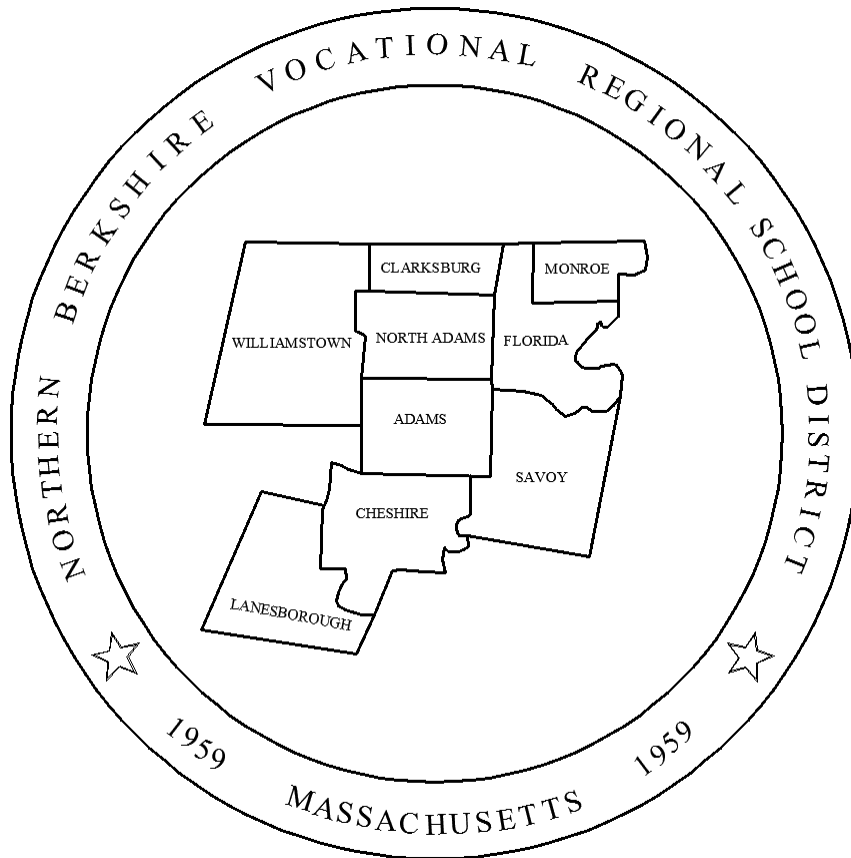


# Northern Berkshire Vocational Regional School District

## McCann Technical School



## Special Education Handbook 2023-2024: Updated December 2023

## **MISSION**

The mission of McCann Technical School is to graduate technically skilled, academically prepared, and socially responsible individuals ready to meet the demands of the 21<sup>st</sup> century.

## **VISION**

McCann Technical School is committed to being the leader of quality technical education and academic achievement in the Commonwealth of Massachusetts.

## **EDUCATIONAL PHILOSOPHY**

The school community will create a learning environment that motivates and actively engages all students in mastering rigorous academic and technical curricula. Our educational philosophy is sustained by faculty, staff, and administrators dedicated to a student-centered focus through continuous improvement. Student growth and development are promoted by instilling the following core values in our students:

**Respect-** for self, others, and the learning environment promotes a positive learning experience for all students.

**Effort-** is demonstrated through an applied work ethic that includes punctuality, improvement, and a determination to succeed.

**Accountability-** develops personal responsibility for both behavior and learning.

**Communication-** facilitates collaboration, promotes self-advocacy, and develops positive relationships.

**Honor-** requires students to act with integrity, honesty, positivity, and empathy for others.

## **GOALS**

- To increase the percentage of students performing at the proficient and advanced levels.
- To increase the utilization of data to improve student performance.
- To engage students through dynamic and technologically integrated teaching strategies.
- To implement a rigorous and relevant curriculum that is aligned to the academic and technical Massachusetts Curriculum Frameworks and Common Core standards.
- To align technical programs to national standards and accreditation requirements, allowing students to obtain relevant licensure/certifications.
- Utilizing SkillsUSA as a platform, develop career-ready students with the skills and professionalism to succeed in the workplace.
- To develop recruiting strategies to expand community awareness.

## **SPECIAL EDUCATION MISSION STATEMENT**

The special education mission is to help students with special needs become valued and contributing members of their school community and to reach their full potential. Our goal is to help students become life-long learners with a strong sense of self-worth. Advocating for their students as well as teaching self-advocacy is an important aspect of the special educators' role. The mission, vision, and goals of McCann Technical School must be equally accessible to every student, including those with special needs.

Excellence in teaching and learning requires development of collaborative relationships among students, parents/guardians, teachers, and community members. Excellence in teaching also requires that special education and regular education faculty and staff enthusiastically engage in professional development so that best practices based on current research are utilized. The special education department is committed to continually evaluating the effectiveness of instruction, as we ensure our students' access to the Massachusetts Curriculum Frameworks in the least restrictive environment.

## **PARENT ADVISORY COUNCIL**

The parent advisory council is an opportunity for parents to be aware of and participate in discussions regarding the district's special education program. Every district is required to develop a parent advisory council for special education. Participation in the SEPAC is voluntary and available to all parents. If parents choose to be a member of the SEPAC, they will have the opportunity to influence the types of activities in which the SEPAC engages. The McCann SEPAC established by-laws, officers, and procedures. A copy of the by-laws is discussed and made available at the first organizational meeting each year, or can be obtained from the director of student services. All parents/guardians of students with special needs receive a written invitation to the first SEPAC meeting in the fall of each school year and the invitation will also be posted on the school website. SEPAC duties include, but are not limited to:

- Providing feedback and suggestions to the director of student services on matters pertaining to the education and safety of students with disabilities.
- Meeting yearly with the director of student services to participate in the evaluation of the school district's special education programs.
- Conducting, with the district, the annual workshop on the rights of students and parents under special education law, and other parent's trainings as determined by the group.

The SEPAC is entitled to receive assistance from the district without charge, upon reasonable notice, and subject to the availability of staff and resources.

REFERENCES: The SEPAC is required by state statute. Details on the SEPAC requirements are provided in the state special education regulations at 603 CMR 28.07(4).

