



MONOMOY REGIONAL SCHOOL DISTRICT SPECIAL EDUCATION PROCEDURAL MANUAL

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GENERAL INFORMATION

Introduction to MRSD Special Education

Monomoy Regional School District is committed to providing a Free Appropriate Public Education by offering comprehensive programs for students with disabilities. The school system subscribes to the philosophy that all students can learn and that the purpose of special education is to minimize the impact of disability and maximize the students' ability to achieve success in the least restrictive environment with the greatest access to the general curriculum.

A usable definition for the role of special education comes from Dr. Thomas Hehir in his book, "New Directions in Special Education: "...to minimize the impact of disability and maximize the opportunities for children with disabilities to participate in general education in their natural community...with special education serving as a vehicle for access and addressing the specific needs that arise out of children's disabilities."(p.49)

Free and Appropriate Public Education

The Special Education Department is committed to the philosophy and legal requirement to educate all children in the least restrictive environment, supporting access to the general education program in a free and appropriate setting.

An appropriate education, as defined under IDEA 2004 and the Commonwealth of Massachusetts special education regulations, is the provision of regular and special education and related aids and services that are designed to meet individual educational needs of disabled persons as adequately as non-disabled persons are met. An appropriate education is based on adherence to procedures that satisfy the requirements of appropriate state and federal laws.

Non-academic and extracurricular services and activities are available to each student enrolled in the district. These may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to agencies that provide assistance to children with disabilities, employment opportunities, and any other services, which are within the purview of the school system.

[School Committee Policy: File IHB: Special Instructional Programs and Accommodations](#)

[School Committee Policy: File IHBA: Programs for Students with Disabilities](#)

Confidentiality

Each staff member working with students is expected to maintain a high level of confidentiality regarding information received from reviewing students' records, attending TEAM meetings or discussing a student's strengths and weaknesses with teaching staff. Parents/guardians/caregivers entrust staff with personal information about their child, their family history, and their concerns for their child's future. Confidentiality extends to all staff, professional and non-professional, and must be maintained both in and out of school settings.

Family Educational Rights and Privacy Act FERPA

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents/guardians/caregivers certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parent/guardian/caregiver or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great

distance, it is impossible for parent/guardian/caregiver or eligible students to review the records. Schools may charge a fee for copies.

- Parent/guardian/caregiver or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent/guardian/caregiver or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent/guardian/caregiver or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent/guardian/caregiver or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parent/guardian/caregiver and eligible students about directory information and allow parent/guardian/caregiver and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parent/guardian/caregiver and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

FERPA | Protecting Student Privacy

Guidelines for Use of Email

Email is considered written documentation and when related to a student, will become part of the student record. Internal email about students, setting up meetings, reviewing homework assignments, etc., between staff and/or administrators is included in this ruling. It is extremely important to use email appropriately and in adherence with district policy. When emailing, please reference facts and avoid conclusions and judgments outside of the TEAM meeting process. If at any time you have a particular concern about the use of email or response to email you have received, ask your building Principal or the Director of Student Services for assistance.

Delivery of documents electronically

A parent/guardian/caregiver may choose to have all documents sent to them electronically. This will be documented in ASPEN and during a TEAM meeting on the Team Meeting Summary Minutes. The parent/guardian/caregiver can revoke this permission at any time. The parent/guardian/caregiver may also request that documents be delivered securely with password protection.

School Committee Policy: IJNDC Technology Acceptable Use

Electronic Signatures

The district uses ADOBE to obtain documents that require a signature. This may include, but is not limited to consents for evaluation, the IEP and placement page, Age of Majority forms, and any other form that requires a signature. The parent/guardian/caregiver must consent to this method for requesting a signature and will be recorded on the Team Meeting Summary Minutes at the Initial/annual/re-evaluation meeting, or any other meeting/communication where the parent/guardian/caregiver provides consent.

FACULTY, STAFF, AND ADMINISTRATION

Monomoy Regional School District employs licensed professionals in their field of practice. If a waiver is required, the district will ensure that all measures have been taken to employ a licensed professional before applying for a waiver.

