



**SPECIAL EDUCATION & 504
POLICY AND PROCEDURE
MANUAL**

The South Shore Charter Public School's Special Education Procedures Manual has been developed to ensure consistency and accuracy of special education practices across the district. The practices and procedures included in this manual align with 603 CMR 28.00 Special Education Regulations. All special education personnel responsible for the implementation or coordination of special education evaluation and services should become familiar with the practices and procedures as well as use only the forms referenced within this manual. This manual will be reviewed at least annually, which may result in revisions to content and/or forms. Staff will be notified of any changes and should review this manual in full at least once every school year. Revised June 2025.

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Communication with Parents

For this manual's purpose, the term "parent" will mean parent, legal guardian, or student aged 18+ acting on their own behalf or sharing decision-making rights. Communication with families is of the utmost importance at SSCPS and vital to productive the Team relationship. The Learning Services Liaison should reach out to parents at the start of each school year via phone, email, or letter home to identify themselves as the student's liaison. This communication should occur in the parents' preferred language of communication. The parents should be provided with their school phone number and email for future communications.

Communication with Non-English Speaking Parents

When working with families whose primary language is not English (as indicated in the Home Language Survey in the student's cumulative file), SSCPS may be required to provide translation services. These services may include interpreters at team meetings, as well as having documents translated. All special education documentation that is sent to the home should be translated for the family. This would include, for example, N-1's, Evaluation Consent Forms, Meeting Invitations, assessments, IEPs. Copies of all interpreted documents should be placed in the student's cumulative file. When translation services are required, please contact the Office of Learning Services.

RESPONSE TO INTERVENTION

A result of the Massachusetts Education Reform Act of 2000 reinforces the belief that the general education curriculum is for each and every student. Therefore, special education "should not be a separate program, but rather should be one aspect of a continuum of supportive services and programs that are provided to ensure that the general education environment is a responsive one." Massachusetts Department of Education, March 2001.

To that end, South Shore Charter Public School has developed Student Support Teams as an avenue for gathering data and implementing interventions and/or supports prior to a special education referral. Currently, SSCPS has established four Student Support Teams. (K-4, 5-6, 7-8, 9-12).

Response to Intervention (RTI) is a process that enables teachers to meet collaboratively to share their expertise with one another in the effort to assist students who are experiencing academic difficulties accessing the curriculum or with social and emotional issues. The Student Support Teams use elements of *Response to Intervention*, which is a three-tiered model with increasing levels of intervention and the layering of instructional support as part of the general education program. The process aims to assess a student's problem, provide

remediation, interventions, and to measure the gains or continuing challenges the student may be having. Student Support Teams are **not** part of the special education process. Although some students may eventually be referred for special education services, the Student Support Team is not seen in the regulations as a “pre-referral” mechanism.

The success of RTI depends upon professional collaboration among team members and knowledge of the student’s educational history and current difficulties. In addition, team members directly involved with the student must have knowledge of how to select and correctly implement evidence-based interventions that are likely to address the student’s identified needs. Finally, team members must gather formative assessment data documenting the use of the intervention and student progress, and must use this data to inform future interventions.

KINDERGARTEN SCREENING

South Shore Charter Public School conducts Kindergarten screening for all students who are entering Kindergarten. This screening is designed to assess and review a student’s development and assist in the identification of those children who may need to be referred for an evaluation to determine eligibility for special education services.

Parents are notified by the school that such screening will occur and on which dates. Participation in this screening process is optional on the part of the parents. After the screening is completed, parents are notified of the results. The results may indicate:

- a. Your child is developmentally appropriate for his/her age
- b. Your child requires to be assessed again in 6 – 8 weeks
- c. Your child requires further evaluation and the school will initiate the process.

Periodically and on an ongoing basis, in addition to Kindergarten Screening, the nurse at SSCPS will provide screenings to all students in the areas of vision, hearing, and posture, as required by the Department of Public Health.

REFERRAL FOR SPECIAL EDUCATION SERVICES

Referral for Initial Evaluation

A student may be referred, orally or in writing, for an evaluation by a parent or any person in a caregiving or professional position concerned with the student’s development. Under the regulations, school districts must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case-by-case basis. A parent’s right to refer their child for a special education

evaluation, however, is not limited and should never be delayed because the school district has not fully explored and/or attempted some or all of the available instructional support programs or any other type of interventions (i.e.: DCAP/MTSS/Title One/Behavior Plans, etc.). In any case where the parent or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school district must promptly send notice and seek permission to conduct an initial evaluation to determine if the student is eligible for special education. The school district has **5 school days** to respond in writing to a parent's request for evaluation by completing a Proposed Action Notice (N1) and Evaluation Consent Form (N1A). A copy of the Parental Notice of Procedural Safeguards should be included as well.

Referral Process

School-Based Referral

Once the Student Support Team has determined that all efforts have been made to meet the needs of the student, the Student Support Team may refer the student for evaluation in order to determine special education eligibility. Documentation of this referral must be included in the student record and considered as part of the evaluation information reviewed by the Team when determining eligibility. The Learning Services Office will notify the parents of the school district's proposal for an initial evaluation. The Learning Services Office, shall send notice and consent including Parental Notice of Procedural Safeguards, N1, and Evaluation Consent, and shall coordinate the evaluation process.

Parent Referral

A parent (including foster parent, guardian, an individual with whom the child lives, or an individual legally responsible for the child's welfare) may refer a student at anytime for an initial evaluation to determine eligibility for special education. **This referral may be made either orally or in writing.** Upon receipt of a parent referral, the school district has five (5) school working days to provide the parent with an evaluation consent form.

All referrals must be given directly to the Learning Services Office to begin the process. Parents may be contacted to clarify concerns and help develop the evaluation plan in all areas of suspected disability.

Once the referral has been made, the district has an obligation to notify the parent in writing within five school working days of the referral and provide them with an evaluation consent form. The following materials should be included in this mailing:

- An N1 (Notice of Proposal), answering all six questions
- Evaluation Consent Form
- Parents Notice of Procedural Safeguard

Timelines

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

The state laws and regulations have established timelines that all school districts must adhere to in the special education eligibility process. Once a referral is made either in writing from a parent or by the Student Support Team it is necessary to follow the guidelines set out by the state laws and regulations,

IEP TIMELINES DESE 603 CMR 28.05(7)-Effective June 13, 2025	
Signed Consent is Received	→ This is the date it is stamped/entered at the learning services office, and is the date that the timeline starts
Assessments are <u>completed within the 30 working school days</u> from receipt of signature	→ All Assessments are to be completed, including: ◆ ED. A and B by general education teachers, Academics, Psychological, Related Service (OT, PT, SLP, FBA, Vision, etc), as well as observations.
All Testing Reports are to be sent to the Parent <u>2 working school days</u> before meeting date	→ All reports to be completed and sent to The Learning Services Office, no later than 3:00, 2 days prior to the scheduled meeting date. Reports sent to the parents <u>2 working school days</u> before IEP meeting
IEP Meeting is held within days 31-44	→ IEP meetings are to be held
The Final IEP is to be given to the Parent <u>Immediately</u> Following the Meeting	→ Definition of Immediately: No More than 5 School Working Days. ◆ E.g., Meeting on day 32-IEP to parent on day 37 ◆ Meeting on day 42-IEP to parent on day 45 ◆ Meeting on day 44-IEP to parent on day 45
<u>ALL PROCESSES</u> are to be Completed by Day 45	→ Consent, Testing, Meeting, and Final IEP (Including Placement Pages) to Parent <u>ALL</u> within 45 School Working Days

Annual IEPs	→ Final IEP with Placement Pages to the Parent, No Later than <u>5 School Working Days</u> after the Meeting
Definitions	Immediately: No more than 5 school working days IEP: The completed, final IEP To the Parent: In the parent's hands.

*The Office of Learning Services will maintain accurate records of timelines related to the evaluation or reevaluation of students on or being evaluated for Individual Education Programs. These records will include dates attempted to get consent, date consent is received, 30 & 45 day deadlines, receipt of evaluations, and meeting date. These records are accessible to all learning services staff to assist in maintaining timeline compliance.

If a Parent Consent is not received:

Initial Evaluation:

If receipt of the consent has not been received within two weeks, the Office of Learning Services will follow up with the parents to inquire if there are any questions or if an additional copy is needed. If a parent does not return the initial evaluation consent form within 30 calendar days of being mailed out, a consent packet will be mailed a second time, with the date documented. All information should be documented and kept in the student's file.

Three-Year Reevaluation:

If parental consent is not received within 30 calendar days for a re-evaluation, a second attempt, and if necessary, a third attempt will be made. Attempts may include phone calls and resending of information. If, after three attempts, there is no parental consent, the Office of Learning Services will notify the Director of Student Services.

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

Receipt of Consent at End of School Year

If consent is received within thirty (30) to forty-five (45) school days before the end of the school year, the district must ensure that a Team meeting is scheduled. The proposed IEP and N1 or written notice of the finding of no eligibility (N2) will be sent no later than fourteen (14) days after the end of the school year. For consents received fewer than 30 school days prior to the end of the school year, the timeline starts at receipt of consent, stops on the last day of school, and restarts at the start of the following school year.

Evaluation

Evaluations of the student must be made in **all areas of suspected disability** in order to determine eligibility for Special Education.

Evaluation activities should be tailored to the specific referral questions for the individual student and need to address whether or not there is a disability, and if the disability affects the student's learning.

Evaluations must provide information to determine present levels of academic achievement and related educational needs. No single test should be used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record, should be used.

Once the Office of Learning Services receives the signed evaluation consent form, s/he will notify all members of the TEAM that they may begin their evaluations. Additionally, at this time, the TEAM meeting date will be confirmed with the parents/guardians, and the TEAM will be notified of the date.

