



MANSFIELD PUBLIC SCHOOLS

OFFICE OF SPECIAL EDUCATION

PROCESS AND PROCEDURAL MANUAL

Updated September, 2019

Table of Contents

Topic	Number
1. Introduction and Purpose	4
2. Referral Process	5-7
• Initial Evaluation	
• School Based Referral	
• Parent Request	
• Student Privately Placed by Parent	
• Receipt of Consent at the end of School Year	
• Timelines/Forms	
3. Evaluation	8-11
• Required Assessments	
• Optional Assessments	
• Evaluation Procedures	
• Evaluation Reports	
• Independent Education Evaluation	
• Re-Evaluation	
4. IEP TEAM	12
• TEAM Membership	
• TEAM Member Excusal	
• TEAM Meeting Requirements	
5. Eligibility	13-16
• Disability Categories (with definitions)	
• Effective Progress	
• Specially Designed Instruction	
• Finding for Eligibility	
• Refusal to Act	
• Finding of No Eligibility	
6. Parent's Due Process Rights	17-18
• Independent Education Evaluation (IEE)	
7. Extended Evaluations	19
8. IEP Development	20-25
9. Extended School Year Guidelines	26
10. Notes Regarding Special Population	27-33
• Bullying Prevention and Intervention	
• Transition Services	
• Age of Majority	
• 688 Referrals	
• College Testing Information	
• Summary of Student Performance	
11. Progress Reports	34

12.	Continuum of Special Education Services	34
13.	Section 504	35
14.	Discipline	36-37
15.	Physical Restraint	38-39
16.	Home and Hospital	40-41
17.	Legal Notices and Advisories	42
	<ul style="list-style-type: none"> • Parent’s Notice of Procedural Safeguards • Student Records • Voluntary Termination of Special Education Services • Home/Hospital Educational Services • Translated IEP Forms & Notices 	
18.	Appendix	43-89
	A. Educational Assessment Part A	
	B. Educational Assessment Part B	
	C. Evaluation Report Template	
	D. Autism Consideration Form	
	E. In Home Evaluation Consent	
	F. Request for Waiver of Assessments	
	G. Summary of Performance	
	H. TEAM Member Excusal Form	
	I. IEP TEAM Meeting Parent Waiver	
	J. Special Education Eligibility Flow Chart	
	K. N2 – Finding of No Eligibility and/or Refusal of Requested Services	
	L. Extended Evaluation	
	M. Required IEP Check List	
	N. Extended Year Service Recommendation	
	O. Transition Planning Form	
	P. Age of Majority	
	Q. Notice of Transfer of Parent’s Rights	
	R. Age of Consent Decision Form	
	S. 688 Referral	
	T. Manifestation Determination Form	
	U. Physician’s Statement for Temporary Home/Hospital Education	
	V. School Visitor Observation Request	
	W. Parent’s Notice of Procedural Safeguards	

INTRODUCTION AND PURPOSE

The Mansfield Public Schools is committed to providing students with disabilities access to the curriculum and general education programs. With in-district resources and necessary consultative services, we are able to provide the instruction necessary to help students with disabilities close the gap between their skill abilities and their grade level expectations.

Special education support and services should not be viewed as a separate model, but instead as a part of the continuum of supports, services and interventions created to ensure that the general education environment is responsive to the diverse learning needs of all students. Working together, general education staff and special education staff can ensure equal opportunity, full participation and increased outcomes for all learners, including students with disabilities.

This manual has been developed as a resource for the Mansfield PK-12 Staff, Administration and Community. It references state and federal regulations and the processes of the Mansfield Public Schools. The following policies and procedures are aligned with:

- The Massachusetts Department of Education, Massachusetts General Laws ch. 71B, et seq., Special Education Regulations 603 CMR 28.00 et. seq. and IDEA 2004.
- The Individual with Disabilities Education Improvement Act of 2004 aligns IDEA closely to the No Child Left Behind Act (NCLB), helping to ensure equity, accountability and excellence in education for children with disabilities.
- Section 504 The Rehabilitation Act of 1973 (as amended).

Referral Process

Referral for Initial Evaluation

A student may be referred for an evaluation by a parent or any person in a care-giving or professional position concerned with the student's development. All interventions, instructional practices and accommodations should be documented in the Response to Intervention (RTI) process if the referral for special education has been put forward by the school district. RTI can also be implemented in conjunction with a referral for evaluation.

Once a formal referral for evaluation has been expressed either in writing or orally by a parent or other person in a caregiving capacity, the school district may not delay the provision of said evaluation. The district must promptly and without delay send notice and seek permission to conduct an initial evaluation for special education eligibility. The school district has five (5) school working days from receipt of referral to send the parent the evaluation consent form for their signature and consent. Parent consent for evaluation must be obtained before initiating the evaluation.

School Based Referral

After the principal/designee 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 shall be referred by school personnel for an evaluation to determine eligibility for special education services. The principal/designee shall ensure all intervention strategies, accommodations and instructional support services used with the student are provided as part of the evaluation information reviewed by the evaluation TEAM when determining specific areas to be evaluated.

Parent Request

A parent/guardian or any other person in a caregiver or professional position concerned with a student's development can make a referral for an evaluation to determine eligibility for special education services. Once a referral is made in writing Mansfield Public Schools will respond within five (5) school days by sending a notice to the parent/guardian, seeking permission to conduct an Initial Evaluation to determine if the student is eligible for special education services. Please note, if a parent/guardian first language is not English (as noted in the home language survey) all correspondence must be translated into their native language.

Student Privately Placed by Parent

For students who are enrolled in a private school and for whom a request for an evaluation has been made, the school at which the child would attend in Mansfield will be responsible for the evaluation. Once the referral has been made, the district has an obligation to notify the parent in writing within five school working days of the referral and provide them with an evaluation consent form. The following materials should be included in this mailing:

- A Notice of Proposal (N1), answering all six questions
- Evaluation Consent Form
- Notice of Procedural Safeguards

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 district must ensure that a TEAM meeting is scheduled so as to allow for the provisions of the proposed IEP or written notice of the Finding of No Eligibility no later than fourteen (14) days after the end of the school year. For consents received fewer than 30 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.

Timelines/Forms

NOTE: No testing/evaluations should begin prior to receiving the evaluation consent form back with a check indicating consent and a parent signature. Verbal consent is not applicable.

The state laws and regulations have established timelines that all school districts must adhere to in the special education eligibility process.

The district has thirty (30) school days, from receipt of parent consent, to conduct all required assessments, and an additional fifteen school days to convene a TEAM and determine whether or not the student is eligible for special education. The total timeline is forty-five school working days.

Special Education Timelines

Once a referral is made either in writing from a parent or by the RTI TEAM it is necessary to follow the guideline set out by the state laws and regulations.

Date Requirements	Necessary Forms
<p>Within 5 school days of receipt of referral</p>	<ul style="list-style-type: none"> • Notice of Proposal (N1) • Evaluation Consent Form (N1A)
<p>Within 30 school days of receiving parental consent:</p> <ul style="list-style-type: none"> • Assessments must be completed • Parent’s Release of Information (if independent evaluations have been completed) • Child History Form <p>Within 45 school days of receiving parental consent:</p> <ul style="list-style-type: none"> • Assessment reports must be completed • TEAM meeting must be held and an IEP developed (if applicable) 	<ul style="list-style-type: none"> • Reports must be completed and turned in to building Special Education office 3 days prior to TEAM meeting • Reports must be made available to parents 2 days prior to the TEAM meeting • Meeting Invitation (N3) • Attendance Sheet (N3A)
<p>At the TEAM meeting</p> <ul style="list-style-type: none"> • Attendance • Eligibility Determination • IEP Development • Draft copy of IEP 	<ul style="list-style-type: none"> • Attendance Sheet (N3A) • Special Education Eligibility/Initial and Re-Evaluation Determination (ED1) • Documentation of a Specific Learning Disability (SLD) • Admin. Data Page (ADM 1) • Individual Education Plan (IEP 1-8)
<p>At the end of the TEAM meeting MPS parent/guardian will be handed a DRAFT IEP.</p> <p>When a student is found eligible for services, a final proposed N-1 and IEP must be submitted to the Assistant Director within 2 school days.</p> <p><i>When student is not eligible the Notice of School District REFUSAL TO ACT (N2) must be turned in by TEAM Chairperson to Assistant Director within 1 school day.</i></p>	<ul style="list-style-type: none"> • Individual Education Program (IEP 1-8) • Notice of Proposal (N1) • TEAM Determination of Placement (PL1) • DRAFT IEP • Transition Plan for students age 14 and over

Evaluation

Upon receiving the signed consent from the parent/guardian, Mansfield Public Schools shall complete the accepted evaluations for the student within thirty (30) school days.

Assessments must be administered by trained staff in the language and form most likely to yield accurate information regarding what the child knows and can do academically, developmentally and social/emotionally (if this is a concern) and functionally, unless it is not feasible to do so.

For students with Limited English Proficiency (LEP) or who are English Language Learners (ELL), Mansfield Public Schools must first assess the student's proficiency in English and their native language proficiency in reading, writing, speaking and comprehending before conducting a special education evaluation.

If the student's Primary language is in question; refer to the Home Language Survey completed at the time of registration.

Evaluations of the student must be made in all areas of suspected disability in order to determine eligibility for special education services. **Eligibility cannot and must not be based on the student's lack of reading or math instruction or Limited English Proficiency.**

Evaluation activities need to address whether there is a disability and if the student's inability to progress is a result of a disability. **Evaluations must provide information to determine present levels of academic achievement and related developmental needs.** No single test or assessment shall be used as the sole determinant of eligibility. Rather, a variety of techniques (both formal and informal) including information provided by the parent/guardian, observation of the student in the classroom, work samples/portfolios, interviews and review of the student's record should be used in helping to determine eligibility for special education services.

Evaluations are required prior to a finding that a student is no longer eligible, except for graduation with a regular diploma or aging out. For those children, Liaison must provide a summary of academic and functional performance [Summary of Student Performance](#) (See **Appendix G**), including recommendations on how to assist the child to meet post secondary goals.

Required Assessments

Educational Summary form completed by the principal/designee or guidance counselor.

- An assessment in all areas related to the suspected disability
- An educational assessment by a classroom teacher or guidance counselor of the school district, including:
 - Educational Assessment (28R/1) (Part A) – **See Appendix A**
 - Teacher Assessment (28R/1) (Part B) – **See Appendix B**
- Assessment (s) by specialists shall include all areas of the student's suspected disability. A Functional Behavioral Assessment (FBA) may be conducted for the student's emotional state which affects his/her behavior.
- For students 14 and over Transition Assessment
- Observation of the student by someone other than the classroom teacher
 - A history of the student's educational progress in the general curriculum. Such assessments shall include information provided by a teacher(s) and /or guidance counselor with current knowledge regarding the student's specific abilities in relation to

learning standards of the Massachusetts Curriculum Frameworks and the district curriculum;

Optional Assessments

The following assessments may be recommended by the TEAM or requested by the parent/guardian.

Psychological Evaluation

Home Assessment

Health Assessment

Home Visit – If the IEP TEAM or school administration decides MPS staff should go to a student's home for reasons of non-attendance, the following procedure should be followed:

1. Send home consent for an in home assessment (***See Appendix E***).
2. Determine appropriate personnel to visit the home.

Upon receipt of signed consent:

3. Two MPS staff will visit the home.
4. Staff will notify school administrators and school resource officer of date, time and address of all home visits so that building administrators know where staff members are at all times.
5. Two staff members will attend each visit and remain in each other's presence at all times.
6. Staff should direct parents on the implementation of any trial procedures and not conduct these directly during the assessment period. The role of staff will be to advise/coach parents in implementation of agreed upon plan.
7. Staff will conduct assessment, arranging for additional visits if needed, ensuring to follow steps 3-6.
8. After the initial visit, staff will write a report, outlining observations as well as make recommendations based on the assessment including a written plan for any interventions, if appropriate.

Evaluation Procedures

TEAM members shall coordinate the times of their assessments with the student's teacher(s) and other evaluator(s) so that the student is not over-tested on any given day. Advance notice should be given to teacher(s) and the student so that class work can be adjusted and/or made-up if needed.

The **Assistant Director of Special Education or designee** will ensure that the assessments are completed within thirty (30) school days upon receipt of the parent/guardian signed consent. If the consent is received within 30-45 school days before the end of the school year, MPS ensures that a TEAM meeting will be scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible for specialized services not later than fourteen (14) days after the end of the school year. Evaluation TEAM members must have completed and typed evaluation reports using MPS format with his/her signature and credentials (***See Appendix C for Report Template***) and turned in to **Assistant Director of Special Education or designee**. Prior to IEP meeting, reports will then be made available to parent/guardian within forty-eight (48) hours.

Evaluation Reports

All evaluation reports should be written in clear and basic language. Assessors need to indicate and explain which assessment(s) was used and should interpret and summarize results and diagnostic impressions to help the TEAM determine eligibility, including the student's present level of performance and area(s) of need arising from the student's disability. **Educationally relevant recommendations must**

be identified in the report to ensure the student's involvement and progress in the general education curriculum. Evaluation TEAM members must have completed and typed evaluation reports using MPS format with his/her signature and credentials (*See Appendix C for Report Template*) and turned in to **Assistant Director of Special Education or designee**. Prior to IEP meeting, Reports will then be made available to parent/guardian within forty-eight (48) hours.

Oral and written communication with parents must be provided in the parent's primary language if such primary language is other than English. Please let the Assistant Director of Special Education or designee know if an interpreter or written translation will be needed well in advance of the meeting.

Independent Evaluation Report Submitted By Parents:

In the event that an Independent Evaluation Report(s) by parents is provided to the district during the evaluation period, efforts will be made to avoid duplication of assessments. If a decision is made to waive completion of an assessment, the **Assistant Director of Special Education or designee** will send a **Request for Waiver of Assessment(s)** (*See Appendix F*) to the parent/guardian for signature with the Evaluation Consent Form (N1A). It is important to note that any time MPS waives its right of assessment; it places the district in the position of accepting any recommendation(s) made by the independent evaluators.

Re-Evaluation

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 occur not more frequently than once a year unless both parents and MPS agree that evaluation is needed. When a student is referred for a re-evaluation, existing evaluation data should be reviewed first.

The Assistant Special Education Director/designee will send out a **Parent Consent Packet** consisting of:

- Proposal to Conduct a Re-evaluation (**N1 Notice of Proposed Action**)
- Evaluation Consent Form (**N1A Evaluation Consent Form**)*

(* parent must complete and return)

If the **parent does not return the Re-evaluation Consent Form** within 10 days, the Assistant Special Education Director/designee will follow up by contacting the parent.