SE 50 Administrator of special education

SE 50 - Administrator of special education

The school district has an appointed person to be its administrator of special education. The administrator supervises all special education for the school district and ensures compliance with all federal and state special education laws. The administrator of special education is appropriately licensed or holds a current waiver for an appropriate license or otherwise demonstrates that he or she has the qualifications to perform all of the duties of the administrator. As appropriate, and in accordance with the requirements of M.G.L. c.71B, §3A, the administrator may designate other school district personnel to carry out some of the duties of the administrator.

SE 51 Appropriate special education teacher certification/licensure

SE 51 - Appropriate special education teacher licensure

Except at Commonwealth charter schools, individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.

Commonwealth Charter Schools – Special Education Teacher Qualifications

To come into compliance with IDEA, Commonwealth charter schools must use “qualified” teachers to provide specialized instruction or have a “qualified” teacher consult with or provide direct supervision for someone who is not qualified but is delivering specialized instruction. This is an IDEA requirement.

“Qualified” teachers must hold a valid license in special education or have successfully completed an undergraduate or graduate degree in an approved special education program.

See also Technical Advisory 07-01 – Amended February 2011: Teacher Qualifications in Massachusetts Charter Schools at <http://www.doe.mass.edu/charter/guidance/2007-1.html> and Commonwealth Charter School Staff Qualification Requirements for IEP Services Delivery (Updated April 27, 2012) at <http://www.doe.mass.edu/charter/sped/staffqualifications.html>.

State Requirements

M.G.L. c. 71, s. 38G; s. 89(qq)
603 CMR 1.07; 7.00; 28.02(3)

Federal Requirements

34 CFR 300.156
IDEA § 34 CFR 300.156(a)

SE 52 Appropriate certifications/licenses or other credentials-related services providers

SE 52 - Appropriate certifications/licenses or other credentials – related service providers

Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.

State Requirements
603 CMR 28.02(3),(18)

Federal Requirements
34 CFR 300.34; 300.156(b)

SE 52A Registration of educational interpreters

SE 52A Registration of educational interpreters

Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.

State Requirements

603 CMR 28.02(3),(18)

Federal Requirements

34 CFR 300.34; 300.156(b)

See also Memorandum on New Requirements for Registration of Sign Language Interpreters Who Work in Educational Settings at <http://www.doe.mass.edu/news/news.aspx?id=3416>

SE 53 Use of paraprofessionals

The Monomoy Regional School District supports its Special Education Programs by hiring paraprofessionals (Instructional Assistants). A professional staff member supervises all paraprofessionals. This supervision is on-going and is responsive to any immediate direction in both instructional and non-instructional assignments. Supervision does not imply constant, direct personal contact.

Student information is shared as needed for appropriate instructional approaches. At all times student record confidentiality is maintained. Paraprofessionals are required to complete mandatory confidentiality training.

Building Principals have final responsibility for the performance evaluation of paraprofessionals. This is done with direct input from professional staff members who work closely with the paraprofessional.

Training opportunities are provided to paraprofessionals to increase both staff and student learning. A team approach in educating children is a priority.

The District has developed two programs to support new instructional assistants:

1. [Mentor Program](#) - all new instructional assistants are assigned a mentor in their building. They are required to meet monthly, but can meet as often as needed.
2. [Induction Program](#) - All new instructional assistants participate in the induction program for one hour each month facilitated by an induction coordinator or the director of student services. targeted professional development is provided.

Additionally, instructional assistants participate in two professional learning community meetings twice monthly. There are a variety of pathways staff members have accessible to them for professional learning.

If a student requires the support of an Instructional Assistant, an assessment is conducted to determine the specific needs.

[Considerations and assessment for instructional Assistant Support](#)
[Instructional Assistant IEP Input Form](#)

SE 53 Use of paraprofessionals

1. Reserved.

2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.