1. Each member of the TEAM is responsible for scheduling and completing their assessments according to the time parameters established.
2. Evaluation reports need to be available at least two working school days prior to the TEAM meeting.
3. The Office of Learning Services or designee sends out a meeting invitation, attendance sheet, and copies of the reports.

Required Assessments for an Initial Evaluation

1. An assessment in all areas related to the suspected disability.
2. An educational assessment by a representative of SSCPS, including:
 - Educational Assessment (28R/1) (Part A)
 - Teacher Assessment (28R/1) (Part B)
 - Specialists' Assessment(s): All areas of suspected disability must be assessed. Functional behavioral assessments (FBA) must be conducted if the student's behavior interferes with learning.
 - Observation of the student by someone other than the classroom teacher

- a) A history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum; and
- b) If necessary, an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
- c) South Shore Charter Public School will thoroughly evaluate and provide a narrative description of the student's educational/developmental status.

Optional Assessments

The Director of Student Services may recommend, or a parent may request one or more of the following:

- A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.
- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
- A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher, and includes information on pertinent family history and home situation, and may include a home visit, with the agreement of a parent. (Developmental History Form)

Evaluation Procedures

1. TEAM members should coordinate their assessments with the student's teacher(s) and other evaluators so that the child is not over-tested on any given day. The persons conducting the assessments should ensure that the teacher is notified in advance of any pullout from class.
2. Evaluation 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. **NOTE: Some assessments are not available in certain languages. SSCPS will investigate all options to help provide the best possible option in obtaining the most accurate information possible.**

Evaluation Reports

All evaluation reports should be written in clear, jargon-free language. Assessments must

also be translated into the parents' primary language if the primary language is not English. Assessors should interpret and summarize results and diagnostic impressions to help the TEAM determine eligibility, including the student's present levels of educational performance and areas of need arising from the student's disability. Educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

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

Eligibility must not be based solely on lack of reading or math instruction or on English language learning needs.

Provision of Outside Evaluation

Parents may at any time elect to have their child evaluated by an independent evaluator at private expense. When parents present the school with an outside evaluation report, if the student is already on an IEP, the TEAM must reconvene to consider the outside testing **within 10 working school days** of when the district receives the report. The parents must provide the TEAM with a complete copy of the written report in order for the TEAM to consider the recommendations.

If a student has **not** already been identified as being eligible for special education services and is not on an IEP, SSCPS shall treat the receipt of the evaluation as a request for an initial evaluation to determine eligibility. SSCPS maintains its right and responsibility to perform an evaluation. The independent evaluation will be considered as part of the comprehensive evaluation.

The TEAM is required to **consider** the results of the independent evaluation. Consideration of an outside evaluation at any time does not replace the school's responsibility for conducting an evaluation for determining special education eligibility. The TEAM will make recommendations, determine if additional testing is necessary, and, if possible, determine eligibility for special education services.

SSCPS is dedicated to preventing any duplication of evaluations. However, if the evaluation TEAM does not propose and attempt to complete an evaluation, it places the district in the position of being preempted by outside testing in the future.

RE-EVALUATIONS

A re-evaluation must be conducted for each student on an IEP every three years or more frequently if requested or recommended. Re-evaluations may occur prior to the three-year

date if both parents and SSCPS agree that an evaluation is needed. Conversely, the parent and SSCPS may agree that a re-evaluation is not needed. When a student is referred for a re-evaluation, existing evaluation data should be reviewed first.

If, in preparation for the three-year re-evaluation, the IEP TEAM and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, SSCPS will convey to the parents:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

SSCPS is not required to conduct further assessments unless requested to do so by the child's parents. The TEAM will conduct the three-year re-evaluation meeting based upon the review of records, current performance, parent and staff input.

If SSCPS suspects that a student is no longer eligible for special education services, then a re-evaluation must occur to change the previous determination of eligibility. Evaluation is required prior to ending an IEP service, including consultation. The assessment that is used can be a combination of standardized assessment and curriculum or classroom-based assessment data. Special Education services or related services may not stop until a meeting is held, with the exception of graduation with a regular diploma or aging out. For those children, SSCPS must provide a summary of academic and functional performance, including recommendations on how to assist the child to meet post-secondary goals.

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

PARENTAL CONSENT

South Shore Charter Public School must obtain written parental consent before:

- Conducting an initial evaluation
- Making an initial placement of a student in a special education program.
- Conducting a re-evaluation

- Before placing a student in a special education placement subsequent to the initial placement in special education
- Before initiating extended evaluation services. Before initiating services proposed on a student's IEP

A parent may revoke consent at any time. Except for initial evaluation and initial placement, consent may not be required as a condition of any benefit to the child. If the parent has given consent for special education services and then, at any time following, revokes consent to the student's special education services in writing, South Shore Charter Public School is obligated to discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, South Shore Charter Public School will provide written notice to the parent/guardian, within five (5) school days, of the district's proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. The district's notice will include a date as to when services will be terminated, which will be no less than five (5) school days.

THE IEP TEAM

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

- Student's parent(s)/Guardian
- A district representative who has the authority to commit district resources
- At least one regular education teacher who is familiar with the student (if the student is, or may be, participating in the regular education environment)
- The student if age 14 or older
- At least one teacher/specialist trained in the area of the suspected disability
- An individual qualified to interpret the instructional implications of the evaluation

Additionally, members may include:

- Other individuals who may be necessary for the development of the IEP at the discretion of the Director of Student Services
- If transition services or vocational education is to be discussed, a representative of said agency
- Other individuals at the request of the parent

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

The South Shore Charter Public School is dedicated to ensuring parental involvement in the TEAM process. Every effort will be made to ensure this participation. If a parent is unable to attend the TEAM meeting, the district will provide the parent/guardian with the

opportunity to participate virtually or via conference call.

IDEA 2004 permits members to be excused if the parent and district agree (written agreement from parent). If an excused member has input, it must be provided in writing. At least two days prior to the TEAM meeting, evaluation reports need to be made available to parents or guardians. Reports should clearly express the data as well as the findings from the evaluation sessions. Nationally normed, standardized tests are necessary for determining eligibility for special education.

TEAM meetings are projected to last approximately one hour. If the TEAM feels that they have not covered all necessary facets of eligibility, IEP development, and placement, the TEAM may agree to extend the meeting or reconvene to continue the conversation.

For an annual IEP, copies of the existing IEP may be brought forward as the foundation for creating the new IEP. Note: The word Draft must be written or stamped at the top of each page. The TEAM liaison, or designated TEAM member, may scribe notes directly on the draft IEP. At the end of the meeting, this draft or a summary of the proposed IEP form is copied and given to the parents.

If the parent and district agree, amendments and revisions can be made via written documentation without a formal TEAM meeting. A meeting attendance sheet listing all TEAM members participating in the planning of the amendment, as well as amendment forms and N-1, should be completed. Alternatives to “physical meetings” are explicitly allowed, including video conferencing, telephone conferencing, or virtual meetings.

ELIGIBILITY

The Special Education Eligibility Flowchart has been designed by the Massachusetts Department of Education (ED 1) to assist TEAMS in making eligibility determinations. It is necessary to complete this form as a collective group at the TEAM meeting.

The flowchart is a worksheet and not a notice/form. This worksheet should become part of the student record, but does not need to be mailed to parents, and if the student is determined eligible for services, it should not be attached to the IEP.

The Determination of Eligibility is based upon the examination of data, including information provided by the parent.

Determinations include:

1. The student is eligible. If the student has one or more of the disabilities defined at 603 CMR 28.0(7) and if, as a result of the disability (ies), the student is unable to progress effectively in the general education program without the provision of specially

designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the TEAM shall determine if the student is eligible. If the TEAM determines the student is an eligible student, the TEAM shall develop an individual education program.

2. The student is not eligible. "If the TEAM determines that the child is not eligible, the Director of Student Service or designee shall record the reason for such finding, list the meeting participants, and **provide written notice to the parents** of their rights in accordance with federal requirements **within ten (10) days** of the TEAM meeting."

As part of the TEAM process, a flow sheet (ED 1) is used to answer the three questions of eligibility. Listed on this form are the disability categories as well as questions of effective progress and the need for specially designed instruction.

If, as a result of the TEAM meeting, the child is not found to be eligible for special education services, the Notice of School District Refusal to Act (Form N2) needs to be completed.

Disability Categories

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

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

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

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

students with mental retardation.

Sensory Impairment - The term shall include the following:

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

Neurological Impairment - The capacity of the nervous system is limited or impaired, with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

Emotional Impairment - As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the TEAM determines that the student has a serious emotional disturbance.

Emotional disturbance is defined as follows:

1. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's

educational performance:

- a) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
 - c) Inappropriate types of behavior or feelings under normal circumstances.
 - d) A general pervasive mood of unhappiness or depression.
 - e) A tendency to develop physical symptoms or fears associated with personal or school problems.
2. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

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

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

Health Impairment - A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness, including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

Specific Learning Disability - The term shall have the meaning given in federal law at **34 CFR §300.7 and §300.541**. Specific learning disability is defined as follows:

- (i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

- (ii) Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

As required by law, when the existence of a specific learning disability has been determined, it is necessary to document said disability. The Department of Elementary and Secondary Education has developed appropriate forms for the development of determination of SLD. Eligibility must not be based on lack of reading or math instruction or on English language learning needs.

See the appendix for the information that outlines the four necessary components for SLD eligibility determination under federal and state requirements, and the accompanying forms provide documentation to meet the requirements.

