Individual District/School Certification Page

LEA Name: Wachusett Regional School District

District Code: *0775*
(Example: 0011)
Contact Person: Joan M. DeAngelis, Director of Special Education and Student Services
Name, Title
Contact Phone: **508 - 829 - 1670**

Contact Email: joan_deangelis@wrsd.net

I certify that I read and understand the *Conditions of Assistance: IDEA Part B Funding Certifications* and I agree the local educational agency referenced above will ensure that it complies with all of the applicable laws and regulations as a condition for funding, including but not limited to the Individuals with Disabilities Education Act and accompanying regulations. I read and understand each of the statements of requirements and will ensure their implementation. Along with a copy of the *Conditions of Assistance: IDEA Part B Funding Certifications* and the Certification Page, I understand the local educational agency must keep current documentation at the local level that demonstrates the school district complies with federal and state special education laws and regulations for the Department of Elementary and Secondary Education's review.

Special Education Administrator Signature	Joan M DeAngelis Printed Name	6/2/25 Date
School Committee/Board of Trustees Chairperson Signature	Lauren Salmon-Garrett Printed Name	6/9/25 Date
School Business Official Signature	Michelle Grisé Printed Name	6/9/2025 Date

Additionally, as superintendent or school leader, I state that I discussed or am scheduled to discuss on (please indicate date(s) 6/5/25) these requirements with all building principals and administrators to ensure their understanding of these requirements and applicable special education laws and regulations, including their responsibility to coordinate services with the special education administrator on behalf of the students with disabilities in this local educational agency in accordance with 603 CMR 28.03(3).

I further state that discussion of these requirements is a part of the orientation for newly hired administrators and will continue to be part of ongoing discussions and professional development for staff and administrators as needed.

Superintendent/School Leader Signature	James Reilly Printed Name	6/9/2025 Date

Conditions of Assistance: Individuals with Disabilities Education Act (IDEA) Part B Funding Certifications Cover Sheet

The Conditions of Assistance: IDEA Part B Funding Certifications must be completed and submitted electronically to the Massachusetts Department of Elementary and Secondary Education (DESE) annually. The timely submission of these Conditions of Assistance: IDEA Part B Funding Certifications is **required** for the Local Educational Agency (LEA) to be eligible to receive federal special education funds.

LEA/Lead Fiscal Agent Name: Wachusett Regional School District

LEA Code: 0775

Contact Person: Joan M. DeAngelis, Director of Special Education and Student Services
Name, Title

Contact Phone: 508 - 829 - 1670 **Ext.** 240

Contact Email: joan_deangelis@wrsd.net

Introduction

Each local educational agency (LEA) in Massachusetts must review and agree to these Conditions of Assistance to be eligible for funding under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.* By submitting the Conditions of Assistance, the LEA is assuring the Massachusetts Department of Elementary and Secondary Education (Department, DESE, or State Educational Agency/SEA) that its local actions, policies, procedures, and programs are consistent with federal and state special education laws, regulations, policies, and procedures, including but not limited to the IDEA, 20 U.S.C. § 1400 *et seq.*, 34 C.F.R. Part 300, G.L. c. 71B, and 603 CMR 28.00.

The six key pillars of IDEA are:

1. Parent and Student Participation
2. Free and Appropriate Public Education (FAPE)
3. Appropriate Evaluation
4. Individualized Education Program (IEP)
5. Least Restrictive Environment (LRE)
6. Procedural Safeguards

Partnerships Improving Educational Outcomes for Students with Disabilities
IDEA emphasizes the role of parents and expands opportunities for parents, general educators, related service providers, and special educators to work together in partnerships that support student learning and the success of students in adult life.

Superintendents, principals, and other administrators are vital to this process. It is crucial that administrators know and can integrate strategically and effectively the principles of accessible instruction and positive behavior supports within a school culture, establish the infrastructure needed, and support all educators' implementation of special education services.

LEA Compliance
The LEA is eligible for assistance under Part B of IDEA for a fiscal year if the LEA submits a plan to the Department that provides assurances that it meets each of the conditions in 34 C.F.R. § 300.201 through 34 C.F.R. § 300.213. 34 C.F.R. §300.200. Therefore, every LEA must submit annually to the Department a current *Conditions of Assistance: IDEA Part B Funding Certifications* along with its grant application.
Every LEA must also maintain the documentation to demonstrate compliance with IDEA at the local level and be prepared to furnish such documentation as part of Tiered Focused Monitoring (TFM) or as requested by the Department.

The following resources may be helpful to LEAs in self-assessing compliance with conditions set forth in IDEA Part B.

U.S. Department of Education IDEA information and resources website Statute and Regulations - Individuals with Disabilities Education Act

and https://sites.ed.gov/idea/

The Massachusetts State Performance Plan for Special Education can be found at:

https://www.doe.mass.edu/sped/spp/maspp.html

The state special education regulations can be found at:

http://www.doe.mass.edu/sped/regs.html

Other special education documents (advisories, forms, guidance) can be found at:

http://www.doe.mass.edu/sped/advisories/

Directions

The Superintendent of Schools, Administrator of Special Education, School Business Official, and School Committee play critical roles in the education of students with disabilities. Therefore, the Superintendent (or school leader), Administrator of Special Education, School Business Official, and School Committee/Board of Trustees Chairperson are required to complete the Certification Section of the *Conditions of Assistance: IDEA Part B Funding Certifications*. These signatures indicate the requirements were read, understood, and agreed to by all signatories, and a plan is in place to address all the LEA's responsibilities under federal and state special education laws and regulations, including but not limited to those listed in the *Conditions of Assistance*.