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

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 for special education services, MPS may request that the parent/guardian waive certain assessments (*See Appendix F*). The parent may either consent to waive the assessment(s) or may choose to have the assessment completed regardless of the recommendation for waiver.

A signed consent to test form and subsequent evaluation in ALL AREAS is required prior to finding a student no longer eligible for special education services. The only exception is when a student graduates with a high school diploma or ages out of school at the age of 22. For these students, MPS must provide a summary of academic and functional performance including recommendations on how to assist the student in meeting his/her post-secondary goals (See Appendix G). Completed

Student Summary of Performance will be sent to the Special Education Director's Office one (1) week prior to graduation or 22nd birthday.

Upon receipt of the signed and accepted Evaluation Consent Form, the Assistant Director of Special Education or designee will then notify the assessors who will be completing the accepted evaluations. **Evaluations must be completed within thirty (30) school days upon receipt of the signed Evaluation Consent Form.** The Assistant Director of Special Education or designee will schedule the TEAM meeting and send to parent/guardian and the student if 14 years or older, a Meeting Invitation with a list of invited TEAM members. In the event that the parent calls to change the meeting time/date, the Assistant Special Education Director or designee will resend the Meeting Invitation with a list of invited TEAM members.

NOTE: All requirements mandated for Initial Evaluations, remain true for re-evaluations. Assessments and assessment reports must focus on the suspected disability as well as the student's current level of performance. Furthermore, all assessment reports must include educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

If parent requests discontinuation of Special Education services, it must be in writing. All requests should be forwarded to the Director of Special Education for further follow up.

The IEP TEAM

TEAM Membership

The following are mandated members of the IEP TEAM (individual may serve in more than one role as appropriate):

- Student's parent/guardian
- A District representative who has the authority to commit district resources (TEAM Chairperson)
- At least one general education teacher familiar with the student
- At least one special education teacher familiar with the student
- An individual who can interpret evaluation results for each assessment completed
- Other individual who have knowledge or expertise regarding the student
- The student if age 14 or older
- Other adult transition agencies as appropriate

The TEAM meeting is designed to incorporate school staff, parents and other invited personnel as a unified group to determine eligibility, development of an IEP and/or placement for a particular student.

MPS is dedicated to ensuring parental involvement in the TEAM process. Every effort will be made to ensure this participation. If a parent is unable to attend the TEAM meeting, the district will provide the parent/guardian with the opportunity to participate via conference call, teleconferencing or virtual meetings.

TEAM Member Excusal

IDEA 2004 permits TEAM members to be excused in part or whole if the parents and district agree. **The agreement must be in writing from the parent (See Appendix H).** If the excused member(s) has input, it must be provided in writing.

TEAM Meeting Requirements

At least two (2) days prior to an evaluation TEAM meeting, evaluation reports need to be made available to parent/guardian. Reports should clearly express the data as well as the findings and recommendations from the evaluation sessions. Nationally normed, standardized tests are necessary for determining eligibility for special education.

TEAM meetings are projected to last approximately forty-five (45) minutes. If the TEAM feels that they have not covered all necessary facets of eligibility, IEP development and placement, the TEAM may agree to extend the meeting or reconvene to continue the conversation.

For an Annual IEP, copies of the Active IEP may be brought as a source for creating a new IEP. **Note:** The word DRAFT must be written or stamped at the top of each page. The TEAM chairperson, or designated TEAM member, will mark-up a copy of the IEP reflecting the TEAM input. At the end of the meeting, the chairperson's marked up DRAFT copy is copied and given to parents. All DRAFT copies are collected and destroyed.

Parent must be given a copy of chairperson's DRAFT mark-ups at the end of the meeting.

If the parent and district agree, amendments and revisions can be made via written documentation without a TEAM meeting **(See Appendix I)**. Video conferencing, telephone conferencing or virtual meetings may be used as alternatives to face to face meetings.

Eligibility

The TEAM utilizes the Special Education Eligibility Flowchart (ED1) (**See Appendix J**) to assist in making eligibility determinations. This becomes part of the student record but does not need to be mailed to the parent/guardian, and if found eligible, it should not be attached to the student's IEP. To be eligible for special education services, a student must first be found to have a disability **and** as a result of the disability, be unable to progress effectively in the general education programs without specially designed instruction and/or access the general curriculum without one or more related services.

(all conditions must be met to determine eligibility).

Disability Categories

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

- (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section.
- (ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (C) (1)(i) of this section are satisfied.

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

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

Emotional Impairment – As defined under federal law at 34 CFR § 300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance; an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feeling 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 Impairment – A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student’s educational performance.

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

Neurological Impairment – The capacity of the nervous system is limited 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, organization skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

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

Sensory Impairment – The term shall include the following:

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

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

- (i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- (ii) Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- (iii) Section 300.307 criteria adopted by the State must permit the use of a process based on the child's response to scientific, research-based intervention which must include the child's general education teacher and at least one person qualified to conduct individual diagnostic examinations of children.

Effective Progress

When determining eligibility for special education services, TEAMS must judge **whether a student is making effective progress in the general education program.** To do so, the TEAM must determine if the student has:

- Made documented growth, with or without accommodations, in the acquisition of knowledge and skills, including social/emotional development, the learning standards of the Massachusetts Common Core Standards and the curriculum of Mansfield Public Schools.
- Made growth according to the chronological age, the developmental expectations and the education potential of the child.

Also, the TEAM must specifically determine whether the student's identified disability is the reason why the student is not making effective progress. TEAMS analyze the evaluation findings to see whether the lack of progress is a result of the disability, or a result of other factors. Only if the TEAM determines that the lack of progress is associated with a disability, may the TEAM continue to discuss possible finding of special education eligibility. According to State and Federal regulations, **a student may not be found "eligible" solely because the student is unable to follow the school discipline code, has limited English proficiency, is socially maladjusted or has lacked reading or math instruction.** These reasons may be considered by the TEAM, but the essential finding of the TEAM must be that the lack of progress is, at least in part, a result of the identified disability(ies).

After the determination of a disability and lack of progress as a result of that disability the TEAM must ask the final question in order to determine special education eligibility:

Specially Designed Instruction

Does the student require specially designed instruction in order to make progress?

Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance and evaluation and they are essential to assist the student in participating and learning.

Specially designed instruction is an absolute requirement for students found eligible for special education. Related services necessary to access the general curriculum are considered special education, and maybe provided alone or in combination with other specially-designed instruction.

If a student only requires accommodations, then, that student is not eligible for special education services, **since best practice indicates that accommodations are provided by general educators within**

the general education environment. Examples of these accommodations include, but are not limited to: preferential seating, pencil grip use, extended time or cooperative learning strategies. **Accommodations do not involve changing the content material (that is specially designed instruction); rather, accommodations allow student to receive information and support to access the curriculum.** In these cases, a 504 Plan may be appropriate and a referral to the school's 504 TEAM should be made immediately.

A Finding For Eligibility

If the TEAM determines the student is eligible for special education services using the *Special Education Eligibility Flowchart (See Appendix J)*, the TEAM must identify those services and an IEP must be developed to reflect those services. In most cases an IEP is discussed and developed within a single meeting, after the determination of eligibility has been made.

The final step in the IEP process is determining the appropriate placement for the student. The decision of the type of placement should be held by the TEAM immediately after the IEP is developed. **If this does not happen for a specific reason, then the placement meeting must be held within ten (10) school days of the initial IEP meeting.** The placement must reflect the IEP goals and services that the TEAM has identified as necessary in order for the student to make effective progress.

When making the placement decision, the TEAM must be mindful of the requirement related to the student's right to Free Appropriate Public Education (FAPE) in his/her Least Restrictive Environment (LRE).

Thereby, the first type of placement option considered for all eligible students is within the general education classroom with the use of supplemental aids and services. Students may not be denied education in age-appropriate general education classrooms because the student requires accommodations and modifications to the general curriculum. Other options should be considered only when the nature and severity of the disability prevents satisfactory progress/achievement within the general education environment.

Refusal to Act

If a student, during an **initial evaluation**, is found **ineligible** for special education services, note key evaluation findings and next steps including recommendations of possible instruction support services. Complete the process by sending the parent/guardian the school district findings on **Notice of School District Refusal to Act, N2 (See Appendix K)**. The Notice of School District Refusal to Act is used because the school district is refusing to change the identification status of the student (from needing only the general education program). The school district must also include within the written notice an easily understandable statement that the parent has the right to appeal the school district's decision.

Finding of No Eligibility

If a student during a **re-evaluation**, is found **ineligible** for continuing special education services, note evaluation findings, next steps and the specific date, as agreed to by the TEAM, special education services will be terminated. Unless the parent is present at the TEAM meeting and clearly agrees to an immediate cessation of services, the written notice should specify a service-termination date at least thirty (30) days after the date of the notice, consistent with the parent response period of 603 CMR 28.05(7)(a). **This must be noted in N2 (See Appendix K)**. In this way, MPS provides the parents with time to respond if the parent should determine that he/she wishes to appeal the Finding of No Eligibility.

Parents Due Process Rights

After the reporting of all assessments, the TEAM Chairperson should confirm that the parent/guardian understands the evaluation data and they are in agreement. If the parent **disagrees** with a particular school assessment, parents have a right to request an Independent Education Evaluation (IEE).

Independent Educational Evaluation (IEE)

Upon receipt of evaluation results, if a parent disagrees with an initial evaluation or reevaluation completed by the school district, then the parent may request an Independent education evaluation. All requests for independent education evaluations should immediately be sent to the Special Education Directors Office.

(a) All independent education evaluations shall be conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student may justify an individual assessment rate that is higher than that normally allowed.

(b) The parent may obtain an independent education evaluation at private expense at any time.

(c) Public funding of Independent education evaluations - When the parent requests public funding for an Independent education evaluation, the district shall abide by the following provisions for a sliding fee scale:

1. If the student is eligible for free or reduced cost lunch or is in the custody of a state agency with an Educational Surrogate Parent appointed in accordance with federal law, then the school district shall provide, at full public expense, an Independent education evaluation that is equivalent to the types of assessments done by the school district. No additional documentation of family financial status is required from the parent.
2. If the family financial status is not known, the district shall offer the parent information about the sliding fee scale and the opportunity to provide family income information to determine if the family may be eligible for public funding of all or part of the costs of an Independent education evaluation. Provision of financial information by the family is completely voluntary on the part of the family. The lack of financial information provided by the family will disqualify the family from such additional public funding of all or part of the costs of an Independent education evaluation under 603 CMR 28.04(5)(c) but shall not limit the rights of parents to request public funding under 603 CMR 28.04(5)(d).
3. If the family agrees to provide financial information, such information shall include anticipated annual income of the family, including all sources of income and verifying documents. Financial information shall be reviewed by the district, shall be kept confidential during review by the district, shall not be copied or maintained in any form at the district except to note that information was provided and reviewed and met or did not meet sliding fee scale standards. Financial documents shall be promptly returned to the parent upon the district's determination of financial income status.

4. The district shall consider family size and family income information in relation to Federal Poverty Guidelines and shall contribute public funds to the costs of the independent educational evaluation according to the following standards:
 - (i) If the family income is equal to or less than 400% of the federal poverty guidelines, the district shall pay 100% of the costs of an Independent education evaluation.
 - (ii) If the family income is between 400% and 500% of the federal poverty guidelines, the district shall pay 75% of the costs of an Independent education evaluation.
 - (iii) If the family income is between 500% and 600% of the federal poverty guidelines, the district shall pay 50% of the costs of an Independent education evaluation
 - (iv) If the family income is over 600% of the federal poverty guidelines, the district shall have no obligation to cost-share with the parent.
5. When the parent seeks and receives public funding for an independent educational evaluation under these provisions, the parent may request independent assessments in one, more than one, or all of the areas assessed by the school district.
6. The right to this publicly funded independent educational evaluation under 603 CMR 28.04(5)(c) continues for 16 months from the date of the evaluation with which the parent disagrees.
 - (d) If the parent is requesting an independent educational evaluation in an area not assessed by the school district, the student does not meet income eligibility standards, or the family chooses not to provide financial documentation to the district establishing family income level, the school district shall respond in accordance with the requirements of federal law. Within five school days, the district shall either agree to pay for the independent educational evaluation or proceed to the Bureau of Special Education Appeals to show that its evaluation was comprehensive and appropriate. If the Bureau of Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent educational evaluation requested by the parent.
 - (e) Whenever possible, the independent educational evaluation shall be completed and a written report sent no later than 30 days after the date the parent requests the independent educational evaluation. If publicly funded, the report shall be sent to the parents and to the school district. The independent evaluator shall be requested to provide a report that summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator may recommend appropriate types of placements but shall not recommend specific classrooms or schools.
 - (f) Within ten school days from the time the school district receives the report of the independent educational evaluation, the TEAM shall reconvene and consider the independent educational evaluation and whether a new or amended IEP is appropriate.

Extended Evaluation

If the TEAM has found the student eligible for special education services, yet the evaluation is insufficient, with the parent/guardian consent, the TEAM may consider an Extended Evaluation.

Extended Evaluations **cannot** be used to:

- Extend the evaluation timeline for completion of required Assessments
- Deny programs or services to the student
- Constitute a temporary placement

The TEAM should **write a Partial IEP or a Full IEP** in conjunction with an Extended Evaluation form (**See Appendix L**). This action will ensure, with the parent/guardian acceptance of the IEP, that the student is not denied services.

An Extended Evaluation may extend longer than one (1) week but shall not exceed eight (8) school weeks. The TEAM may decide to meet during the evaluation period, but must reconvene promptly once the additional evaluation data is available to review the assessment results and/or complete the IEP.

The parent/guardian has the right to appeal any eligibility determination to the **Bureau of Special Education Appeals (BSEA)**, including a Finding of No Eligibility. The parent/guardian may contact the BSEA directly at:

Department of Elementary & Secondary Education
Bureau of Special Education Appeals
1 Congress St Ste 11
Boston, MA 02114-2023
(617) 626-7520 – Phone
(617) 626-7270 - Fax

The IEP Development

Once a student is found eligible, the IEP needs to be developed using the evaluation data and current classroom performance to guide development of goals and benchmarks for the student.