## **NONDISCRIMINATION ON THE BASIS OF HANDICAP**

In addition to the Individual with Disabilities Education Act (IDEA), McCann Technical School is compliant with Title II of the Americans with Disabilities Act of 1992. Title II of the Americans with Disabilities Act of 1992 requires that "no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association."

### **Definition**

A "qualified individual with a disability" is an individual with a diagnosed disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

### **Reasonable Modification**

The district shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity for other students.

### **Communications**

The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy benefits of a service, program, or activity conducted by the district.

### **Auxiliary Aids and Services**

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to

individuals with hearing impairments; (2) qualified readers, recorded texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

### **Limits of Required Modification**

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the school committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

### **Notice**

The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the school committee and superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

### **Compliance Coordinator**

The district shall designate the director of student services to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. Should the allegation directly involve the director of student services, the principal will act as the compliance coordinator. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the school committee is of the general view that:

- Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and
- To the extent possible, qualified handicapped persons should be in the mainstream of life in the school community. Accordingly, employees of the district will comply with the above requirements of the law and policy to ensure nondiscrimination on the basis of handicap.

### **PRE-REFERRAL PROCESS**

The pre-referral process is an important prerequisite of the special education referral process. Teachers will make every attempt to provide extra help to students who are struggling in their class(es). The Massachusetts Tiered System of Support (MTSS) is utilized to be responsive to the needs of all students and is part of the pre-referral process, as well as the District Curriculum Accommodation Plan (DCAP). We strive for an integrated approach to support the academic, technical, and social/emotional competencies of every student. All students receive academic instruction and behavioral supports that include differentiation and extension activities, and are guided by the principles of Universal Design for Learning (UDL). After trying interventions from the DCAP, if the student continues to exhibit challenges to meet district standards for academics, vocational, behavior, attendance, etc., the teacher should make a referral to the Student Success Team. The Student Success Team (SST), facilitated by the director of student services, consists of a diverse group of school representatives and meets on a bi-weekly basis to discuss student concerns related to academic and vocational challenges, unusual or worrisome behavior, poor attendance, social-emotional or safety concerns, or any other aspects of the students that currently present as needing assistance. The student success team's primary function is to serve as a resource for faculty, helping to identify interventions for the student who is struggling academically or in terms of social/emotional behaviors. Other relevant persons, such as staff making the SST referral, staff familiar with the student, school counselors, administrators, a Title I teacher, nurse, contracted service provider, etc., will be invited to attend a meeting by the director of student services as appropriate to the student referral situation. The family and student may be invited if the team deem their attendance helpful. If family is not invited to attend, it is the responsibility of the SST

member designated as the lead for that student's referral to communicate the purpose and results of the meeting to the family. The SST intervention process is outlined in detail in the DCAP, which can be viewed by [CLICKING HERE](#).

Pre-referral activities should under no circumstances be used to delay the evaluation process when the school has received written notice from a parent/guardian to conduct an evaluation. The school has five (5) school days to respond to the written request for an evaluation.

### **TEAM EVALUATION**

Massachusetts state laws, as well as federal law, provide detailed procedures that school districts must follow in determining if a student is eligible or continues to be eligible for special education. The laws are intended to protect a student's rights and to help ensure that he or she receives appropriate educational services. The school has procedures in place to fully comply with the special education regulations and ensure that each child receives an appropriate free public education, commonly referred to by the acronym FAPE, to which he or she is entitled. Parents/guardians may receive help in understanding the special education process from the special educators, school counselors, or by contacting the director of student services. In addition, parents/guardians will receive a copy of the "Parent's Notice of Procedural Safeguards" that is provided through the Department of Elementary and Secondary Education each year, prior to the evaluation or regularly scheduled team meeting.

### **INITIAL EVALUATION**

A student may be referred for an evaluation by a parent/guardian who has concerns about a student's progress or development. A parent/guardian of a student may begin this process by contacting their student's school counselor, or the director of student services. Through the Student Success Team intervention process, the director of student services will receive concerns from faculty in regards to referring a student for an evaluation. Once the written referral is received from a parent/guardian, or the SST, the school has five (5) school days to send a notice to the parents/guardians informing them whether the school agrees to conduct an evaluation. The "Proposal to Act" form, which complies with all requirements of the state and federal law, will be used. The form seeks consent from the parent for the evaluation to occur, and provides an opportunity to express any concerns or provide information about the student's skills and/or abilities. Parents will also receive a copy of the "Parent's Notice of Procedural Safeguards," provided through the Massachusetts Department of Elementary and Secondary Education. This document provides detailed information about the parent/guardian's rights and responsibilities in the special education process. If the school agrees to proceed, an "evaluation consent form" will be enclosed. This form must be signed and returned for the evaluation to begin. Upon receiving consent, the school will conduct the evaluation assessment. The student will be evaluated in their primary language or through another mode, i.e., sign language, if appropriate, using material that is varied, validated, and as bias free as possible. Every area related to the suspected disability must be considered. Educational testing will not be the sole criteria for determining an appropriate educational program, and multiple sources of information and data should be utilized.

The assessments should be completed within thirty (30) school days of the receipt of consent, and the Team meeting will be scheduled within forty five (45) school days from receipt of the consent. The testing report should be made available to the parents/guardians at least two days prior to the Team meeting at their request. A person able to interpret testing information must be at the meeting, and every effort will be made to schedule at a time that is convenient to the parents/guardians as well as the school, and parents/guardians will be considered an important and active part of the team.

### **RE-EVALUATION PROCESS**

Special education students, with proper written consent, are re-evaluated every three years as required by state and federal law. The administrative assistant and the director of student services are responsible for obtaining consent for re-evaluations, which will be planned for and executed throughout the school year. All mandated forms are used in the three-year re-evaluation process. A parent or the director of student services may request a re-evaluation earlier than three years if warranted and mutually agreed on. Assessments that are relevant and appropriate should be chosen with input from the special education liaison. Assessments may be waived with the approval of the parent/guardian in order to avoid unnecessary duplication and stress to the student. A waiver will

occur only with parental consent and only after the Team has carefully reviewed the student's data to ensure that there is accurate information to assess the student's performance and needs. A student may not be determined ineligible for special education services unless a re-evaluation process is completed, with the exception of graduating seniors who have met MCAS competency requirements and graduation criteria.