The Department strongly recommends conducting annual training for all principals and building administrators to ensure compliance and identify the roles and responsibilities of building administrators relating to IDEA and state requirements.

Local education agencies applying as a consortium may elect to submit one *Conditions of Assistance: IDEA Part B Funding Certifications* for all the LEAs within the consortium. If this option is elected, all special education administrators, school committee chairpersons, and superintendents for the Lead Fiscal Agent and Member Districts must indicate in the Certification section that the requirements were read and understood by all respective professionals. The Alternate Regional Signature Page should be completed by all appropriate representatives.

For questions about any of the requirements in this *Conditions of Assistance: IDEA Part B Funding Certifications* document, please contact the Office of Special Education Planning and Policy at specialeducation@doe.mass.edu.

As specified in the following statements, the LEA states that it follows state and federal laws, regulations, policies, and procedures, and has in place programs and services consistent with federal and state special education laws, regulations, policies, and procedures. The LEA understands it must also keep on file current documentation at the local level that demonstrates its compliance with federal and state special education laws and regulations for the state education agency's (SEA's) review.

The *Conditions of Assistance: IDEA Part B Funding Certifications* review process allows district officials such as the Superintendent, School Business Official, School Committee or Board of Trustees, and school principals and building administrators to understand the complexities of special education laws and regulations and ensure the LEA is following all applicable requirements. It is strongly recommended that when there is a change in any of the district LEA representatives who signed off on this document, the LEA review the *Conditions of Assistance: IDEA Part B Funding Certifications* with new representatives. The Department reviews special education documentation during scheduled Integrated Monitoring and may request to review the documentation at any time.

I. Use of Funds

Commingling; Supplement, not Supplant
The LEA understands that federal special education funds must not be commingled with state funds. In addition, the LEA understands that federal special education funds must be used to supplement, not supplant, local and state expenditures for special education and related services. 34 C.F.R. § 300.162. Federal special education funds must be used to pay only the excess costs for special education and related services provided to students with disabilities. 34 C.F.R. § 300.202.

Permissive Use of Funds
The LEA may use federal special education funds to provide special education and related services to students with disabilities even if those services happen to benefit nondisabled students in the same setting. The LEA may also use federal special education funds for early intervening services, risk sharing funds to pay for high-cost special education and related services, and administrative case management. 34 C.F.R. § 300.208.

Maintenance of Effort
Each year, the LEA must budget for and document its maintenance of effort in its Consolidated Fund Code 0240/0262 Application in the Grants for Education Management System (GEM$) to establish the LEA's eligibility for IDEA Part B funds. The LEA's maintenance of effort is documented in its end of the year report and reports the LEA's spending of state and local funds for the education of students with disabilities and whether such spending is at least the same, either in total or per capita, as the amount spent for that purpose in the comparison year. 34 C.F.R. § 300.203.

The LEA understands it may only reduce the level of required state and local fund expenditure for any of the following reasons:

- The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
- A decrease in the enrollment of students with disabilities.
- Ending the obligation of the LEA to provide special education to a particular student with a disability that is exceptionally costly, as determined by the Department, because the student:
    - left the jurisdiction of the LEA;
    - reached the age of 22 (at which the LEA's obligation to provide FAPE to the student has terminated); or
    - no longer needs special education.
- The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
- The assumption of cost by the high-cost fund operated by the Department. 34 C.F.R. § 300.204.

Adjustment
In cases where there are amounts in excess for any fiscal year for which the allocation received by the LEA exceeds the amount the LEA received from the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by not more than 50 percent of the amount of that excess. 34 C.F.R. § 300.205(a). If the LEA chooses to use such funds to carry out activities under the Every Student Succeeds Act (ESSA), the LEA must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the ESSA regardless of whether the LEA is using funds under the ESSA for those activities. 34 C.F.R. § 300.205(b).

The LEA understands if the Department determines the LEA is unable to establish and maintain programs of FAPE or Needs Assistance or Intervention, or identifies the LEA for significant disproportionality, the LEA is prohibited from adjusting the level of expenditures for that fiscal year. 34 C.F.R. § 300.205(c). The amount of funds expended by a district for early intervening services counts towards the maximum amount of the expenditures that the LEA may adjust state and local funding under maintenance of effort. 34 C.F.R. § 300.205(d).

Coordinated Early Intervening Services (CEIS)
The LEA may elect to use no more than 15 percent of its IDEA Part B funds for any fiscal year to develop and implement CEIS for students in kindergarten through grade 12 who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in the general education environment. 34 C.F.R. § 300.226(a). An LEA that uses funds for CEIS must annually report to the Department:

- The number of students who received CEIS; and
- The number of students who received CEIS and subsequently receive special education and related services under IDEA Part B during the preceding two-year period. 34 C.F.R. § 300.226(d).