AUTISM SPECTRUM DISORDER ASSESSMENT

Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhett's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the Special Education Evaluation TEAM shall consider and shall specifically address the following:

- A. the verbal and nonverbal communication needs of the student; the need to develop social interaction skills and proficiencies;
- B. the needs resulting from the student's unusual responses to sensory experiences;
- C. the needs resulting from resistance to environmental change or change in daily routines;
- D. the needs resulting from engagement in repetitive activities and stereotyped movements;
- E. the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
- F. Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development (**SECTION 1. Chapter 71B, Section 3 of the General Laws**).

Communication Need

Impairment in communication is one of the defining characteristics of ASD; therefore, communication skill development should be addressed as an essential piece of the student's

IEP. When considering the verbal and nonverbal communication needs of a student with ASD, the TEAM should review:

- the student's current level of communication,
- the system of communication most effective for the student,
- the functions for which the student uses and understands language,
- the student's ability to use and understand non-verbal communication (e.g., eye gaze, facial expression, gesture), and any emerging communication skills reported by the family or other TEAM members.

The IEP must include information about the student's current strengths with communication modalities, skills that need further development, and the specific supports and interventions necessary to increase the student's ability to effectively communicate and understand others. Alternative augmentative communication (AAC) is often effective for students with ASD who are non-verbal. AAC can be used in lieu of, or in combination with, oral communication. There are many products on the market that support AAC, including picture communication products, book boards, and touch devices. Assistive technology assessments are useful for determining whether a student would benefit from using an AAC system. When evaluating a student with ASD, the instrument must be appropriate to the student's modality of communication (e.g., using non-verbal scales for students who do not use oral communication).

BULLYING RELATED TO IEP SERVICES

In May 2010, Governor Patrick signed into law comprehensive legislation to address bullying in public and non-public schools. The legislation is called “An Act Relative to Bullying in School, Chapter 92 of the Acts of 2010, which requires schools to create and implement strategies to prevent bullying and to address bullying promptly and effectively when it occurs.

Section 7 of the Act states the requirements for Students with Disabilities, which states:

“For students identified with a disability on the autism spectrum and other disabilities affecting social skill development, the IEP TEAM *must* consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. Whenever the IEP TEAM evaluation indicates that a student’s disability affects social skills development, or when the student’s disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.”

Below are some possible suggestions for language to be used in an IEP as it relates to bullying.

- When an IEP includes a Social/Emotional or Behavioral goal, there needs to be a social skills, social pragmatic, or counseling goal in the service delivery grid. Some possible benchmarks are as follows:
 - When a student feels vulnerable or victimized, the student is able to identify a safe adult to report the information to.
 - The student will access help from an identified safe adult by role-playing and rehearsing a safety plan if they believe they are being harassed, teased or bullied.
 - The student will provide feedback and/or communicate assertively to peers about unwanted attention.
 - The student will learn how to distinguish between joking and teasing.
- The following should be included, if appropriate, in the modification section of PLEP B:
 - Developmentally appropriate “social stories”, visual action plan, role-playing and/or rehearsing of a safety plan, which should include:
 - Who the student has identified as their safe adult.
 - How the student will access the safe adult and;
 - When the student will access the safe adult
- In response to an event of reported bullying:
 - A TEAM meeting should be reconvened
 - Consider any changes to the IEP to support the student to include options for daily check-ins with staff to determine the student’s mood, perception, experience, as well as to gauge their level of anxiety and safety.
 - Determine if additional counseling is needed, either in school or outside of school.
 - Review any other concerns by the TEAM, including how to monitor the student’s safety and/or perceived safety.
- To be included in the N-1 and/or Additional Information portion of the IEP:

Effective Progress

TEAMS judge whether a student is making effective progress in school. The TEAM must make a judgment on whether the student is making effective progress in the general education program. The general education program includes any programs offered by

SSCPS, academic and non-academic offerings of SSCPS, and vocational programs and activities.

To judge whether a student is making effective progress, the TEAM must determine whether the student has:

- a) Made documented growth, with or without accommodations, in knowledge and skills acquisition, including social/emotional development, the learning standards set forth in the Massachusetts Curriculum Frameworks and SSCPS' curriculum;
- b) Made growth according to the chronological age, the developmental expectations, and the individual educational potential of the child.

When considering if the student has made effective progress, the TEAM must specifically look at whether the disability (ies) is causal to an inability to make progress. Such a finding is pivotal in the eligibility determination. The law clearly states that students may not be determined eligible solely because of a need for reading or math instruction, or because of limited English proficiency or social maladjustment. [Individuals with Disabilities Act 2004, sec. 614.(a)(5)(A,B,C)]

TEAMS sometimes struggle in trying to decide if a student is making effective progress and look for specific guidelines to assist in making this important decision. Effective progress, however, is not easily translated to test scores, academic achievement, social skills, or other individual or specific variables, but rather is an interrelated measure. TEAMS, therefore, should carefully review evaluation data and make student-centered decisions on this important issue.

TEAMS judge whether the lack of progress is a result of the disability.

TEAMS must look at the evaluation results to see whether the lack of progress is a result of the disability or a result of other factors. Only if the TEAM determines the lack of progress is connected to a disability (ies) may the TEAM continue on to discuss a possible finding of special education eligibility.

According to state and Federal regulation, a **student may not be found eligible solely because the student is unable to follow the school discipline code, has limited English proficiency, social maladjustment, or has lacked reading or math instruction.** These reasons may become part of the TEAM's deliberations, but the essential finding of the TEAM must be that the lack of progress is, at least in part, a result of the disability (ies).

If the TEAM determines that there is a disability, it must then ask a final question: Does the student require specially designed instruction in order to make progress?

Specially Designed Instruction: Specially Designed Instruction consists of modifications not regularly provided for students in the general education program. Specially designed

instruction includes modifications that affect content, delivery of instruction, methodology, and/or performance criteria and are necessary to assist the student in participating and learning.

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

If the student only requires accommodations, then that student is not eligible for special education. General educators within the general education environment typically provide accommodations. Accommodations do not involve modifying the material content but do allow students to access curriculum.

If TEAM concludes that the student is eligible for special education:

If the evaluation TEAM determines that the student is eligible for special education services, an Individualized Education Program (IEP) must be developed. Whenever possible, the IEP can be developed in a single TEAM meeting, after the determination of eligibility. (IEP1-8)

If the TEAM concludes that the student is not eligible for special education:

If the TEAM determines that the student does not have a disability, if the student does not show a lack of progress, or if the student does not require specially designed instruction, then the TEAM is required to make a Finding of No Eligibility (N2).

All TEAMS should discuss regular education interventions in order to help the student access all aspects of the curriculum and is meeting any areas of need. If as a result of a re-evaluation, a student is found no longer eligible by the TEAM, but the parent is not in agreement with the decision, the end date of services must allow 30 days for the parent to seek resolution of their differences. End date of service may be adjusted to consider impact on schedules at the secondary level. End date should be clearly identified in the N2.

Parent understanding of the evaluation data and agreement with it:

Upon completion of the evaluation TEAM meeting, the parent /guardian should be asked if they agree with the evaluation findings. TEAM members should check a parent's understanding of the evaluation data and their agreement with it. If parents disagree with a particular school assessment, parents may have a right to an Independent Educational Evaluation (IEE) at public expense, and must be provided with the letter informing them of the IEE process.

Independent Educational Evaluations (IEE)

When a student has been referred for a special education evaluation and the school district

has obtained consent from the student's parent, the district must assess the student in all areas related to the suspected disability as well as conduct a comprehensive educational assessment. "Parents may obtain an independent educational evaluation of their child by appropriate professionals at their own expense at any time. In addition, federal and state law provide parents with a procedure for obtaining public funding of an IEE if they disagree with the school district's evaluation. This IEE is to be conducted by a qualified examiner who is not employed by the responsible school district.

In accordance with Massachusetts General Law C. 71B, s.3 and the regulations implementing that law, 603 CMR 28.04(5), parents are entitled to receive a publicly funded IEE under the following circumstances:

- The requested evaluation must be in an area that was assessed by the school district, and the request must be within sixteen (16) months from the date of that evaluation with which the parent disagrees. Parents may opt to have fewer assessments done if they are satisfied with some of the assessments already completed. Should parents wish to request an independent evaluation that includes assessments not already done by the district, the district is not automatically required to pay for these assessments.
- A qualified person who is registered, certified, licensed or otherwise approved by the Commonwealth to conduct these assessments must conduct the evaluation. Documentation regarding these qualifications will be requested of the evaluator and required by the district. Additionally, the evaluator must abide by the rates set by the state agency responsible for setting such rates. These rates can be found at 114.3 CMR 30.00.

When a parent has requested an IEE at the SSCPS's expense, they must provide in writing:

- What evaluation(s) they are dissatisfied with
- A list of the specific evaluations that are being requested
- The name, address, and telephone number of the agency or individual chosen to complete the evaluation
- The application for financial contribution from the school district
- A completed Release of Information form, if the parent wants the district to forward a copy of the student's relevant educational records to the evaluator

In order to determine whether or not a family is eligible for public funding for an IEE, the family's financial status must be determined. If the child is eligible for free or reduced lunch, the district must fund the evaluation in full. If the family is not eligible, the district is required to fund the evaluation on a sliding fee scale, according to the family income.

The SSCPS uses a standard letter, outlining the requirements for requesting an IEE.

Included with this letter should be a copy of:

- Free or Reduced price lunch form

- An evaluation consent form recommending a school based evaluation (if applicable).

If the family is either not eligible for public funding, refuses to provide the information to the district, or requests a publicly funded independent evaluation in an area not yet assessed by the district, a response must be provided to the parent within **five school days**, whether or not the district will fund the evaluation. Should the district decide not to fund the evaluation, the district must proceed directly to the Bureau of Special Education Appeals. Any requests by a parent for a publicly funded independent evaluation must be given to the office of the Director of Learning Services.