Upon receiving consent, the school will conduct the evaluation assessments. The assessments should be completed within thirty (30) school days of receipt of consent. The Team meeting should be scheduled within forty-five (45) school days from the receipt of the consent. The parents/guardians and student (over 14) should receive written notice of the Team meeting in the appropriate home language. All efforts should be made to ensure that the meeting is set up at a convenient time for the parents/guardians and the school. Phone conference and virtual meetings are appropriate if necessary. A copy of the IEP is sent to the parents/guardians within five days of the Team meeting. When the consent for a re-evaluation is required and the parent fails to respond to multiple written requests and phone calls, the special education department will document attempts to obtain permission. The parent will be informed through a registered letter of the school's intent to proceed with the evaluation process and their right of refusal.

### **EXTENDED EVALUATION**

If evaluation information is inconclusive and the Team agrees that there is insufficient data to write an IEP, then the Team with the parents'/guardians' consent may agree to an extended evaluation period in which to gather additional information. An extended evaluation may not exceed eight weeks. The Team must reconvene as soon as the additional information is available to complete the evaluation or re-evaluation process. In the interim, for an eligible student, the Team should write a partial or full IEP in conjunction with an extended evaluation form, or extend the period of the existing IEP. This action will ensure, with parental/guardian acceptance, that the student is not denied services during the extended evaluation period.

It is important to note that state regulatory restrictions placed on the use of an extended evaluation is NOT allowed for the following purposes:

- To extend the evaluation timelines for required assessments
- To deny programs or services to a student
- To constitute a temporary placement.

### **ASSESSMENTS AND ELIGIBILITY DETERMINATION**

Assessments for special education evaluations and re-evaluations are conducted by qualified professionals, either faculty members with a specific area of expertise and specific training/certifications, or a contracted service provider. In addition to standardized tests, which are appropriately selected for each student, assessments also include information provided by special educators, general educators, school counselors, or other faculty members. These assessments include the student's progress in the general education curriculum as related to the Massachusetts Curriculum Frameworks. They must also address issues such as communication skills, attention and organizational skills, memory, behavior, and social/emotional skills that may impact learning, if relevant to that student, or requested by parent/guardian, or if the student is on the autism spectrum.

To determine eligibility, the Team must consider the following criteria:

1. The student must have a documented disability.
2. The student must be unable to progress in regular education because of the disability, without special education services.
3. The student must require specially designed instruction in order to make effective progress, and/or require related services in order to access the general education curriculum.

In terms of a specific learning disability, the Team will follow the determination of eligibility criteria as mandated by the Massachusetts Department of Elementary & Secondary Education and use the process and forms provided. In addition, when a student is suspected of having a specific learning disability is evaluated, the Team must create a written determination of their decision, which is signed by all members of the team. If there is disagreement as to the determination, one or more team members will document their disagreement. State requirement, federal

request 34 CFR 300.8(c)(10). For students on the autism spectrum, assessments will also include information on the verbal and non-verbal communication of the child, social skills, and sensory integration and other environmental issues. Evaluation and discussion will include the full impact of their autism spectrum disorder on their ability to access the curriculum. All evaluators will summarize in writing results of testing, diagnostic impressions, and relevant recommendations for meeting the needs of the student. It should be noted that the evaluator may make recommendations, but not specific placement.

### **INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents/guardians may obtain an independent educational evaluation of their child by appropriate professionals at their own expense at any time, and may choose to share the evaluation with the school district. Additionally, if a parent/guardian disagrees with an evaluation or re-evaluation, they have the right to request an independent evaluation. It is the policy of the district to grant such requests in accordance with the state special education statute (M.G.L.C. 71B, #3). Payment of such evaluation will be determined according to the regulations of the statute, and this will be determined on a sliding fee scale set by the state for students whose families meet certain income criteria. The application of the sliding fee scale is detailed in administrative advisory SPED, available at <http://www.doe.mass.edu/sped/advisories/default.html?section=admin>.

The rights to an independent educational evaluation may be publicly funded for up to sixteen (16) months from the date of the evaluation with which the parent/guardian disagrees. Within ten (10) school days from the time the school district receives the report from an independent educational evaluation, the school must re-convene the Team, review the results, and determine whether a new or amended Individual Educational Program (IEP) is appropriate. All federal and state regulations for Independent Educational Evaluations may be found under IDEA: 34 CFR 300.502.

### **ELIGIBILITY REQUIREMENTS**

Within forty-five school working days after receipt of the parents written consent to an initial evaluation or a re-evaluation, the school district must determine eligibility for special education, and provide to the parent/guardian either a proposed IEP and placement, or a written explanation of the finding of no eligibility.

Elements of eligibility determination must include the following:

- An evaluation or re-evaluation in writing
- Convening of a Team meeting with every effort made to facilitate parent/guardian participation
- A determination at the meeting, using all available data, of whether the student has one or more disabilities
- A data-based determination at the meeting of whether the student is making effective progress in school
- A determination as to whether any lack of progress is a result of the student's disability
- A determination as to whether the student requires special education and/or related services in order to make effective progress, or if the student requires related services in order to access the general education curriculum
- A referral for appropriate services in the district's general education program, for a student deemed ineligible for special education. This may include, but not be limited to, Title I, services through Section 504 of the Massachusetts Rehabilitation Act, or referral to the Student Success Team for an intervention plan to be developed in accordance with the DCAP.

State Requirements: see 603CMR28.05 (1) and (2)

Federal Requirements: see 34CFR300.8; 300.306.

Eligibility for identifying a student under the category of specific learning disability requires further documentation. Information to assist districts in implementing these requirements is available under Federal Requirements 34 CFR 300.309, and through administrative advisories available through the website of the Massachusetts Department of Elementary and Secondary Education. The district will adhere to all state and federal requirements for students with specific learning disabilities, and documentation forms developed by the Massachusetts Department of Elementary and Secondary Education will be maintained in each student's special education record.