Comprehensive Coordinated Early Intervening Services (CCEIS)
The LEA understands if the Department identifies within the LEA significant disproportionality in identification, placement, and discipline based on race or ethnicity, the LEA is required to reserve the full 15 percent of its IDEA Part B funds to address the significant disproportionality through CCEIS. 34 C.F.R. § 300.646.

Schoolwide Programs
The LEA understands it may use funds received under IDEA Part B to carry out a schoolwide program under Title I of the ESSA, except that the amount used in any schoolwide program may not exceed the amount received by the LEA under IDEA Part B for that fiscal year, divided by the number of students with disabilities in the jurisdiction of the LEA, and multiplied by the number of students with disabilities participating in the schoolwide program. 34 C.F.R. § 300.206(a). The funds used for this purpose must be considered as IDEA Part B funds for calculations required by 34 C.F.R. § 300.202(a)(2) and (a)(3) and may be used without regard to the requirements of 34 C.F.R. § 300.202(a)(1). All other requirements of IDEA Part B must be met by the LEA, including ensuring students with disabilities in schoolwide program schools

receive services in accordance with a properly developed IEP and are afforded all rights and services guaranteed to students with disabilities under IDEA Part B. 34 C.F.R. § 300.206(c).

Proportionate Share Calculation

Every year the LEA must expend a proportionate share of their IDEA Part B entitlement grants (DESE fund codes 240 and 262) to serve eligible parentally-placed private and home school students who are educated within the geographic boundaries of the LEA irrespective of where the students reside. In calculating the proportionate amount of IDEA Part B funds to be provided for parentally-placed private school students with disabilities, which in Massachusetts includes homeschooled students with disabilities, the LEA must engage in timely and meaningful consultation with representatives of private schools and parents of parentally-placed private and home school students with disabilities, and conduct annual and ongoing thorough and complete child find activities to determine the number of parentally-placed students with disabilities attending private schools and home schooled within the LEA. 34 C.F.R. § 300.133(b).

For more information about the proportionate share requirements, please see the Department's Special Education Administrative Advisory SPED 2018-1.

If the LEA does not expend its proportionate share of IDEA Part B entitlement funds for equitable services by the end of the fiscal year in which the funds were appropriated, the LEA must obligate the remaining funds for special education and related services for eligible parentally-placed private school students during a carry-over period of one additional year. 34 C.F.R. § 300.133(a)(3).

II. Free Appropriate Public Education (FAPE)

The LEA understands a FAPE means special education and related services provided at public expense, under public supervision and direction and without charge, to eligible students in conformity with an individualized education program (IEP) and meeting the standards of the SEA. 20 U.S.C. § 1412(a)(1); 34 C.F.R. § 300.17. Special education includes but not limited to specially designed instruction to meet the unique needs of the student with a disability by adapting, as appropriate, the content, methodology or delivery of instruction to address the student's unique needs resulting from the student's disability, and to ensure the student's access to the general curriculum. 34 C.F.R. §300.39. The LEA shall provide or arrange for the provision of special education and related services for eligible students in accordance with the provisions of state and federal law and regulations.

The LEA understands it must ensure an IEP or Individualized Family Service Plan (IFSP), if appropriate, is in effect for eligible children by their third birthday. 34 C.F.R. §§ 300.101(b)(1), 300.323(b). The LEA understands special education and related services must be made available to the student in accordance with the student's IEP as soon as possible following the development of the IEP. 34 C.F.R. §§ 300.101, 300.323. The LEA must employ adequately trained professionals to serve students with disabilities. 34 C.F.R. §300.207.

The LEA ensures the following activities and equipment, among others, are available for each student with a disability:

- Non-academic and extracurricular services and activities in accordance with 34 C.F.R. § 300.117.
- Instruction in physical education. 34 C.F.R. § 300.39(a)(1)(ii).
- Assistive technology. 34 C.F.R. § 300.105.
- Routine checking of certain aids and devices in accordance with 34 C.F.R. § 300.113.
- Extended school day or year services. 34 C.F.R. § 300.106; 603 CMR 28.05(4)(d).
- Transportation. *E.g.,* 34 C.F.R. §§ 300.34, 300.139(b); 603 CMR 28.05(5) and 28.06(8).
- Counseling services. 34 C.F.R. § 300.34.
- School health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. § 300.34.
- Variety of educational programs and services available to nondisabled children in the area served by the LEA, including but not limited to art, music, industrial arts, and vocational education. 34 C.F.R. § 300.110.

The LEA understands FAPE must also be made available to eligible students are suspended or expelled from school, as provided in 34 C.F.R. § 300.530(d). 34 C.F.R. §300.101(a). The LEA also acknowledges its responsibility for arranging the provision of educational services for all students in the home or hospital for medical reasons for fourteen (14) or more days in a school year. 603 CMR 28.03(3)(c); *see also* 603 CMR 28.04(4).

III. Full Educational Opportunity Goal

The LEA will provide or arrange a full continuum of services and placements for students with disabilities eligible for special education or related services. 34 C.F.R. § 300.115(a). The LEA understands that an eligible student who is awarded a Massachusetts Certificate of Attainment remains entitled to publicly funded special education and related services until the student reaches age 22 or achieves a high school diploma. An eligible student who earns a diploma, irrespective of their disability status, earns a regular high school diploma and not an equivalent, lesser credential. 20 U.S.C. § 1412(a)(2); 34 C.F.R. § 300.109.

