Revere Public Schools Mission/Vision Statement

Mission Statement

Provide personalized and meaningful education to all students so that they individually experience superior personal development by:

- Engaging all members of our educational community in the decision-making process
- Ensuring rigor and relevance throughout all curricular areas
- Ensuring positive relationships among all members of the school community
- Fostering resilience within all members of the school community
- Fostering and celebrating innovation throughout our system

Vision Statement

Our school community is multicultural and diverse. Revere celebrates this rich tapestry of heritage and aspirations and remains united in its efforts to realize the full intellectual, social, and physical potential of every child. In this endeavor, we shall maintain a safe environment that nurtures curiosity, dignity, and the promotion of social responsibility.

Our vision impels us to advocate the following:

We will endeavor to empower all members of our educational community in the decision-making process. The achievement of excellence requires the dedication, support, and understanding of all individuals.

Superior individual development is the goal for all of our children, and we will not be satisfied with lowered expectations of achievement. We realize this expectation will require the use of a broad range of instructional methodologies and curriculum offerings. We will support one another in the development of these skills and programs and will hold ourselves accountable.

Our schools must be hallmarked by innovation. We will encourage and support teachers to explore new methods and materials. Achievement of educational excellence is not within the domain of the timid. In order to meet the constantly changing needs of our students, the Revere schools must remain at the forefront in the use of instructional methodology and materials.
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1.0 INTRODUCTION & PURPOSE

The Revere Public Schools Special Education Procedural Manual has been 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. Required forms and documents referred to in this manual can be found in the Appendix section.

All special education personnel responsible for the implementation or coordination of special education evaluation and services should become familiar with the practices and procedures as well as use only the forms referenced within this manual.

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.

1.1 Communication With Non-English Speaking Parents

When working with families whose primary language is not English, the district is required to provide translation services. These services may include interpreters at team meetings, as well as having documents translated. All special education documentation sent home should be translated for the family. This would include, for example, N1s, Evaluation Consent Forms, Meeting Invitations, assessments, IEPs. Copies of all interpreted documents should be sent to the Special Education Office to be maintained as part of the student’s file. When translation services are required, please contact the Special Education Office. At each Team meeting, the Team chairperson (Evaluation Team Leaders for Initial/Re-evaluations and Liaisons for Annual Reviews) should complete the Home Language Survey (see Appendix 1.1) to document whether oral interpretation and/or written translations are required. The Home Language Survey should be completed annually until the parents indicate they do not require either oral interpretation or written translations. This signed form should be sent to Special Education Office to be maintained in the student’s file.

When an evaluation by a district staff member is being translated, a copy of the evaluation should be emailed to the Special Education Office Administrative Assistants as a word document to facilitate the translation process.
2.0 REFERRAL PROCESS

2.1 Pre-Referral Requirements and Response to Intervention

A primary result of the Massachusetts Education Reform Act of 2000 reinforces the belief that general education curriculum is for each and every student. Therefore, 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 one”, Massachusetts Department of Education, March 2001.

The Revere Public Schools has adopted Response to Intervention (RTI) as an avenue for gathering data and implementing interventions and/or supports prior to a referral for special education.

Building-Based Support Team (BBST) is a process that enables teachers to meet collaboratively to share their expertise and review academic, social and emotional data on students experiencing difficulties accessing the curriculum. The BBST follows the federally required model of RTI, which is a three-tiered model with increasing levels of intervention and the layering of instructional support as part of the general education program. Philosophically and practically, it aims to assess a student’s area(s) of need, provide remediation, interventions and to measure the gains or continuing challenges the student may be having. Although some students may eventually be referred for special education services, the BBST is Revere’s process prior to consideration for special education.

2.2 Referral for Initial Evaluation

A referral for an initial evaluation to determine eligibility may be initiated by a parent or any person in a care-giving or professional position concerned with the student's development (Parent Referral) or as the result of the BBST Process (School-based Referral). BBST process will also be implemented in conjunction with a parent referral for evaluation. A parent’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 interventions (i.e.: District Curriculum Accommodation Plan (DCAP), RTI, etc.). In any case where the parent 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 respond in writing to the request within five (5) school working days (See Section 2.6 – Responding to a Parent Request). Parental consent must be obtained before conducting any evaluation for special education services.

In the case of a request for an evaluation for the purpose of College Board testing, the district is not obligated to complete the evaluation.
2.3 School Referral

Once the BBST has determined that all efforts have been made to meet the needs of the student, the BBST may refer the student for evaluation in order to determine special education eligibility. Documentation of this referral must be included in the student record. *The team will propose evaluations in the areas of suspected disability (areas of concern).* The Evaluation Team Leader (ETL) 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 ETL will notify the parents of the school district’s proposal for an initial evaluation. The ETL shall send notice and consent within a “consent packet” (including Parental Notice of Procedural Safeguards, N1, and Evaluation Consent) and shall coordinate the evaluation process. (See Section 2.7 - Sending out Consent to Evaluate)

2.4 Parent Referral

A parent (including foster parent, guardian, an individual with whom the child lives, or an individual legally responsible for the child’s welfare) or any person in a care-giving or professional position concerned with the student’s development may refer a student at any time for an initial evaluation to determine eligibility for special education. This referral may be made either orally or in writing. If a parent or caregiver verbally requests an evaluation, the ETL should be notified immediately. Parents are strongly encouraged to submit a written request for an evaluation; however verbal confirmation of the parent’s decision to pursue a special education evaluation also necessitates that the referral process begin. Upon receipt of parent referral, the school district must respond in writing to the request within five (5) school working days (See 2.6 – Responding to a Parent Request). Parental consent must be obtained before conducting any evaluation for special education services.