Immediately following the development of the IEP, the parent must be provided with two (2) copies of the IEP. **This must be done within ten (10) school days.**

No later than 30 days after receipt of the proposed IEP, proposed placement, and N1 notice (reflecting the mailing date of the IEP), the parents shall:

- Accept or reject the IEP in whole or in part; request a meeting to discuss rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal
- Accept or reject proposed placement

Parent and/or student input or concerns: The TEAM must also look at the student's overall involvement within the school including participation in the extracurricular and other nonacademic activities to ascertain other areas of need. The TEAM may consider how student communicates with others, how the students' behavior affects their learning or the learning of others, how assistive technology could support effective progress, or how the students' disabilities affect transition to post-secondary activities.

Vision Statement: A vision statement is required for all students. The character of the statement will change based on the age of the student.

The intent of the vision statement is to look forward to future goals, usually 1-5 years in the future. The TEAM steps back from the here and now to take a broader, long-range perspective as it looks to where this student is headed in the future. Knowing where the student is headed makes it easier for the TEAM to eventually determine what progress needs to be made this year.

As the student becomes older and more involved in transition planning (required at age 14), the vision statement becomes the hopes and dreams of the student and not the parent and TEAM. Also, the statement for an older student must conform to federal regulation and be based on the student's preference and interests. It will also include desired outcomes in adult living, post-secondary education, and/or work environments.

Student Strength and Key Evaluation: The TEAM must next review the student strengths, interests, personal attributes and personal accomplishments as well as key evaluation results to enable TEAM members to keep the students perspective when writing the IEP. The TEAM should avoid a segmented look at the student where individual skills or problems are identified in isolation. The TEAM will want to keep the big picture in mind and plan to use the student's strengths in planning steps for the next IEP period.

When developing the IEP for a student with an existing IEP, the TEAM should always review the content of the existing IEP as they begin developing a new IEP. The new IEP should be revised and updated as needed to shift goals and services and to demonstrate a progression of learning. Each year's measurable goals should clearly show a step by step increase in a student's learning outcomes. Also, if necessary, any lack of expected progress needs to be discussed and addressed.

Present Levels of Educational Performance (PLEP)

A. General Curriculum – PLEP A:

TEAMS must consider for each student how the student's disability(ies) affects performance in general education curriculum area(s). However, the discussion of the TEAM need only center on those areas of the curriculum where the student's performance is adversely affected by the student's disability(ies). Clear descriptions of how the disability(ies) impact progress will better assist TEAMS in determining the most appropriate and individualized accommodations and specially designed instruction.

The TEAM will also use the assessment information and their discussion of the student's present levels of educational performance (PLEP) to focus the direction of the IEP goals and services. The PLEPs must be based on current, relevant information about the student obtained from a variety of sources.

B. Other Educational Needs – PLEP B:

TEAMS must ensure that they review the considerations listed on PLEP B. These lists are not exhaustive in nature. Therefore, TEAMS should describe other identified area(s) of educational needs that affect progress, but may not be listed. The PLEPs must be based on current, relevant information about the student obtained from a variety of sources.

Eligible Students with Behavior Problems:

If an eligible student's behavior affects performance in the general curriculum, then the interfering behavior should be reflected on PLEP A. If an eligible student's behavior affects other areas of educational need, then the interfering behavior should be reflected on PLEP B. If an eligible student's behavior affects performance in the general curriculum and in other areas of educational need, then the interfering behavior should be reflected in both locations on the IEP. TEAMS are reminded that IDEA-2004 requires pro-active steps in behavior management and in the provision of positive behavioral supports for eligible students whose behavior impedes their learning or the learning of others.

Current Performance Levels/Measurable Annual Goals:

Most IEPs should contain no more than an average of three to four goals. Goals should relate directly to those areas where the student's disability affects performance and **should reflect a focus on those areas that make the biggest difference in the student's performance**. Goals should not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan.

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

TEAMS must connect current performance to measurable annual goals.

The IEP should be written with a direct connection between the current performance levels and the measurable annual goals. The current performance levels state what the student can currently do and identify key stumbling blocks. The goals state what the student will accomplish by the end of the IEP period. The current performance levels become the starting points for determining the goals and the goals become the end points for student accomplishment for the IEP period.

Service Delivery Grid:

Indirect services represent services that are provided to someone other than the student.

Section A: Consultation or training for school staff and/or parents.

Section B: Direct services delivered to students in the general education environment.

Section C: Services provided to the student in any other type of setting.

Although TEAMS are identifying service needs that they believe should take place outside of the general education classroom, TEAMS are not, at this point, determining the student's final placement. The final type of placement is determined after the entire IEP is developed. There is an exception to this general rule: if the TEAM has, in the course of its discussions, determined that this student will need a longer school day or school year, then the service delivery information may reflect services beyond the standard school day and, in some circumstances may reflect a need for residential services. In all cases, if extended educational services are required, the goals and objectives developed for the student should reflect the comprehensive nature of the student's program.

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

Non-participation, Length of School Day/Year, Transportation:

TEAMS must justify non-participation in general education program. To reinforce IDEA's strong preference for involvement in the general education environment, the law requires a clear statement justifying why removal is considered critical to the student's program. The basis for the TEAM'S conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.

Given reasons should focus on the benefit the student will receive from being outside of the general education environment. An eligible child should not be removed from the general education classroom solely because of needed modification of the curriculum. The justification should refer to any special education and related services recommended and not to potential placements.

TEAMS must describe when a student's school day or year is modified. Most students with disabilities will attend school on the same daily and yearly schedule as their non-disabled peers. However, in rare circumstances, a TEAM will recommend a schedule modification. The TEAM may decide the student requires a shortened school day, shortened school year, longer school day, longer school year or residential services. In each case, the IEP must describe the modification and the reasons for such modification. **An extended day or year program may be identified if the student has demonstrated or is likely to demonstrate a substantial loss of acquired skill and/or substantial difficulty in relearning skills if an extended program is not provided.**

Transportation is a related service: Transportation is considered a related service under the Federal statute and needs to be provided to ensure that students receive educational benefit from their IEP services. A recommendation for a student to receive transportation, as with other IEP decisions, relates back to the effect of the student's disability(ies) on transportation. TEAM members must ascertain whether the disability(ies) prevents the student from getting to the local school in the same manner as the student's non-disabled peers would get to the local school. On the IEP under Transportation Services, only check "yes" if the student requires modifications or specialized equipment.

State or District-Wide Assessment:

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 will occur and leave the remainder of the page blank. All students participate in

MCAS testing with accommodations outlined in the IEP. **MCAS accommodations must be consistent with accommodations students regularly receive in their curriculum.**

Least Restrictive Environment (LRE)

The school district shall ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, and that special classes, separate schooling, or other removal of children with special needs from general education program occurs only if the nature of severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Additional Information: Additional information should include comments on the following items as appropriate

- Autism Consideration Form
- Need for Paraprofessional Support
- Need for Bus Monitor or special supports
- Bullying Language
- Attendance Issues (if any)

PLACEMENT DECISION

The final step in the IEP process is determining the appropriate placement. The type of placement should be discussed immediately **after an IEP is developed**. The IEP forms the basis for the placement decision. The placement decision must be based on a careful reflection of the IEP, including the services that the TEAM has identified as necessary, and the impact of the disability on the student's learning. Finally, the TEAM must be mindful of the requirement related to FAPE (free appropriate public education) in the LRE (least restrictive environment). Only after the needs of the child and the types of services have been discussed by the TEAM and agreed to in an IEP can the type of placement be effectively chosen by the TEAM.

The first type of placement option considered for all eligible students will be the general education classroom with the use of supplemental aids and services.

Students may not be denied education in age-appropriate general education classrooms because the students' education requires modification to the general curriculum. Other options should be considered only when the nature and severity of the disability would prevent satisfactory achievement within the general education environment.

The IEP, under no circumstances, should be written "to fit" a particular placement. TEAMS must remember this critical fact when moving through the TEAM process to ensure that the IEP is written to address the unique needs of the student.

Amendments:

The IEP can be **Amended** at any time if the student's profile and/or goals need to be altered to reflect current levels of performance. This remains the case if new assessment information is obtained.

However, this cannot be a substantial change to a student's services and/or placement

An IEP may only be amended **ONCE** during the IEP period.

Annually, the IEP must be reviewed and updated to reflect the growth the student has made, and new goals need to be developed. Input from general educators, special educators, parents and related service providers needs to be included. Input from the student is required if the student is 14 years old or older.

Rejected IEPs/Partially Rejected IEPs:

In the event a parent rejects all or part of an IEP

- All accepted portions should be implemented immediately
- IEP and accompanying notes should be reviewed with Assistant Director of Special Education for action
- Copies sent to the Special Education Directors Office

Building Based Procedures

Upon parental response to the proposed IEP and placement, MPS shall implement all accepted elements of the IEP without delay.

- ***Roland Green Preschool:*** Liaison sends home two copies of the proposed IEP via student backpack to the parent after obtaining the building Special Education designee signature, with instructions for the parent to keep one copy and to return one copy to the school with their signature(s). The liaison submits the original signed IEP (including all forms) **(See Appendix M)** with the completed IEP checklist to the Special Education Office Assistant. The Special Education Office Assistant notifies TEAM members the plan has returned and then the Special Education Office Assistant submits the original signed IEP (including all forms) and checklist **(See Appendix M)** to the Special Education Directors office.
- ***Robinson Elementary School:*** Liaison sends home two copies of the proposed IEP via student backpack to the parent after obtaining the building Special Education designee signature, with instructions for the parent to keep one copy and to return one copy to the school with their signature(s). The liaison submits the original signed IEP (including all forms) **(See Appendix M)** with the completed IEP checklist to the Special Education Office Assistant. The Special Education Office Assistant notifies TEAM members the plan has returned and then the Special Education Office Assistant submits the original signed IEP (including all forms) and checklist **(See Appendix M)** to the Special Education Directors office.
- ***Jordan Jackson Elementary School:*** Liaison sends home two copies of the proposed IEP via student backpack to the parent after obtaining the building Special Education designee signature. The liaison submits the original signed IEP (including all forms) **(See Appendix M)** with the completed IEP checklist to the Special Education Office Assistant. The Special Education Office Assistant notifies TEAM members the plan has returned and then the Special Education Office Assistant submits the original signed IEP (including all forms) and checklist **(See Appendix M)** to the Special Education Directors office.

- Qualter's Middle School: The Special Education Office Assistant sends home two copies of the proposed IEP to the parent after the liaison has obtained the building Special Education designee signature. Upon receipt of the signed IEP from parent/guardian the Special Education Office Assistant notifies all TEAM members /educational staff working with the student of the acceptance and directs them to access the plan through X2. The Special Education Office Assistant submits the original signed IEP (including all forms) and checklist (See Appendix M) to the Special Education Directors office.
- Mansfield High School: The Special Education Office Assistant sends home two copies of the proposed IEP the parent after the liaison has obtained the building Special Education designee signature. Upon receipt of the signed IEP from parent/guardian the Special Education Office Assistant notifies all TEAM members/educational staff working with the student of the acceptance and directs them to access the plan through X2. The Special Education Office Assistant submits the original signed IEP (including all forms) and checklist (See Appendix M) to the Special Education Directors office.

Extended School Year Guidelines

All children could benefit from extended year programs. All children have the potential to regress or lose progress, forget or revert to previous behaviors to some extent between school years. However, only those who meet the following criteria qualify for ESY programs or services:

1. The student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or experiences substantial difficulty in relearning such skills if an extended program is not provided.
2. The student demonstrates significant regression/recoupment status over short-term vacation periods or other breaks in his/her education during the school year.

Although the specific reason(s) vary from student to student, the need for ESY arises when it is determined the student:

1. Requires a significant amount of time to recoup a previously acquired skill or knowledge following an extended break from instruction and/or services;
 2. The pupil is at a critical learning period and interrupting instruction and/or services will severely jeopardize the students ability to benefit from the program of specialized instruction;
 3. The break will prevent a student who is in a functional curriculum from attaining or maintaining self-sufficiency skills that allow for personal independence.
- Any decision regarding needed ESY programming must take into account the child's history of **significant regression** and limited recoupment capability. In other words, a child's TEAM must look backward and forward when considering the need for ESY programming. **A completed regression documentation (See Appendix N) form must be submitted by May 15th to the Assistant Special Education Director if you are making a recommendation for extended year services (EYS).**

ESY DEFINITIONS:

Regression – All students, disabled and non-disabled, experience regression during breaks in instruction. For the purpose of ESY Services, regression is a decline in the performance of a skill or acquired knowledge, as specified in the annual goal(s) of the student's IEP that occurs during a break in instruction.

Recoupment – A student's ability to regain the skill performance or relearn the acquired knowledge to approximately the same level that existed just prior to the break in instruction.

Significant – Regression/Recoupment is significant when the recoupment period is longer than the length of break in instruction.

NOTES REGARDING SPECIAL POPULATIONS

Anti-Bullying

The Massachusetts Bullying Prevention and Intervention Law:

Chapter 92 of the Acts of 2010 ([*An Act Relative to Bullying in Schools*](#)) requires school leaders to create and implement strategies to prevent bullying, and to address bullying and retaliation promptly and effectively if they occur. Sections 7 and 8 of the law have specific implications for the IEP process and for students with disabilities.

Section 7 states: 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.)

Section 8 states: For students identified with a disability on the autism spectrum, the IEP TEAM must consider and specifically 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.)

Sections 7 and 8 of the bullying intervention and prevention law refer to three groups:

Students with disabilities

- on the autism spectrum;
- when the disability affects social skills development; and
- when the disability may result in a vulnerability to bullying, harassment and teasing.

It is recommended that IEP TEAMS for these students carefully consider the supports needed to build each student's social skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

Implications for the Individualized Education Program (IEP)

Because the IEP serves as a vehicle for improving the educational experience and achievements of a student with disabilities, the IEP TEAM uses a variety of information sources, including evaluations, assessment information, and its discussions of the student's present level of educational performance and social acumen, to inform the development of the IEP. The IEP TEAM'S discussion focuses comprehensively on the student's educational needs and on the student's overall involvement in the school, including participation in the general curriculum and in extracurricular and other nonacademic activities. In this process, the IEP TEAM considers the student's disability and the impact of the disability on the student's interaction and communication with others.

- For all three groups of students with disabilities named in the bullying prevention and intervention law, **the IEP TEAM must consider how the student's disability affects his/her learning the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.** Many students will receive support in developing appropriate skills and proficiencies through general instruction. In such cases, the TEAM should include in the IEP any supports the student needs to learn the needed skills through the existing curriculum. **As appropriate, the**

TEAM should include in the IEP needed accommodations to the general education program, or goals and objectives and special education services related to student's learning the necessary skills.