Once the independent evaluation for a child already on an IEP is received, the TEAM must reconvene within **ten school days** to consider the results and make any necessary changes to the IEP. If a parent presents an independent private evaluation for a child prior to an initial evaluation by the district, the district will convene a meeting to review the report and develop a proposal for evaluation. This will begin the initial referral and evaluation process. The outside evaluation will be considered by the TEAM along with the SSCPS's evaluation.

Extended Evaluations

If the TEAM has found the student eligible and feels as though more information is necessary to develop an IEP, the TEAM may want to consider an Extended Evaluation (EE1, EE2). An Extended Evaluation may be used to gather further information needed to write an IEP. It is limited in time to a maximum of eight weeks. An Extended Evaluation may only be used if a parent agrees. It cannot be used to gather more information to determine eligibility.

TEAMS must be aware of the state regulatory restrictions placed on the use of the Extended Evaluation. Extended Evaluations **cannot** be used for the following purposes:

- a) To extend the evaluation timeliness for required assessments;
- b) To deny programs or services to a student;
- c) To constitute a temporary placement.

If there is sufficient information available to determine some objectives and services, the TEAM should write a partial IEP or full IEP in conjunction with an Extended Evaluation Form. This action will ensure, with parental acceptance of the IEP, that a student is not denied services determined necessary at a TEAM meeting.

An Extended Evaluation may run from one to eight calendar weeks (Note: this is not school working days, but rather regular calendar weeks). The TEAM may decide to meet during that evaluation period. However, the TEAM must reconvene as soon as the additional evaluation

data is available in order to review assessment data and/or complete the writing of the IEP.

Parents Due Process Rights/Process for Dispute Resolution

Parents have the right to appeal any aspect of the eligibility process through the Bureau of Special Education Appeals (BSEA). Parents should be provided the contact information for the BSEA as part of the N2 form, Finding of no Eligibility, as well as the Parent's Rights Brochure.

A parent who is dissatisfied with the final local decision on an issue arising under M.G.L.c.71' 32A may submit a written request for review by the Commissioner, within 15 days of the date of the final local decision. The written request shall specify the basis on which the parent alleges the South Shore Charter Public School has not met the requirements of M.G.L.c.71' 32A and shall include a copy of the final local decision and any other relevant correspondence. The parent shall send a copy of the written request to the Executive Director.

Based on the review of the material submitted by the parent, the Commissioner shall determine the process to be followed in resolving the dispute under M.G.L.c.71' 32A and shall notify the parties within ten days of the receipt of the request. The Commissioner may propose alternative dispute resolution, including mediation, and may appoint a fact-finder or seek the assistance of experts as deemed appropriate to assist in informal resolution of the matter.

If the matter is not otherwise resolved, the Commissioner shall designate a hearing officer who will conduct an adjudicatory hearing in accordance with 801 CMR 1.00, the Standard Adjudicatory Rules of Practice and Procedure.

The Commissioner or his designee shall issue a written decision to the parties within 30 days of the conclusion of review of the matter, unless extenuating circumstances require a delay. The decision of the Commissioner or his designee shall be the final agency decision.

Who May Request a Hearing

A hearing request may be filed with the BSEA by any of the following people:

1. The student (if age 18 or over);
2. The parent(s), or foster parent(s);
3. Legal guardian;
4. An individual with court-appointed educational decision-making authority;
5. An individual acting in the place of the parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare;
6. A surrogate parent appointed by the Educational Surrogate Parent Program;
7. Special education director of the responsible school district or state education

- agency; or
8. An attorney or advocate representing any of the above mentioned

IEP Development

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

Immediately following the development of the IEP, the parent must be provided with two (2) copies of the IEP. This must be done without undue delay. No later than 30 days after receipt of the proposed IEP, proposed placement, and N1 notice (reflecting the mailing date of the IEP), the parents shall:

- 1) Accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal;
- 2) Accept or reject the proposed placement. Upon parental response to the proposed IEP and proposed placement, the district shall implement all accepted elements of the IEP without delay.

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

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

Recommended services for each student must be individually considered and recommended, and should not depend on known or existing services. All IEP sections need to be considered by all IEP TEAMS. No section should be skipped. Services within the IEP may assist the student with the following:

- To reach the IEP goals
- To be involved and progress in the general curriculum
- To participate in extracurricular and nonacademic activities
- To allow the student to participate with non-disabled students while working towards the IEP goals.

Overall, the services and supports should lead the student to success and to greater

independence. To accomplish this aim, services may be provided directly to the student and/or on behalf of the student. In other words, the supplemental aids and services recommended to benefit the student may be provided to the student, to the parents, and/or to the school staff. Services that are provided to parents and school staff members should help them assist the student in reaching IEP goals.

The IEP is not intended to be a lesson plan but should provide a clear picture of the student's current abilities and needs, and should identify key goals and objectives that provide a direction and focus for the student's learning over the next IEP period.

The General Curriculum

The IEP should be considered a primary tool for supporting a student's involvement and progress in the general curriculum, identifying the supports and services necessary to mitigate the impact of their disability, allowing the student to access a **Free and Appropriate Public Education (FAPE)**. As defined by Federal regulation, the general curriculum is the curriculum used with non-disabled children. All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum.

Within Massachusetts, the general curriculum is defined as the Massachusetts Curriculum Frameworks in the following areas: English Language Arts, Mathematics, History and Social Sciences, and Science and Technology. Other curriculum areas can and should be discussed if the student's disability affects progress in those areas.

School districts must maintain high standards for children with disabilities. These standards should be consistent with the expectations for all students in the educational system.

General educators play a critical role in the TEAM process as the experts on the general education curriculum and classroom environment. Their participation in the TEAM process is required under state and Federal laws and regulations.

The IEP must include:

Parent and/or student input or concerns

- Focused, concise statement addressing educational concerns for the student, as well as any social and emotional concerns that the parents or student may have

Student and TEAM vision

- A vision statement is required for all students. The character of the statement will change based on the age of the student
- The intent of the vision statement is to look forward to future goals, usually 1-5 years in the future. For younger students, periods of transition from one grade to the next or from elementary to middle school may provide a time focus for these statements. The TEAM steps back from the here and now to take a broader, long-range

perspective as it looks to where this student is headed in the future. Knowing where the student is headed makes it easier for the TEAM to eventually determine what progress needs to be made this year

Student Profile

- Type of disability(s) in accordance with the definitions defined in the state and federal regulations
- English language learner status and description of EL program and identified language needs
- Students assistive technology needs

Present Level of Academic Achievement and Functional Performance: Academics

- An accurate description of how the student is performing academically, relevant information and data from sources such as initial or most recent evaluations; documentation from classroom performance; parent(s), student, and teacher observations; and curriculum based and standardized assessments, including MCAS.
- Student strengths, interest areas, and preferences
- Impact of the student's disability on involvement and progress in the general education curriculum or appropriate preschool activities.
- Autism specific question addressed. The student needs resulting from a disability that impact progress in the general education curriculum, including social and emotional development (i.e. organizational skills, generalizing skills, practicing skills in multiple environments). Where the needs will be addressed in the IEP.

Present Level of Academic Achievement and Functional Performance:

Behavioral/Social/Emotional

- Describe current behavior/social/emotional performance. Consider the use of positive behavioral interventions and supports, and other strategies, to address behavior that impedes learning.
- Student strengths, interest areas, and preferences
- Impact of the student's disability on involvement and progress in the general education curriculum or appropriate preschool activities.
- Describe any disability related skills and proficiencies the student needs in order to avoid and respond to bullying, harassment, or teasing. Specify, if any, how these needs will be addressed within the IEP.
- Address needs relating to the diagnosis of autism spectrum disorder and how those will be addressed within the IEP.

Present Level of Academic Achievement and Functional Performance: Communication

- Describe current communication performance
- Student strengths, interest areas, and preferences
- Impact of the student's disability on involvement and progress in the general education curriculum or appropriate preschool activities.
- Consider the use of augmentative and alternative communication to address the

communication needs of the student and how those needs will be addressed within the IEP.

Present Level of Academic Achievement and Functional Performance: Additional Areas

- If applicable, describe current performance and applicable documentation to address areas such as daily living, health, hearing, motor, sensory, and vision.
- Student strengths, interest areas, and preferences
- Impact of the student's disability on involvement and progress in the general education curriculum or appropriate preschool activities.

Postsecondary transition planning

- For students 14-22, Consider the impact of the student's disability on involvement on the general education curriculum and/or specific to the area of postsecondary transition.
- Consider the need for a 688 referral
- Age of Majority/Transfer of Students Rights
- Discuss the student's rights when they turn 18 and their options for decision making.

Accommodations & modifications

- These are developed by the service providers in conjunction with the regular education teacher(s). NOTE: If the student is included with non-disabled peers, input from regular educators is mandatory as they are responsible for the implementation of the accommodations. This only includes accommodations not identified as common practice through the District Curriculum Accommodation Plan (DCAP)
- Accommodations the student requires to make progress in the areas of academic achievement and functional performance.
- Modifications to the student's program so they can meet their goals, make progress, and participate in activities alongside students with and without disabilities. The Team must consider how content, instruction, and student output will be modified.
- Identify the state and district assessments planned during the IEP period and how the student will participate in those assessments and what accommodations are necessary, if any, in order for them to participate.

Measurable annual goals

- Goals should relate directly to those areas where the student's disability affects performance and should reflect a focus on those areas that make the biggest difference in the student's performance. Goals should not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan
- The IEP should be written with a direct connection between the current performance levels and the measurable annual goals. The current performance levels state what the student can currently do and identify key stumbling blocks. The goals state what the TEAM believes the student will accomplish by the end of the IEP period. The current performance levels (baseline) become the starting points for determining the goals, and the goals become the end points for student accomplishment for the IEP period

- Goals are designed to provide reasonable educational benefit. The goals should be measurable. The objectives/benchmarks break the measurable annual goal into major milestones that the student is expected to reach within a specified amount of time. To help ensure measurability, objectives/benchmarks may also have target behavior, conditions, and outcomes. Goals also address the data collection strategy for measuring and documenting progress

Participation in the General Education Setting

- An explanation of the extent to which a student will not participate in general education. Including a description of the specific supplementary aids and services considered before determining that the student would be removed from the general education class or activity.