## **DEVELOPMENT OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

Once a student has been found eligible for special education services, an IEP must be developed. The IEP must address the unique needs of the student and, therefore, must be tailored to the individual student needs as determined through the evaluation process. Effective IEPs will be responsive to parent/guardian concerns and the student's vision and will also assist the student as much as possible to move towards independence. The IEP is intended to be a working document that helps educators and parents to understand the student's strengths, areas of concern, and how best to work with that student. The IEP should describe how the student learns, how the student best demonstrates that learning, and how the faculty and student will work together to help the student make academic and vocational progress. Although IEP development is a student driven, individualized process, there are some central concepts that should be adhered to during a well-managed Team meeting.

A well-managed Team meeting will accomplish the following:

- Obtain parent/student input
- Address the student's future vision and goals
- Understand and document how the student's disability(ies) affect the student's learning
- Identify student's current performance level
- Address all areas that are affected by the disability(ies)
- Provide a focus for the student's learning during the designated IEP period
- Reflect high expectations for the student
- Stay as aligned, as appropriate, to what the student's peers are learning and experiencing
- Identify and document supports and services the student needs for success
- Identify criteria for goal attainment
- Outline skills to be developed, and supports/resources to be offered, as part of a transition plan that focuses on college and/or career readiness and independent living

The IEP forms the basis for service delivery decisions. Service delivery should 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 requirements related to placement in the least restrictive environment. Teams need to remember that removal from the classroom solely because of needed program modifications is not permissible. Only after the needs of the student and the type of services have been discussed by the Team and agreed to in an IEP can placements be effectively chosen by the team. (34 CFR 300.55(b)(2)). The parent/guardian should be provided with a draft copy, or notes, that include the service delivery grid at the time of the Team meeting, and two copies must be mailed home within 5 days of the meeting.

Special education is a service, not a placement. 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 each student. There are several considerations that will lead to best practices when participating in a Team meeting and developing an Individual Educational Plan:

- The Team meeting is an essential part of service provision for a student with special needs, and will serve as the "roadmap" for the year ahead. Special education teachers need to carefully prepare for the meeting by reviewing the student's file and coming to the meeting ready to share relevant and current information on the student's needs and progress. Both special and regular education teachers should have completed and submitted an educational assessment (Educational Assessment Form A or Form B respectively, as provided by the Department of Elementary and Secondary Education) prior to the meeting, and be ready to share and expound on that information. It is important to provide information that is thoughtful and accurate, and presented in a way that is respectful to the student and parents/guardians. Statements should be descriptive rather than judgmental, and strengths, as well as areas of need, should be included.
- Initial and annual review meetings are important opportunities for communication and collaboration between parents/guardians and school personnel. Parents/guardians should be considered as partners in their child's education, and treated as fully participating members of the Team. An atmosphere of mutual respect and open sharing of information will build a strong base for ongoing



cooperation between the parents/guardians and school district personnel, and will lead to better student achievement. Special education personnel should be careful to speak and write reports in generally understandable language that is free of educational jargon.

- The written individual educational plan that is generated is a legal document between the school district and the parent/guardian. For that reason, the document should clearly communicate the actions that the school will take to address the student's needs, the progress the student is expected to make during the designated period, and how that progress will be measured.
- Parents/guardians and students need to give input into the IEP development. A child who is age fourteen or older must be invited to participate in their Team meeting. Parent/guardian and/or student input must be elicited and utilized, and the IEP should reflect the student's strengths, interests, personal attributes, and personal accomplishments, as well as the student's educational needs. A vision statement will be generated and is an essential part of guiding the Team in developing the educational plan. All of the above must be taken into consideration when devising goals and objectives.
- Transition planning is an essential part of the development of the IEP. College and/or career readiness is an important goal for every student, and an integral part of planning for a student with special needs. Transition planning is required under federal law, and is a major part of planning for a student age fourteen or older. A carefully developed transition plan, utilizing the forms provided by the Massachusetts Department of Elementary and Secondary Education will be developed at the Team meeting. This plan should serve as the basis for goal development of the IEP, and must be revised annually. Referrals for Chapter 688 services and/or other agencies will be discussed as the student nears or enters their junior year, and transfer of rights at age of majority will be discussed as the student nears or reaches age seventeen. It should be understood and communicated that helping students become as independent as possible and able to be fully participating and contributing members of their community is the overarching goal, as they prepare to join the workforce or continue their education.
- The general education curriculum must be addressed in all students' IEPs. The IEP is a primary tool for enhancing students' involvement and progress in the general education curriculum. All students, regardless of the nature or severity of their disability, should have access to and progress in the general curriculum and have maximum opportunities to learn with their non-disabled peers. The district will maintain high standards for all students, including those with disabilities, and will teach all students through a curriculum that is fully aligned with the curriculum frameworks provided by the Massachusetts Department of Elementary and Secondary Education.
- Individual educational plans will focus on accommodations within the regular education classroom whenever possible, while specially designed instruction will be made available to address more complex or severe needs. To that end, all teachers will receive professional development in universal design for learning, as well as differentiated instruction, and collaboration and consultation between regular education teachers and special education teachers will be an important part of programming for students with special needs. Including students within the regular classroom will occur whenever reasonable accommodations and modifications will enable the student to progress. Supports may include service delivery models of team teaching, or providing the support of a paraprofessional in the regular education classroom. Specially designed instruction in the resource room will be provided when deemed essential to a student's progress. In such cases, modifications that affect content, delivery of instruction, methodology, and/or performance criteria will be considered, and outlined in the IEP.
- Most IEPs should include no more than four to six direction-setting goals, each with accompanying objectives/benchmarks, for students to demonstrate progress towards achieving the goal. It is the

Team's responsibility for making the final determination of the number and types of goals that will be included. The goals and objectives/benchmarks will be developed by the Team at the initial, annual review, or re-evaluation meeting. IEPs should be written with a direct connection between the current performance levels and the measurable annual goals. Goals must be challenging to ensure that students with disabilities are being held to high standards and are being adequately prepared for independence and productivity. Yet, they must also be relevant, measurable, and attainable. The evaluation or assessment procedures as to whether the student has achieved goal attainment should be specified. Goals must address priority needs and focus instruction over the term of the individual educational plan. Some goals may reflect the need to learn knowledge, skills, or behaviors that are integrated across all curriculum areas, where other goals may be directed to a very specific area of need. The Team will need to make that type of important judgment as they cooperatively work to develop the IEP.