- Because of the nature of Autism Spectrum Disorders (ASD), progress in positive social skill development is already a likely focus within the IEP of every student with ASD. Social skills instruction should be at the student's skill level and appropriate for his/her age. The focus of the IEP in relation to the bullying intervention and prevention law will be to aid the student in accessing social and emotional learning to handle more effectively challenges in his/her academic, social, and communication realms.
- IEP TEAMS should consider ways that age-appropriate instruction on bullying prevention and intervention incorporated into the school's general curriculum already assists a student with a disability in these areas and should reflect this discussion in the IEP. As noted earlier, the IEP should address those skills and proficiencies that the TEAM has determined the student would be unlikely to learn solely within the general curricular program, or any supports the student needs to make learning possible in the general curricular program.
- IEP TEAMS should consider whether modifications or services are needed for students with all types and severities of disabilities to be involved and progress in the school's or district's bullying prevention and intervention program that is incorporated into the school's or district's general curriculum. Also, TEAMS should ensure that students can participate fully in all procedures related to the reporting and investigation of bullying incidents. The district must ensure that the IEP TEAM includes a member of the school's staff who is knowledgeable about the school's bullying prevention and intervention general education curriculum when those issues are discussed at a TEAM meeting.
- Incorporated within the TEAM meeting process and the TEAM'S discussion of a student's skills and proficiencies to respond to bullying, harassment, or teasing may also be education for families about the district's bullying prevention and intervention plan, the general education curriculum the school is using to instruct all students about bullying prevention and intervention, and the reporting mechanisms that are in place within the school.
- Each time the IEP TEAM convenes, the TEAM should consider whether the student has been involved in any bullying incident, and use that information to inform its discussion of the student's needs. Additionally, the district should convene the IEP TEAM if the parent or any staff member believes that the student is at risk of being bullied or is exhibiting bullying behavior and such risk or behavior is directly tied to the student's disability. **A statement documenting the TEAM'S determination of whether or not the student's disability makes him or her vulnerable to bullying, harassment, or teasing must be stated within the additional information section of the IEP.**

Transition Aged Youth

Transition from School to Adult Life

Realizing successful post-secondary outcomes is a goal we have for all students. Depending on the disability and the support services required in adult life, successful transition from high school to adult life may require that planning activities begin in elementary school with students exploring their interests in middle school. Starting the process early prepares students with disabilities to think about what they want to be able to do in adult life. High school transition planning includes exploring post-secondary

opportunities and employment options and may include connecting with the adult service agencies that may provide the student with services when he or she graduates or turn 22 years of age.

Transition elements are incorporated throughout the IEP for a more integrated approach to transition planning. Transition planning is required under Federal Law and becomes a major TEAM focus when a student reaches fourteen years of age.

The vision statement, included as part of the IEP, aids TEAM Members in determining the student's transition needs that may be reflected in the IEP. Transition goals and transition services should be recorded in the plan. As a student approaches graduation, the TEAM must also consider the student's graduation status, the need for a Chapter 688 referral and the involvement of adult service agencies. As the student nears or reaches the age of seventeen, the TEAM must discuss the transfer of rights at age of majority. These last items would be documented under Additional Information on IEP. In the event a student does not attend the TEAM meeting prior to the student's seventeenth birthday, written notification will be sent to both the parent(s) and student explaining the transfer of rights options at age eighteen.

Transition Plans must be discussed and documented when the child is 14 years old (**See Appendix O**). If the child requires services or courses necessary to reach the goals, IEPs must have measurable post-secondary goals related to training, education, employment, and as necessary, independent living.

Statement of Needed Transition Services - beginning no later than the first IEP developed when the eligible student is 14 or will turn 14 during the IEP period.

Recognizing the need for students with disabilities to engage in effective transition planning, the Individuals with Disabilities Education Act (IDEA) requires that transition planning be part of the Individualized Education Program (IEP). Beginning no later than the first IEP developed when the eligible student is 14; the TEAM considers the student's need for transition services and documents this discussion. If appropriate, the IEP includes a statement of needed transition services. The school district understands that it must maintain documentation of a full discussion of the student's transition needs, whether or not such discussion identifies needed transition services for the IEP. Such documentation must be reviewed and updated annually thereafter. Students must be invited to all educational meetings and allowed to participate actively when transition planning is discussed.

Linkages to Post School Options - beginning no later than the first IEP developed when the eligible student is 14 and update annually.

Beginning no later than the first IEP developed when the eligible student is 14; the IEP's of students should include a post-school vision statement as well as identify the transition services necessary to support the vision. IDEA 2004 defines transition services as a coordinated set of activities for a student with a disability that -

- A. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- B. Is based on individual strengths, preferences and interests; and
- C. Includes instruction, related services, community experiences, the development of

employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. (P.L. 108-446, Sec 603 (34))

Transition Planning Form

The Transition Planning Form (TPF) (**See Appendix O**) is a mandated form that is maintained with the IEP. As a mandated form, districts must use this format to document that transition planning has occurred. *Only* those aspects of this planning that translate to elements of the IEP are "mandated" to occur. We have deliberately designed the planning process to be more than what is required by special education in order to have a coherent and inclusive plan of action to help to prepare youth for adult life. This inclusive planning process does not require that all identified actions will be the responsibility of the school's special education program, but rather that parents, the student, general education services, other agencies, community partners, and special education services should all work together to assist the student in making a smooth transition to adult life. This form will help districts meet the requirements of transition planning in IDEA 2004 and will be the required document for districts to demonstrate compliance with the transition requirements associated with Indicator 13 of the State Performance Plan for Special Education.

The two-page TPF guides and documents the transition planning discussion. Page one features two sections:

- The post-secondary vision, which should correspond with the vision statement on the IEP; and
- Disability related needs. The disability related needs section documents skills that require IEP goals and/or related services.

Page two of the TPF (28M/9) is the action plan for the student:

- It outlines how the student can develop self-determination skills, and
- Be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision.
- The role and actions of school personnel (in general education and special education), family members, adult service providers and others in the community should be documented in this section.

A guiding question is provided for each transition field as part of the action plan, along with considerations for each transition field that will assist in guiding the transition planning discussion.

There is no required order to complete the various sections of the TPF. After considering the student's post-secondary vision, some TEAMS will find it helpful to complete the action plan section and then the disability related needs section. Others may choose to consider the disability related needs section and then complete the action plan. The goal should be to document a thoughtful and reasonable transition planning discussion.

Age of Majority - transfer of parental rights to student at age 18

In Massachusetts, regardless of the severity of their disability, students are considered adults and competent to make their own decisions at age 18 (*Age of Majority*) (**See Appendix P, Q, R**). Unless there is a court appointed guardian or the student has chosen to share decision making with his or her parent, the school district must seek the consent of the student to continue the special education program. Students at age 18 have the right to make their own educational and medical decisions and must sign all consent forms. Parents and students must be notified about the transfer of parental rights to the student at least 1 year before the student turns 18 years of age.

An IEP developed for the 17 year old student must include "a statement that the child has been informed of the child's rights under Part B of the Act that will transfer to the child on reaching the age of majority." See 34 CFR §300.320(c). School districts are not required to provide detail on the transfer of rights, but must state that the student has been informed that the right to make decisions about his or her special education will transfer to the student when he or she turns 18.

On or immediately following the students 18th birthday MHS Liaison will present the student with the Notice of Transfer of Parental Rights document, along with procedural safeguards.

Copies of signed document will be given to **both** student and parent (mail if necessary) for all students, and original copies sent to the Special Education Directors Office.

Interagency Collaboration - develops supports and services necessary for adult life

The adult service system is complex and understanding it is essential for effective transition planning. When students with disabilities graduate from school or turn 22 years of age, they move from an entitlement to a non-entitlement system. While in school students receive services and supports mandated by federal and state law. As adults, while they may be eligible for services from adult service agencies, these services are not an entitlement, which means they are not guaranteed. Consequently, it is essential that educators, parents and students understand the adult service system years before adult services need to be accessed. It is a sound practice to invite adult service agencies to speak to groups of students and individuals who live with and work with students with disabilities in order to understand the eligibility processes specific to each agency as well as the services that are available to adults with disabilities.

Adult Services - make Chapter 688 Referrals and general referrals

For students with severe disabilities, a Chapter 688 referral (**See Appendix S**) should be made to ensure that students who will require ongoing supports and services from one or more public agency are part of the eligibility process for receiving services and supports as adults. For other students who require fewer supports and services and may not meet the eligibility requirements for Chapter 688, a general referral for services can be made to adult service agencies.

Chapter 688 Referral - Why do it?

Filing a Chapter 688 referral creates a documented need for services and supports for adults with severe disabilities. The primary goal of filing a Chapter 688 referral is to plan for needed adult services for students. In those cases where a student is determined to be eligible and services are not provided due to a lack of funding or program availability, agency personnel can advocate to increase funds in the budget planning process for the next fiscal year in order to provide the needed services.

688 Referral Process - one referral per student

In Massachusetts, students with severe disabilities access adult service agencies through the Chapter 688 referral process. Chapter 688 provides a two-year coordinated planning process for students whose entitlements to special education services will end when they graduate from school or turn 22 years of age. Contact each agency to find out the eligibility processes specific to each agency as well as the services that are available to adults with disabilities in order to determine the appropriate agency that should receive the Chapter 688 referral for each student.

Eligibility - students in need of continued services as adults

Students who receive services in accordance with an IEP and receive SSI/SSDI and/or are on the registry at the Massachusetts Commission for the Blind (MCB) are automatically eligible for Chapter 688. Other students who may be eligible are those students with severe disabilities who are in need of continued services and are unable to work 20 or more hours per week in competitive, non-sheltered, non-supported employment at the time they are ready to leave school. Also, students who receive services from the Department of Youth Services (DYS) or the Department of Social Services (DSS) and are on an IEP or a 504 Plan may be eligible.

Refer 2 Years before Student Graduates or Turns 22 - filing late jeopardizes service availability

Only school systems can refer students that they believe may be eligible for adult services through Chapter 688. A referral must be made at least 2 years before the student is expected to graduate from school or turns 22 years of age. This 2 year planning period allows enough time to determine eligibility for adult services and for an agency(ies) to include the anticipated cost of services for the student in the budget request, which is submitted to the Massachusetts Legislature each year.

Chapter 688 referrals and supporting documentation are sent directly to the appropriate lead agency and a copy of the *688-referral form* (**See Appendix S**) is sent to the Bureau of Transitional Planning (BTP). Referrals can be made to the Department of Mental Retardation (DMR), the Department of Mental Health (DMH), the Massachusetts Rehabilitation Commission (MRC), the Massachusetts Commission for the Blind (MCB) or the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH).

Individual Transition Plan - a planning document outlining needed adult services

Special education services provided while a student is in school are entitlements mandated by federal and state law. Chapter 688 is not a continuation of special education services and is not an entitlement to services. If a student meets the Chapter 688 eligibility requirements, an Individual Transition Plan (ITP) is required and written for each student. The ITP is developed in conjunction with school personnel, parents, students and the appropriate agencies. The delivery of services identified on the ITP is linked to program availability that is dependent on funds allocated in the annual state budget.

Students Graduating or Turning 22

IDEA 2004 requires that the school district needs to provide a *Summary of Student Performance* (**See Appendix G**) when his/her special education eligibility ends, either due to graduation or turning twenty-two (22) and exceeding the age eligibility requirements. This summary needs to state the student's academic achievement and functional performance. It must also include recommendations on how to assist the student in meeting his/her desired postsecondary goals.

In order to complete this form, the student's liaison and guidance counselor shall work collaboratively to produce the required information. A copy of the student's transcript shall be attached to the completed *Summary of Student Performance* (**See Appendix G**). The case liaison will be responsible for sending the completed *Summary of Student Performance*, along with the student's transcript to the Special Education Directors Office by June 1st.

Summary of Performance

The law requires that **“the public agency provide a summary of academic and functional performance, including recommendations to assist the student in meeting post-secondary goals, for students whose eligibility terminates because of graduation with a regular high school diploma or because of exceeding the age eligibility for FAPE (Free Appropriate Public Education) under State law” (§300.305[e][3]).**”

Summary of Performance is due in the Special Education Directors Office one (1) week prior to graduation or aging out (See Appendix F).

Progress Reports

Staff will be informed at the start of each school year as to when progress reports for students with identified disabilities are due.

- All progress report should be dated
- Progress reports shall coincide with report cards
- Progress Reports shall be completed by individual service providers
- Liaison completes all academic progress reports with consultation with teacher as necessary
- All individual benchmarks must be commented on
- Progress reports need to include written information regarding the student's progress towards each annual goal in his/her IEP
- The Assistant Special Education Director shall review progress reports for completeness before distribution
- Case Manager/IEP liaison will ensure that progress reports are sent home
- The Assistant Special Education Director shall make certain that a copy of the progress report is forwarded to the office of Special Education, where it will be filed in student's special education folder

Continuum of Services

MPS provides or arranges for the provision of each of the elements of a student's IEP from the ages of three through twenty-one within a continuum of services offered within and outside the district – including vocational education opportunities.

MPS has developed a strong relationship with our regional vocational schools and students with Individual Education Plans attend the area vocational programs at Bristol Agricultural and Southeast Regional Vocational High School.

Mansfield High School TEAMS address the vocational needs of students who do not attend a vocational school setting. Vocational transition services, training and job coaching are provided to students via the IEP process, where appropriate and according to each student's needs as determined by the TEAM.

Section 504

Procedure for Students with Disabilities

Evaluation

Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act of 1973 may be referred to the 504 TEAM for evaluation. Each building has a 504 Coordinator who will assist in this process.

Discipline of Special Education Students

All students are expected to meet the requirements for behavior set forth in the student handbook. However, students eligible for special education are entitled to certain additional protections under state and federal law. Specifically, these laws include M.G.L. c. 71B and its implementing regulations (603 CMR 28.00) and 20 USC 1401 et.seq. ("the IDEA") and its implementing regulations (34 CFR 300 et. seq.).

Students eligible for special education who violate school rules are subject to removal from their current educational placement for up to ten school days per school year, to the extent that such removal would be applied to students without disabilities, without prior determination as to whether the misconduct is related to the student's disability.

Anytime school personnel seek to remove a student from his or her current educational placement for more than ten school days in a school year, **this constitutes a "change of placement"** and invokes certain procedural rights including but not limited to a review by the IEP TEAM of the relationship between the student's disability and the behavior subject to the disciplinary action, which is referred to as a **Manifestation Determination (See Appendix T)**.