IV. Public Information

The LEA maintains:

- A copy of this *Conditions of Assistance: IDEA Part B Funding Certifications* in accordance with 34 C.F.R. § 300.200; and
- Policies, procedures, and programs that are consistent with State policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174 in accordance with 34 C.F.R. § 300.201Any supporting documentation relating to the eligibility of the LEA under IDEA Part B.

The LEA makes all such documentation available to parents of students with disabilities and the public upon request. 20 U.S.C. § 1413(a)(8); 34 C.F.R. § 300.212

V. Confidentiality of Personally Identifiable Information

The LEA protects the confidentiality of all personally identifiable information collected, used, or maintained in accordance with federal and state law. 20 U.S.C. § 1232g; 34 C.F.R. §§ 300.611-300.625; M.G.L. c. 71, § 34H; 603 CMR 23.00

VI. Child Find & Record Keeping

The LEA's child find activities must ensure all students residing in the LEA who need special education and related services are identified, located, and evaluated regardless of the severity of their disability and even though they are advancing from grade to grade. 34 C.F.R. § 300.111(a). Child find activities must include students with disabilities attending private schools, home schooled, and highly mobile (including migrant and homeless students), The LEA cooperates with the linkage of records pertaining to migratory students with disabilities for the purpose of electronically exchanging, among states, health and educational information regarding students with disabilities. 34 C.F.R. § 300.213.

VII. Evaluation and Eligibility Determination

The LEA has policies and procedures that address:

- Initial evaluation
- Evaluation procedures
- Determination of needed evaluation data
- Determination of eligibility
- Placement, and
- Reevaluation.

20 U.S.C. § 1414; 34 C.F.R. § 300.201.

The LEA acknowledges it has appropriate procedures to obtain parental consent before evaluating or reevaluating a student. Upon consent of a parent, the LEA understands it must provide or arrange for an evaluation of the student by a multidisciplinary team within thirty (30) school days. The LEA understands that initial evaluations must include all areas related to the suspected disability and in relation to the student's educational progress and performance. 20 U.S.C. § 1414(b)(3)(B) and (C); G.L. c. 71B, § 3; 603 CMR 28.04(2)(a).

In conducting an evaluation, the LEA must:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent;
- Not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the child;
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
- Ensure appropriately credentialed and trained specialists administer all assessments.

20 U.S.C. §§ 1412(a)(6)(B), 1414(b)(2) and (3).

The LEA states that assessments are selected and administered so they are not discriminatory on a racial or cultural basis. 20 U.S.C. § 1414(b)(3)(A)(i)-(ii). The LEA acknowledges that assessments must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer. The LEA understands that assessments must be used for purposes for which the assessments or measures are valid and reliable, and administered in accordance with any instructions provided by the producer of such assessments.

If an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the assessment measures, rather than reflecting the student's impaired sensory, manual, or speaking skills unless the assessment is designed to measure those skills. 34 C.F.R. § 300.304(c)(3).

The LEA understands the assessment will include a history of the student's educational progress in the general curriculum provided by a teacher with current knowledge of the student's specific abilities to learn the standards of the Massachusetts Curriculum Frameworks and the LEA's curriculum. The educational assessment will also include an assessment of the student's attention and communication skills, participation behaviors, memory, social relations with groups, peers, and adults, as well as the student's educational and developmental potential.

Each assessor shall summarize in writing the procedures employed, results, diagnostic impression, the student's educational and developmental potential, and shall define in detail the student's needs and explicit means of meeting those needs. Upon request, evaluation and assessment summaries are made available to parents at least two (2) days before the IEP Team meeting.

The LEA understands any initial and reevaluations shall be completed, and a Team meeting convened within forty-five (45) school days after receiving a parent's written consent for an initial or reevaluation. 603 CMR 28. The IEP Team, including the parents, meet to review the evaluation reports and either makes an eligibility determination or decides if additional data is needed. 20 U.S.C. § 1414(b). The LEA acknowledges if a parent requests an independent educational evaluation (IEE), the LEA will provide the parent with the appropriate information. 34 C.F.R. § 300.502.

The LEA understands if the Team determines a student has one or more disabilities as defined under 603 CMR 28.02(7) and is unable to progress effectively in the general education program without specialized instruction or is unable to access the general curriculum without one or more related services, the student is eligible for special education services and an IEP is developed. In contrast, if the Team determines the student is not eligible for special education services, parents shall be informed by written notice including the reason for the finding, list of meeting participants, and parental rights, within ten (10) days of the Team meeting.

The LEA understands a student cannot be determined eligible for special education solely because of limited English proficiency, failure to meet the school discipline code, social maladjustment, or lack of appropriate instruction in reading or math. 20 U.S.C. § 1414(b)(5).

The LEA understands it will review the student's IEP periodically and at least annually to determine whether the student's annual goals are achieved. Additionally, at least every three (3) years the LEA shall conduct a full reevaluation with parental consent. 20 U.S.C. § 1414 (a)(2) and (c)(3); 603 CMR 28.04(3). The LEA understands the reevaluation may be waived if both the LEA and the parent agree, and the reevaluation should not occur more frequently than once a year unless the parent and LEA agree otherwise. 20 U.S.C. § 1414(a)(2).