District staff should inform parents about the instructional support process through the BBST available in their child’s school and provide parents with an opportunity for this support process to take place as a first step. Parents should be encouraged, *but are not obligated* to access the instructional support process for their child as a prerequisite to a special education evaluation. Parents should be told of their right to request a special education evaluation at any point. *Unless given parent permission, the instructional support process cannot delay a parent’s request for a special education evaluation.*

If a parent agrees to access the instructional support process as a first step, instead of pursuing an evaluation, the ETL shall confirm and document this via written agreement using an N1 notice. This agreement should be maintained in the student cumulative file and a copy sent to the parents.
2.5 Private School Referral

When private school personnel submit a referral for a special education evaluation, the ETL must notify the parents 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. An evaluation cannot be conducted without receipt of signed parent consent. The district must respond as described above in Section 2.3 – School Referral.

When a parent of a private school student contacts the school district to request a special education evaluation, the same process as described above in Section 2.4 – Parent Referral should be followed. The ETL assigned to private school evaluations is responsible for responding to referrals for students attending private schools.

2.6 Responding to a Parent Request

When a request for an evaluation has been received, the school district has 5 school working days to respond in writing. The ETL will notify the Special Education Administrative Assistant to mail the parent an Initial Evaluation Request Packet (see Appendix 2.6). The Initial Evaluation Request Packet allows parent the opportunity to provide:

- Area of suspected disability
- Educational history
- Area of concerns (health, speech, motor, etc.)
- Release to contact outside provides
- Decision on whether or not to continue evaluation process

The parent has 30 school working days to complete the packet or contact the ETL. If the ETL has not received the Initial Evaluation Request packet back after 30 school working days, the ETL should resend the Initial Evaluation Request packet and initiate the BBST process.

2.7 Sending Out Consent to Evaluate

Upon receipt of completed Initial Evaluation Request Packet indicating the parent’s decision to continue the evaluation process, the ETL will seek consent for the evaluation within five (5) school working days by mailing a consent pack to the parents which includes:

- A proposal to conduct an initial team evaluation (N1)
- An evaluation consent form (N1a)
- A notice of procedural safeguards (Appendix 2.7)

The district will propose evaluations in the areas of suspected disability (areas of concern).

An evaluation process cannot begin until the school district receives signed consent to evaluate from parents. See Section 3.1 – Initial Evaluation for beginning the evaluation process once in receipt of signed parental consent.
Consent for an initial evaluation for wards of the state is not required if the LEA cannot, after reasonable efforts, locate the parent or the parent’s rights have been terminated under state law or a judge has subrogated the parent’s rights to make educational decisions. The District is obligated to seek a surrogate parent, through the DESE, for wards of the state. A ward of the state includes foster children (except if child has a foster parent) and a child in the custody of a public child welfare agency.

2.8 Parent Does Not Submit Signed Parental Consent

If signed parental consent has not been received within thirty (30) calendar days excluding summer break, then the consent packet will be mailed a second time with the date documented. If signed parental consent has not been received within two (2) calendar weeks of the second attempt, the consent packet will be mailed a third time with the date documented. If signed parental consent has not been received within two (2) calendar weeks of the third attempt, the ETL will notify the Assistant Director of Special Education.

Additional efforts to obtain parental consent will be made and documented. If the parent revokes consent or refuses any evaluation and the District determines that such action will deny the student a Free Appropriate Public Education (FAPE), the district shall seek resolution through the Bureau of Special Education Appeals (BSEA).

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

2.9 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 ETL must ensure a Team meeting is scheduled such that the proposed IEP and N1 or written notice of the finding of no eligibility (N2) will be sent no later than fourteen (14) days after the end of the school year. For consents received fewer than 30 school days prior to the end of the school year, the timeline starts at receipt of consent, stops on last day of school and re-starts at the start of the following school year (See 603CMR28.05(1)).

2.10 Early Childhood Evaluation Requests

Upon referral, Revere will 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 will be conducted in adherence to the timelines described in Section 3.1 – Initial Evaluation in order to ensure that if such child is found eligible, special education services begin promptly at age three depending on the date of the initial referral.

For evaluation requests received from Early Intervention Programs the district will follow the process outlined above in Section 2.3 – School Referral.
3.0 EVALUATION PROCESS

3.1 Initial Evaluation

Upon receipt of signed consent by the parent, the school district shall provide or arrange for the evaluation of the student by a multidisciplinary team within **30 school days**. The ETL will complete a Special Education Evaluation Meeting Notice with Attendance Sheet outlining roles and responsibilities including Team Chairperson (Appendix 3.1). A Team meeting must be scheduled within **45 school days** from receipt of consent.

The ETL is responsible for notifying the evaluation team members that consent has been received and assessments can be scheduled. The ETL will schedule the Initial Team meeting to occur within **45 school days** from receipt of consent and send to the parent(s) the following:

- A notice of team meeting
- An attendance sheet (N3a)

3.2 Assessment(s)

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 Assessment Forms Part A & Part B (Appendix 3.2) by a representative of the school district.

**Required Assessments:**

- A history of the student’s educational progress in the general curriculum. Such assessment shall include information provided by a guidance counselor, building administrator or ETL 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)

- 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.

**Optional Assessments:**

- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.

- An academic/achievement assessment by a qualified special education teacher, psychologist or other qualified personnel.
● Any other evaluation necessary to address referral questions or suspected areas of disability (assessments may include Speech/Language, Occupational Therapy, Physical Therapy, Home Assessment or 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.