If the behavior is a manifestation of the student's disability the student's TEAM will conduct a Functional Behavior Assessment and develop a Behavior Support Plan, provided that such an assessment was not already conducted before the behavior occurred. In the situation where an assessment was already conducted and a Behavior Support Plan is already in place, the TEAM will review the plan and revise it accordingly. **The student will also be returned to his educational placement unless the parent and the school agree otherwise.**

If the behavior is not a manifestation of the student's disability, then the student may be removed from his educational placement to the same extent that a regular education student would be removed. The special education student must continue to receive his special education services in order to participate in the general education curriculum although in another setting, and to continue to progress toward meeting the goals set out in the student's IEP. Additionally, the student should receive, as appropriate, a Functional Behavioral Assessment and Behavior Support Plan to prevent the behavior from happening again.

There are certain situations in which school personnel may order a change in placement of a special education student without regard to whether the student's behavior is determined to be a manifestation of the student's disability. These situations include when a special education student:

- Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.

In these situations, school personnel may remove the special education student to an appropriate Interim Alternative Educational Setting (IAES) for not more than forty- five (45) school days without regard to whether the student's behavior is determined to be a manifestation of the student's disability. If a special education student commits an offense which causes the student to be expelled from school, the school district continues to be responsible for providing the student with a free appropriate public education in another educational setting.

For more information regarding the rights of special education students see the Massachusetts Department of Education's Procedural Safeguards Notice, which is available in many languages, at <http://www.doe.mass.edu/sped/prb/>. Additionally, copies of the state and federal special education laws are available online at the Massachusetts Bureau of Special Education Appeals website, at <http://www.doe.mass.edu/bsea/> or can be requested from the Director of Special Education at (508) 261-7507.

Discipline of Students Not Yet Eligible for Special Education

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for special education students if the school had knowledge (as determined by the IDEA) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

The school district may be considered to have prior knowledge if, before the behavior that resulted in the disciplinary action occurred:

- The parent of the student expressed concern in writing to supervisory or administrative personnel of the student's school or to a teacher of the student that the student is in need of special education and related services; or
- The parent requested an evaluation of the student; or
- District staff expressed, directly to the special education director or other supervisory personnel, specific concerns about a pattern of behavior demonstrated by the student.

The district may not be deemed to have had knowledge if the parent has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student was completed and resulted in a determination of ineligibility.

If the district had no knowledge that the student is a student with a disability prior to taking disciplinary action, the student may be subjected to disciplinary measures applied to students without disabilities. However, if an evaluation is requested during the time period in which the student is subjected to these disciplinary measures, the district must conduct the evaluation in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by the district, which can include suspension or expulsion without educational services. If, after the evaluation, the student is determined to be eligible the district must provide special education and related services in accordance with the IDEA.

Physical Restraint

The Mansfield Public Schools complies with the Massachusetts Department of Elementary and Secondary Education's (DESE) regulations 603 CMR 46.00 to the extent required by law, in order to protect students of the district from the use of unreasonable physical restraint at school and at school-sponsored events and activities, whether or not on school property. **See School Committee Policy JKAA.**

Restraint Procedures

- I. **Scope:** This law relates to restraint of students in all Massachusetts public schools.
- II. **Purpose:** To prevent unreasonable physical restraint
 - A. Physical restraint should only be used as an emergency procedure of last resort and only after all other less intrusive interventions have been used and failed, including de-escalation strategies.
 - B. Students should be physically restrained only when needed to protect a student or other member of the school community from immediate serious, physical harm.
 - C. Every effort should be made to prevent or minimize any harm to the student as a result of the use of physical restraint.
- III. **Procedure**
 - A. Students at risk for violent or self-injurious behaviors should be reported to the building administrator who will assign appropriate staff to provide support. Students in immediate danger to harm themselves or others should be under continuous supervision until they receive services or leave school grounds safely with an appropriate adult. The administrator will coordinate the building response.
 - B. Office personnel are trained to immediately contact three qualified staff trained in restraint. Office personnel will have a list of all trained staff, and contingency plans in order to immediately contact them. Contingency plans should account for the absence of office personnel and/or trained staff.
 - C. Staff members have been trained and certified in CALM, which is a safe, non-harmful behavior management system designed to help human service workers provide for the best possible care and welfare of assaultive, disruptive, or out-of-control persons. They receive 16 hours of initial training, and are re-certified yearly.
 - D. Restraint techniques include:
 1. One or two person basket holds
 2. Two person wall hold
 3. Transport technique, which involves two staff moving a student from one place to another.
 - E. Extended restraints, that is restraints that last longer than twenty minutes, will be avoided unless absolutely necessary. Extended restraints increase the likelihood of injury.
 - F. Restraints will be administered with due consideration for an individual student's pre-existing medical, psychological, or behavioral modifications or needs. Staff should inform restraint TEAM of any such condition.

- G. Only assigned, trained staff will administer a restraint. At least one other staff member will be present as an observer.
- H. Physical restraint will be administered only when needed to protect a student or member of the school community from immediate, serious, or physical harm and non-physical interventions were not effective. Physical restraint is not to be used to protect property, ensure compliance, or as a punishment. The physical restraint will be terminated immediately after it is safe for the student, other students and staff.
- I. In order to prevent the need to administer physical restraint, staff should make every reasonable effort to de-escalate anxious, agitated, or angry students. Empathetic verbal interventions, alternative appropriate behavioral choices, and assistance from support staff are all helpful considerations. Confrontations and “power struggles” should be avoided. Staff members are encouraged to call for assistance in order to avoid escalating problematic behavioral changes that may suggest the potential for acting out behaviors if not attended to with care.

IV. Training/Communication/Reporting

- A. These procedures will be presented by the building administrator or designee during the first month of each school year, and for employees hired after the training, within one month of their employment.
- B. These procedures will be made available to parents of all enrolled students.
- C. See School Committee Policy JKAA.

Notice

The Superintendent will disseminate this policy and its accompanying procedures to staff annually and will make a copy of this policy and procedures available to parents through the Mansfield Public Schools website.

Home and Hospital

The Massachusetts regulation requiring educational services in the home or hospital is 603 CMR 28.03(3)(c). It reads as follows:

Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal shall coordinate such services with the Administrator for Special Education for eligible students. Such educational services shall not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.

The intent of this regulation on home or hospital instruction is to provide a student receiving a publicly funded education with the opportunity to make educational progress even when a physician determines that the student is physically unable to attend school. While it is impossible to replicate the total school experience through the provision of home/hospital instruction, a school district must provide, at a minimum, the instruction necessary to enable the student to keep up in his/her courses of study and minimize the educational loss that might occur during the period the student is confined at home or in a hospital.

Although the regulation on home/hospital instruction is included in the Special Education Regulations (603 CMR 28.00), home/hospital instruction is not considered "special education" unless the student has been found eligible for special education. In other words, home/hospital instruction typically is considered a regular education service, since it is in the interest of both the individual student and the school to make it possible for the student to keep up with schoolwork while s/he is unable to attend school for medical reasons.

Who is Entitled to Educational Services in the Home or Hospital

Public school students. A public school student who, due to documented medical reasons, is confined to home or a hospital for not less than fourteen (14) school days during the school year, is entitled to receive home/hospital educational services as described under 603 CMR 28.03(3)(c). In this context "public school student" means a student who is enrolled in a public school district or a charter school, or a student who is being educated with public funds in an educational collaborative or an approved private day or residential special education school. The requirement for a school district to provide home/hospital instruction to a public school student who is being educated at public expense is not dependent upon the student's eligibility for special education.

Private school students. A student who is enrolled in a private school at private expense ("private school student") is entitled to receive publicly-funded home/hospital instruction as a special education service if s/he has been found to be a student with a disability who requires special education. Mass. General Laws Chapter 71B, § defines "school age child with a disability" as follows:

a school age child in a public or *non-public school setting* who, because of a disability consisting of a developmental delay or any intellectual, sensory, neurological, emotional, communication, physical, specific learning or health impairment or combination thereof, is unable to progress

effectively in regular education and requires special education services, including a school age child who requires only a related service or related services if said service or services are required to ensure access of the child with a disability to the general education curriculum. G.L. Chapter 71B, § 1 (emphasis added).

Students with chronic illnesses who have *recurring home/hospital stays of less than 14 consecutive school days*, when such recurrences have added up to or are expected to add up to more than 14 school days in a school year, are also eligible for home or hospital educational services if they are requested and the medical need is documented by the physician (*Physician Statement for Temporary Home/Hospital Education* **(See Appendix U)**).

Home and hospital educational services under 603 CMR 28.03(3)(c) must begin without undue delay after the school district receives written notice from the student's physician that such services are necessary. Please note that there is *no required 14-day waiting period before home or hospital instruction can commence* if it is likely that the student will be absent from the school-based program for 14 school days or more in the school year.

Home and Hospital Forms must be renewed every 60 days.

Legal Notices and Advisories

Parent’s Notice of Procedural Safeguards

DESE website link:

www.doe.mass.edu/sped/prb/

Student Records

DESE website link:

www.doe.mass.edu/lawsregs/603cmr23.html?section=07

Voluntary Termination of Special Education Services by Parent

DESE website link:

www.doe.mass.edu/sped/advisories/10_1.html

Home/Hospitalized Educational Service

DESE website link:

www.doe.mass.edu/pqa/ta/hhep_ga.html

Translated IEP Forms and Notices

DESE website link:

www.doe.mass.edu/sped/iep/tforms.html

APPENDIX

- A. Educational Assessment Part A
- B. Educational Assessment Part B
- C. Evaluation Report Template
- D. Autism Consideration Form
- E. In Home Evaluation Consent
- F. Request for Waiver of Assessments
- G. Summary of Performance
- H. TEAM Member Excusal Form
- I. IEP TEAM Meeting Parent Waiver
- J. Special Education Eligibility Flow Chart
- K. N2 – Finding of No Eligibility and/or Refusal of Requested Services
- L. Extended Evaluation Form
- M. Required IEP Checklist
- N. Extended Year Service Recommendation Form
- O. Transition Planning Form
- P. Age of Majority
- Q. Notice of Transfer of Parent's Rights
- R. Age of Consent Decision Form
- S. 688 Referral Form
- T. Manifestation Determination
- U. Physician's Statement for Temporary Home/Hospital Education
- V. School Visitor Observation Request
- W. Parent's Notice of Procedural Safeguards

APPENDIX A

School District Name:
School District Address:

Educational Assessment: Part A
603 CMR 28.04(2)(a)(2)

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

SCHOOL HISTORY:

1. YEAR GRADE SCHOOL

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

EDUCATIONAL PROGRESS AND POTENTIAL:

4. Is the student making progress in the general curriculum? YES NO If NO, explain why not and reference the student's educational history and state/district-wide assessment results when responding.
5. Has the student's progress been:
a. similar to that of his/her peers? YES NO If NO, list the possible factors that have enhanced/ limited progress.

b. consistent over the student's school history? YES NO If NO, list the possible factors that have enhanced or limited progress.
6. Provide any other comments related to the student's educational and developmental potential.

APPENDIX B

School District Name:
School District Address:

Educational Assessment: Part B

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

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

CURRENT TEACHER ASSESSMENT:

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

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

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

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

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

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

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

APPENDIX C

Name of student

1

MANSFIELD PUBLIC SCHOOLS

Name of School

Address

Mansfield, MA 02048

SPECIAL EDUCATION EVALUATION

TYPE OF ASSESSMENT

Personal and Confidential

STUDENT:

DATE OF BIRTH:

AGE EQUIVALENT: YEARS, MONTHS

EXAMINER: Name and degrees

GRADE:

DATE OF REPORT:

DATE OF EVALUATION: list
all date(s) tested

REASON FOR REFERRAL:

BACKGROUND INFORMATION:

Eligible since (list date); Receiving (list services) services currently; Psychologist will include more detailed input.

EVALUATION PROCEDURES:

List all assessments, observations, review of file etc.

OBSERVATIONS:

Classroom Observation (date):

Summarize observations

Testing Observations:

Add something to the effect of : the results of the current assessment should be considered an accurate reflection of the students overall abilities at this time.

RESULTS:

Discuss in depth all sections including subtests

Include charts with numbers.

Cluster/Test

Standard Score

Percentile

Classification

No grade or age equivalent to be included

CURRICULUM BASED RESULTS (Elementary Only):

SUMMARY:

It was a pleasure working with NAME OF STUDENT. If you have any concerns or questions, please do not hesitate to contact me at PHONE NUMBER.

RECOMMENDATIONS:

List by number all recommendations to support this student, not specific placement or service delivery but strategies, accommodations, modifications, etc.

NAME OF EVALUATOR, CREDENTIALS
TITLE

APPENDIX D
MANSFIELD PUBLIC SCHOOLS
255 EAST STREET ~ 2ND FLOOR
MANSFIELD, MASSACHUSETTS 02048



BERNADETTE M. CONROY
Director of Special Education

Phone (508) 261-7507
Fax (508) 261-7518

AUTISM CONSIDERATION

In July 2006, Chapter 57 of the Acts of 2006, entitled *An Act to Address the Special Education Needs of Children with Autism Spectrum Disorders*, took effect. This law, which amends M.G.L. c71B.§ 3, requires IEP teams to consider and address in the IEP discussions of certain specific needs of students with autism spectrum disabilities.

In May, 2010, Chapter 92 of the Acts of 2010, entitled *An Act Relative to Bullying in Schools*, took effect. This law requires that IEP teams consider and address whether a child's disability affects *social-skills development* or if the child is *vulnerable to bullying, harassment or teasing because of the child's disability* and if so, the IEP must address the skills/proficiencies needed to avoid and respond to these issues.

In the development of the Individualized Education Program for a student who has a disability on the autism spectrum as defined in the DSM-V, the IEP team shall consider all of the following factors.