The LEA acknowledges it must evaluate a student before determining that student is no longer a student with a disability. 20 U.S.C. § 1414(c)(5)(A), (B)(ii). However, this evaluation is not required if the student's eligibility terminates due to graduation or exceeding the age eligibility for FAPE. 20 U.S.C. § 1414(c)(5)(B)(i). In that case, the LEA must provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student to meet the student's postsecondary goals. 20 U.S.C. § 1414(c)(5)(B)(ii).

VIII. Parent and Other Team Member Participation

The LEA must ensure the IEP Team includes all the members listed in 34 CFR § 300.321, including but not limited to the parents of the student. The LEA must take steps to ensure one or both parents are present at each IEP Team meeting or afforded the opportunity to participate. The LEA will provide timely notice to parents and schedule the meeting at a mutually agreed on time and place. 34 C.F.R. § 300.322(a). If neither parent can attend an IEP Team meeting in person, the LEA must use other methods to ensure parent participation, including individual or conference or video calls. 34 C.F.R. §§ 300.322(c), 300.328.

If the LEA is unable to secure the parents' attendance at the IEP meeting after reasonable notice and accommodation, the LEA may conduct the meeting without a parent present. In this case, the LEA must keep a record of all attempts to arrange a mutually agreed time and place. 34 C.F.R. § 300.322(d). The LEA must take necessary action to ensure parent(s) understand the IEP Team meeting proceedings, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is not English. 34 C.F.R. § 300.322(e).

The LEA must ensure the student's rights are protected when no parent can be identified or located by the LEA after reasonable efforts, or if the child is a ward of the state or an unaccompanied homeless youth. 34 C.F.R. § 300.519.

The IEP Team must include:

- The parent(s) of the student;
- At least one regular education teacher of the student (if applicable);
- At least one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
- A representative of the LEA who is:

    - qualified to provide or supervise the provision of special education;
    - knowledgeable about the general education curriculum; and
    - knowledgeable about the availability of the LEA's resources;
- An individual who can interpret the instructional implications of evaluations;
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
- Whenever appropriate, the student with a disability. 34 C.F.R. §300.321(a).

The LEA understands certain IEP team members may be excused from an IEP Team meeting. This may occur if the member's area of curriculum or related services are not scheduled for discussion or modification, and the LEA and parent agree in writing to excuse the member. 34 C.F.R. § 300.321(e)(1). If the member's area of curriculum or related service is scheduled for discussion or modification, the member may be excused if the LEA and parent agree in writing and the member provides their written input to the parent and IEP Team prior to the meeting. 34 C.F.R. § 300.321(e)(2).

The LEA must invite a student with a disability to attend the student's IEP Team meeting starting at the age of fourteen (14), if a purpose of the meeting is to consider the student's post-secondary goals and the transition services needed to assist the student in reaching those goals. 34 C.F.R. § 300.321(b); G.L. c. 71B, § 2. If the student does not attend the IEP Team meeting, the LEA must take other steps to ensure the student's preferences and interests are considered. To the extent appropriate and with the consent of the parents or the student who reached the age of majority, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

The LEA acknowledges it must have a parent advisory council (PAC) to advise the LEA on matters pertaining to special education, safety of students with disabilities, and meet regularly with LEA officials to participate in planning, development, and evaluation of the LEA's special education programs., Upon reasonable notice and subject to the availability of LEA staff and resources the LEA shall assist the PAC without charge . The LEA shall conduct, in cooperation with the PAC, an annual workshop for parents on the rights of students and parents under federal and state special education laws.

IX. Individualized Education Program (IEP)

An IEP is a written statement for each student with a disability that is developed, reviewed, and revised in IEP Team meetings. 34 C.F.R. § 300.320(a). The IEP must include, among others, the following statements or explanations:

- A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects their involvement and progress in the general education curriculum, or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- An explanation of the extent to which the student will not participate with nondisabled students in the general education classroom or non-academic activities, if applicable;

- A statement of measurable annual goals (both academic and functional) and a description of how the student's progress towards these goals will be measured;
- A statement of the specially designed instruction required to meet the needs of the student with a disability and/or any related service(s), supplementary aids and services, and program modifications or supports that will allow the student to benefit from the specially designed instruction and/or related service, progress effectively in the general curriculum, participate in extracurricular and other nonacademic activities. The IEP must also include the start date, frequency, location, and duration of these services and modifications;
- The daily duration of the student's school day if different than the regular school day, and any extended school year services needed by the student. 34 C.F.R. § 300.106.
- Any need for residential services coordinated with the day education services including the comprehensive nature and length of the required educational program;
- Any regular transportation or special transportation arrangements, including but not limited to necessary modifications, specialized equipment, assistance, attendants on vehicles, and any other particular precautions;
- A statement of any accommodation necessary for statewide or districtwide assessments to measure the student's performance, and/or an explanation of why the student must take an alternate assessment(s);
- For all students aged fourteen (14) to twenty-two (22), appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, as well as transition services and courses of study needed to assist the eligible student in reaching those goals and based on the individual student's needs, strengths, preferences, and interests.
- For any student approaching graduation or age twenty-two (22), whether the student is likely to require continuing services from an adult human service agency.