- Individual Educational Plans are designed to cover a one year period, but the Team may be reconvened at any time. If either the school district or a parent/guardian feels that the IEP is inappropriate, ineffective, or not being implemented effectively, they may request that the Team meeting be reconvened and adjustments may be considered. If a student is making excellent progress, and any Team member feels that a move to a lesser restrictive environment is appropriate and in the student's best interest, the Team should also be reconvened.

#### **ASSISTIVE TECHNOLOGY**

In accordance with state and federal regulations regarding assistive technology and services, the following procedures will be followed.

State Requirements: see 603CMR28.02(2)

Federal Requirements: see 34CFR300.5; 300.6; 300.105; 300.324(a)(2)(v)

During the development of a student's IEP, the IEP Team considers whether or not the student requires assistive technology to access the general curriculum. This is documented on the PLEP B page of the IEP. At times, the Team requests an assistive technology evaluation to make this determination. If assistive technology is required, the district provides the assistive technology at no cost to the parent. The district must also select, design, fit, customize, adapt, apply, maintain, repair, or replace the assistive technology device, if necessary. The district must also coordinate the use of the assistive technology devices with other therapies, interventions, or services that the student receives. Training or technical assistance will also be provided for the student, the student's family, and all professionals that provide services for or work closely with the student. The director of student services, the school's library-media specialist, and the student's special education liaison will be responsible for the acquisition, implementation, and training for the assistive technology devices.

*Assistive technology* means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability.

*Assistive technology service* means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device.

If the Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process and it should take place in the student's customary environment. If after the evaluation it is determined that assistive technology devices and/or support services are required, the Team must further document in which settings (classroom, home, or other) the student needs access to the devices and services in order to assure provision of FAPE.

For students that are not able to communicate effectively through oral speech, including students with autism and other disabilities that impede their ability to communicate to meet their educational goals and participate fully alongside their nondisabled peers in all aspects of their education, augmentative and alternative communication (AAC) should be considered. AAC is a form of assistive technology that can help students with communication struggles.

### **PROCEDURES FOR RESOLVING DISPUTES**

The school's department of student services places a high value on parent input and acknowledges parents/guardians as partners in their child's education. We encourage open communication that will allow parents/guardians to present a concern to the director of student services. The parent/guardian will receive a response related to that concern by the end of the following school day. If the situation cannot be explained or resolved immediately, a meeting will be scheduled with relevant parties and/or the student's IEP meeting may be re-convened.

The Massachusetts Department of Elementary and Secondary Education maintains a problem resolution system that provides for the investigation of complaints for issues involving special education. A parent/guardian may contact the Department at any time to request clarification or remediation of an issue that they feel has not been resolved with their local district. The following procedure will be followed in accordance with 603 CMR 28.00:

#### **Mediation**

A voluntary dispute resolution procedure, called mediation, shall be provided by mediators employed by the Bureau of Special Education Appeals and may be used by parents/guardians and school districts to seek resolution of their dispute. Mediations shall be provided at no cost to the parties. No parent/guardian shall be required to participate in mediation.

- Within 30 days of receipt of a request for mediation, the mediator shall schedule a mediation session at a time and place convenient to the parties. The mediation shall include the parents, any representative of the parent's/guardian's choosing, and a representative(s) of the school district, with one representative who is authorized to resolve the dispute on behalf of the school district. When the parties reach agreement, it shall be set forth in written form. Concurrent with a request for mediation, or if no agreement is reached, the parents/guardians or school district may request a hearing.
- All discussions that occur during mediation are confidential and may not be used as evidence in a hearing. Parents/guardians and school districts may request a hearing without participating in mediation.
- A parent/guardian or a school district, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with disabilities. A parent/guardian of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.
- No later than five days after receipt of a request for hearing or notice that an IEP, or proposed placement, or finding of no eligibility for special education has been rejected by the parent/guardian, the school district shall send a copy of such request or notice to the Bureau of Special Education Appeals. The Bureau of Special Education Appeals shall then give notice in writing to the parties of the rights of the parents/guardians and school district to request mediation and a hearing.
- A school district may not request a hearing on a parent's/guardian's failure or refusal to consent to initial evaluation or initial placement of a student in a special education program, or on a parent's/guardian's decision to revoke consent to the continued provision of all special education and related services to his or her child under 603 CMR 28.07(1)(a)(4).
- A school district may request a hearing to appeal the Department's assignment of school district responsibility under 603 CMR 28.10 according to the procedures in 603 CMR 28.10(9).

### **PROGRESS REPORTS**

The special education liaisons will use the progress report forms each marking period, which is consistent with how often other parents/guardians are informed of their student's progress. Liaisons will submit progress reports to the

director of student services five school days before regular education progress reports are due for submission.

Progress reports must address:

- The student's present level of functioning, consistent with the current IEP
- The student's progress toward the goal(s)
- If the progress is sufficient enough to enable the student to achieve the annual goal by the end of the IEP period

Team members should utilize the following steps when writing progress reports:

- Specify what the student is working on
- List what the student has achieved; specifically what the student can currently demonstrate
- List any stumbling blocks to progress i.e., slow processing speed, lack of completing assignments, inability to grasp a specific concept, poor attendance
- Project whether the student will reach the annual goal as it relates to benchmarks if they progress at the current rate

Progress reports are an important way of communicating with the parents/guardians. Communication should be done in terms that they can easily understand and should be individualized to each student's needs and progress. Any discussion of successful in-class strategies may be mentioned. Lack of progress should be carefully monitored. If lack of progress continues after the first progress report and in-class modifications and/or accommodations the Team may consider a review or amendment. If the student is making more progress than expected, an amendment or review should be initiated to revise the goals and objectives. The annual review meeting may never substitute for a required written progress report even if the two activities coincide.