Student Name _____ Date _____

1. Verbal and Nonverbal Communication Needs:

Student Needs: _____

Supports Identified: _____

2. Social Interaction Skills and Proficiencies:

Student Needs: _____

Supports Identified: _____

3. Needs resulting from unusual responses to sensory experiences:

Student Needs: _____

Supports Identified: _____

4. Needs resulting from resistance to environmental change or change in daily routines:

Student Needs: _____

Supports Identified: _____

Revised: March, 2016

All students, regardless of race, color, sex, religion, national origin, limited English proficiency, sexual orientation, gender-identity, disability, or housing status, have equal access to all programs including athletics and other extracurricular activities

5. Needs resulting from engagement in repetitive activities and stereotyped movements and/pr vocalizations:

Student Needs: _____

Supports Identified: _____

6. Needs for any positive behavioral interventions, strategies and supports:

Student Needs: _____

Supports Identified: _____

7. Needs for social skills and proficiencies to avoid and respond to bullying, harassment or teasing:

Student Needs: _____

Supports Identified: _____

IEP Goals/Objectives Identified: _____

Student Name

Date

APPENDIX E

MANSFIELD PUBLIC SCHOOLS
2 Park Row
Mansfield, Massachusetts 02048

STUDENT in Home EVALUATION CONSENT

Date _____

Dear _____

The Mansfield Public Schools is requesting permission to perform a **Home Assessment** for your child,

Once consent is received appropriate staff will visit your home and conduct the assessment to determine any supports the school is able to provide. The evaluation is being performed at the request of the parents.

Upon completion of the evaluation, you will be notified of the findings and be invited to a meeting to review results and discuss next steps.

By signing below:

- YES**, I give consent for Mansfield Public Schools staff to come to my home and perform a home assessment.

- NO**, I do not give consent for evaluation of my child.

Parent's signature _____ Date _____

5/23/2016

"All students regardless of race, color, sex, religion, national origin, limited English proficiency, sexual orientation, gender identity, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities."

APPENDIX F

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

REQUEST FOR WAIVER OF ASSESSMENT(S)

20 U.S.C. §614(c) (4); 603 CMR 28.07(2)

To: _____
Parent, Guardian, Educational Surrogate Parent, Student 18 and over

Re: _____ DOB: _____
Student's Name

Date: _____

Special education regulation states that school districts should avoid unnecessary duplication of assessments. Therefore, after the Team has carefully reviewed your child's school record for information that reflects the status of your child's disability(ies) and/or student performance, the school district recommends the following assessments be waived:

Type of Assessment:	Reason for Waiver Recommendation:

It is important that the school district knows your decision as soon as possible. Please indicate your response by checking one (1) box below and returning a signed copy to the district. If you do not agree to waive the above assessment(s), the school district is obligated to complete the noted assessment(s). Thank you.

I agree to waive the assessment(s) listed above.

I agree to waive only the following assessment(s):

Type of Assessment(s)

I do not agree to waive the above assessments.

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

Date

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

Directions to School District Staff: Please remember that the Team (20 U.S.C. § 614 (d)(1)(B)) and other qualified professionals must review existing evaluation data on the student and that a student may not be determined ineligible for services unless a reevaluation is completed. Please use this form in conjunction with N1 – School District Proposal to Act. N 1 should list the assessments that are recommended for completion.

APPENDIX G

SUMMARY OF STUDENT PERFORMANCE

The following guide can be used to assist districts in meeting IDEA 2004 requirements for students whose special education eligibility terminates due to graduation or exceeding the age eligibility requirements. Under these new provisions, the district shall provide the student with a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student in meeting her/his desired postsecondary outcomes.

Student:	Date:
District: Mansfield Public Schools	School: Mansfield Public Schools

Reason for termination of eligibility: Graduated Exceeds age limit

Provide a written summary of the following:

* Student's academic achievement:

* Student's functional performance:

* Recommendations on how to assist the student in meeting her/his desired postsecondary outcomes (Include information on postsecondary courses of study, employment, community experiences, and daily living skills and needs):

Completed by school personnel:

Position:	Date Completed:
------------------	------------------------

APPENDIX H
MANSFIELD PUBLIC SCHOOLS

TEAM MEMBER EXCUSAL AGREEMENT

Student Name: _____ D.O.B. _____

Date of Notice: _____ Meeting Date: _____

Check One:

- THE MEETING REQUIRES THE IDENTIFIED MEMBER'S INPUT (for required roles)**
- **EXCUSAL – A member of the IEP TEAM may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member(s) area of the curriculum or related services if:**
 - (I) *The parent and the local agency consent to the excusal; and*
 - (II) *If necessary, the member must submit, in writing to the parents and the IEP TEAM, input into the development of the IEP prior to the Meeting*

TEAM MEMBER NAME	ROLE

WRITTEN PARENTAL AGREEMENT AND CONSENT REQUIRED when the parent and district representative agree that a Team Member is considered not necessary or is to be excused. When a member is 'excused,' that individual if necessary must provide a written report to the parent(s) and the district in advance of the IEP Meeting.

Parent Signature

Date

APPENDIX I

MANSFIELD PUBLIC SCHOOLS
OFFICE OF SPECIAL EDUCATION

IEP TEAM MEETING – PARENTAL WAIVER

Authority: P.L. 108-446, Section 614(d)(3)(D): Parents and school districts may agree to amend or modify an IEP without convening the Team after the annual IEP meeting for the school year.

Meeting Date _____

Student Name _____ Date of Birth _____

Address _____

Parents Name(s) _____

Home Phone # _____ Work or Cell _____

Current IEP Dates From _____ To _____

Amended IEP Dates From _____ To _____

Purpose of IEP Amendment:

- Increase service time
- Decrease service
- Alter goals/benchmarks

I give permission for the above listed IEP amendment to be developed without convening the Team. I understand that a written copy of the developed IEP amendment will be forwarded to me for approval and signature.

Signature of Parent/Guardian

Date

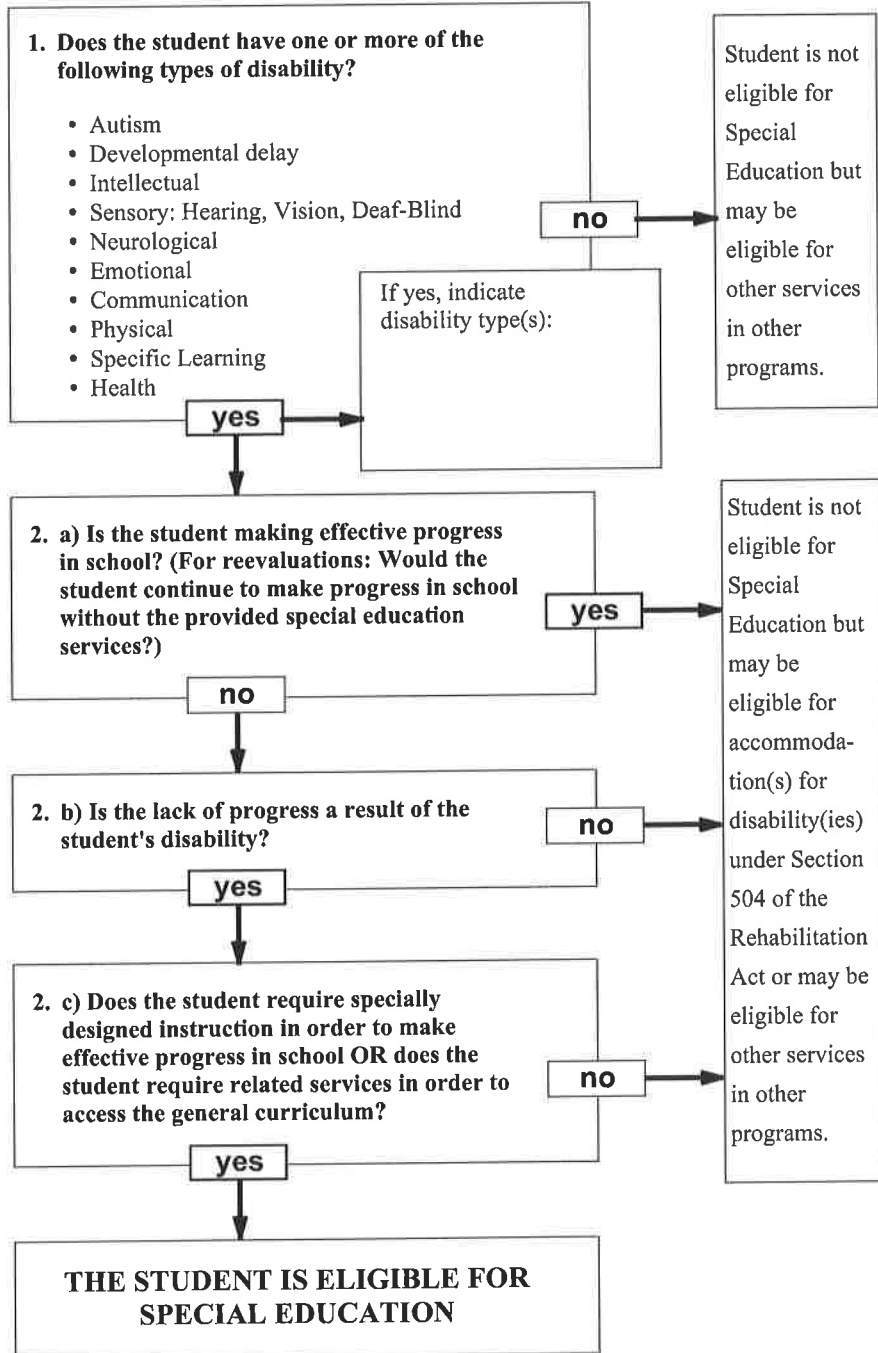
APPENDIX J

School District Name: Mansfield Public Schools
 School District Address: 2 Park Row Mansfield, MA 02048
 School District Contact Person/Phone #: Conroy, Bernadette

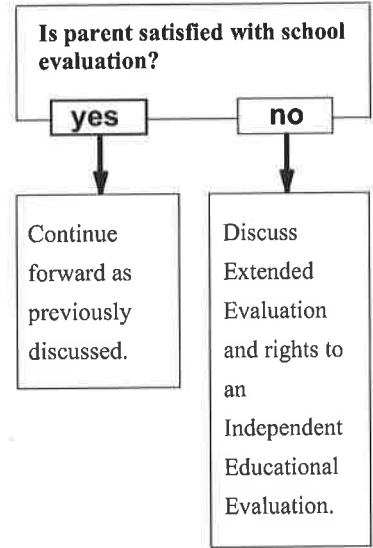
Special Education Eligibility / Initial and Reevaluation Determination

Student Name: Sped middleName Student DOB: 12/20/2000 ID#: 70813 Date: _____

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



B. Answer this question for all students.



KEY EVALUATION FINDINGS AND/OR NEXT STEPS

APPENDIX K

***Mansfield Public Schools
Mansfield, MA 02048***

To:

Re: **Sped middleName Student (ID: 70813, DOB: 12/20/2000)**

Subject: **The school district does not intend to act:**

- Finding of No Eligibility
- Refusal of Requested Services
- Other:

Notice Date:

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

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

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

District Contact Person: Conroy, Bernadette

Contact Information: Mansfield Public Schools
255 East Street Mansfield, MA 02048

dawn.nunnally@mansfieldschools.com

Enclosures:

Other:

Re: Sped middleName Student (ID: 70813, DOB: 12/20/2000)

Notice Date:

Directions to School Staff:

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

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

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

Narrative Description of School District Refusal To Act

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

APPENDIX L

School District Name:

School District Address:

School District Contact Person/Phone #:

Extended Evaluation Form

Evaluation Dates: from _____ to _____

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

Why is an extended evaluation period being recommended? (Check one)

- checkbox The Team found the student eligible for special education and developed a checkbox partial IEP/ checkbox full IEP but recommended further assessment. (Check one box within the sentence itself.)
checkbox The Team found the student eligible for special education but recommended further assessment before developing an IEP.

Important Details from State Regulation — §603 CMR 28.00: An extended evaluation should be used when evaluation information is inconclusive and should not be used to deny programs or services determined necessary by the Team. If the Team has determined eligibility and some necessary objectives and services, then the Team should write a partial IEP and, with parent acceptance, immediately implement the partial IEP while the extended evaluation is occurring. The evaluation may extend from one to eight school weeks but no longer than eight school weeks. The Team may meet at intervals during this period and should reconvene promptly when the evaluation is complete to make any final decisions about IEP services. The extended evaluation should not be used to allow extra time to complete required assessments and is not considered a placement.

Table with 2 columns and 3 rows of questions: 1. What are the current evaluation findings? 2. What type(s) of additional information is needed? 3. How will the additional information be obtained? 4. What time period (longer than one week but not to exceed eight school weeks) is needed to complete the necessary evaluation(s)? 5. Should the Team meet at intervals during the extended evaluation period? 6. What date will the Team reconvene to complete an IEP?

Extended Evaluation Form

Evaluation Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Additional Information

Response Section

School Assurance

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

Signature and Role of LEA Representative

Date

Parent Options / Responses

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

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

-
-
- I reject the offer of an Extended Evaluation and wish to have an IEP immediately developed.
 - I request a meeting to discuss the rejected Extended Evaluation or rejected portion(s).

