, this obligation requires a thoughtful, considered approach at TEAM meetings because these students are more vulnerable to teasing and are not skilled in responding. This is a consideration included on the Autism Considerations checklist that is referenced by the TEAM Chair during all TEAM meetings for a student who is identified with ASD.

Bullying is addressed through the curriculum at every grade level. If the student requires a separately delivered curriculum in social skills associated with recognizing, avoiding and responding to bullying, that should be addressed in the social pragmatics, communication or self-advocacy goal areas.

The discussion about social skills, recognizing, avoiding and responding to teasing and bullying should be an integrated part of a TEAM meeting, if the student has social skills deficits. It should not be an add-on. Most meetings will not require the explicit use of the term “bullying” but rather will naturally focus on the social skills, peer relationships, social pragmatics, communication or self-advocacy.

The TEAM should document the discussion within the additional information section of the IEP and on the N1 form. If, after an investigation, a child with an IEP is determined to be an aggressor or target of bullying, the IEP TEAM should reconvene to discuss concerns and make any needed amendments to accommodations or goals.

Chapter 57: An Act To Address the Special Education Needs of Children with Autism Spectrum Disorders

Whenever an evaluation indicates that a child has a disability on the autism spectrum, the IEP TEAM shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; the needs resulting from the child’s unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the child’s disability that may impact progress in the general curriculum, including social and emotional development. For students with a disability on the autism spectrum, the Autism Considerations checklist MUST be completed in conjunction with the IEP development. The checklist is provided in the appendix of this document.

Transition Planning

For every student who will be turning 14 years old within the new IEP period, the Transition Planning Form should be completed. This is a document that will be reviewed and revised at every annual IEP meeting for the student. It should be used as a tool to develop the student’s vision statement in conjunction with the TEAM’s vision for the student and to identify necessary skills the student may need in transitioning from high school to postsecondary outcomes. Best practice in transition planning is that the TEAM will consider instruction, employment, and community experiences/post school adult living as outlined in the Transition Planning Form (TPF).

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 skills; developing skills for self-management of medical needs; and developing the 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 programs for students younger than age 18 shall not relieve the school district of its obligation to ensure that the students have access to instruction in the general curriculum.

Age of Majority

A letter regarding Age of Majority rights will be mailed home to students and parents/guardians on or about the student's 17th birthday.

Age of Majority MUST be discussed at the annual IEP meeting (student is age 17 and approaching age 18). The TEAM Chair will ensure a discussion about the rights occurs and the paperwork is completed appropriately. The TEAM Chair will also make each student and parent/guardian aware that at this meeting the Age of Majority Rights will transfer ON the student's 18th birthday, and that the student will be asked to sign the Age of Majority letter indicating their decision (if they choose to make all educational decisions themselves, share in the decision making process with their parents/guardians, or continue to have parents/guardians make educational decisions). This discussion should again be noted on the additional information page of the IEP and on the N1 notice.

If the student wishes to take the document home to review with the parent/guardian, it is the responsibility of the Special Education Liaison to follow-up with the student and schedule a meeting to discuss any concerns upon the student's request. The original signed Age of Majority letter will be promptly sent by the building Special Education Administrator to the Student Services Office for placement in the student's special education file.

All meeting notices and special education documentation must be sent to the student if the Age of Majority rights are solely with the student. If the rights are being shared with parent/guardian, then the parent/guardian and student will both receive the required documents and must co-sign all documents. The student, once 18, has the right to change his or her decision making rights at any time. For example, if a student chooses to act on his/her own behalf but then decides a month later they want to share decision making with their parent/guardian, they may do so but this should be documented with another Age of Majority form.

PLACEMENT DETERMINATION

At the TEAM meeting, after the IEP has been fully 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:

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.

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.

The decision to enact a change in placement that constitutes placing the student in a more restrictive setting must come following an evaluation so that updated data may be used on a basis for the TEAM determination.

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. The removal of a student from the general education setting is supported in the Nonparticipation Justification section of the IEP, which quotes the regulation describing the district's responsibility outlined above.

Placement Meeting

Upon developing the IEP, if the needs of the student and 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. This separate placement meeting must occur within **ten (10) school days** following the meeting at which the TEAM developed the IEP.

PROCESSING THE PROPOSED IEP FOR DISTRIBUTION TO PARENTS/GUARDIANS

When parents/guardians receive a TEAM Meeting Summary at the conclusion of a TEAM meeting, the school district has no more than **two (2) calendar weeks** to send the proposed IEP and Placement.