E.g., 20 U.S.C. § 1414(d)(1)(A); 34 C.F.R. § 300.320; G.L. c. 71B, §§ 2, 3; 603 CMR 28.05.

The LEA acknowledges for students identified with a disability on the autism spectrum, the IEP Team shall consider and specifically address the student's needs relating to:

- Verbal and nonverbal communication;
- Social interaction skills and proficiencies;
- Avoidance and response to bullying, harassment, or teasing;
- Unusual responses to sensory experiences;
- Resistance to changes in environment and daily routines;
- Engagement in repetitive activities and stereotyped movements;
- Positive behavioral interventions, strategies and supports;
- Social and emotional development related to progress in the general curriculum.

The LEA understands the LEA Administrator of Special Education shall refer any student with an IEP approaching graduation or age twenty-two (22) likely to require continuing services from

an adult human service agency to the Bureau of Transitional Planning in the Executive Office of Health and Human Services.

The LEA states that each eligible student has an IEP in effect at the beginning of each school year. The IEP must be accessible to each general education teacher, special education teacher, related services provider, and any other service provider responsible for implementing the IEP. Each teacher and provider are informed of their specific responsibilities related to implementing the student's IEP, including any specific accommodations, modifications, and supports. 34 C.F.R. § 300.323.

The LEA acknowledges that parents of eligible students who require special transportation in their IEP may be entitled to reimbursement from the LEA in certain circumstances when they transport their student themselves.

X. Procedural Safeguards

The LEA states it implements procedural safeguards to afford students with disabilities and their parents due process. The LEA must provide parents with a copy of these procedural safeguards annually, as well as upon initial referral or request for evaluation, parent request, in connection with a state and due process complaint, and discipline procedures. 34 C.F.R. § 300.504. A reasonable time before the LEA either proposes or refuses to initiate or change a student's identification, evaluation, placement, or provision of FAPE, the LEA must provide the student's parents written notice. The notice must describe the action proposed or refused by the LEA and explain how the LEA reached its conclusion. The notice must be written in language understandable to the public and provided in the native language or other mode of communication used by the parent, unless it is clearly not feasible to do so. 34 C.F.R. § 300.503.

XI. Least Restrictive Environnent (LRE)

The LEA understands an IEP Team, that includes the parents, develops the student's IEP and then determines the educational placement for the eligible student. The identified placement is based on the student's IEP in conformity with IDEA Part B LRE provisions and as close as possible to the student's home. 34 C.F.R. § 300.116. The LEA provides a continuum of alternative placements to meet the unique needs of students with disabilities for special education and related services. 34 C.F.R. § 300.115.

The LEA acknowledges that to the maximum extent appropriate, students with disabilities, including students in public and private institutions or other care facilities, are educated with students who are not disabled. 34 C.F.R. § 300.114(a). Students with disabilities participate with non-disabled students in nonacademic and extracurricular activities, including meals, recess, athletics, and clubs, to the maximum extent appropriate to the needs of the student. 34 C.F.R. § 300.117. The LEA also takes steps to ensure students with disabilities have an equal opportunity to participate in services such as transportation, health, and counseling. 34 C.F.R. § 300.107.

A student with a disability must be educated in the school the student would attend if non-disabled unless the IEP requires some other arrangement. Supplemental services are provided in conjunction with regular class placement. 34 C.F.R. § 300.115(b).

A student in the LEA is not removed from age-appropriate general education classrooms solely because of modifications needed in the general curriculum. 34 C.F.R. § 300.116(e). The LEA states that special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. § 300.114(a). The LEA understands it must comply with state requirements regarding placements, including but not limited to the requirements in 603 CMR 28.06.

The LEA understands it is prohibited for state and local educational agency personnel to require a child to obtain a prescription for a substance covered by the Controlled Substances Act.(21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

XII. Transition of Young Children from Early Intervention (Part C) to Preschool Programs (Part B)

The LEA acknowledges students participating in IDEA, Part C early intervention programs () who will participate in IDEA Part B preschool programs (will experience a smooth and effective transition. 34 C.F.R. § 300.124. These students must have an IEP or Individualized Family Service Plan (IFSP) developed and implemented by their third (3rd) birthday. The LEA must explain to parents the differences between an IFSP and IEP. 34 C.F.R. § 300.323(b)(2)(i). If the parents choose an IFSP, the LEA must obtain written informed consent. 34 C.F.R. § 300.323(b)(2)(ii).

XIII. Students in Private Schools Enrolled by Their Parents

The LEA acknowledges its child find responsibilities include identifying, evaluating, and providing an IEP with special education and/or related services to all students with disabilities enrolled by their parents in private schools within the LEA's geographic boundaries, including but not limited to:

- Students who live in the LEA and attend a private school in the LEA;
- Students who live outside the LEA but attend a private school in the LEA;
- Students who live in the LEA and are homeschooled in the LEA; and
- Out-of-state students who attend a private school in the LEA. G.L. c. 71B, §§1, 3.

When using federal funds, the LEA may provide services for eligible students enrolled in private school on the premises of the private schools. The LEA may also need to provide transportation.