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

Date

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

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

APPENDIX M
Office of Special Education
REQUIRED FORMS AND NOTICES

IMPLEMENTED

Student: _____

Liaison: _____

School: _____

Meeting Date: _____

ELL Student: Yes No **Translation Required** (per home language survey): Yes No If yes, language _____

- Please attach all necessary documents in the order listed below and check the box next to the description
- All documents must be originals and sent to Special Education Secretary in your building
- Indicate whether proposed documents have been accepted or rejected, if applicable

<input type="checkbox"/> IEP – Initial Evaluation or <input type="checkbox"/> 3 Year Re-Evaluation <input type="checkbox"/> N1 – Notice of Proposed Action to Evaluate <input type="checkbox"/> N1A – Evaluation Consent Form <input type="checkbox"/> ED1 Eligibility Determination (flow chart) <input type="checkbox"/> Determination of SLD (if applicable) <input type="checkbox"/> Autism Consideration Form (if applicable) <input type="checkbox"/> Educational Assessment A <input type="checkbox"/> Education Assessment B <input type="checkbox"/> Achievement/Academic Assessment <input type="checkbox"/> Observation of Student <input type="checkbox"/> Psychological Assessment <input type="checkbox"/> Other Assessment(s): _____ <hr/> <input type="checkbox"/> ADMIN 1 – Administrative Data Sheet <input type="checkbox"/> IEP 1 – 8 <input type="checkbox"/> PL1 – Team Determination of Placement <input type="checkbox"/> Transition Planning Form (TPF) (14yr & over or turning 14 during) <input type="checkbox"/> N1 – Notice of Proposed Action <input type="checkbox"/> PL2 – Educational Environment/Placement <input type="checkbox"/> PL3 - Primary Disability/Level of Need <input type="checkbox"/> Accepted <input type="checkbox"/> N3 Invitation to Team Meeting <input type="checkbox"/> Rejected <input type="checkbox"/> N3A Attendance Sheet (initialed) <input type="checkbox"/> Partially Rejected <input type="checkbox"/> Age of Majority (by 17 years old) <input type="checkbox"/> Copied Medicaid Form (initial and send to Linda Hallamore) <input type="checkbox"/> Transportation Needed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> SY <input type="checkbox"/> ESY <input type="checkbox"/> Recommended for ESY <input type="checkbox"/> Yes <input type="checkbox"/> No
--

Amendment
<input type="checkbox"/> N1 – Notice of Proposed Action <input type="checkbox"/> ADMIN 1 – Administrative Data Sheet <input type="checkbox"/> IEP A1 & A2 – Amendment Data <input type="checkbox"/> Any IEP pages changed or added <input type="checkbox"/> N3 Invitation to Team Meeting <input type="checkbox"/> Accepted <input type="checkbox"/> N3A Attendance Sheet (initialed) <input type="checkbox"/> Rejected <input type="checkbox"/> IEP Team Meeting – Parental Waiver <input type="checkbox"/> Partially Rejected

<input type="checkbox"/> Initial Evaluation or <input type="checkbox"/> 3 Year Re-Evaluation <p align="center">Finding of No Eligibility</p> <input type="checkbox"/> N2 – Notice of Proposed Action <input type="checkbox"/> N1 – Notice of Proposed Action to Evaluate <input type="checkbox"/> N1A – Evaluation Consent Form <input type="checkbox"/> ED1 Eligibility Determination (flow chart) <input type="checkbox"/> Educational Assessment A <input type="checkbox"/> Education Assessment B <input type="checkbox"/> Achievement/Academic Assessment <input type="checkbox"/> Observation of Student <input type="checkbox"/> Psychological Assessment <input type="checkbox"/> Transition <input type="checkbox"/> Other <input type="checkbox"/> Assessment(s): _____ <hr/> <input type="checkbox"/> N3 Invitation to Team Meeting <input type="checkbox"/> N3A Attendance Sheet
--

ANNUAL REVIEW/RECONVENE/OTHER
<input type="checkbox"/> ADMIN 1 – Administrative Data Sheet <input type="checkbox"/> IEP 1 – 8 <input type="checkbox"/> PL1 – Team Determination of Placement <input type="checkbox"/> Transition Planning Form (TPF) (14yr & over or turning 14 during) <input type="checkbox"/> N1 – Notice of Proposed Action <input type="checkbox"/> PL2 – Educational Environment/Placement <input type="checkbox"/> PL3 - Primary Disability/Level of Need <input type="checkbox"/> Autism Consideration Form (if applicable) <input type="checkbox"/> Accepted <input type="checkbox"/> N3 Invitation to Team Meeting <input type="checkbox"/> Rejected <input type="checkbox"/> N3A Attendance Sheet (initialed) <input type="checkbox"/> Partially Rejected <input type="checkbox"/> Age of Majority (by 17 years old) <input type="checkbox"/> Copied Medicaid Form (initial and send to Linda Hallamore) <input type="checkbox"/> Transportation Needed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> SY <input type="checkbox"/> ESY <input type="checkbox"/> Recommended for ESY <input type="checkbox"/> Yes <input type="checkbox"/> No

Extended Evaluation
<input type="checkbox"/> N1 – Notice of Proposed Action to Evaluate <input type="checkbox"/> N3 Invitation to Team Meeting <input type="checkbox"/> ADMIN 1 – Administrative Data Sheet <input type="checkbox"/> N3A Attendance Sheet (initialed) <input type="checkbox"/> EE1 & EE2 – Extended Evaluation <input type="checkbox"/> PL1 – Team Determination of Placement <input type="checkbox"/> IEP Full or <input type="checkbox"/> Partial <input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Partially Rejected

- Date IEP Mailed Home _____
- Principal Signature _____
- Date Sent to Special Education Office _____

APPENDIX N

Mansfield Public Schools

Extended Year Service Recommendation

Student Name: _____, Student Grade: _____

Contact Person Name: _____, Date _____

To assist Teams in determining the probability of “substantial regression,” per Department of Secondary and Elementary Education guidelines, special education service providers must maintain *quantitative and qualitative data* regarding a student’s need for Extended Day/Year Services at every annual IEP meeting. This data should include anecdotal records on the rates of learning and relearning, as well as attainment of IEP goals and objectives. By maintaining such documentation the Team must determine:

1. *Loss of performance levels after a break in service.*
2. *The time for a child to review/relearn previously attained objectives is greater than the period of time the school district allows for all other children for review and/or relearning.*

Documentation must be accumulated after extended break and vacation periods relative to a student’s *substantial regression* in one or more of the goals/objectives on a student’s IEP. This information must be noted to support the need for Extended Year Services for the upcoming summer months. A portfolio of student work demonstrating **SUBSTANTIAL regression** is required to be maintained by the classroom teacher for each student being recommended for Extended Year Services. Not all areas of a student’s IEP need documentation – only the areas/goals which the Team is recommending Extended Year Services. Students should not be recommended for Extended Year Services based upon having received them the previous summer.

Return this completed document to your Assistant Director/Director if the Team is recommending Extended Year Services along with the signed accepted or rejected IEP (copies of this document will be maintained in the student’s file at the school site and the original copy will be maintained in the student’s file at the Special Education Office.) This document does not go home with the IEP and is only for recordkeeping purposes as it is not part of the IEP format (naturally - parents can access this document, as with all other student records, at any time).

(See back for documentation notes)

APPENDIX O

Massachusetts Department of Education, Transition Planning Form

TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 15 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

Student: Sped middleName Student	SASID: 12345678900	Age: 15
Date form completed:		
Anticipated date of graduation:	Current IEP dates from: 10/15/2014	to: 10/15/2015
Anticipated date of 688 referral, if applicable:		

POST-SECONDARY VISION

Write the student's POST-SECONDARY VISION in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

DISABILITY RELATED NEEDS

Write the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

Student: Sped middleName Student

Date form completed:

ACTION PLAN

The ACTION PLAN should outline how the student can develop self-determination skills and be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision. Indicate how Special Education/General Education, family members, adult service providers or others in the community will help the student develop the necessary skills. Disability related needs must also be stated on page 1.

Develop the ACTION PLAN needed to achieve the POST-SECONDARY VISION by outlining the skills the student needs to develop and the courses, training, and activities in which the student will participate. Include information on who will help the student implement specific steps listed below in the Action Plan.

- **Instruction: Is there a course of study or specific courses needed that will help the student reach his/her post-secondary vision?**

Consider the learning opportunities or skills that the student may need. This could include specific general education courses and/or special education instruction, career and technical education, and/or preparation for post-secondary outcomes such as vocational training or community college.

- **Employment: Are there employment opportunities and/or specific skills that will help the student reach his/her post-secondary vision?**

Consider options such as part-time employment, supported job placement, service learning projects, participation in work experience program, job shadowing, internships, practice in resume writing/ interviewing skills, the use of a one-stop resource center and job specific skills in areas such as customer service, technology, etc.

- **Community Experiences/ Post School Adult Living: Are there certain types of community and/or adult living experiences that will help the student reach his/her post-secondary vision?**

Consider options such as participation in community based experiences, learning how to independently access community resources, building social relationships, managing money, understanding health care needs, utilizing transportation options and organizational skills.

APPENDIX P

School District Name: Mansfield Public Schools
School District Address: 2 Park Row Mansfield, MA 02048
School District Contact Person/Phone #:

AGE OF MAJORITY NOTICE

To Student: Sped middleName Student **DOB:** 12/20/2000 **Grd/Lvl:** 09 **SASID:** 12345678900

From:

Date:

Re: Student Rights Upon Reaching Age 18 (Age of Majority)

As you approach your 18th birthday, your rights and responsibilities under Massachusetts and federal special education laws will be changing, and we are writing to inform you of those changes. Please read this letter carefully. I will be happy to sit with you and explain anything you might want to have clarified.

When you reach your 18th birthday, you will be considered an adult under special education law, and you will be asked to make a choice. You may decide to make all decisions yourself, without the consent of your parents. You may choose to share decision-making with your parent(s) or guardian, or any other adult of your choice, including allowing your parents to co-sign your IEP. Or you may decide to continue to have your parents make education decisions for you. We will ask you to convey your choice to the TEAM in writing at the time of your birthday.

There is one exception: if your parent(s) or guardians have sought and received guardianship from a court, they will continue to have authority. If they do not obtain guardianship, they cannot override any decision you make after your 18th birthday.

These important responsibilities reflect your status as an adult, and we know that you will make these decisions wisely. Please discuss this with your parents, and be assured we will be happy to help you with this decision in any way that we can.

A copy of the Notice of Procedural Safeguards is included with this memo. All the rights described in the brochure will transfer to you upon your eighteenth birthday. Please take the time to review this brochure and discuss the contents with your parent/guardian. If you have any questions or concerns about this letter or the contents of the enclosed Notice of Procedural Safeguards please contact the director of special services.

cc: Parent/Guardian
Student file

Enclosure: 2 copies of Age of Majority Notice
Notice of Transfer of Parental Rights Form
Notice of Procedural Safeguards
Age of Consent Decision Form
Parent Rights Brochure

School District Name: Mansfield Public Schools
School District Address: 2 Park Row Mansfield, MA 02048
School District Contact Person/Phone #:

AGE OF MAJORITY NOTICE

To Student: Sped middleName Student **DOB:** 12/20/2000 **Grd/Lvl:** 09 **SASID:** 12345678900

From:

Date:

Re: Student Rights Upon Reaching Age 18 (Age of Majority)

AGE OF MAJORITY NOTICE RECEIPT

Please sign & return one copy of this letter within ten days

Student Signature

Date

Parent/Guardian Signature

Date

The district does not discriminate on the basis of race, color, religion, sexual orientation, national origin, age, gender or handicap in admission to, access to, treatment in or employment in its programs or activities.

APPENDIX Q

School District Name: Mansfield Public Schools
School District Address: 2 Park Row Mansfield, MA 02048
School District Contact Person/Phone #:

NOTICE OF TRANSFER OF PARENTAL RIGHTS

To Student: Sped middleName Student **DOB:** 12/20/2000 **Grd/Lvl:** 09 **SASID:** 12345678900

From:

Date:

Re: Student Rights Upon Reaching Age 18 (Age of Majority)

The state of Massachusetts transfers rights to individuals at the age of majority. Therefore, all parental rights will transfer to the student and he/she becomes responsible to make all decisions regarding future educational services, unless a legal guardian or conservator has been appointed. If a guardian or conservator has been appointed, please notify us. Parent(s) will continue to receive any future notices required by state and federal laws and rules regarding educational programming. If you have questions, contact

cc: Evaluation Team Leader
Student
Parent/Guardian

The district does not discriminate on the basis of race, color, religion, sexual orientation, national origin, age, gender or handicap in, admission to, access to, treatment in or employment in its programs or activities.

School District Name: Mansfield Public Schools
School District Address: 2 Park Row Mansfield, MA 02048
School District Contact Person/Phone #:

NOTICE OF TRANSFER OF PARENTAL RIGHTS

Transfer of Parental Rights at Age of Majority and Student Participation and Consent at the Age of Majority

1. One year prior to the student reaching age 18, the district informs the student of his/her right at age 18 to make all decisions in relation to special education programs and services.
2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student to continue the student's special education program.
3. The district continues to send the parent written notices and information but the parent will no longer have decision-making authority, except as provided below:
 - a. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
 - b. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his/her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.
 - c. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his/her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness, and is documented in written form and maintained in the student record.

State Regulations 28.08(7), Ch. 231, Sec. 3A.

Federal Requirements.300.347(c),300.517

APPENDIX R

School District Name: Mansfield Public Schools
School District Address: 2 Park Row Mansfield, MA 02048
School District Contact Person/Phone #:

AGE OF CONSENT DECISION FORM

To Student: Student, Sped middleName **DOB:** 12/20/2000 **Grd/Lvl:** 09 **SASID:** 12345678900

From:

Date:

Re: Student Rights Upon Reaching Age 18 (Age of Majority)

I understand my rights under Massachusetts special education regulations regarding the Age of Consent, as explained in the letter attached. I have made the following decision.

1. I wish to retain decision-making authority myself.
2. I wish to share decision-making authority with:
 - a. My parents(s): _____
 - b. Another adult (name and role): _____
3. I wish to delegate decision making authority to:
 - a. My parents(s): _____
 - b. Another adult (name and role): _____

Student signature _____ Date _____

TEAM member signature _____ Date _____

Witness signature _____ Date _____

Copy to: Student file
Student
Other named aboves

COMMONWEALTH OF MASSACHUSETTS CHAPTER 688 REFERRAL FORM

Directions

- 1) Mail the original referral form with a copy of the current IEP, the TPF (Transition Planning Form, 28M/9), and the most recent assessments to one human service agency (see list below).
- 2) If you don't know which agency to select or more than one agency seems appropriate send items in #1 (above) to the BTP.

STUDENT INFORMATION SASID#: _____ Date Completed: ____/____/____ DOB: ____/____/____ Sex: M F

Name: _____ (first) _____ (last) Language Spoken: _____

SSN: ____-____-____ Receives SSI/SSDI? Yes No Unknown

Disability Category: Primary _____ Secondary _____ Level of Need: high moderate low

Parent/Guardian Name _____ Legal Guardian? Yes No Language Spoken: _____

Address: _____ Phone: (____) _____ - _____

SCHOOL DISTRICT/PROGRAM INFORMATION Is this student expected to graduate before age 22?
 Yes, expected date: ____/____/____ No, expected date of SpEd termination: ____/____/____

School District (LEA): _____ LEA Address: _____

LEA Contact Person: _____ Phone: (____) ____-____ Name of High School: _____

Type of Placement: _____ List All Funding Agencies: _____

School/Educational Placement: _____ Address: _____

Signature of Special Education Director/Designee _____ Date: ____/____/____ Phone: (____) ____-____

REFERRAL SUBMISSION: Send to **ONLY ONE** of the following:

- Department of Children & Families (DCF) Department of Developmental Services (DDS)
- Department of Mental Health (DMH) MA Commission for the Deaf & Hard of Hearing (MCDHH)
- MA Rehabilitation Commission (MRC) MA Commission for the Blind (MCB)

If you don't know which agency, or more than one agency seems appropriate, please send to:
 The Bureau of Transitional Planning at One Ashburton Place, Room 1109; Boston, MA 02108

I hereby authorize the release of all personal information contained in this student's records, including medical and educational evaluations, to the Bureau of Transitional Planning at EOHHS and to any member agencies for the purpose of eligibility determination and transition planning. I also authorize the release of any other personal information concerning this student that is required during the transitional planning process by any state agency to any other state agency.