Evaluations must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide and administer.

### 3.3 Assessments Required for Suspected Specific Learning Disabilities (SLD) Determination

When a specific learning disability is found to be the primary disability impacting a student’s ability to access the general curriculum, a specific set of forms (Appendix 3.3) 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.

### 3.4 Assessment Reports

All evaluation reports should be written in clear, parent-friendly language and be translated into the parent’s primary language at the parent’s request, if the primary language is not English. Evaluation reports should summarize and interpret results and diagnostic impressions, identify educationally relevant accommodations and/or modifications, and provide a service recommendation. This information will help the Team determine eligibility and identify appropriate services based on the student's present level of educational performance and areas of need arising from the student's disability.

An eligibility determination needs to be made by the Team of qualified professionals and parents. The Team deciding on eligibility must rely on a variety of assessment materials when determining whether the student is eligible for special education. The Team must be sure that they have attempted to obtain parent input and have gathered sufficient data for making the eligibility determination. Information must be gathered in all areas of suspected disability.

Assessments shall be completed prior to discussion by the Team and shall be made available in the Special Education Office to the parents at least two (2) school days in advance of the Team meeting. This includes Educational Assessment Parts A & B.
Each person conducting an assessment must send the ETL and the Special Education Office final, signed copies at least two (2) school days in advance of the Team meeting. These reports must be submitted prior to the end of the third school day before the team meeting. For example, if a meeting falls on a Thursday, evaluations are due at the close of school on Monday. If a meeting falls on Tuesday, evaluations are due at the close of school on Thursday. The report must follow district formatting, using 12-point, Times New Roman Font and one inch margins (Appendix 3.4 – Assessment Report Template).

When an evaluation by a district staff member is being translated, a copy of the evaluation should be emailed to the Special Education Office Administrative Assistants as a word document to facilitate the translation process.

3.5 Re-evaluation Process

A re-evaluation will be conducted for each student with a current IEP every three years or more frequently if requested or recommended. Re-evaluations may not occur more frequently than once a year unless both parents and LEA agree that evaluation is needed. Once signed parental consent for the re-evaluation is received, ETLs shall complete the Special Education Evaluation Meeting Notice outlining roles and responsibilities including Team Chairperson for all Team Members (Appendix 3.1).

When a student is referred for a re-evaluation, 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 consent to waive the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver. When there are school-based recommendations for waived assessments, the ETL should contact a parent/guardian directly to discuss the waiver process. However, in the case of high school students where there are usually specific transitional needs, a psychological and an academic evaluation should be routinely conducted when due.

An evaluation is required prior to ending any IEP service including consultation. The evaluation can be a combination of standardized assessments, curriculum-based and/or classroom-based assessment data.

3.6 Psychological Evaluations for Re-evaluations

After the ETL reviews the existing evaluation data (from the last evaluation and any assessments that have been completed within the last three 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;

2. Determine, in collaboration with the 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 parents sign. 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 **45 school days prior** to the 3-year re-evaluation date indicated on a student’s IEP, the ETL will send out an Evaluation Consent Packet consisting of:

- A proposal to conduct a re-evaluation (N1)
- An evaluation consent form (N1a)

An evaluation process cannot begin until the school district receives signed consent to evaluate from parents. Please refer to Section 2.8 – Parent Does Not Submit Signed Parental Consent if the parent does not provide consent for the re-evaluation.

Please refer to the Section 3.1 - Initial Evaluation for information pertaining to the process and procedure for an evaluation once consent is received.

3.7 **“Private Evaluation” - Private Evaluation at Parent Expense**

When a parent submits to the school/school district an evaluation report for a student who is **NOT** currently receiving special education services, the designated building personnel (e.g. Assistant Principal, Guidance Counselor) shall contact the parents to either discuss concerns or to schedule a meeting with the classroom teacher. The purpose of the discussion should be to gather information about the parent’s concern, discuss available supports in place or available through general education, and determine if a referral for special education evaluation or 504 Accommodation Plan is being requested or would be appropriate. The ETL and/or Assistant Director of Special Education should be notified of the receipt of the evaluation and be kept apprised of the results of the discussion or referral process.

For students already receiving special education services whose parent(s) submit private evaluations, the school district has **ten (10) school working days** in which to schedule a Team meeting to review and consider information and recommendations included in the report. The ETL should be notified immediately of the receipt of the private evaluation so that he/she can schedule the Team meeting.

If a parent is providing a private evaluation during the three-year evaluation process, the district is still obligated to conduct its own assessments. The ETL should consult with the parents as to the details so that the district does not duplicate the testing, thereby invalidating results of the later evaluation.

3.8 **Independent Educational Evaluation**

If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, the parent may request an independent education evaluation (IEE). Parents may obtain a private education evaluation at private expense at any time. If the parent requests an IEE at public expense, the district must respond to the parent within 5 calendar days. In response, the district may either pay for the IEE (at public rates only) or request a determination from the BSEA that the district’s evaluation was comprehensive and appropriate. The ETL should immediately notify Assistant Director of Special Education of any
request for an IEE so that the appropriate response can be made and timelines followed. The parent's right to request an IEE is extended up to 16 months after an evaluation or re-evaluation process has been completed.

3.9 Extended Evaluation

In order to consider an extended evaluation, the Team must have determined the student eligible for special education services.

1. The Team found the student eligible for special education and developed a partial or full IEP but recommended further assessment (Once the parent accepts the partial or full IEP, services must be implemented immediately).

2. The Team found the student eligible for special education but recommended further assessment before developing an IEP.