Service Delivery

- Service Delivery must denote the type of service provider (i.e., Special education staff / Occupational Therapist / Speech Therapist). If provided by a private vendor, the generic title (Occupational Therapist, Speech/Language) is still used, as is the reference to the type of service
- A specific amount of time per cycle needs to be identified for all areas
- All services need to be included on the service delivery grid

Transportation Services

- Consider the disability specific needs of the student and if they require transportation services that are different than students without disabilities.

Modified School Day/School Year

- Most students with disabilities will attend school on the same daily and yearly schedule as their non-disabled peers. However, in certain circumstances, a TEAM may recommend a schedule modification. The TEAM may decide the student requires a modified day or year. In each case, the IEP must describe the modification and the reasons for such modification
- Typically, a shortened day or school year may only be considered if a physician recommends such a change due to the student's health and consequent inability to participate in a full-day program of instruction. Other reasons for a shortened day or year may exist, but TEAMS should exercise extreme caution when making this type of recommendation, as it may limit a student's ability to make effective progress, to reach higher standards, to meet graduation requirements, and to receive FAPE
- Extended school day and year services must be considered and recommended on an individual basis, and the school may not routinely deny such services nor establish policies that deny such services without a consideration of the needs of the individual student. Not all students will require extended school day or year services, and not all students who require extended services will require the same extended services
- Even though school districts need not provide extended services to all students, school districts must make sure that their policies or procedures do not limit the

individual consideration and provision of such services

The TEAM's consideration of extended school day and year services must be based on:

- The unique nature of any specially designed instruction or related services needed due to the disability of the student or;
- If the student has demonstrated, or is likely to demonstrate, substantial regression due to a break in service (such as a summer vacation period). In regard to regression, all students “regress” (i.e., lose progress, forget, and revert to previous behavior) to some extent between school years. It must be determined whether a student's regression would likely be substantial, and whether the student would require a greater-than-usual time to get back to the level the student had achieved before a break in service. These decisions, as with earlier IEP decisions, must be made by the TEAM based on the needs of the individual student and regardless of the nature and severity of the disability.

Least Restrictive Environment (LRE)

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

As the TEAM discusses placement, the least restrictive environment will be selected as it correlates with the student's needs. To the extent possible, students with disabilities will be educated with their non-disabled peers.

For students who require special education services that are beyond what the charter school is required to provide, an IEP Team meeting will be convened to arrange for the provision of needed services.

If the IEP Team determines that a child requires a full-time day or residential special education program, the South Shore Charter Public School will convene a meeting to determine the placement where those services will be delivered. Parents will be invited to the meeting, as will the school district of the town where the child resides. When the meeting occurs, the Team will first determine whether the school district of the town where the child resides has an in-district program that would meet the child's needs. Whether or not the school district of the town where the child resides has an in-district program that would meet the child's needs, a placement decision will be made, and responsibility will return to the school district of the town in which the child resides.

G.L. c. 71, §89(t), says that if a charter school expects that a student with a disability currently enrolled in the charter school may be in need of the services of a private day or residential school, it shall convene an individualized education plan team meeting for said student. Notice of the team meeting shall be provided to the special education department of the school district in which the child resides at least five days in advance. Personnel from the school district in which the child resides shall be allowed to participate in the team meeting concerning the future placement of the child

Placement

The TEAM decision regarding a student's placement is made once the IEP is fully developed. It is based upon the individual needs of the particular student. The TEAM Determination of Placement page (PL 1) should be included with the IEP. If a placement decision is not possible at the IEP meeting, a separate meeting must be held within ten school days to discuss the options available.

At the TEAM meeting, after the IEP has been developed, the TEAM shall consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services or if necessary, after considering Least Restrictive Environment, in a separate classroom or school.

CONTINUUM OF SERVICE

South Shore Charter Public School provides or arranges for the provision of each element of the IEPs of students in need of special education from the ages of 5 until their 22nd birthday. SSCPS ensures a continuum of services and alternative environments are available to meet the needs of all students with disabilities. SSCPS takes all steps necessary to ensure compliance with all elements of the IEP.

At South Shore Charter Public School, we believe that students learn in a variety of modalities. Our staff is expected to deliver instructional and support services that will be the most effective in helping students achieve their maximum level of success in school. SSCPS provides a continuum of services through our Learning Services Department, and as a result, our program is continually changing depending on our population of students and their needs. Currently, SSCPS promotes an inclusion model with the understanding that no single model of special education can be expected to meet the diverse needs of all students. As a result, in addition to inclusion, SSCPS also has pull-out services and small class instruction for students who require it.

The range of special education services and related service options available to students attending SSCPS are as follows:

Inclusion and Academic Support

Individual and/or small group academic support is provided within the general education classroom or in a separate area to disabled students with diverse learning needs. The instructional content is aligned with the State Curriculum Frameworks.

Assistive Technology

SSCPS utilizes specialized equipment and materials which, when specified in the IEP, are provided to students. Students with Individualized Education Programs (IEPs) or 504 plans **may** be entitled to assistive technology services through their IEP or 504 annual plans. Individual and group support and training is available on various hardware and software assistive technology options. South Shore Charter Public School is able to access audiobooks, and several of the textbooks at the high school level are also available online for students. Students also have access to their own laptop, extensions meeting the needs of the student can be uploaded (i.e. google read & write). Also available for students receiving services are alternative keyboards. The Learning Services Department utilizes iPads to support or enhance learning where necessary.

At a student's TEAM meeting, the TEAM talks about if the student requires any assistive technology in order to access the general education curriculum and in order to receive a free and appropriate education (FAPE) as described in the IEP. Any discussion about the need or use of assistive technology is documented in the summary of the TEAM meeting and included in the appropriate sections of the student's IEP.

School Psychologist

Evaluates and identifies disabilities which would prevent adequate progress in academics. Assessments include cognitive abilities, academic achievement, attention and organizational issues, memory, social skills as well as emotional/behavioral needs. The School Psychologist provides limited amounts of counseling and small groups during the week, as well as serves as a member of a Team who determines eligibility for special education and helps to formulate diagnoses, make recommendations, and assist in developing Individualized Educational Programs.

Pupil Adjustment Counseling

Individual and small group counseling services are provided to students with identified emotional, behavioral, and social needs as a means to developing social and emotional growth, improving their self-esteem, and increase positive behaviors to ensure successful performance in the general education setting. The School Adjustment Counselor also acts as a liaison between school, family, and community agencies in order to expedite and coordinate the delivery of appropriate services.

Speech and Language Therapy

These services are provided to students with disabilities in communication, including auditory, expressive, and receptive language, pragmatics, fluency or articulation disorders, which would prevent academic progress in the general curriculum. Students are provided services within the classroom setting, in small groups, or individually, depending upon the nature and severity of the disability.

Occupational Therapy

These services are provided to students with sensory integration difficulties and severe fine motor problems, which significantly affect functional and academic performance. Individual, small group, and in-class instruction, along with classroom modifications, can assist students to access the general education curriculum and perform age-level activities within the school environment.

Physical Therapy

This is a medically based service that may be provided to students with physical disabilities and/or severe gross motor problems whose functional and academic performance is significantly affected by these challenges. Individual and/or small group instruction is provided as well as classroom modifications to assist students in accessing the general education curriculum. The goal is to have the student attain age-level gross motor skills to maximize his/her independence in the school environment.

IEP Monitoring

All students at South Shore Charter Public School who are served with an IEP are assigned a Special Education Liaison. This liaison serves as an advocate, case manager, and contact person for staff and parents involved in the support and implementation of the student's IEP. The liaison will coordinate with the general education teachers to ensure accommodations and modifications are implemented as outlined on the student's IEP, as well as possibly provide direct instruction as specified on the IEP.

It is required that documentation be kept on file to demonstrate that Regular Education Teachers and all Service Providers have read the student's IEP, and that the contents of the IEP have been explained to them in full. The staff has the opportunity to clarify any statements on the IEP that are unclear. Signatures by the Regular Education Teachers and Service Providers indicate that they have read the IEP/Amendment and understand it.

It is the responsibility of the Liaison to ensure that a completed copy of this form is placed in the student's Special Education record. The Liaison will also monitor the implementation of the IEP and subsequent progress notes to correspond with the report card schedule.

The student's Liaison processes the IEP whenever a new IEP/Amendment is developed and signed by the parent/guardian. A copy of the new document[s] is/are distributed for staff review. It is the responsibility of the Liaison to ensure all teachers and service providers understand any amendments or changes to the student IEPs.

South Shore Charter Public School staff is legally responsible for implementing any and all parts of the IEP that relates to their class – subject area – service area throughout the students' school day.

All questions, concerns, and issues should be immediately brought to the attention of the student's Liaison or the Director of Student Services.

If it is determined that the student is not making progress as expected, is in danger of not meeting their IEP goal(s) or is in danger of failing academically for the year, it is the responsibility of the Liaison to notify the Director of Student Services and schedule a TEAM meeting to discuss their concerns with the team and make the appropriate changes in the IEP as deemed necessary.

Interruption of IEP Service

If a student has missed more than three sessions of service delivery in a progress report period because a special educator was delayed, is on leave, or assigned a responsibility for another duty during that child's service delivery time, the parent and the Director of Student Services must be notified immediately. This procedure does not apply to sessions missed because a student is absent, on a field trip, or a special educator is absent. A service is only considered missed only if the special educator is asked to perform duties that interfere with his/her ability to deliver services.