In addition to the state law requirements relating to parentally-placed private and home school students with disabilities, the LEA understands it must comply with the proportionate share requirements under IDEA Part B. *E.g.*, 34 C.F.R. §§ 300.133, 300.134. The LEA understands it must engage in timely and meaningful consultation with private school and parent representatives of parentally-placed private and home school students with disabilities. The consultation must cover:

- Child find;
- Proportionate share calculation;
- How the consultation process will operate throughout the school year; and
- Provision of special education and related services. 34 C.F.R. § 300.134.

The LEA understands that upon completion of the timely and meaningful consultation, the LEA must obtain written affirmation signed by a representative of each participating private school. 34 C.F.R. § 300.135. If the private school representative does not provide the affirmation, the LEA will forward documentation of the consultation process to the Department within a reasonable amount of time. For more information, please see the Department's Special Education Administrative Advisory SPED 2018-1.

XIV. Personnel

The LEA shall appoint an Administrator of Special Education who shall supervise all special education for the LEA and ensure compliance with all federal and state special education laws. G.L. c. 71B, § 3A. Each person employed as a public-school special education teacher in Massachusetts who teaches in an elementary school, middle school, or secondary school must:

Have obtained full Massachusetts certification as a special education teacher;

Have not had their special education certification or licensure requirements waived; and

Hold at least a bachelor's degree. 34 C.F.R. § 300.156; 603 CMR 7.00.

The LEA must ensure its related service personnel and paraprofessionals meet Massachusetts requirements that apply to the professional discipline in which those personnel are providing special education or related services, and related service personnel have not had their certification requirements waived. The LEA may use appropriately trained paraprofessionals and assistants who are supervised in the provision of special education and related services.

The LEA shall provide training to all LEA staff, including general and special educators, administrators, and paraprofessionals on the requirements of special education, analyzing and accommodating diverse learning needs of all students in the general education classroom, and methods of collaboration among teachers, paraprofessionals, and teacher assistants to accommodate diverse learning needs.

XV. Indicators and Data Reporting Requirements

The LEA must monitor the progress of students with disabilities and annually report data regarding the progress of students with disabilities and other data upon request to the Department. This data includes, but not limited to, data the SEA collects for State Performance Plans/Annual Performance Reports (SPP/APR). The LEA must ensure the accuracy of the data it collects and reports to the SEA.

XVI. Participation in State and District-Wide Assessments

The LEA understands students with disabilities must be included in all general state and district-wide assessment programs with appropriate accommodation indicated in their IEPs. 34 C.F.R. §

300.160. Students with the most significant cognitive disabilities who cannot participate in regular assessments, even with accommodations as indicated in their IEP shall take alternate assessments aligned with alternate academic achievement standards. The LEA acknowledges it will inform parents of students selected to be assessed using an alternate assessment that their child's achievement will be measured based on alternate academic achievement standards, and how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma. 34 C.F.R. § 300.160.

XVII. Financial Responsibility for Ensuring Services

The LEA implements all IEPs without delay upon parental consent and at no cost to the parent. 34 C.F.R. §§300.103(c), 300.300(b)(1). The LEA understands if a non-educational agency fails to provide or pay for any special education or related services, the LEA must provide or pay for these services in a timely manner. 34 C.F.R. § 300.154(b). The LEA understands it may use MassHealth or other public insurance benefits programs in which a student participates to provide or pay for required services. 34 C.F.R. § 300.154(d)(1). The LEA may not require parents to incur out-of-pocket expenses, nor may the LEA require parents to obtain public insurance. 34 C.F.R. § 300.154(d)(2). In addition, the LEA understands it may not use a student's benefits under a public benefits or insurance program if that use will:

- Decrease available lifetime coverage or any other insured benefit;
- Result in the family paying for services otherwise covered by the public benefits or insurance program and required for the student outside the time the student is in school;
- Increase premiums;
- Lead to the discontinuation of benefits or insurance; or
- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures. 34 C.F.R. § 300.154(d)(2)(iii).

The LEA acknowledges it must provide written notification to the parent and obtain a one-time consent before accessing such benefits or insurance for the first time. After the one-time consent is obtained, the LEA is required to provide notice annually thereafter to the parent. 34 C.F.R. § 300.154(d)(2)(iv) and (v). The LEA understands it may only access a parent's private insurance with the parent's informed consent each time the LEA proposes access. 34 C.F.R. § 300.154(e)(1). The LEA informs the parent that their refusal to permit the LEA to access their public benefits, public insurance, or private insurance does not relieve the LEA of its responsibility to ensure that all required services are provided at no cost to the eligible student or their family. 34 C.F.R. § 300.154(d)(2)(v) and (e)(2).

The LEA understands that proceeds from public benefits, public insurance, and private insurance may not be treated as program income and reimbursement from federal funds such as Medicaid will not be considered "state or local" funds for the purpose of the maintenance of effort provisions. 34 C.F.R. § 300.154(g).

XVIII. Suspension and Expulsion

The LEA understands school personnel may remove or suspend a student with a disability who violates a code of student conduct from the student's current placement to an appropriate interim alternative educational or other setting for not more than ten (10) consecutive or cumulative school days so long as the removals do not constitute a change in placement. 34 C.F.R. § 300.530(b)(1).