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

If the parent consents to or accepts extended evaluation (Appendix 3.9), 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.*
4.0  THE TEAM PROCESS

4.1  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 district who has the authority to commit resources (Team Chairperson);
- 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 IEP Team meeting (See Section 6.3 – Transition Planning)

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

*For any student placed in a substantially separate placement who does participate in general education classes or specials/enrichment/essentials even if only for short opportunities, the general education teacher familiar with the student must attend the team meeting.

4.2  Scheduling the Team Meeting

The Team Chairperson (the ETLs for Initials/Re-evaluations and the Liaisons for Annual Reviews and Reconvenes) will schedule the Team meetings by providing written notice to parents at least ten (10) school days prior to the meeting. The Team Chairperson is responsible for sending home the Meeting Invitation with the Attendance Sheet outlining roles and responsibilities including Team Chairperson (Appendix 3.1). Team Chairperson is responsible for notifying staff of the meeting and sending a copy of the Meeting Invitation with Attendance Sheet to the Special Education Office. A good practice would be for the Team Chairperson to also send staff an electronic calendar invitation.

4.3  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 have provided signed permission to excuse the Team member and the absent Team member has provided written input (i.e.: academic progress, accommodations, goals/objectives). A Team Member Attendance Excusal Form (Appendix 4.3) must be signed by the parent prior to or at the start of the Team meeting in order for the meeting to be held.

4.4  Private School

In the case of a student attending a private school, the ETL should encourage the parent to include a representative from the student’s school to attend the Team meeting with agreement by the parent. A
Consent for Release of Information should be included with the Meeting Invitation so the Team can obtain student’s current performance information.

4.5 Meeting Date/Time Change at Parent Request Or Parent Did Not Attend

In the event the parent contacts the school district in need of rescheduling the Team meeting time and/or date, the Team Chairperson (ETL or Liaison) must send out a NEW Notice of Team Meeting Date and should use the text box for “Other Reason” to make note of the parent requested change: “Meeting date changed per parent request.” Copies of both meeting invitations should be included in the completed packet sent to the Special Education Office.

In the event a parent does not attend a scheduled Team meeting, the present Team members should sign-in on the Attendance Sheet. The Team must make three attempts to elicit the parent’s participation. An updated meeting invitation must be sent for each Team meeting noting it is a second or third attempt. When generating the new Notice of Team Meeting Date also use the text box for “Other Reason” to note the different attempts (i.e. “Second Attempt”, “Third Attempt”, etc.) The Team Chairperson should also attempt calling and/or emailing the parent to identify possible meeting dates and times that would be convenient for the parent to attend. If the parent does not attend on the Team’s third attempt to meet, the Team may conduct the Team meeting without the parent. Efforts to contact and encourage the parent’s participation should be noted in the IEP and the N1.

4.6 Audio Recording of Team Meetings

Audio recording of Team meetings will not be allowed by parents, advocates, staff, etc. unless the parent and/or advocate provides notice at least two (2) school days in advance of Team meeting to allow the District to arrange a simultaneous audio recording the meeting. The audio recording should be transferred to a CD, flashdrive, etc., labeled and stored in the Special Education Office as part of the student’s record.

4.7 Team Responsibilities

The Team is responsible for managing three important activities:

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

4.8 Decision Making at Team Meetings

Team decisions are based on consensus, not majority votes. The Team must come to consensus regarding each component of the Eligibility Determination process, IEP development and placement decision. When disagreement arises, the Team must make a good faith effort to review available data, discuss differences and agree on the decision as a group. If the Team still has not reached consensus on a component of the IEP after a good faith effort to address differences, it is the sole responsibility of the Team Chairperson to make the decision and proposal for the Team.
4.9 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 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.

Disabilities Categories:
- Autism
- Communication
- Developmental Delay (ages 3-9 only)
  - Developmental Delay cannot apply to students beyond age 9. Team should re-evaluate early if the student will be turning 10 years old and is identified as having a Developmental Delay disability.
- Emotional
- Health
- Intellectual
- Neurological
- Physical
- Sensory
  - Hearing
  - Vision
  - Deaf-Blind
- Specific Learning Disability

4.10 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 with the Proposed IEP. This form should be completed and included in the packet sent to Special Education Office.

If a student is found to have a disability, and 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 affect 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 or altering the material content, but do allow students to receive information or demonstrate understanding in a more effective manner based on their individual needs. The District Curriculum Accommodation Plan (DCAP) is an important document and reference for additional information about general education supports and interventions, including best practice accommodations. The DCAP is available at each building.

4.11 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. (See Section 5.0 - Development of the IEP).

4.12 Finding the Student Not Eligible

If the Team determines the student is not eligible for special education services, the ETL shall record the reason for such finding on the Eligibility Determination Flowchart (Appendix 4.12). This should also be documented on the Notice of Refusal to Act Form (N2). At the conclusion of the meeting, parents should be given a copy of the Eligibility Flowchart. The N2 must be sent to the parent within ten (10) school working days of the Team meeting.

4.13 Parent Disagrees with the Eligibility Finding

Parents have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA) including a finding of no eligibility. Parents may contact the BSEA directly. Information regarding how to contact BSEA is included in the Notice of Procedural Safeguards sent to parents with the consent packet. Parents should be asked if they are satisfied with the evaluations completed by the school district. If parents disagree with the district’s evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the parent requests an IEE at public expense, the 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 district’s evaluation was comprehensive and appropriate. (See Section 3.9 - Independent Educational Evaluation).