Parents have a right to know when services have been missed, if a student has missed more than 3 sessions, and the person who delivers the particular service is responsible for determining a schedule to make up any missed sessions based on the child's schedule. If a service provider anticipates a long-term absence beyond two weeks, the parent must be notified, explaining the interruption of service, and the actions SSCPS is taking to address this interruption of service.

Progress Reports

Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. At SSCPS, progress reports are sent home one week after the standard report cards are issued.

It is the responsibility of service providers to give the progress reports to the Liaison. The Administrative Assistant to the Director of Learning Services will send home progress reports. All progress reports are submitted and filed with the student record prior to the end of the school year.

Progress reports should specifically address the goals that have been set by the TEAM and include appropriate measures of progress related to those goals. If benchmarks have been achieved, they should be mentioned in the progress report. If they have not, ways in which the specialized instruction or accommodation will be altered to improve progress must be addressed in the progress report. Progress reports must answer the following two questions:

1. What is the child's progress towards their annual goals?
2. What is the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the IEP cycle?

Documentation from an Annual Review Meeting should reflect the student's progress towards the existing IEP goals. Therefore, TEAMs refer to the most current progress report during such review meetings. However, the Annual Review Meeting may never substitute for a required, written progress report, even if the two activities coincide.

At the Annual Review Meeting, the TEAM should review IEP progress towards the previously developed annual goals, adjust the IEP in any necessary section to ensure the information is current, and add new goals for the next IEP period. Each IEP period's measurable annual goals should clearly show a step-by-step increase in a student's learning outcomes, a progression of learning.

Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.

Graduation Requirements for Special Education Students

In accordance with M.G.L. c.71, s.1, a student with a disability who requires special education is entitled to receive publicly funded special education until s/he turns twenty-two or "attains a high school diploma or its equivalent," whichever comes first. To receive a diploma, all SSCPS students, including those receiving special education services, must meet the graduation requirements outlined below:

To qualify for a South Shore Charter Public School diploma, a student must complete the equivalent of 24 full courses in grades 9 – 12, including the following courses credits: English (4), Math (4), History (3), Science (3), Workshop (4)

In order for a high school student at SSCPS to participate in graduation exercises, all Exit Standards must be completed. Sequential courses in major areas are available in all college preparatory subjects. Courses are offered on a yearly basis and receive one credit. Students carry five one-credit courses plus a one-credit workshop. All Exit Standards, except the Senior Project, must be completed prior to the end of the third quarter. The Senior Project must be completed by a date set forth by the Administration each year in the school calendar.

Under extraordinary circumstances, a student failing to complete the Exit Standards by the end of the third quarter may petition to graduate. The petition must contain all outstanding material and the date by which the requirements will be completed. The completion date for outstanding material must be no later than two weeks prior to graduation. The petition to graduate must be filed no later than the end of the third quarter and must be approved by the Principal.

NOTE: For students with an IEP or 504, the IEP or 504 may contain details on any modification of Exit Standards if determined to be appropriate. Any one Exit Standard not required by the Commonwealth of Massachusetts or the Department of Education for a diploma may be waived in extraordinary cases by the Principal, Director of Learning Service, and the IEP team.

Transition Services

Success in adult life is a goal we have for all students. Depending on the disability and the support services required in adult life, successful transition from high school to adult life might require that planning activities begin in elementary school with students exploring their interests in middle school. Starting the process early prepares students with disabilities to think about what they want to be able to do in adult life. In high school, transition planning includes exploring post-secondary opportunities and employment options, living arrangements, social supports, and community access. It may include connecting with the adult service agencies that may provide them with services when they graduate school or turn 22 years of age (Massachusetts Department of Education).

For students who will turn 14 during the IEP timeframe, transition planning is a necessary component to the development of the IEP. The TEAM considers the student's course of study in relation to the student's future goals. The student must be invited to all educational meetings where transition planning is discussed if they are 14.

Transition planning can be discussed prior to the student's 14th birthday. The student must be invited to the IEP meeting starting at age 14. Beginning at age 14 or earlier if applicable, the vision section of the IEP, based on the individual student's needs, should consider the student's preferences and interests. Transition into adult life, post-secondary, and working environments can be considered. Once a student has turned 14, the IEP must a statement

on the impact of student's disability on the involvement in the general education curriculum and/or specific area of postsecondary transition, including how the identified areas will be addressed within the IEP.

IDEA defines transition services as: A coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

The transition plan should be written as an outcome-oriented statement that includes adult life, post secondary and work environment desires.

Age of Majority

Massachusetts has established 18 as the age of majority. At that age, all students are considered adults and competent to make their own decisions. This right extends to every student with a disability who is receiving special education services.

At least one year before a student's 18th birthday, SSCPS must inform the student and the parents of the transfer of rights at age 18 (Age of Majority letter/form). Parents will continue to receive written notices, but will no longer have decision-making authority unless one of the following occurs:

- 1) Parents receive guardianship of the student from the court.
- 2) Student chooses to share decision-making with the parents or other adult, including allowing them to co-sign the IEP; this choice must be made in the presence of the TEAM and documented in writing.
- 3) Student chooses to delegate decision-making to the parents or other adult; this choice must be made in the presence of the TEAM and documented in writing.

College Testing Information

What is the school's responsibility to provide supporting documentation to the College Board when a student has requested accommodations on College Board tests (e.g., PSAT/NMSQT, SAT or AP)?

SSCPS provides the College Board with documentation supporting the student's request for

accommodation when such documentation is available, consistent with the Massachusetts Student Records Regulations (see 603 CMR 23.00),

In some cases, the College Board is asking that the student provide documentation of specific additional assessments or updated assessment information that SSCPS does not need in order to deliver appropriate special education services to the student. **SSCPS is not obligated to provide or pay for updated or additional assessments to support a student's request for accommodation on College Board examinations if such assessment information does not already exist and is not necessary for the appropriate special education program for the student at the time of the request.** The parent is responsible for paying for additional assessments that are needed for the sole purpose of supporting the student's request for accommodation on the College Board examinations.

If the parent requests an evaluation or assessment, whether or not the request describes the reason for the request, SSCPS must respond in accordance with the requirements of state and Federal special education law. SSCPS may either agree or disagree to conduct such an assessment and provide notice to the parent of the decision. The decision not to conduct the assessment is subject to the due process requirements of the law.

If a request for an evaluation is made for the purpose of demonstrating a need for accommodations on College Board tests, and the SSCPS has no reason to believe the student has a disability or needs special education services, SSCPS can deny the request for an eligibility evaluation; SSCPS must notify the parent of the decision.

DISCIPLINING OF STUDENTS WITH DISABILITIES

The discipline of students with special needs is governed by federal and state special education law and regulations promulgated thereunder. These laws include the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*; 34 C.F.R. § 300.519-529 *et seq.*, and Massachusetts General Law c.71B.

In *Honig v. Doe*, 559 IDELR 231 (EHLR 559:231) (U.S. 1988), the U. S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and/or related services under the IDEA). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if his/her misconduct was caused by, or was directly and substantially related to, his/her disability. A disciplinary change in placement occurs when a student is suspended in excess of ten (10) consecutive school days or subjected to a pattern of short-term suspensions in excess of ten school days, which constitute a pattern of removal. If the misconduct includes bringing a weapon or drugs to school, if the student has inflicted serious bodily injury on another person, or if he/she otherwise pose a danger to him/herself

or others, then different rules governing removal from school will apply. In all events, suspension of more than 10 school days is subject to special rules and limitations when the student is disabled under either the IDEA or Section 504. Further, districts must continue to provide a free appropriate public education to IDEA eligible students with disabilities who have been suspended for more than 10 school days or expelled.

All students are expected to meet the requirements for behavior outlined in the SSCPS Student and Family Handbook. Federal and state laws require that additional provisions be made for students who have been found by an evaluation team to have special needs and whose program is implemented under an IEP or 504 Plan. Outlined below are the procedural protections and disciplinary proceedings that pertain to these situations. Beyond the basic due process rights afforded to all students:

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

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

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

the disciplinary sanction or until a decision from the Executive Director or Designee.

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

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

A student can be unilaterally removed, regardless of manifestation determination, to an IAES for up to 45 school days for:

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

The 45 day IAES must:

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

SSCPS will comply with all state and federal statutes regarding the discipline of students with special needs. For more detailed information regarding these laws and regulations, see the Parents' Notice of Procedural Safeguards, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) (PL: 108446), Section 615, and Section 504 of the Rehabilitation Act of 1973.

Manifestation Determination Meeting

At the manifestation determination review Team meeting, members of the Team, including the parent/guardian, will review all relevant information in the student's file, including the IEP, teacher observations, and any information provided by the parent/guardian to determine if the conduct in question is caused by or had a direct and substantial relationship to the child's disability or was the direct result of the district's failure to implement the IEP.

When a parent(s)/guardian(s) disagrees with the Team's decision on the "manifestation determination" or with a decision regarding placement, the parent(s)/guardian(s) has a right to request an expedited due process hearing from the Bureau of Special Education Appeals (BSEA).

Discipline for Student not yet Determined

When it is known prior to the disciplinary action that a student may have a disability, SSCPS will make all protections available to the student until and unless the student is subsequently determined to be not eligible for special education services.

SSCPS is considered to have prior knowledge if:

- A. The parent had expressed concern in writing; or
- B. The parent had requested an evaluation; or
- C. SSCPS had expressed directly to the Director of Student Services about the pattern of behavior demonstrated by the student.

SSCPS may not be considered to have prior knowledge if the parent has not consented to the 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 student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

If an evaluation is requested after the disciplinary hearing, SSCPS will work to expedite the evaluation.