#### **CONFIDENTIALITY OF STUDENT RECORDS/FILES**

Northern Berkshire Vocational Regional School District respects and protects the confidentiality of educational records related to students with disabilities, in accordance with district policy for all students. The special education files are located in the special education/guidance office. Teachers are able to view the IEP in the guidance office and, for security purposes, are not to remove the file from this location. IEPs are also available for teachers to view in the district's student information system. Faculty needing access to a student record must receive authorization for viewing and sign the access roster. No access to student records, in part or whole, is to be given or mailed to anyone, including outside agencies, schools, clinics, etc., except as previously noted above, without written permission of the director of student services or in his/her absence, his/her designee. Parents, legal guardians, and students over 14 have rights to file access. Upon written request and sufficient time notification to the director, copies of student records can be obtained. No fee will be charged to parents/guardians or students to copy requested special education records. Special education records are destroyed seven years after the student leaves the school.

#### **DISCIPLINE CODE**

##### **Philosophy**

"The goals of discipline are to provide students with an opportunity to learn the social skills and values associated with successful participation in society. Teaching students to respond to adults and peers in appropriate ways, to think constructively and problem solve through difficult situations, and to make good choices ensures the safety of all members of the school community. Student reflection on his/her behavior and choices promotes the learning of new interpersonal skills. Each student is held responsible for his/her own behavior with respect to the policy and procedures of the school and in compliance with the law. When a student does not meet his/her behavioral responsibilities, a consequence for the action will be determined as outlined within the discipline policy." This statement is taken from the student/parent handbook which sets forth the requirements for student behavior. The handbook is available on the McCann website and should be reviewed in its entirety as all students are expected to adhere to the discipline code.

Massachusetts General Law requires that additional provisions may be necessary for a specific student who has been identified as having special needs. It is the policy of the Northern Berkshire Vocational Regional School District to assure that the discipline policy for students who are disabled according to IDEA and/or Section 504 of the Rehabilitation Act is fair and equitable, meets the individual needs of the students, and the requirements of law. Such students, as a general rule, shall be expected to uphold standards applicable to all students within the school district. When a student with a disability receives a short term suspension and there is a likelihood that additional infractions will occur, or where an infraction gives rise to a long term suspension or consideration of expulsion, the following procedures shall be implemented:

- The director of student services will be notified of any suspensions involving students with special needs, and will review the situation to verify that accommodations and modifications as outlined in the student's IEP or 504 Plan are being implemented consistently. The office of student services will track data on the number of days suspended, and the director will be notified when the student reaches a cumulative five days of suspension. A decision may be made at that time to hold a parent meeting, or re-convene the Team meeting for that student. The assistant principal will track data on the number of days suspended, and the director of student services will be notified before the student reaches a cumulative 10 days of suspension. A decision may be made at that time to hold a parent meeting, or re-convene a Team meeting for that student, and a manifestation determination will be made.
- If such suspensions which exceed ten days in a school year are long-term suspensions or disciplinary changes of placements, then the student's Team must meet to decide upon continued services. The student's continued services must amount to a free appropriate public education, and must continue to allow progress in the general education curriculum.
- See the Student/Parent Handbook - Discipline Code Section for more information.

#### **Due Process Procedures: Long Term Suspension for Students with Disabilities**

- The disciplinary infraction is reported to administration.
- Administration conducts an investigation of the disciplinary infraction.
- A meeting with the student takes place regarding; the disciplinary infraction, the basis for the charge and any other pertinent information.
- The Director of Student Services is notified to set up a time and date for a manifestation determination meeting.
- Parent(s)/guardian are notified of the disciplinary infraction through a phone call, and a time and date are set for the manifestation determination meeting.
- The manifestation determination meeting is held with the student's support Team.
- If the Team determines that the disciplinary infraction is not a manifestation of the student's disability a suspension hearing date and time is scheduled. If the Team determines that the disciplinary infraction is a manifestation of the student's disability, no long-term suspension will be implemented, unless the behavior presents a serious risk to the student or others. The Team will write an amendment to the IEP or update the 504 Plan to include positive supports to address the student's behaviors.
- The parent(s)/guardian and student are sent a long term suspension notice.
- The suspension hearing takes place on the determined date and time. During the hearing the parent(s)/guardian and student are presented with the information gathered during the investigation. That information includes the disciplinary offense, the basis for the charge and any other pertinent data. The student and the parent then have the opportunity to present information, including mitigating facts and refute any information that was gathered during the investigation for the principal's consideration in determining appropriate remedies and consequences for the student.
- If the determination for suspension is made a letter of determination for long term suspension is drafted and sent to the student's home via email and U.S. mail. The determination letter is also emailed to the Director of Student Services.

- The determination letter addresses the hearing; time, date, place and participants. The letter also addresses the disciplinary infraction, the consequences, and the contact information for the director of student services so the student and director can determine a plan to make academic progress during the period of removal, as outlined in the school-wide education service plan. The determination letter also includes the processes for appealing the suspension to the superintendent and the right to have the student represented by counsel or lay person at the parent's expense.
- Upon return from suspension a meeting with the student, parent(s)/guardian and administration will occur.

### **Manifestation Determination**

No later than ten school days after the date on which the decision to take a disciplinary action involving long-term removal from the student's placement, for more than ten consecutive days or in excess of ten days cumulatively if a pattern of suspensions is created, **the student's Team shall determine whether there is a causal relationship between the student's disability and the behavior subject to disciplinary action.** A manifestation determination meeting is held with the student's Team to discuss the behavior and disciplinary action, during which the Manifestation Determination Worksheet ([See Appendix A](#)) is reviewed and completed with the Team. If the conduct is determined unrelated to the disability, disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, in that event, the student must still receive a free appropriate public education that enables them to continue to progress in the general education curriculum. If a parent/guardian disagrees with a determination that the student's behavior was not a manifestation of his/her disability, or with any decision regarding placement in a disciplinary situation, the parent/guardian has the right to request an expedited due process hearing with the Massachusetts Bureau of Special Education Appeals (BSEA). **If the behavior is determined to be a manifestation of the disability, no long-term suspension or expulsion may be implemented, unless the behavior presents a serious risk to the student or others.** The student's Team may determine that the behavior of the child was not a manifestation of the child's disability only if the Team first considers, in terms of the behavior subject to disciplinary action, all relevant information, which may include:

1. A full and detailed incident report, including antecedents
2. A review of evaluations and diagnostic testing, including such results or other relevant information supplied by the parents/guardians of the student
3. Observations of the student and a review of the student's educational plan (IEP or 504 Plan) and placement

### **At that point, a determination is made regarding the following:**

1. In relationship to the behavior subject to disciplinary action, the student's educational plan (IEP or 504 Plan) and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's educational plan (IEP or 504 Plan) and placement;
2. The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action: and
3. The student's disability did not impair the ability of the student to control the behaviors subject to disciplinary action.