4.14 Section 504 Accommodation Plan

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 more major life activities. Major life activities include learning. Determination of eligibility for a 504 Accommodation Plan is a separate process from the special education eligibility process and is coordinated through the Principal, Assistant Principal or 504 Coordinator.

If a parent or school member wishes to pursue a 504 eligibility process, they should be directed to contact the Principal, Assistant Principal or 504 Coordinator.
Upon determining the student is eligible for special education, the Team shall develop an IEP. IEP development should begin with the student’s vision, Transition Plan and parent concerns. 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 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 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 Special Education Team Chairperson (the ETLs for Initials/Re-evaluations and the Liaisons for Annual Reviews) will facilitate the process. The IEP shall be completed using the standard IEP format provided by the DESE. Key components of the IEP include:

- Parent Concerns
- Student Strengths and Key Evaluation Findings
- Vision Statement
- Present Level of Performance for General Ed. Curriculum and Other Areas of Education
- Accommodations
- Specially Designed Instruction
- Goals/Objectives
- Service Delivery
- Schedule Modification including Extended School Year (ESY)
- Transportation
- MCAS Accommodations
- Placement

A Summary of Team Meeting Form (Appendix 5.0) must be used to document the decisions made at the Team meeting. The District cannot come to a Team meeting with a completed IEP, however, the District may bring a draft IEP as reference for the Team’s discussion. The Team, including parents, must work together to develop the IEP for the student. Parents should leave the meeting with a signed copy of the Summary of Team Meeting Form. 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 a student is not currently receiving should not be made in the absence of an evaluation that presents disability-related data to support the implementation.

Please note, for initial and re-evaluation meetings, each evaluator will be responsible for providing a summary of their evaluation for the ETL to enter into the key evaluation results section of the IEP. In
addition the liaison is responsible for entering the MCAS results (or note not applicable) as well as the disability category.

An evaluation is required prior to ending an IEP service including consultation. The evaluation can be a combination of standardized assessments, curriculum-based and/or classroom-based assessment data.

5.1 Duration of Team Meetings

Team meetings should be run efficiently so the Team is able to address the agenda and accomplish the goal of the meeting. To ensure Teams work together effectively and efficiently the following recommendations are provided:

- Make reports available to parents ahead of time for review (two (2) days prior to the Team meeting);
- Evaluators provide a summary of their evaluation rather than a detailed review;
- Draft possible goals & objectives ahead of time in Word Document for consideration at the Team meeting;
- Designate a time-keeper;
- Be sure that parents and teachers understand that the IEP is not meant to be a lesson plan;
- 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;
- Arrange for translators prior to Team meeting;
- Monitor the “temperature” of the meeting. After two hours, the team may wish to consider breaking and reconvening another day.

As discussed in Section 4.8 – Decision Making at Team Meetings, team decisions are based on consensus, not majority votes. The Team must come to consensus regarding each component of the Eligibility Determination process, IEP development and placement decision. When disagreement arises, the Team must make a good faith effort to review available data, discuss differences and agree on the decision as a group. If the Team still has not reached consensus on a component of the IEP after a good faith effort to address differences, it is the sole responsibility of the Team Chairperson to make the decision and proposal for the Team.

5.2 Special Transportation

If the Team determines the student’s disability requires specialized transportation arrangements in order to access special education services, the Team shall note in the student’s IEP the requirement for such services. In such circumstances, transportation is a related service and the determination for need should be made as 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 can occur at any type of Team meeting and the determination to provide transportation should be revisited annually. Once the team has determined the need for transportation, the ETL should complete the Special Transportation Request form and submit it to the Special Education Office (Appendix 5.2).
If a program is not offered as part of a student’s neighborhood school, the student will be provided transportation to the appropriate school but this is not considered specialized transportation. On IEP Transportation Page (IEP 6) check “no” and explain that the student is accessing services in a non-neighborhood school.

5.3 **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 significantly lose critical skills or fail to recover these skills within a reasonable time as compared to typical students. (regression/recoupment)
- The nature and 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 a child’s annual IEP meeting. School staff will complete screenings and/or collect data to help make individual recommendations. Throughout the school year school staff may be asked for ESY projections. Projections are used only for planning. They 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 the staff. In that event, the Team may wish to delay this decision until later in the year. In most cases ESY determination should be made no later than March (after 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.

5.4 **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. Testing accommodations outlined on IEP 7 must be consistent with accommodations students generally receive in their curriculum
as listed in PLEP A. Students who require alternative assessments will continue to be evaluated through the MCAS-Alt (See Section 5.5 – MCAS Alternative Assessments) until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

5.5 MCAS Alternative Assessments

For students taking MCAS Alts, parents must be notified annually that their student’s achievement will be measured based on different achievement levels than the standard MCAS test. Participation in the MCAS Alt may also delay or affect the student earning a high school diploma. Each year at the student’s initial, annual review or re-evaluation Team meeting, the liaison must have the MCAS Alt discussion with the parent and provide him/her with a copy of the MCAS Alt Parent Notice (Appendix 5.5). The MCAS Alt discussion should be documented in the Additional Information section of the IEP and on the N1.

This does not apply to “grade-level” or “competency” MCAS Alts.

5.6 Students with Disabilities and Bullying

According to the bullying legislation, Chapter 92, school districts have several responsibilities regarding students with disabilities that impact social skills. We have an obligation to teach all of our students the skills 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. The state law requires specific steps in order to ensure that students with autism and social skills disabilities are taught the skills they need, at their level, to learn to respond to bullying effectively. How the IEP Team addresses this requirement is based on understanding the social and communication skill levels of the student and ensuring that the student will:

- benefit from the general education bullying prevention curriculum as is,
- benefit from accommodations or a modified curriculum to insure he/she can access the curriculum, or
- benefit from separate goals and objectives within the IEP to address the skill deficits.

Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, §3, as amended by Chapter 92 of the Acts of 2010.)

When a student is identified with a disability that affects social skills development or autism spectrum disorders, the development of an initial or revised IEP should include focus on accommodations and skill instruction to develop social and/or language skills. Bullying is addressed through the curriculum differently 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 social skills, peer relationships, social pragmatics, communication or self-advocacy.

The Team should document the discussion within the IEP and the N1 of how it will address a student’s social skills development in order to avoid or respond to bullying if a student lacks effective strategies.

5.7 Students 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 impact progress in the general curriculum, including social and emotional development.

For students with a disability on the autism spectrum, the Autism Checklist (Appendix 5.7) helps the Team document the discussion of these seven areas of need and MUST be completed at the Team meeting. The checklist is not part of the IEP, but is a part of the student’s special education file and should be included in the IEP packet sent to the Special Education Office.
6.0 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.

6.1 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.

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 as a basis for the Team determination.

6.2 Placement Meeting

In the development of 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 in 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.
6.3 Transition Planning

For every student who will be turning fourteen (14) years old within the new IEP period, the Transition Planning Form (Appendix 6.3) should be completed at the IEP meeting. 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. The Team must consider instruction, employment, and community experiences/post school adult living goals and needs as outlined in the Transition Planning Form (TPF).

6.4 Programs for Older Students (ages 18 through 21 years)

The school district shall ensure that options are available for students ages eighteen (18) through twenty-one (21) years old to the extent required by their disability. 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.

6.5 Age of Majority:

At least one year prior to the student reaching age eighteen (18) the student and the parent must be informed about the rights that will transfer from the parent to the student upon the student’s eighteenth (18th) birthday. The notification provided to both the parent and the student must explicitly state that all rights accorded to parents under special education law will transfer to the eighteen (18) year old student. The notification must also explain the parent will continue to receive all the required notices from the school district and will have the right to inspect the student’s records, but will no longer make special education decisions for the adult student.

This discussion should take place at each Team meeting once a student turns sixteen (16) years old. It may be helpful to reference the Age of Majority form (Appendix 6.5) for this discussion with student and parent. The liaison will note in the additional information section of the IEP and in the N1 notice that the student’s age of majority rights were discussed with the student and parent.

When a student turns age eighteen (18), or the first day back in school after the student’s eighteenth (18th) birthday, the liaison must affirmatively obtain consent from the student to continue the then-current program of special education services. Additionally, all of the decision-making rights in special education that have been exercised by the parent transfer to the adult student, unless:

(1) a court has appointed a legal guardian for the student,

(2) student indicates that he or she wants to share decision-making with his or her parent (or other willing adult), or
(3) student indicates that he or she wants to delegate decision making to his or her parent (or other willing adult).

If the student chooses to share or delegate decision-making, that choice must be documented and witnessed by a representative of the school district. If the rights are being shared with the parent/guardian then the parent and student will both receive the required documents and must co-sign all documents. The student may revoke sharing or delegation of decision-making at any time. If any disagreement arises related to special education decision-making, the choice of the adult student shall prevail. The original signed Age of Majority letter will be promptly sent by the liaison to the Special Education Office for placement in the student’s special education file.

If the student wishes to take the Age of Majority form home to review with the parent, it is the responsibility of the liaison to follow-up with the student and schedule a meeting to discuss any concerns or witness completion of the form.

In the case where a student refuses consent to then-current program, liaison will notify the ETL. The ETL will follow the procedure outlined in 9.7 – Declining Special Education Services.

6.6 Graduation Notification

At least one year in advance of a probable graduation date, the Team Chairperson has the responsibility to convene a Team meeting for annual review of the IEP. At this meeting, the Team must indicate whether the student is expected to meet high school graduation standards. The Team must also communicate the likelihood of graduation to the parent at the meeting and in the IEP proposed for the student. The graduation discussion should be noted in the additional information section of the IEP. As a best practice, the graduation discussion should begin no later than the student’s tenth (10th) grade year.

IEPs proposed during the student’s final school year before graduation should be written and dated to end upon graduation.
7.0 PROPOSING IEPS

7.1 Processing the Proposed IEP for Distribution to Parents

Once IEP packets are completed, the Assistant Director of Special Education will review and sign the IEP. The two (2) copies of the IEP will be mailed home from the Special Education Office. 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.

When the parent(s) receives a Team Meeting Summary (Appendix 5.0) at the conclusion of the Team meeting, the school district has two (2) calendar weeks to send the Proposed IEP and Placement to the parent. The Team must allow time for the Special Education Office to process and mail home copies of the IEP, so the IEP must be submitted to the Special Education Office within five (5) school days of the Team meeting when parent(s) receive a Team Meeting Summary.

When the parent(s) does not receive a Team Meeting Summary at the conclusion of the Team meeting, the school district must provide the parents with a proposed IEP and Placement as soon as possible and not more than three (3) to five (5) school days after the Team meeting has been held. If, in the unusual situation where a parent requests the completed IEP within three to five school days of the Team meeting, the district must comply, regardless of whether it has provided a Team Meeting Summary. In both cases, the Team must allow time for the Special Education Office to process and mail home copies of the IEP, so the IEP must be submitted to the Special Education Office within two (2) school days of the Team meeting.