If the student is found eligible for an Individual Education Program, then they will receive all procedural protections subsequent to the finding of eligibility.

For additional information on the details of these regulations, you may contact the Director of Student Services.

Observations

South Shore Charter Public School is committed to working collaboratively with parents/designees to ensure that families participate fully and effectively in determining the appropriate educational program for a student found eligible for Special Education and/or related services. To this end, SSCPS ensures that all parents and or their designees are afforded ample opportunity and proper access within the context of the school day to observe their child's current and/or proposed special education programs, in accordance with Massachusetts General Laws Chapter 71B, Section 3.

South Shore Charter Public School will accept verbal or written observation requests from the parent or designee. It should be directed to the Principal or Director of Student Services. Should a designee contact the school directly, the parent/guardian must confirm in writing that the designee is acting on their behalf.

SSCPS will provide timely access for an observation following such a request. Scheduling will be determined based on the student's individual educational program. It is reasonable for the district to designate certain periods of the year in which observations are not generally scheduled (e.g., MCAS testing, first/last week of school, etc.).

SSCPS will provide an observation of sufficient duration and extent to allow the parent/designee to participate fully and effectively with school personnel in determining an appropriate educational program. Each request will be scheduled on an individual basis, taking into consideration the complexities of the student's educational needs as well as the nature and scope of the individual education program. Typically, observations range in time from 30-60 minutes per academic or non-academic period.

SSCPS will not condition or restrict observations except when necessary to protect:

- a) the safety of the children in the program during the observation,
- b) the integrity of the program during the observation, and
- c) confidential or personally identifiable information of children obtained while observing the program. The Principal, in collaboration with the Director of Learning Services, will be responsible for determining any safety, integrity or confidentiality issues related to a requested observation.

Procedures & Restrictions

South Shore Charter Public School provides appropriate access within a reasonable period of time to a student's program for purposes of observation by a parent, parent-designated evaluator or educational consultant upon request. The extent of observations shall be determined on an individual basis in an effort to permit access to a program that is sufficient in duration and extent to accomplish the purpose of the visit.

The Principal or designees may exercise their discretion at any time to reschedule or terminate an observation in the event of a building emergency or a disruption that impacts

the physical or emotional well-being of the children in the school or the program being observed. It is expected that these cases will be limited and that mutually agreeable observation schedules will occur.

A School staff member must accompany the Observer at all times. The Principal, in collaboration with the Director of Student Services, will designate him/her. Scheduling of the observation shall include enough advance notice to ensure that the observation protects the safety of the program, the integrity of the program, and the confidentiality of participating students.

Additional Procedures and Restrictions:

1. If the designee reviews the student's records, as well as observes the program, the designee must have received written consent from the parent/guardian.
2. Any personally identifiable information regarding other students in the classroom shall not be included in the observation notes and shall be treated in accordance with the confidentiality laws and regulations, including the Massachusetts School Record Regulations.
3. No part of the observation may be used to evaluate a staff member's performance.
4. Observation schedules will be determined prior to the observation in accordance with the schedule established between parties.
5. Videotaping and/or photography is/are prohibited.
6. Audiotaping is not permitted without separate authorization.
7. In some cases, it may be necessary to obtain prior permission from other parents to have their children included in an observation.
8. No observation shall be conducted without the signed agreement on file with South Shore Charter Public School.

Confidentiality

All employees of the South Shore Charter Public School, including teachers, administrators, and clerical staff, are expected to maintain the highest level of confidentiality regarding information received through the review of student records, attendance at Special Education TEAM meetings, or discussions of student strengths and weaknesses among other staff. Parents often entrust employees with personal information about their child, family history, and their hopes/fears for their child's future. We are expected to respect this privileged information and guard it as such.

Limits to Confidentiality

It is important to balance the need of protecting the rights of students with the legal and ethical obligations to protect their well-being. There are circumstances in which it is neither

possible nor appropriate to maintain the confidentiality of information for legal and other reasons. These include situations in which the student poses a severe risk of harm to themselves or to others, and cases of suspected physical or sexual abuse.

General Information about the Student Record

The student record consists of the child's transcript, temporary record, and a record of the student's special education eligibility or program. There are several rights relating to the student's record. Parents/guardians (and under certain circumstances, the child) have a right to inspect and review any and all records relating to their child that are collected, maintained, or used by the school district. If the child's record includes information regarding another child, the parents have a right to inspect or review *only the information relating to their child*. The South Shore Charter Public School will only limit parents' access to the student records if the district has received legal documentation that limits a parent's authority in this regard (for example, a divorce or custody decree that limits a parent's access to information about his/her child). For more information on rights associated with student records, please refer to 20 U.S.C., 1232g. Regulations: 34 CFR Part 99. (FERPA, Family Statute: Educational Rights and Privacy Act and Statute: 20 U.S.C., 1232 h. Regulations: 34 CFR Part 98 Protection of Pupil Rights Amendment (PPRA)).

Electronic Mail (Email)

Communication by e-mail that includes identifiable information may be considered part of the student's record. Any correspondence by means of electronic mail should be free from any identifiable information and should not be used as a primary means of information transmission regarding students, students' families, or other confidential information. If required, electronic mail is subject to subpoena from a court of law.

The Student's Right of Access

Any student who is at least 14 years old, or in the ninth grade, is legally granted all rights that parents have under the Massachusetts Student Record Regulations. A student aged 14 through 17 years, or who has entered ninth grade, may access their records alone or with the accompaniment of their parent. Once the student has turned 18, the rights afforded to parents under Student Record Regulations become those of the student. However, parents may continue to exercise those rights unless the student makes a written request to the High School Principal or Executive Director to prevent them from doing so. If the student makes such a request, parents will no longer retain any legal right to view the records of their child.

Review of the Student Record

If a parent(s) makes a request to review their child's student record, the South Shore Charter Public School must allow them access the record without unnecessary delay and, in any event, no later than two school days after the request was made (unless the parent/s have agreed to a longer period of time). Parents' right to inspect or review the student's record include the right to do so before any meeting regarding an IEP or due process hearing relating to the identification, evaluation, or program placement of their child. Parents' right to inspect and review student records includes the right to:

- a) Obtain copies of any information included in the record upon request;
- b) Meet with qualified school personnel to have the student's record interpreted;
- c) Have a representative inspect, review, and interpret their child's record upon receipt of written request.

Access to the Student Record

The South Shore Charter Public Schools is required to maintain a record of all parties who have inspected, reviewed, or had access to a student's record. This log does not apply to South Shore Charter Public School employees who are working with this child however they may utilize the log if they desire.

Changing Information in the Student Record

Parents have the right to add information, comments, or data to the student record. They have the right to make a written request that something be removed from the student record and/or to confer with the principal to make their objection known. They have the right to include in the student record a written statement of their own opinion as to any decision regarding the objectionable data.

Transfer of Student Records

When a student with an Individual Educational Program (IEP) transfers from a different school district to South Shore Charter Public School, whether or not the sending school is within the Commonwealth of Massachusetts, will take reasonable steps to promptly obtain the student's record, including the IEP from the former school.

Any student attending SSCPS who is transferring to a different school, regardless of whether the receiving school is in Massachusetts will take reasonable steps to respond promptly to the student's new school for records.

Destruction of Student Records

South Shore Charter Public Charter School will maintain temporary school records for students that exited the school for seven years. We are required to destroy these records after seven years after the student transfers, graduates, or withdraws from the system. Temporary student records include all special education records (copies of Individualized Education Programs, test reports, progress reports, etc.). Notification will be made to the last known address on file prior to destruction of the temporary records.

Permanent records (transcripts) shall be maintained by SSCPS and may only be destroyed 60 years following the students' graduation, transfer, or withdrawal from the system.

Home & Hospice

Upon receipt of a physician's written order verifying that a student enrolled at South Shore Charter Public School must remain at home or in a hospital on a day of overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the South Shore Charter Public School's Director of Student Services for the eligible student. Such educational services are not considered Special Education unless the student has been determined eligible for such services, and the services include services on the student's IEP (M.G.L. c. 71, s.38Q ½; 603 CMR 28.03(3)).

If, in the judgment of the student's physician, a student with an IEP is likely to remain at home, in a hospital, or in a pediatric nursing home for medical reasons and for more than sixty (60) school days in any school year, the Director of Student Services is required, *without undue delay*, to convene a TEAM meeting to consider evaluation needs and, if appropriate, to amend the existing IEP or develop a new IEP suited to the student's unique circumstances. (See 603 CMR 28.04(4).)

The Department of Elementary and Secondary Education recommends that the Administrator of Special Education (Director of Learning Services) convene the TEAM meeting within 10 school days after the school district is notified that the student is likely to remain at home or in the hospital for more than sixty (60) days. This provision applies to all eligible students, including private school students who have been determined to need special education.

SECTION 504

Section 504 is a part of the Rehabilitation Act of 1973, as amended, that prohibits discrimination based upon disability in any program receiving federal financial assistance from the U.S. Department of Education, including Title Grant funds. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. It requires the provision of reasonable accommodations to students who qualify as disabled under the law. A disability is defined as a physical or mental impairment which substantially limits one or more major life activities. Major life activities include self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. s.794(a), 34 C.F.R. s.104.4(a)) states that:

“No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

Who is covered under Section 504?

To be covered under Section 504, a student must be “qualified” (a student between 3 and 22 years old, depending on the educational program, and must have a disability). [34 C.F.R. s.104.3(k)(2)].

Who is an “individual with a disability?”

- i. As defined by federal law: “An individual with a disability means any person who:
has a mental or physical impairment that substantially limits one or more major life activity;
- ii. has a record of such an impairment; or
- iii. is regarded as having such an impairment”

[34 C.F.R. s.104.3(j)(1)].