Signature of Student (18 or over) or Parent/Guardian _____ **Date** _____

APPENDIX T

Mansfield Public School
Office of Special Education
Manifestation Determination

Student: _____ SASID: _____ Date: _____

School: _____ No. of cumulative suspension days to date this school year: _____

.....
IEP team members and other qualified personnel conducting this review:
Parent(s)/Guardian: _____ Evaluation specialists: _____
LEA representative: _____ Other: _____
ESE teacher: _____ Other: _____
Regular education teacher: _____ Other: _____
.....

The following has been reviewed:
 Infraction for which suspension has been recommended Student account of incident
 Witness(s) account of incident Parental Information Evaluation & diagnostic results
 Discipline Confidential file Current IEP/Amendment
 Observations Other relevant information: Meetings during year

In accordance with 1415(k)(1)(E)(i)-(ii) of the Individuals with Disabilities Education Act (IDEA), the following have been considered:

1. Was the misconduct in question caused by, or the result of a direct and substantial relationship to the child's disability?
 Yes No (If no, then the TEAM shall determine that the behavior is NOT a manifestation of the Disability, unless the answer to #2 is yes.)
2. Was the misconduct in question the direct result of the local school's failure to implement the IEP?
 Yes No (If no, the behavior is NOT a manifestation of the disability?)

DECISION:

Answer: NO:

_____ The IEP Team determined that ALL of the standards in 1415(k)(1)(E)(i)-(ii) were reviewed. If the behavior is considered **NOT A MANIFESTATION OF THE STUDENT'S DISABILITY**, ("no" on 1 & 2), the student may be disciplined as a regular education student; however, educational services must be provided to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, described in the child's current IEP, which will enable the child to meet the goals set out in that IEP.

Answer: YES:

_____ The IEP Team has determined the following standards (listed in the above box) resulted in a finding that the student's misconduct is related to his/her disability.

Item #1: _____ Item #2: _____

Therefore, the behavior **MUST** be considered a **MANIFESTATION** of the student's disability and further suspension and exclusion may not occur.

If the parent(s)/guardian disagree with the determination that the behavior was not a manifestation of the disability or disagree with the placement decision, the parent(s)/guardian may request and receive an expedited due process hearing. The parent(s)/guardian must have these rights explained to them. The school should contact Legal Services to arrange for the expedited hearing.

APPENDIX U

School District Name:
School District Address:

Physician's Statement for Temporary Home or Hospital Education

603 CMR 28.03(3)(c)

Student Information:

Student Name: _____ DOB: _____

Address: _____

Physician's Information:

Physician's Name: _____ Telephone #: _____

Type of Physician: _____

Address: _____

The student will require educational services at home and/or at a hospital:

for more than 14 days.

for recurrent periods of less than 14 days, that will accumulate to more than 14 days in the school year.

The school district should consider the following medical information when planning instructional services:

The student's health during this period(s) will affect / will not affect the provision of full educational services. If services will be affected, please explain why and how services will be impacted.

The student is expected to return to school on _____
(MM/DD/YY)

Physician's Signature

Date

APPENDIX V

**MANSFIELD PUBLIC SCHOOLS
Mansfield, Massachusetts**

SCHOOL VISITOR OBSERVATION REQUEST FORM

Please review this document carefully before completing this form and again before arriving for your pre-arranged visit. Please thoroughly and carefully complete this form in order to help us best arrange for a visit that will meet your needs as well as cause minimum disruption to our students and staff. This form must be completed and returned to the main office of the building you wish to visit two (2) school days prior to the date of any requested visit.

Name of student or program to be observed: _____

Please briefly describe the purpose of your observation: _____

Please identify which setting(s) you would like to observe:

___ Integrated Classes (please specify if you wish to see a specific class or subject area:

___ Therapy Sessions (please specify if you wish to see a specific type of therapy:

___ Special Education Classes (please specify if you wish to see a specific class or subject area:

___ Non-Academic settings or activities (please specify recess, lunch, club times,)

As stated in our "School Visitor Observation," due to the distraction inherent in the presence of any outside observer, the frequency of and duration of observations may be limited, depending on the nature of the individual program being visited. Given that limitation, please rank, in order of importance, the components of the program you wish to observe:

If you have particular questions about the program or there is general information that you would find helpful, please describe such information below so that we can have it prepared for you in

advance of your visit. For example, you might be seeking information such as student/teacher ratios, a student's schedule, class size, text used, etc.

Please list, in order of preference, several available dates on which you would like to observe. If your availability is limited to certain hours on any of these days, please note that as well:

If you are an individual authorized by the parent or legal guardian (i.e., an evaluator), please attach written documentation showing your status as an evaluator.

After this form has been submitted to the main office of the building in which the observation is sought, a representative of the building principal will call you to schedule the visit and will send you written confirmation.

Thank you in advance for your cooperation with the attached policies and procedures.

Name of observer: _____

Organization or affiliation: _____

*Please note that due to the confidentiality and privacy rights of all the students, your signature below indicates that in the event that you obtain personally identifiable or confidential information about any student(s) other than the one you are authorized to observe, that you will not disclose this information.

Signature: _____ Date: _____

Parent's Notice of Procedural Safeguards

Dear Parents:

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

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

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

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

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

1. What is "prior written notice" and when do you receive it? Page 2
2. What is "parental consent" and when must the school district ask for your consent? Page 3
3. Is the school district required to evaluate upon request by a parent? Page 5
4. What is an "independent educational evaluation"? Page 5

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

5. <u>When can you see your student's student records?</u>	Page 6
6. <u>How can parents and schools resolve disputes?</u>	Page 7
7. <u>What are your responsibilities if you place your student in a private school?</u>	Page 11
8. <u>What must be done to plan for your student's transition from school?</u>	Page 12
9. <u>How may a school discipline a student with a disability?</u>	Page 12
10. <u>Where can the laws and regulations and other useful information be found?</u>	Page 14

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

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

34 CFR §300.503

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

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

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

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

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

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

When you are given prior written notice, you will also be given a copy of this Notice of Procedural Safeguards, or if you have already received this Notice during the current school year, you will be told how you can obtain another copy. You will also be given information about whom you can contact for help in understanding federal and state special education laws.

2. WHAT IS PARENTAL CONSENT?

34 CFR §300.9 AND
603 CMR 28.07 (1)

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

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

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

2.1 WHEN WILL A SCHOOL DISTRICT ASK FOR YOUR CONSENT?

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

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

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

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

To approve initial services

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

To make a change in services, placement or reevaluation

Once you have agreed to an IEP for your student, the school district must obtain your consent before the school district may change the services or the placement of your student, or conduct a reevaluation.² If you refuse to give your consent, you have an obligation to engage with the district in active discussion to resolve your disagreement. If you have given consent to services in the past and now want to revoke consent and withdraw your student from services, you must do so in writing. The school district may not request a hearing at the Bureau of Special Education Appeals (BSEA) to obtain authority to provide educational services or to reevaluate your student without your consent.

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

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

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

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

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

2.2 WHEN WILL THE STUDENT BE ASKED FOR CONSENT?

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

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

2.3 WHEN WILL A SPECIAL EDUCATION SURROGATE PARENT GIVE CONSENT?

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

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

2.4 HOW DO I WITHDRAW CONSENT?

34 CFR §300.300(b)(4) AND 300.9

If you have given consent to special education and related services and now wish to revoke your consent, you must do so in writing. You may withdraw your consent to all special education and related services, to a specific service or to placement or to the district's use of MassHealth or Medicaid benefits for your student. Once the school district receives your letter, the district will send you a notice stating the change, if any, in educational placement and services that result from your

revocation of consent. Once you withdraw your consent to all special education and related services, the school district is no longer required to make FAPE available or to have an IEP meeting or develop an IEP for your student. School districts are not required to amend your student's record to remove references to special education services as a result of your revocation of consent.

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

**34 CFR §300.301 AND
603 CMR 28.04**

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

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

4. WHAT IS AN INDEPENDENT EDUCATIONAL EVALUATION?

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

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

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

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

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

If you do not meet income eligibility requirements or choose not to disclose financial information, the district must consider your request for a publicly funded IEE under federal law. Within 5 days, the district may either agree to provide an IEE at public expense or request a hearing at the Bureau

of Special Education Appeals (BSEA) to demonstrate that the evaluation conducted by the district was comprehensive and appropriate. More details regarding IEEs are available in the ESE Administrative Advisories 2004-1 and 2001-3 available from your local school district and on the ESE Web site <http://www.doe.mass.edu/sped/advisories/?section=admin>.

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

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

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

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

**34 CFR 300.611 AND
603 CMR 23.00**

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

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

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

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

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

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

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

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

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

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

6.2 USE THE ESE PROBLEM RESOLUTION SYSTEM

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

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

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

6.3 ASK FOR A NEUTRAL MEDIATOR TO BE APPOINTED.

Mediation⁶ is a service provided by a neutral individual who is trained in special education law and in methods of negotiation. Mediation can be scheduled whenever the parents and schools have a disagreement about special education matters, even if a complaint was made through the PQA Problem Resolution System. The mediator helps the parent and school district talk about their disagreement and reach a settlement that both sides can accept. Discussions during mediations are confidential and nothing that is said by either party can be used later if the dispute becomes the subject of a formal hearing or court proceeding. Once an agreement is reached, it will be put in writing, both sides will sign it, and it may be enforced by a court.

Mediation can be set up by contacting the BSEA at 617-626-7291. The mediator will schedule a meeting with you and the school district within 30 days of the request for mediation. Meetings will be held at a convenient time and place. Participation is voluntary, therefore both the school district and the parents must agree to participate in mediation. There is no fee for the service.

Additional information about how mediation works is available from the BSEA 617-626-7250 and can be found in their publications "Frequently Asked Questions about Mediation"⁷ and the "Explanation of Mediation."⁸

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

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

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

Either you or your school district can file a written due process hearing request¹⁰ with the other party and send a copy to the BSEA to obtain a due process hearing. The BSEA has developed a hearing request form¹¹ that you may use, or you can write your own letter instead of using the form, but you must be sure to include your student's name and residential address (or contact information if the student is homeless); the name of your student's school; a description of the problem you are concerned about, including specific facts relating to the problem; and a proposed

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

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

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

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

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

¹¹ <http://www.mass.gov/anf/docs/dala/bsea/hearing.doc>

solution to the problem. Note that the hearing will be limited to the issues that are identified in the complaint.

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

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

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

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

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

You must participate in the resolution meeting unless you *and* the school district agree, in writing, not to have the meeting or if you and the school district decide to use the mediation process. If the school district cannot get you to participate in the resolution meeting, it can ask the hearing officer to dismiss your complaint.

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

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

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

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

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

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

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

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

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

Additional information about due process hearings can be obtained from the BSEA at 617-626-7250 and from the BSEA Web site: <http://www.mass.gov/dala/bsea>.

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

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

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

The decision of the hearing officer is a final agency decision and cannot be reconsidered by the BSEA or changed by the ESE. Hearing decisions are public¹⁶ and are available on the BSEA Web site at <http://www.doe.mass.edu/bsea/decisions.html>.

¹⁴ M.G.L. c.30A

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

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

6.6 APPEAL A HEARING DECISION TO A STATE OR FEDERAL COURT

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

6.7 ATTORNEYS' FEES

34 CFR §300.517

Each party is responsible for paying its own attorney's fees unless the court decides otherwise. If you obtain a favorable result in a written hearing decision or court proceeding, the court¹⁷ may decide that the school district should pay your reasonable attorneys' fees. Note, however, that you will not be able to obtain these fees for the time spent litigating your case after the district made a settlement offer if

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

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

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

34 CFR §300.148

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

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

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

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

34 CFR §300.43

Planning for your student's transition from school to postschool opportunities will facilitate your student's ability to successfully participate in activities such as post-secondary education, work, and community and adult life. Planning for transition must be based on your student's strengths, preferences, interests, and needs, must begin when your student is 14, and must be discussed each year at a Team meeting. The school district must discuss your student's transition needs with you and your student¹⁸ and must consider the goals for your student after he or she completes school by graduating with a regular high school diploma or reaching the age of 22. School districts must use the Transition Planning Form¹⁹ to record the results of this annual discussion. The student's IEP must include measurable post-secondary transition goals, objectives and services based upon an appropriate assessment of his or her disability and transition needs.

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

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

34 CFR §300.530

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

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

Schools must follow special disciplinary rules for students with disabilities who have been found eligible for special education.²⁰ A chart depicting the operation of these disciplinary rules can be found on the ESE Web site.²¹ These special disciplinary rules apply as soon as a student is removed from his or her current education placement²² for more than 10 days in a row, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year and there is a pattern of removal for

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

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

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

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

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

comparable behaviors. The school must notify you as soon as the decision is made to remove your student from his or her education placement for more than 10 days and provide you with a copy of this Notice.

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

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

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

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

9.1 APPEAL OF A DISCIPLINARY DECISION

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

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

²³ See BSEA Hearing Rule II.C. Expedited Hearing. <http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc> p.6.

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

10.1 LAWS AND REGULATIONS

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

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

10.2 INDIVIDUALIZED EDUCATION PROGRAM PROCESS GUIDE AND FORMS

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

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

10.3 TABLE OF ABBREVIATIONS

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

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

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

10.4 TABLE OF WEB SITES

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

Autism Spectrum Disorder:

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

Bureau of Special Education Appeals

<http://www.doe.mass.edu/bsea/decisions.html>

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

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

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

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

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

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

Consent to Access MassHealth (Medicaid):

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

<http://www.doe.mass.edu/sped/28mr/28m13.pdf> (Mandated Form 28M/13)

Discipline:

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

Individuals with Disabilities Education Act:

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

The Basic Special Education Process under IDEA:

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

Individualized Education Program:

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

Individual Education Program Process Guide:

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

Independent Educational Evaluation:

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

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

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

Parent's Notice of Procedural Safeguards:

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

PQA Problem Resolutions System compared to BSEA Due Process Complaint:

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

Program Quality Assurance Services Problem Resolution System:

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

Special Education Laws and Regulations:

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

Special Education Surrogate Parent:

<http://www.doe.mass.edu/sped/2002/news/1104memo.html>

Special Education Transition Planning Form:

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

Student Records Regulations:

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

Student Records Questions and Answers

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

Transition Planning:

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