### **Functional behavioral assessment**

The purpose of a functional behavior assessment is to identify the purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed. The assessment could include observations of the behavior, interviews with family, teachers, and the student, a determination of the frequency of the behavior, and antecedents and responses to the targeted behavior. A functional behavioral assessment must be conducted before the end of the tenth school day of suspension. If the school district did not conduct a

functional behavioral assessment and implement a behavioral intervention plan for such student before the behavior that resulted in the discipline action, the school district must:

1. Convene a Team meeting; and
2. Develop a plan to address the behavior and create appropriate positive behavioral interventions.
3. If the student already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior involved in the disciplinary action.
4. If the student does not have a behavior intervention plan the IEP Team must develop one.

**A behavior intervention plan may include:**

- A definition of the target behavior in observable terms, and a clear statement of the goal and objective(s) for the student that address that behavior
- An outline of interventions, instruction (curricular) utilized to implement the plan, and a schedule for evaluation and criteria for acceptable performance
- The methods/procedures of instruction that will be utilized, and a statement of which faculty/staff have responsibility in implementing the plan.

**Students who present a danger to themselves or others**

If the school district believes that maintaining a student’s current placement is substantially likely to result in injury to the student or others, the school district has the right to obtain an expedited due process hearing with the BSEA. The parent must be notified immediately by the district of the decision to take this action and provide a copy of the procedural safeguards. The student remains in the disciplinary placement while the appeal is pending.

**“Stay-put” under disciplinary actions**

If a parent/guardian requests a due process hearing with the BSEA regarding the discipline action to challenge the manifestation determination, or interim alternative services, the alternative services or disciplinary placement will remain in effect pending the hearing decision or until expiration of the time period of the interim alternative educational setting, whichever comes first, unless the parties agree otherwise. If school personnel maintain that it is dangerous for the student to be returned to the student’s placement prior to removal to the interim alternative educational setting, the school district may request an expedited hearing with the BSEA. Interim alternative educational settings may include alternative schools, in-school suspension, homebound services, or other settings as determined by the Team.

**Access to Services**

Any interim alternative educational service or setting determination involving a disciplinary change of placement, such as a long term suspension will:

1. Be made by the Team
2. Be selected to enable the student to continue to progress in the general curriculum and to continue to receive services required by the IEP or 504 Plan
3. Must include services and modifications designed to address the behavior involved in the disciplinary action

**Students not yet determined to be eligible for special education**

If, prior to the disciplinary action, the school had knowledge the student may be a student with a disability, then the district makes all protections available to the student until, and unless, the student is subsequently determined not to be eligible.

The school district may be considered to have prior knowledge if:

- The parent had expressed concern in writing; or
- The parent had requested an evaluation; or
- District staff had expressed directly to the director of student services specific concerns about a pattern of behavior demonstrated by the student

The district may not be considered to have had prior knowledge if:

- The parent has not consented to evaluation of the student, or
- Has refused special education services, or
- If an evaluation of the student has resulted in a determination of ineligibility

If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district conducts an expedited evaluation to determine eligibility.

If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

#### **RESPONSIBILITY FOR HOMELESS STUDENTS**

Nothing in 603 CMR 28.00 shall limit the rights of special education students to the educational rights of homeless students and parents afforded under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (McKinney-Vento). The following provisions apply to these students.

- (a) Homeless students shall be entitled to either continue to attend their school of origin, as defined by McKinney-Vento, or attend school in the city or town where they temporarily reside. To the extent feasible, homeless students should remain in their school of origin unless doing so is contrary to the wishes of such student's parent(s) or legal guardian or state agency with care or custody of the student.
- (b) The school district(s) that was programmatically and financially responsible prior to the student becoming homeless shall remain programmatically and financially responsible for a homeless student until the parent(s) or legal guardian or state agency with care or custody of the student chooses to enroll the student in the school district where the shelter or temporary residence is located. When a student whose IEP requires in-district services is enrolled in the school district where the student is temporarily residing, then that school district shall become programmatically and financially responsible upon enrollment. When a student whose IEP requires out-of-district services is enrolled in the school district where the student is temporarily residing, then that school district shall become programmatically responsible upon enrollment and the school district(s) that was financially responsible prior to the student becoming homeless shall remain financially responsible until the student is no longer homeless.

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This handbook is intended to provide faculty, parents, and students with an overview of the major supports and services available to students with special needs at McCann Technical School. Interested persons are encouraged to contact the director of student services at any time for further information or clarification. We believe that every student is an important and contributing member of our school community, with much to offer as well as gain during their four years at the school. It is the goal and responsibility of the special education program to offer services and supports so that students with special needs have the opportunity to recognize and achieve their full potential. Students with special needs will be granted the same rights afforded to regular education students consistent with all district policies. For further information or to schedule an appointment, please call the student services office at (413) 663-5383 x 111, or email the director of student services at [ksteiner@mccanntech.org](mailto:ksteiner@mccanntech.org).