An IEP checklist titled IEP Checklist/Coversheet (Appendix 7.0) has been created to guide team chairpersons on the compilation of the IEP packets to be submitted to the Special Education Office for processing. The IEP Checklist/Coversheet MUST be completed in full by the team chairperson. IEP packets must include all necessary components in the listed order outlined on the checklist when they are submitted for processing.
8.0 IMPLEMENTATION OF IEP

8.1 Processing Parent’s Response to Proposed IEP

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

- Accept or reject the IEP in whole or in part;
- Request a meeting to discuss the rejected portions of the IEP; or,
- If mutually agreed upon, accept a revised proposal; and,
- Accept or reject the proposed placement.

If parents have not responded to the IEP within thirty (30) calendar days, the liaison notifies the Special Education Office and a second notice is sent home with a copy of the IEP as well as the signature pages. The liaison may also attempt to send a copy of the IEP as well as signature pages home with the student. If the parents have not responded to the second notice after fifteen (15) calendar days, the liaison notifies the Special Education Office so the additional attempt can be documented in the student’s file. If the parents have not responded after the third attempt after ten (10) calendar days, the IEP is filed as rejected with the BSEA by Special Education Office.

8.2 Receipt of Signed IEPs

The Special Education Office immediately date stamps the signature and placement pages. The Special Education Office’s Administrative Assistant will change the IEP status in EasyIEP. If an IEP is rejected, in whole, or in part, the signature page and placement page will be immediately date stamped and submitted along with the Administrative Date page to the BSEA within five (5) school days of receipt by the district.

Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay. For students younger than three years old, the school district shall implement all accepted elements of the IEP at age three (3) years old.

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 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, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

8.3 Receipt of Partially Rejected and Fully Rejected IEPs

When an IEP has been rejected in full the IEP status will appear in EasyIEP as Rejected. When it is rejected in part the IEP status will appear in EasyIEP as Partially Accepted. The Special Education Office will immediately provide the ETL, who will share with the Team, a copy of the parent’s response. 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 ETL. If questions still remain, the ETL will contact the Assistant Director of Special Education for clarification.

The Team Chairperson can revise the IEP to address the partial or full rejection if the Team Chairperson believes those changes are appropriate (See Section 8.5 – IEP Revisions). Otherwise the Team Chairperson will schedule a reconvene meeting to address the parent’s concerns within ten (10) school days of receiving the partially or fully rejected IEP.

8.4 Amendments
At times it is necessary to amend an IEP. An amendment can be conducted via phone contact or email with the parent(s). An amendment cannot extend the length of the IEP, nor can an amendment change placement, which includes adding or removing services. 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 (See 8.5 – IEP Revisions). An N1 is always included with an amendment.

8.5 IEP Revisions
Once a Team meeting has been held and a proposed IEP has been sent to parents for response, a Team may revise or further develop the proposed IEP with parent agreement and input. The type of meeting and dates on the administrative page would not change. The updated N1 should clearly state that the IEP has been revised with the date of the Team meeting or parent contact as well as who precipitated the revision. Details of why and how the IEP was revised should be noted in the N1. Once the parents respond to the proposed revised IEP, the district will follow the policy outlined in Section 8.2 -Receipt of Signed IEPs.

8.6 Declining Special Education Services
If, after accepting IEP services, a parent chooses to decline those services, the parents should be provided with a Termination of Services Form and the Declining of Special Education Services letter (Appendix 8.6). Once this form is signed and received, it should be sent to the Special Education Office.

8.7 Students New to Revere Public Schools
When a student enrolls in Revere Public Schools with an IEP from another in-state school district, the district will implement comparable services without delay. The IEP Team should reconvene within four (4) to six (6) school weeks to discuss the student’s transition into Revere Public Schools and propose any necessary updates to the student’s IEP.

When a student enrolls in Revere Public Schools with an IEP from an out-of-state school district, the district will implement comparable services without delay. Upon enrollment, the district will seek consent to re-evaluate the student’s needs and determine eligibility for special education services.
9.0 PROGRESS MONITORING

9.1 Progress Monitoring/Progress Reports

Developing well written and meaningful progress reports starts with well written goals that include a statement of current performance, a goal statement, and objectives or benchmarks. Teams should use the current performance section as the starting point based on what the student is currently able to do. The goals are the end points and the 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 goal and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period.

Progress reports must be sent to the parents at least as often as parents of nondisabled children are informed of their children’s progress (in conjunction with report cards). In Revere, the frequency of reporting is as follows:

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool</td>
<td>Two Per Year</td>
</tr>
<tr>
<td>Elementary (K-5)</td>
<td>Three Per Year</td>
</tr>
<tr>
<td>Middle School</td>
<td>Four Per Year</td>
</tr>
<tr>
<td>High School</td>
<td>Four Per Year</td>
</tr>
</tbody>
</table>

By federal regulation, progress reports must answer the following two questions for each goal:
- What is the student’s progress toward the annual goal?
- 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 where appropriate (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 reconvene. The Team must discuss if the IEP and related goals are appropriately developed to provide the student with an opportunity to receive meaningful benefit from the educational experience necessary for FAPE. Team should determine if the student’s lack of progress is disability-related.

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.

9.2 Mailing Home and Filing Progress Reports

Each term the district must provide parents with notice on student’s progress towards meeting his/her IEP goals. The Progress Reports must be mailed or sent home at the same time as report cards. Liaisons are responsible for finalizing and printing two copies of each Progress Report for students on their caseload. One copy to be mailed/sent home and one copy sent to the Special Education Office for filing and translating if necessary. Progress Reports for the students on their caseload.