When a parent/guardian does not receive a TEAM Meeting Summary at the conclusion of the TEAM meeting, the school district must provide the parents/guardians a proposed IEP and Placement as soon as possible and not more than **three (3) school days** after the TEAM meeting has been held.

Once IEP packets are completed, the building Special Education Administrator will review and sign the IEP. It is the TEAM's responsibility to submit the IEP packet in a timely manner in order for the school district to meet the required IEP timelines.

PARENT/GUARDIAN RESPONSE TO IEP

No later than **thirty (30) calendar days** after receipt of the proposed IEP and placement, the parents/guardians shall:

- 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 a revised proposal; and,
- Accept or reject the proposed placement.

If parents/guardians have not responded to the IEP within thirty (30) calendar days, a second notice with a copy of the IEP as well as signature pages will be sent home. If the parents/guardians have not responded to the second request, the building Special Education or Special Education Liaison will contact the parent/guardian. If parents/guardians do not respond after the third attempt, the IEP is filed as rejected with the BSEA by the Student Services Office.

IMPLEMENTATION OF THE IEP

Receipt of Signed IEPs

Parents are provided a self-addressed envelope along with two (2) copies of the proposed IEP to sign and return to the Student Services Office. If a parent/guardian submits a signed IEP at the building level, via student backpack, hand-delivery, or mail, the IEP MUST be date-stamped and sent immediately to the Student Services Office. All signed IEPs, whether accepted in whole or in part, or rejected, MUST be submitted to the Student Services Office for processing, documentation, and distribution. The signature and placement pages are immediately date stamped and processed. The secretary at the Student Services Office processes the signature pages. The secretary at the Student Services Office will submit any rejection to the BSEA within five (5) calendar days of receipt by the school district.

Receipt of Partially Rejected and Rejected IEPs

When an IEP has been rejected in full, the building Special Education Administrator will immediately notify the TEAM of the rejection and TEAM members should view the response page. This enables TEAM members to know which parts of the IEP have been accepted and can be implemented. Should TEAM members have questions regarding implementation, they should IMMEDIATELY contact the building Special Education Administrator.

When an IEP is rejected or partially rejected, the building Special Education Administrator or the Special Education Liaison will contact the parent/guardian to offer a TEAM meeting to discuss his/her concerns.

Upon parental response to the proposed IEP and placement, the school district shall implement all accepted elements of the IEP without delay. The school district cannot delay implementation of the IEP due to lack of classroom space or personnel. TEAMS must provide as many of the services on the accepted IEP as possible and shall immediately inform the parent/guardian 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 offer alternative methods to meet the goals on the accepted IEP. Upon agreement from a parent/guardian, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

Amendments

At times it is necessary to amend an IEP for minor changes. An amendment can be conducted via phone contact or email with the parent/guardian. *An amendment cannot extend the length of an IEP, nor can an amendment change placement.* An unsigned, rejected, and partially rejected IEP cannot be amended -- any changes made to an unsigned IEP are considered "Revisions" to a proposed IEP and should be marked accordingly. An N1 is always included with an amendment.

IEP Revisions

Once a TEAM meeting has been held and proposed IEP has been sent to parents/guardians for a response, a TEAM may revise or further develop the proposed IEP with parent/guardian agreement and input. The type of meeting and dates on the administrative page would not change. The N1 should clearly state that the IEP has been revised with the date of the TEAM meeting or parent/guardian contact as well as who precipitated the revision. Details of why and how the IEP was revised should be noted in the N1.

Progress Monitoring/Progress Reports

Developing well-written and meaningful progress reports starts with well-written goal that include a statement of current performance, a goal statement, and objectives or benchmarks. TEAMs should use the current performance section as a starting point, based on what the student is currently able to do. The goals are the end points and objectives or benchmarks are the steps between the starting and end points. Data should be included in the current performance so progress can be clearly measured between the current performance and the benchmarks.

Progress reports should reflect, in measurable terms, the student's progress toward the annual goals and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period. All objectives/benchmarks should be commented on for each progress reporting period.

Progress reports must be sent to the parents/guardians at least as often as parents/guardians of nondisabled children are informed of their children's progress (in conjunction with report cards).