**Appendix A - Manifestation Determination Form Template**

# Northern Berkshire Vocational Regional School District



## McCANN TECHNICAL SCHOOL

Director of Student Services: Kristin Steiner • Email: [ksteiner@mccanntech.org](mailto:ksteiner@mccanntech.org) • Phone:  
413-663-5383 x109

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## MANIFESTATION DETERMINATION WORKSHEET

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### I. STUDENT INFORMATION: *(to be completed prior to meeting)*

**Student Name:**

**D.O.B:**

**Date of Meeting:**

**Primary Disability:**

**Other Documented Disabilities:**

**IEP or 504 Plan:**

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**II. INFORMATION REGARDING DISCIPLINARY ACTION RESULTING IN A CHANGE OF PLACEMENT OF 10 OR MORE DAYS: *(to be completed prior to meeting)***

**Date of Incident:**

**Description of Proposed Disciplinary Action:**

- X

**Description of Behavior Subject to Disciplinary Action:**

- 

**III. BACKGROUND INFORMATION & RECENT BEHAVIOR INFRACTIONS**

| YES | NO |  |
|-----|----|--|
|     |    | Was a Behavioral Intervention Plan developed prior to this incident? |
|     |    | Were illegal drugs/controlled substances involved in this incident?  |
|     |    | Has a Functional Behavioral Assessment been conducted?               |
|     |    | Was a weapon involved in this incident?                              |

- During the current school year, how many days was the student suspended prior to this incident?
  - X
- Describe the nature of the recent behavior infractions committed by the student.
  - Date of Incident: X
    - Description: X

**IV. DOCUMENTATION REVIEW: *(to be completed prior to meeting)***  
***Summarize documents the Team reviewed and attach all related documentation if necessary.***

- **Current Evaluation Results (see special education file):**
  - INSERT SUMMARY DESCRIPTION OF MOST RECENT EVALUATION REPORT

DSM-V Diagnostic Criteria: x

- **Current IEP or 504 reports/assessments (see special education file):**
  - STUDENT currently receives supports and services as outlined in his/her IEP/504 Plan under the primary disability category of X and secondary disability category of X (IF APPLICABLE)
  - STUDENT receives supports in his X class to make progress towards his X goal, and in his X class to make progress towards his X goal (IF APPLICABLE)
    - At the end of Q1, for the IEP goal progress reporting period, STUDENT was on track/not on track for making progress with his/her goals (UPDATE ACCORDINGLY AND FOR EACH QUARTER)
  - STUDENT has an academic support class four times a week during his academic week in which he receives supports in X to make progress towards his academic support goal (IF APPLICABLE)
    - At the end of Q1, for the IEP goal progress reporting period, STUDENT was/was not progressing with his/her academic support goal (UPDATE ACCORDINGLY AND FOR EACH QUARTER)
  
- **Current Academic Performance (see attached QX report card and current term performance outlined below):**
  - PROVIDE SUMMARY FOR STUDENT'S GRADES/PROGRESS IN EACH CLASS FOR EACH QUARTER
  
- **Disciplinary Records (see attached report):**
  - PROVIDE SUMMARY OF ATTACHED DISCIPLINE REPORT WITH DATES AND ASSIGNED CONSEQUENCES
  
- **Attendance Record (see attached report and summary outlined below):**
  - X absences this school year (through X/X/202X to include proposed X day suspension beginning on X/X/202X)
    - X absences from out of school suspension (IF APPLICABLE); X days absent, X with no reason, X due to X
    - X tardies and X dismissals
  
- **Current Behavior Intervention Plan:**
  - Please see attached plan created X/X/202X (IF APPLICABLE)

- **Information Supplied by Family: (to be completed prior to meeting or during meeting)**
  - PROVIDE SUMMARY OF INFORMATION SUPPLIED BY FAMILY
- **Description of any Other Information: (to be completed prior to meeting or during meeting)**
  - PROVIDE SUMMARY OF INFORMATION

**V. SUMMARY OF TEAM DISCUSSION REGARDING THE FOLLOWING QUESTIONS: (to be completed during meeting)**

1. **Did the school fail to provide the special education services (or 504 accommodations) from the student's IEP (or 504 Plan) at the time of the incident(s)?**
2. **Does the conduct in question have a direct and substantial relationship to the student's disability?**

- **Team Members Summary:**
  - PROVIDE SUMMARY

**VI. CONCLUSION OF TEAM DISCUSSION:**

| YES | NO |  |
|-----|----|--|
|     |    | Did the school fail to provide the special education services (or 504 accommodations) from the student's IEP (or 504 Plan) at the time of the incident(s)? |
|     |    | Does the conduct in question have a direct and substantial relationship to the student's disability?   |

**VII. DETERMINATION: (to be completed during meeting)**

**Based on the above review, the IEP Team members conclude that:**

|  |   |
|--|---|
|  | The student's misconduct was NOT a manifestation of the student's disability. |
|  | The student's misconduct was a manifestation of the student's disability.     |

**VIII. ADDITIONAL INFORMATION/NEXT STEPS: (to be completed during meeting)**

|  |  |
|--|--|
|  | The proposed disciplinary measures will be applied and the student will continue to have an opportunity to make academic progress in the general education curriculum during the period of removal, and to progress toward meeting the goals set in his/her IEP (if applicable). |
|  | Follow-up Team meeting will be scheduled.  |
|  | Additional behavioral data is needed (functional behavior assessment, risk behavior assessment, etc.)  |
|  | Behavior Intervention Plan to be developed/implemented/revised   |
|  | School will refer student for a 45 day interim alternative setting/home tutoring (For major offenses, such as drugs or weapons. IEP addendum required.)  |

● **Notes with specific details including any of the next steps checked off above:**

- The proposed disciplinary action of a long-term suspension for a period of X days began on DAY, MONTH DATE, YEAR. STUDENT will return to school on a regular, non-suspended status on DAY, MONTH DATE, YEAR. (IF APPLICABLE)
- PROVIDE SUMMARY OF ACADEMIC SERVICES TO BE PROVIDED THROUGH SCHOOL-WIDE EDUCATION SERVICE PLAN AND SPECIAL EDUCATION SERVICES TO BE PROVIDED.
- PROVIDE SUMMARY OF NEXT STEPS IN REGARDS TO FOLLOW-UP TEAM MEETING AND BEHAVIOR INTERVENTION PLAN (IF APPLICABLE).

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**Parent/Guardian Name:**

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**Parent/Guardian Signature:**

**Date:**

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**Chairperson Name:**

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**Chairperson Signature:**

**Date:**