Progress Reports sent to the Special Education Office must be sorted by languages. Use the Progress Report Coversheet (Appendix 9.2) to identify whether or not translation is required and if so, what language. Please use a different coversheet for each language. For example, if some Progress Reports need to be translated into Spanish and others translated into Arabic, send three different packets with a different coversheet for each: (Packet 1 = No translation required, Packet 2 = Translate into Spanish, and Packet 3 = Translate into Arabic.).

For Early Childhood student, Progress Reports should be mailed/sent home twice: (1) the Friday after the Martin Luther King Day and (2) the last day of the school year.

9.3 Retention of Students with IEPs

When the school administration first considers a student with an IEP for possible retention, the school principal or designee will notify the school’s ETL. The student’s IEP Team must reconvene to discuss the appropriateness of the student’s IEP, whether the potential retention means student is not making adequate progress toward IEP goals and if so, whether failure to make adequate progress is disability-related. Discussion should be documented with an N1 and if necessary, an updated IEP.
10.0 STUDENT DISCIPLINE PROCEDURES

10.1 Disciplining Students with Disabilities

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 and 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 protections 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 had reasons to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education are entitled to the additional procedural protections.
- A Manifestation Determination must be conducted prior to any removal constituting a disciplinary change of placement.
- **When appropriate**, a Functional Behavioral Assessment (FBA) must be conducted along with the possible development or review a Behavioral Intervention Plan (BIP).
- An FBA 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 discipline was a manifestation of the student’s disability. As a best practice, a Manifestation Determination should occur prior to any discipline proceedings which may result in the student being suspended for more than ten (10) school days.
- Provision of services/FAPE (Free Appropriate Public Education) must be provided to IDEA–eligible students as of the eleventh (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 IEP Team, for students on IEPs as of the eleventh (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 eleventh (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 eighteen (18) years or older. Under certain specific circumstances, a student may be unilaterally placed in an IAE by his/her Team.

A student can be unilaterally removed, regardless of 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 forty-five (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 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 Parents’ 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.
11.0 REQUESTS FOR SERVICES

11.1 Request for Services

Whenever a request for additional services is made, the liaison should contact the ETL who, in turn, will determine the appropriate course of action.

- Request for Translation/Interpreter Services:

Whenever a family requires translation and/or interpreter services and building-based options are not available, the ETL will initiate the process for obtaining translation services by contacting the Special Education Office at least two (2) calendar weeks prior to the meeting date.

- Request for Duplicate Records:

If a request for special education records is received at the school level, the school principal or designee should contact the Special Education Office. Documents will be made available within ten (10) calendar days of receipt of the request. One copy is provided at no charge, but additional copies are provided at a cost of $0.05 a page.

11.2 Release of Information

In order to protect confidentiality of students, when communicating with private service providers of student, or releasing records, the district requires that parents sign a Consent for Release of Information form (Appendix 11.2).

11.3 Parent Request for Observations

The Revere Public Schools collaborates with parents to provide timely response to requests received for observation of their children’s current or proposed special education programs. The parent or his/her designated private evaluator or educational consultant may conduct observations. Revere 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 ETL will notify the building principal and Assistant Director of Special Education of any requests for observation. In order to assist in timely scheduling, the ETL (or the Assistant Director of Special Education’s designee) will contact the identified observer directly within seven (7) school days of parental request for observation to discuss the purpose, duration and potential dates of the observation.

Prior to the observation occurring, the ETL will send home the completed Observation Consent Form and the Confidentiality Agreement (Appendix 11.3) which must be signed by the parent, observer and building principal. The parent must also provide permission to communicate with observer by signing a Consent for Release of Information (Appendix 11.2).
A designated school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers, therapists and other staff 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. **No audio or video recordings are permitted during the observation.**

The 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 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 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 about student being observed, in which case it will be used consistent with the parent’s authority and direction).

11.4 **Home-Hospital Educational Services**

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

For students to be eligible for home-hospital educational services, the student’s physician or nurse practitioner must complete a Physician’s Statement for Temporary Home or Hospital Education, SPED 28R/3, form (Appendix 11.4) or an equivalent signed statement in accordance to requirements outlined in 603 CMR 28.03(3)(c). The notice must include: (1) the date the student was admitted to a hospital or was confined to home, (2) the medical reason(s) for the confinement, (3) the expected duration of the confinement; and (4) what medical needs of the student should be considered in planning the home or hospital education services.

The home-hospital educational services provided will be coordinated by the Special Education Office with the building administration. 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 collaboratives at Revere’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 Assistant
The Director of Special Education or the ETL 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 her/his 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. Home-hospital educational services should not interfere with medical needs.

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 Physician’s Statement for Temporary Home or Hospital Education, SPED 28R/3, form (Appendix 11.4) or an equivalent signed statement requirement also applies to students enrolled in private school at the parent expense.
APPENDIX

Forms/Documents
1.1 Home Language Survey
2.6 Initial Evaluation Referral Packet
2.7 Parents’ Notice of Procedural Safeguards
3.1 Special Education Meeting Notice
3.2 Educational Assessment Forms A and B
3.4 Evaluation Report Template
3.9 Extended Evaluation
4.3 Excusal of Team Members
4.12 Eligibility Determination Flowchart
5.0 IEP Team Meeting Summary
5.2 Special Transportation Request
5.5 MCAS Alt Parent Notice
5.7 Autism Checklist
6.3 Transition Planning Form
6.5 Age of Majority
7.0 IEP Checklist
8.6 Declining Special Education Services
9.2 Progress Report Coversheet
11.2 Consent for a Release of Information
11.3 Observation Agreement and Confidentiality Form
11.4 Physicians Statement for Temporary Home or Hospital Education