By federal regulation, progress reports must answer the following two questions for each goal:

1. What is the student's progress toward the annual goal?
2. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?

TEAM members should respond to the mandated questions by following these steps when writing their progress reports:

- Specify what the student has been working on
- List what the student has achieved
- Use measurable language (i.e., John is greeting his peers upon arrival to school in 90% of measured opportunities)
- Indicate any stumbling blocks to progress and how the TEAM is responding (i.e., what refinements are or will be used to support the student's progress)
- Project whether the student will reach the annual goal if progress continues at its current pace

Progress reports may prompt the TEAM to amend an IEP. If a lack of expected progress continues past the first progress report and subsequent in-class refinements, the TEAM should make IEP adjustments and may want to consider rewriting a goal to set a different and more attainable standard.

If a student is making more progress than projected, progress reports may make recommendations on next steps. Sometimes it may be appropriate to amend the IEP to add additional annual goals or adjust the expectations.

Declining Special Education Services

If, after accepting IEP services, a parent/guardian chooses to decline those services, the parents/guardians will be provided a letter from the building Special Education Administrator or the Director of Student Services indicating the school district's receipt of this parental revocation. The Parent's Notice of Procedural Safeguards will accompany this letter.

REQUESTS FOR ADDITIONAL SERVICES

Request for Services

Whenever a request for additional services is made, the Special Education Liaison should contact the building Special Education Administrator who, in turn, will determine the appropriate course of action.

Request for Translation/Interpreter Services

Whenever a family requires translation and/or interpretation services, or when the Special Education Liaison deems it appropriate, the Special Education Liaison will initiate the process for obtaining the services.

Request for Duplicate Records

If a request for special education records is received at the school level, parents/guardians should be directed to the Student Services Office. Documents will be made available within ten (10) calendar days of receipt of this request. Once copy is provided at no charge, but additional copies are provided at a cost of \$.10 a page.

Release of Information

In order to protect confidentiality of students, when communicating with private service providers of a student, or releasing records, the school district requires that parents/guardians sign a Consent for Release of Information form.

Parent Request for Observations

The Methuen Public Schools collaborate with parents/guardians to provide timely response to requests received for observation of their children's current or proposed special education programs. The parent/guardian or his/her designated private evaluator or educational consultant may conduct observations. Methuen 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:

Prior to the observation occurring, parents/guardians must complete an Agreement for Observation of Student/Program, providing consent for an observation to be conducted, as well as a Consent for Release of Information. The observer must then sign the confidentiality agreement prior to the observation taking place.

In order to assist in timely scheduling, the building Special Education Administrator will contact the identified observer directly within a week of parental request for observation with potential dates and times for the observation.

A building administrator or the Director of Student Services will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to limit the impact on instruction and operation of the classroom.

The school district does not generally schedule observations for certain portions of the year such as during state 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/guardians are urged to submit any observation request as early as

practicable in the school year. In addition, school staff retains their right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of a program. The school district also expects all observers to avoid disclosing any personally identifiable or confidential information they might obtain during the course of an observation (except about students being observed, in which case it will be used consistent with parent's authority and direction).

Home-Hospital Educational Services

A student with an IEP and a documented medical condition who has been or is expected to be confined to a home or hospital for a minimum of fourteen (14) days during any school year is eligible to receive home or hospital educational services. When a student is hospitalized, the hospital usually contacts the Student Services Office directly to arrange for tutoring. Building personnel should contact the Student Services Office if the hospital has not done so already.

The Home Educational Services can begin as soon as the student's physician completes a Physician's Statement for Temporary Home or Hospital Education.

The educational services that are provided will be coordinated by the Student Services Office. The tutoring services will be provided with sufficient frequency to allow the student to continue his or her educational program, as long as the services do not interfere with the medical needs of the student.

For students who attend private special education schools or collaborative schools at Methuen's expense, that specialized school is responsible for providing tutoring during home-hospital periods, at their expense, as long as the student remains enrolled in that school.

If, in the opinion of the physician, a special education student is expected to remain at home, in the hospital, or in a pediatric nursing home for medical reasons for more than sixty (60) days, the building Special Education Administrator will convene a TEAM meeting to amend the existing IEP or develop a new IEP suited to the student's unique circumstances.

A parent/guardian of a general education student who is currently not attending school due to a medical condition may request a special education evaluation to determine if the student's medical condition meets special education eligibility requirements.

The school district needs to provide sufficient frequency of tutoring to enable the student to keep up in his/her courses of study and minimize educational loss. This is determined on an individual basis. One hour per day is often adequate in the 1:1 tutoring situation, but the amount must be determined based on individual needs and the medical condition. Educational services should not interfere with medical needs.

The Supervising Principal or Assistant/Associate Principal coordinates these tutoring services with Student Services if the student is eligible for special education.