A change of placement occurs if a student is removed for more than ten (10) consecutive school days or if a student is subjected to a series of removals that constitute a pattern. 34 C.F.R. § 300.536(b). When a student with a disability is removed from their current placement for ten (10) school days in the same school year, the LEA must provide educational services that support student progress toward their IEP goals, and when appropriate, conduct a functional behavior assessment or provide behavioral intervention services and modifications to address the behavior violation. 34 C.F.R. § 300.536(d).

Within ten (10) school days of any decision to change the placement of a student with a disability because of a code of student conduct violation, the LEA must make a manifestation determination. 34 C.F.R. §300.530(e). The LEA, the parent, and relevant IEP Team members must review all relevant information in the student's file to determine if the conduct in question was caused by, had a direct and substantial relationship to, the student's disability, or was a direct result of the LEA's failure to implement the student's IEP. 34 C.F.R. § 300.530(e).

If a student was not determined eligible for special education engaged in behavior that violated a code of student conduct and the LEA had knowledge the student had a disability before the behavior that precipitated the disciplinary action occurred, then the student may assert discipline protections, including a manifestation determination. 34 C.F.R. § 300.534(a). The LEA must be deemed to have knowledge a student had a disability if before the behavior occurred:

- The student's parent expressed concern in writing to the appropriate LEA supervisory or administrative personnel or the student's teacher that the student needs special education and related services;
- The student's parent requested an evaluation of the child pursuant to 34 C.F.R. § 300.300;
- The student's teacher or other LEA personnel expressed specific concerns about the student's demonstrable pattern of behavior to the LEA's director of special education or other supervisory personnel. 34 C.F.R. § 300.534(b) and (c).

If the LEA does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as those applied to students without disabilities who engage in similar behaviors. 34 C.F.R. § 300.534(d)(1). If a request is made for an evaluation during the duration of the disciplinary measure, the LEA must conduct an expedited evaluation. 34 C.F.R. § 300.534(d)(2)(i). Until the evaluation is completed, the student remains in their current

educational placement, which can include suspension or expulsion without educational services. 34 C.F.R. § 300.534(d)(2)(ii). If the student is determined to be a child with a disability, the LEA must provide special education and related services. 34 C.F.R. § 300.534(d)(2)(iii).

The LEA understands that if significant discrepancies occur in the rate of suspensions and expulsions of students with disabilities, the LEA will submit policies, procedures, and practices (PPPs) to the Department for review. 34 C.F.R. § 300.170.

XIX. Transfer of Parental Rights at Age of Majority

The LEA understands Massachusetts students are considered adults and competent to make their own educational decisions at the age of eighteen (18). 34 C.F.R. § 300.320(c). The LEA acknowledges that at least one (1) year before the student reaches the age of eighteen (18), the LEA will notify the student and parent(s) that all decision-making and consent rights previously accorded to the parent(s) will transfer to the student when the student reaches the age of eighteen (18). This applies to all students with disabilities except students determined to be incompetent by a court of competent jurisdiction.

The student, upon reaching 18 years of age and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice shall be made in the presence of the Team and shall be documented in written form. The student, 18 years of age and in absence of any court actions to the contrary, may choose to delegate continued decision-making to their parent, or other willing adult. Such a choice must be made in the presence of at least one representative of the school district and one other witness and documented and maintained in written form in the student record.

Unless a court-appointed guardian or the adult student chooses to delegate decision making to their parent or other willing adult, the LEA must seek the student's written consent to continue the student's special education program. When a student reaches the age of 18, the parents retain the right to receive copies of all written notices and information sent to the student.

XX. Eligibility and Enforcement

The LEA is eligible for assistance under IDEA Part B for a fiscal year if the LEA submits signed assurances that the LEA complies with federal and state statutes and regulations related to special education. The LEA must, in providing for the education of students with disabilities within its jurisdiction, have in effect policies, procedures, and programs that are consistent with the SEA's policies and procedures established under 34 C.F.R. §§ 300.101 through 300.163, and §§ 300.165 through 300.174. 20 U.S.C. § 1413(a)(1); 34 C.F.R. § 300.201.

The LEA must provide the Department with information necessary to enable the SEA to carry out its duties under IDEA Part B, including, with respect to 34 C.F.R. §§ 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under IDEA Part B. 20 U.S.C. § 1413(a)(7). If the Department determines an LEA is not eligible under IDEA Part B, the Department will provide the LEA reasonable notice and an opportunity for a hearing. 20 U.S.C. § 1413(c). If the Department, after reasonable notice and

opportunity for a hearing, finds the LEA is failing to comply with any requirement described in 20 U.S.C. § 1413(a), the Department shall reduce or not provide any further payments to the LEA until the Department is satisfied the LEA is complying with the specific requirement. 20 U.S.C. § 1413(d).

The LEA understands parents of students with disabilities attending charter, innovation, or virtual schools considered LEAs retain all rights under IDEA Part B regardless of whether the school receives Part B IDEA funds (Fund Codes 240 and 262). 34 C.F.R. § 300.209. Attending such schools is not a waiver of IDEA Part B rights or state law, or a limit on access to special education and related services.

The LEA understands Massachusetts Horace Mann Charter Schools included within a school district must serve students with disabilities attending those schools in the same manner it serves students with disabilities in the district's other schools. The LEA must provide IDEA Part B funds (Fund Codes 240 and 262) to those schools in the same way it provides those funds to the district's other schools.