State Requirements

Federal Requirements

34 CFR 300.156

SE 54 Professional development

All Monomoy Regional school District will **minimally** receive training using the ArxEd Platform in the following areas:

1. IDEA
2. Bullying Prevention
3. Section 504
4. Mandated Reporting
5. McKinney-Vento/Homeless Assistance
6. Student Records/FERPA
7. Harassment
8. Civil Rights - Title IX Nondiscrimination
9. Restraint Training
10. Suicide Prevention/Awareness
11. Conflict of Interest
12. Anaphylaxis/Food Allergies/Universal Precautions/Bloodborne Pathogens

All staff are required to sign an acknowledgement document that is kept in the central office.

Additional professional development is provided throughout the year that includes examples of (This list is not exhaustive): DCAP, accommodating diverse learning styles, inclusive practices and other opportunities for professional development related to special education. A variety of pathways are accessible by all staff through Vector Solutions on the Monomoy Regional School District website.

Instructional assistants have access to a five year PD pathway with support from an instructional leader that meets monthly in PLC with the instructional assistants.

The district collaborates with transportation providers to ensure drivers and monitors are trained in the specific needs of MRSD students.

Professional development

1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.
2. The district ensures that all staff, including both special education and general education staff, are trained on:
 - a. state and federal special education requirements and related local special education policies and procedures;
 - b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;
 - c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom;
3. The district provides in-service training for all locally hired **and** contracted transportation providers, before they begin transporting any special education student, receiving special transportation, on his or her needs and appropriate methods of meeting those needs. For any such student, the district also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.

State Requirements

M.G.L. c. 71, section 38G, 38Q and 38Q ½;
603 CMR 28.03(1)(a); 28.06(8)(b) and (c)

Parts 1 and 2 of SE 54 are related to State Performance Plan Indicator 5.
(See <http://www.doe.mass.edu/sped/spp/>.)

Federal Requirements

ASSESSMENTS OF STUDENTS

SE 1 Assessments are appropriately selected and interpreted for students referred for evaluation

State and federal law require evaluation of all areas related to the suspected disability. The evaluation should be comprehensive and child driven. No single procedure will be used as the sole criterion for determining eligibility. The referring party, with input from the parent/guardian/caregiver, determines the questions to be answered by the evaluation.

The Monomoy Regional School District uses a variety of assessment techniques and instruments to guarantee that the team will have an understanding of the student's suspected disability and its effect on the child's ability to make progress in school. Evaluation may include formal and informal assessments. Under some circumstances, a team may request that the Monomoy Regional School District contract with an outside agency or evaluator to assist in an evaluation. In most cases, however, the school-based team completes the assessments.

The intent of a team approach in evaluation is to ensure that a comprehensive picture of how a student functions within a school environment will emerge. No individual assessment or assessor may determine eligibility for special education services.

Description of Services Provided to Limited English Proficient Students

Students with limited English proficiency are monitored closely through regular education.

If a teacher has a particular concern

- a. the child should be referred to the Multi-Tiered System of Support Team (MTSS), who will make recommendations for meeting the child's needs in regular education.
- b. If interventions do not assist the child in making progress, the MTSS Team should determine if a referral for a special education evaluation is warranted.
- c. WIDA and ACCESS is used to determine the speaking and listening proficiency level. If there is a significant lag in reading and writing.
- d. If the child is referred for evaluation, consideration will be given to whether assessments should be completed in the child's native language and free as possible from cultural and linguistic bias.
 - i. If so, MRSD will contract with appropriate specialists and/or evaluators.
 - ii. With consultation from the School Psychologist, the contracted specialist/evaluator will decide which testing instruments will be used based on the presenting problem and age of the child.
 - iii. The specialist/evaluator hired may also complete an observation of the child in the school setting and will complete an interview with the child's parent/guardian/caregiver.
- e. It is important to determine the cause for lack of progress in relation to disability or Limited English Proficiency.
 - i. Once testing is completed, the contracted Psychologist and School Psychologist, with the child's parent/guardian/caregiver and student if appropriate, will review the evaluation findings.
 - ii. The TEAM will convene and will make a determination related to eligibility for special education.
 - iii. Every effort will be used to provide evaluators and interpreters that are versed in the special education process. The Administrator of Special Education will review the special education process with contracted service providers as necessary.