Students enrolled in private school at parent expense are also eligible for home-hospital tutoring through the public school *only* if they also qualify for special education services. (At times, this may involve conducting an initial evaluation for a student.) **The same paperwork must be completed.**

DISCIPLINING STUDENTS WITH SPECIAL NEEDS

In *Honig v. Doe*, 559 IDELR 231 (EHLR 559:231) (U.S. 1988), the U.S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and related services under the IDEA). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if his/her misconduct was caused by, or was directly or substantially related to, his/her disability. A disciplinary change in placement occurs when a student is suspended in excess of ten (10) consecutive school days or subjected to a pattern of short term suspensions in excess of ten (10) school days which constitute a pattern of removal. If the misconduct includes bringing a weapon or drugs to school, if the student has inflicted serious bodily injury on another person, or if he/she otherwise poses a danger to him/herself or others, then different rules governing removal from school will apply. In all events, suspension of more than ten (10) school days is subject to special rules and limitations when the student is disabled under either the IDEA or Section 504. Further, districts must continue to provide a free appropriate public education to IDEA-eligible students with disabilities who have been suspended for more than ten (10) school days or expelled.

Outlined below are the procedural procedures and disciplinary proceedings that pertain to these situations. Beyond the basic due process rights afforded to all students:

- The Individuals with Disabilities Education Improvement Act (IDEA) and Section 504 of the Rehabilitation Act impose additional procedural requirements when excluding students with disabilities for disciplinary reasons.
- Students with IEPs **or** 504 Plans **or** any student whom the District has reason to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education are entitled to the additional procedural safeguards.
- A Manifestation Determination **must** be conducted prior to any removal constituting a disciplinary change of placement.
- **When appropriate**, an FBA (Functional Behavioral Assessment) **must** be developed or a review of an existing Behavioral Intervention Plan (BIP) **must** be conducted.
- A Functional Behavioral Assessment is required **only** after determining that the conduct was a manifestation of the student's disability or when found to be appropriate by the TEAM.
- A Manifestation Determination **must** be held within ten (10) school days of any decision to impose discipline that would result in a **change of placement** to determine whether the conduct giving rise to the discipline was a manifestation of the student's disability.
- Provision of services/FAPE (Free Appropriate Public Education) **must** be provided to IDEA-eligible students as of the **11th cumulative day of removal**.

If the behavior is **not** a manifestation of the student's disability:

- The principal **may** impose sanctions applicable to all students.
- The principal **must** provide FAPE, as determined by the IEP TEAM, for students on IEPs as of the 11th day of removal.
- There is **no** obligation to provide FAPE for 504 students although they have the right to an opportunity to make academic progress during the period of exclusion in accordance with M.G.L. c.76, §21.
- Stay Put Rights: A student remains in disciplinary placement pending expiration of the disciplinary sanction or until a decision from a Hearing Officer.

If the behavior **is** a manifestation of the student's disability:

- The student returns to school prior to the 11th day, **unless** the conduct meets the criteria for a unilateral removal, the school district obtains parental consent, **or** there is a Hearing Officer's order, **or** a temporary restraining order (TRO) has been issued.
- A student with a disability may be placed in an Interim Alternative Educational Setting (IAES) only upon the recommendation of the TEAM **and** the consent of the parent/guardian, or the student if he/she is 18+. Under certain specific circumstances, a student **may** be unilaterally placed in an IAES by his/her TEAM.

A student **can** be unilaterally removed, regardless of the manifestation determination, to an IAES for **up to forty-five (45) school days** for:

- Possession of a dangerous weapon on school premises or at a school sponsored or school related event.
- Possession or use of illegal drugs on school premises or at a school sponsored or school related event.
- Solicitation of a controlled substance on school premises or at a school sponsored or school related event.
- Causing serious bodily injury.

The 45-day IAES **must**:

- Enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the IEP.
- Provide services and modifications designed to address the behavior that gave rise to the removal and to prevent the behavior from recurring.
- **End** at the conclusion of the 45 school day period **and** the student shall be returned to his/her previous placement **unless** the parent/guardian/student consents to an extension of the IAES or an Order is obtained authorizing the student's continued removal.

The school district will comply with all state and federal statutes regarding the discipline of students with special needs. For more detailed information regarding these laws and regulations see the Parent's Notice of Procedural Safeguards, the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) (PL: 108-446), Section 615, and Section 504 of the Rehabilitation Act of 1973.

RESOURCES

Helpful Links (*please click on the blue hyperlink to bring you to the appropriate resource*)

[The Federation for Children with Special Needs](#): provides information, support, and assistance to parents of children with disabilities, their professional partners, and their communities.