What is “impairment” as used under the Section 504 definition?

As used in Section 504, “impairment” may include any disability, long-term illness, or various disorders that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning-, behavior- or health-related condition. [It should

be noted that a physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life abilities.

What are “major life activities?”

Major life activities include, but are not limited to: self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others, and working.

- As of January 1, 2009, with the reauthorization of the Americans with Disabilities Amendment Act (ADA), this list has been *expanded* to also include the life activities of reading, concentrating, thinking, communicating, standing, lifting, bending, etc.
- This may include individuals with AD/HD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorders, HIV/AIDS, behavior disorders and temporary disabilities (e.g., broken writing arm, broken leg, etc.).
- Conditions that are episodic or in remission are also now covered if they create a substantial limitation in one or more major life activity, while they are active. Students who are currently using illegal drugs or alcohol are not covered or eligible under Section 504.

What does “substantially limits” mean?

“Substantially limits” is not defined in the federal regulations. However, in a letter from the Office of Civil Rights (OCR), they state, “this is a determination to be made by each local school district and depends on the nature and severity of the person’s disabling condition.”

- New guidance from the ADA states that Section 504 standards must conform with the ADA and is “intended to afford a broad scope of protection to eligible persons.” In considering substantial limitations, students must be measured against their same age, non-disabled average peers in the general population and without the benefit of medication or other ameliorative effects or mitigating measures such as learned behavioral or adaptive neurological modifications, assistive technology, or accommodations (*exception*: ordinary eye glasses or contact lenses).

At South Shore Charter Public School the Director of Student Services is the 504 coordinator.

Identification and Evaluation Procedures

South Shore Charter Public School has a responsibility to identify and refer students for consideration under Section 504 for students who are believed to qualify as disabled (under

Section 504). According to federal regulations, “.....decisions are to be made by a group of people who are knowledgeable about the student, the meaning of the evaluation data, placement options, least restrictive environmental requirements, and comparable facilities” [34 C.F.R. s. 104.35(c)(3)].

Referral

When there is reason to suspect that a student has a disability and is in need of accommodations within the general education classroom, a referral should be made to the Director of Student Services.

- A referral can be made by a parent, teacher, specialist, principal or designee. However, if a referral is made by a parent or doctor's note, the school district must also have reason to believe that the student is in need of services under Section 504 due to a disability [OCR Memorandum, April 23, 1993]. Again, the key to a referral is whether SSCPS staff suspects that the child is suffering from a mental or physical impairment that substantially limits a major life activity and is in need of either regular education with supplementary services (Section 504)... or special education and/or related services (IDEA, IEP process).
- If a parent requests a referral for 504 evaluation and the SSCPS refuses, SSCPS must provide the parent with notice of their procedural rights under Section 504.

504 Team

Under Section 504, no formalized testing is required. Determination is based on the 504 Team's review and consideration of evaluation data, which may include:

- | | |
|------------------------------|----------------------------------|
| - Standardized tests | - Student grades, report cards |
| - Health information | - Teacher recommendations |
| - Physical condition | - Disciplinary reports |
| - Aptitude/achievement tests | - Parent information |
| - Information from agencies | - Attendance records |
| - Observations | - Adaptive behavior information |
| - Functioning in school | - Social and cultural background |

*A single source of information (such as a doctor's note) cannot be the only information considered by the 504 Team.

Team Participants - Unlike special education, the federal regulations for Section 504 does not require that parents be part of the decision-making 504 Team. SSCPS believes it is best practice to invite parents to participate; therefore, SSCPS will include parents in the 504

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Team process. Parents are encouraged to contribute any information that they may have, which would be helpful to the 504 Team in making their determination.

504 Team participants should include: Director of Student Service or designee (504 Team facilitator), general education teacher, referral source, parents; 504 Team participants may also include: principal or designee, school nurse, school psychologist, guidance counselor, speech pathologist, occupational therapist, and/or a special education teacher.

The parents must be notified of the 504 Meeting early enough to ensure they have an opportunity to participate; however, **the 504 meeting should be held within ten (10) school days of the referral date for medical issues and within thirty (30) days for learning issues.**

If the 504 Team does not find the student eligible for a 504 Plan, the parents must be provided with notice of procedural rights under Section 504. If the 504 Team determines there is a need for an evaluation for special education services under the IDEA, the Director of Learning Services will refer the student for evaluation and assessment, and compliance dates will be pursuant to the IDEA timelines.

Section 504 Plans

A Section 504 Plan is written to offer an equal opportunity for education to a qualified student with a disability. Accommodations and/or services provided to qualified students are not required to produce identical results or level of achievement with non-disabled peers. The plan is not written to reduce student learning expectations. It must provide a free and appropriate education, allowing the child with a disability *access to learn despite the disability*. Determination of what is appropriate for each individual student is based on the nature of the disabling condition and what the student needs in order to have an equal opportunity to compete when compared to the non-disabled student. There is no guarantee of a certain grade or outcome.

Reasonable accommodations shall:

- Reflect the unique needs of the student
- Relate directly to the area of impairment
- Address only what is necessary to ensure that the student has the opportunity to access programs and activities in the school setting
- Be specific enough in description to clearly indicate when and where the accommodations will be provided during the school day
- Must be *reasonable*

A copy of the 504 Plan shall be provided to the parent following its completion. Parental consent is not required prior to the provision of actual accommodations for a student.

The Director of Student Service shall distribute a copy of the 504 Plan to each individual working with or supervising the student, so that they can comply with all applicable components.

The 504 Plan will remain in effect as specified until either a new plan is developed or the 504 Team determines that the student no longer qualifies as a person with a disability under Section 504.

Plan Review and Re-evaluation

Review

While there is no procedural requirement that a 504 Team convene annually, South Shore Charter Public School should convene **approximate annual meetings** for 504 Teams or discuss the purpose of this review is to determine the appropriateness of the 504 Plan and to make any needed modifications. The participants in the annual 504 meeting should be those individuals relevant to the discussion of the student's accommodations, including the parents, as noted above.

If the 504 Plan remains appropriate, a new 504 Plan does not need to be generated.

Re-evaluation

While there are no specific timelines required for 504 Team re-evaluations, the Director of Student Service will conduct a review of each student's qualification as disabled under Section 504:

- Every three (3) years
- More frequently if conditions warrant
- Whenever there is going to be a significant change in placement

Prior to the re-evaluation date, information should be collected from the teachers and other school staff members who work with the student for review and consideration.

Transfer Students

When a student transfers into a South Shore Charter Public School and is qualified as disabled under Section 504, a 504 Team in the receiving school shall review the existing 504 Plan to determine the Plan's appropriateness to the current educational setting. The 504 Team may decide to implement the Plan as received, write a new plan more appropriate to the current educational setting, or reevaluate the student in order to consider if the student no longer qualifies as disabled under Section 504.

Student Discipline

Students under Section 504 are subject to the South Shore Charter Schools Code of Conduct. When disciplining a student under 504, schools must consider the relationship between the disability and the misbehavior and if the student is going to be removed from the regular setting for **longer than 10** cumulative school days per school year.

Dispute Resolution & Due Process

South Shore Charter Public School or the parent or guardian of a student with a disability as defined by Section 504 may request a Mediation through the Massachusetts Bureau of Special Education Appeals (BSEA) or seek a Due Process Hearing before an impartial BSEA Hearing Officer to resolve any disagreement or dispute regarding the identification, evaluation, accommodations and/or modifications, provision of FAPE, or causality determination (manifestation determination) of the student with a disability.

Contrast: Section 504, IDEA, and the ADAAA

Section 504

As noted above, Section 504 of the Rehabilitation Act of 1973, as amended is a broad civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance. Eligible students receive a free appropriate public education (FAPE) through a 504 plan that is designed to prevent discrimination and allow access to an education that is comparable to that provided to students without disabilities.

In contrast, the Individuals with Education Improvement Act (IDEA) and the Americans with Disabilities Act, Amendments Act of 2008 (ADAAA) are sometimes mentioned in conjunction with Section 504. Although similar, the laws do differ in some significant ways:

IDEA

The IDEA is a federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure appropriate educational services for children with disabilities. Eligible children receive a free and appropriate education through an Individual Education Program (IEP) that is reasonably designed to confer meaningful educational benefit and allow students to make effective progress.

The IDEA defines as eligible only those students who have certain specified types of disabilities, and who, because of that disability, need special education and/or related services in order to receive FAPE.

Section 504, protects from discrimination all qualified students with disabilities; defined as those having a physical or mental impairment that substantially limits one or more major life activities (including but not limited to, learning).

Every child eligible for services under IDEA is also protected from discrimination under Section 504; however, children may be eligible for Section 504 protection and not be eligible for services under IDEA. Thus, it should be noted, the IDEA is a more narrowly focused law.

ADAAA

The ADAAA is a broader civil rights law than Section 504, extending protections to individuals with disabilities in private industries employing more than 15 individuals. It addresses public entities, public accommodations, telecommunications, and private nonsectarian schools.

In public schools, Section 504 mandates accommodations or services to eligible students.

Typically, students who receive services or accommodations on a 504 Plan have medical concerns, require therapy in school, or require regular education support. However, Section 504 students are “regular education” students. Students with disabilities on IEPs also have dual 504 eligibility (as mentioned above) but do not typically have a separate 504 Plan. Students who are not eligible under the provisions of IDEA for an IEP yet meet the age (3-22 years) and disability qualifications under Section 504 may qualify for a 504 Plan.

Students that are found to be eligible for support under Section 504 are entitled to receive accommodations to receive equal access as non-disabled peers and may be entitled to an accommodation plan and to have that plan revised, when appropriate, or on an approximate annual basis.