Students will receive services determined by TEAM. Services can be part of general education or special education depending on circumstances and will be provided as required by current regulations. Services can include, but are not limited to, after school tutoring, peer tutoring, after school assistance with general education teachers, in school counseling services, services of an interpreter, or other services as defined based on the students' needs.

District Multi-Tiered systems of Support Toolkit

ELL Access Checklist

Disability Definitions:

Autism

Autism is 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.

Federal Definition:

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

Communication Impairment

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

Developmental Delay

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

Developmental Delay Form

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.

District Determination of Serious Emotional Disturbance (SED) and Educational Disability Conditions

Health Impairment

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

Intellectual Impairment

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

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.

Physical Impairment

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

Sensory Impairment

The term shall include the following:

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

Specific Learning Disability

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

Federal Definition:

Specific learning disability is defined as follows:

- (i) **General.** The term means a deficit 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 (and may include conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, and developmental aphasia).

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.

Comprehensive Evaluation Form with Assistive Technology

SE1: Assessments are appropriately selected and interpreted for students referred for evaluation

1. Tests and other evaluation materials are:
 - a. validated;
 - b. administered and interpreted by trained individuals;
 - c. tailored to assess specific areas of educational need and related developmental needs;
 - d. selected and administered to reflect aptitude and achievement levels and related developmental needs;
 - e. as free as possible from cultural and linguistic bias;
 - f. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally;
 - g. not the sole criterion for determining an appropriate educational program;
 - h. not only those designed to provide a single general intelligence quotient;
 - i. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure;
 - j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
2. In interpreting evaluation data and making decisions, the district:
 - a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent/guardian/caregiver;
 - b. ensures that information obtained from these sources is considered;
 - c. ensures that the placement decision conforms with placement in the least restrictive environment;
 - d. includes information related to enabling the student to be involved in and progress in the general curriculum.

State Requirements

603 CMR 28.04; 28.05

Federal Requirements

34 CFR 300.304; 300.305; 300.306(c)

SE 2 Required and optional assessments

1. An Educational Assessment Ed Part A which includes:

- a. History of student's progress in the general education curriculum.
- b. At least one teacher's assessment in the area of curriculum conducted by a teacher with current knowledge regarding the Massachusetts Curriculum Frameworks.

Based on the referral question(s), the Special Education Team may recommend, or the parent/guardian/caregiver may request an assessment in one or more of the following areas:

Optional Assessments:

1. Health Assessment
2. Psychoeducational Evaluation (i.e.,
3. Behavior Assessment (of behaviors that contribute to learning -- i.e. attention, participation, memory, social skills, etc.).
4. Occupational therapy assessment
5. Physical therapy assessment
6. Speech and language assessment
7. Counseling assessment
8. Home assessment
9. Functional behavioral assessment
10. Assistive Technology
11. Mobility assessment
12. Other as deemed necessary

2. Educational Assessment part B - with current knowledge of the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district's general education curriculum, as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.

Both Educational Assessment part A and B are included on the Comprehensive Evaluation Form.

Educational Assessment Part B is provided to all general education teachers to complete on a student who is in their class.

[MTSS Toolkit](#)
[Special Education MTSS Referral Form](#)
[English Learner Education Handbook](#)

SE2: Required and optional assessments

1. **Required assessments:** The following assessments are completed by appropriately credentialed and trained specialists for each referred student:
 - a. Assessment(s) in all areas related to the suspected disability(ies) including consideration of any needed assistive technology devices, behavioral assessments and services and/or instruction in Braille.
 - b. Educational assessment by a representative of the school district, including:
 1. A history of the student's educational progress in the general curriculum;
 2. An assessment by a teacher(s) with current knowledge of the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district's general education curriculum; and
 3. An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
 - c. For a student being assessed to determine eligibility for services at age three (3), an observation of the student's interactions in the student's natural environment or early intervention program is strongly encouraged together with the use of current assessments from Early Intervention Teams to avoid duplicate testing.
2. **Optional assessments:** The administrator of special education may recommend, or the parent/guardian/caregiver may request one or more of the following:
 - a. 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.
 - b. A psychological assessment by a licensed school psychologist, certified psychologist, or certified educational psychologist, including an individual psychological examination.
 - c. 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 the parent/guardian/caregiver.
3. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parent/guardian/caregiver the following:
 - a. that no further assessments are needed and the reasons for this; and
 - b. the right of such parent/guardian/caregiver to request an assessment.