[Parents' Guide To Special Education](#): A resource for parents, and the organizations that serve them.

[Massachusetts IEP Process Guide](#): This guide is designed to be read and reviewed with its companion document, IEP Forms and Notices. IEP Forms and Notices contains a quick reference sheet, form and notice directions and copies of the coded forms and coded notices.

[Family Educational Rights and Privacy Act \(FERPA\)](#): (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

[Massachusetts Special Education Regulations](#): 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.

[Massachusetts Family Ties](#): is a resource network for parents and professionals supporting children and youth with special needs. They provide information and referral services, emotional support, and helpful training events

[The Office of Civil Rights](#): The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces federal civil rights laws, conscience and religious freedom laws, the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule, which together protect your fundamental rights of nondiscrimination, conscience, religious freedom, and health information privacy

[Notice of Procedural Safeguards](#): Under IDEA 2004 school districts must provide this once per year to all parents of eligible students with disabilities. In addition to the annual distribution of the PNPS, school districts must give the PNPS to parents/guardians when an initial evaluation of a student is requested by the parent or another person; upon the parent's request for a copy; and when a student with a disability is removed from his or her placement to an interim alternative educational setting as a result of discipline.

Common Acronyms in Special Education

AAC-	<i>Augmentative and Alternative Communication</i>
ADA -	<i>Americans with Disabilities Act</i>
ADD -	<i>Attention Deficit Disorder</i>
ADHD-	<i>Attention Deficit Hyperactivity Disorder</i>
AT -	<i>Assistive Technology</i>
BSEA –	<i>Bureau of Special Education Appeals</i>
CMR -	<i>Code of Massachusetts Regulations</i>
DESE -	<i>(Massachusetts) Department of Elementary and Secondary Education</i>
ESY -	<i>Extended School Year</i>
FBA-	<i>Functional Behavior Assessment</i>
FERPA -	<i>Family Education Rights and Privacy Act</i>
FAPE -	<i>Free Appropriate Public Education</i>
IDEA -	<i>Individuals with Disabilities Act</i>
IDEIA -	<i>Individuals with Disabilities Education Improvement Act</i>
IEP -	<i>Individualized Educational Program</i>
LD -	<i>Learning Disability</i>
LEA -	<i>Local Education Agency</i>
LRE -	<i>Least Restrictive Environment</i>
NCLB -	<i>No Child Left Behind</i>
OCR -	<i>Office of Civil Rights</i>
OSEP -	<i>Office of Special Education Programs of the United States Department of Education</i>
OT -	<i>Occupational Therapy</i>
PAC -	<i>Parent Advisory Council</i>
PQA -	<i>MA DESE Office of Program Quality Assurance Services</i>
PT -	<i>Physical Therapy</i>
RTI –	<i>Response to Intervention</i>
SPED -	<i>Special Education</i>
504 -	<i>Section 504 of the Rehabilitation Act of 1973</i>

Special Education Timelines

Days are calendar days unless specified as school days

Request for an Evaluation

*Written response from school district within **5 school days** of request.*

Evaluation (Initial and Re-evaluation)

*Evaluations must be done within **30 school days** from date of receipt of parental consent.*

Team Meeting and Provision of Proposed IEP (Initial and Re-evaluation)

***45 school days** from the date of parent consent for evaluation; two copies of proposed IEP are provided the parents within **10 calendar days** after a Team meeting.*

Assessment Reports

*Made available to parents/guardians **2 days** prior to the TEAM meeting upon request.*

Invitation to Team Meeting (all meetings)

*Written notice must be provided **10 days** prior to the scheduled Team meeting unless parent requests to meet sooner and waives invitation notice.*

Placement Meeting (when separate meeting is needed)

*The Team must convene within **10 school days** following the meeting at which the Team developed the IEP.*

Parent Response to Proposed IEP and Placement

***30 days** from receipt of proposed IEP and Placement; otherwise the IEP is considered rejected.*

School District Response to Rejected IEP and/or Placement

*Within **5 days** of receipt, the school district must send written notice to the BSEA of rejection.*

Annual Review Meeting

*Held within **12 months** of when current IEP was developed.*

Three-Year Re-Evaluation Determination

*Every **3 years**, or sooner, if necessary.*

Independent Education Evaluation (IEE)

*Within **10 school days** from school district receipt of IEE report, the Team must reconvene to consider the report and determine if a new or amended IEP is appropriate*

Extended Evaluation (EE)

*With parents' consent, an extended evaluation may extend longer than one week but no longer than **8 school weeks**.*