State Requirements

603 CMR 28.04 (1) and (2)

Federal Requirements

34 CFR 300.304; 300.305; 300.324(a)(2)(v)

See also Administrative Advisory 2004-3: College Testing Information at
http://www.doe.mass.edu/sped/advisories/04_3.htm

Psychoeducational Evaluation: This may consist of individually administered intelligence tests and other Psychoeducational evaluations, as appropriate. Behavior Rating Scales and/or Adaptive measures may be utilized to investigate the student's skills and abilities. The results should provide an understanding of the student's problem solving, thinking, and reasoning skills. In addition, it may include data documenting the student's behavior and general presentation both at home and at school. The school psychologist will conduct this part of the evaluation. The following areas require a Psychoeducational Evaluation:

1. If a child has a suspected emotional disturbance.
2. When a child has been determined to be developmentally delayed and will be turning 9 years old.
3. When a child has a suspected Specific Learning Disability

Academic/Achievement Assessment: The Special Educator may perform formal and informal assessments and an observation. The Special Educator's assessment usually includes achievement testing in Math, Reading, and/or Written Language. This depends on the curriculum area identified by the referral as particularly difficult for this student. An observation of learning behaviors is considered. In addition, the special educator will need to utilize various assessments; both formal and informal to determine the student's learning style. The evaluating TEAM will determine how the

assessments will be conducted. A variety of service providers which were identified in the process of determining assessments for any area of suspected disability may all contribute to the understanding of the student's ability to process information.

Educational Assessment Part A / Educational History: The evaluation TEAM will assign a member to review the chronology of the student's school experience in Monomoy and elsewhere, and document this information on the Educational History Assessment Form A.

Educational Assessment Part B / Teacher Report Form of progress: At least one of the student's regular education teachers must complete an evaluation of the student. However, all teachers of a student who has been referred for an evaluation should be encouraged to complete an Educational Assessment Form B.

Observation: The process of directly watching and documenting a student's behavior, interactions, and academic performance in their typical classroom setting to gather information about their needs and potential disability. The expectation is for each evaluator to minimally observe the student in their general education classes or program three times.

Related Services Assessments: Related services are transportation and such developmental, corrective and other supportive services that are required to assist a child with a disability to benefit from special education. Some related services are defined by Massachusetts as special education. This is determined based on the unique and individual needs of the child. The following is a listing of such services (this list is not exhaustive):

Speech and Language: A Speech and Language Pathologist administers an assessment focusing on language development, specifically, articulation, phonological disorders, specific language impairment and fluency. The therapist may also determine current performance in four areas related to the regular education curriculum: listening, speaking, reading and writing.

Occupational Therapy: Occupational Therapy an Occupational Therapy Assessment is administered by a Licensed Occupational Therapist (OTR/L). Formal and informal testing procedures address the student's performance in a regular classroom. Performance components, which are assessed, include sensory processing, upper extremity coordination and perceptual and visual motor skills.

Physical Therapy: The Physical Therapy Assessment is administered by a licensed Physical Therapist. This assessment includes classroom observation and independently administered testing procedures. These procedures may assess one or more of the following: range of motion, muscle strength, muscle tone, reflex integration, posture, endurance, gait, functional skills and gross motor skills. The evaluation determines if the student can safely navigate the school environment and participate in all elements of the school program.

Health Assessment: The School Nurse is responsible for the Health Assessment. The School Nurse should determine if it is appropriate to receive a release to communicate directly with the physician or other health care provider to obtain medical information directly related to the students' educational progress.

Functional Behavior Assessment (FBA): An FBA focuses on a particular behavior of concern, or "target behavior." Using various methods, often including observation, data collection, rating scales, and interviews, the FBA tries to identify what leads to the behavior and what keeps it going. It looks at whether the current responses to the behavior are unintentionally reinforcing it. It looks at what could be appropriate, "replacement" behaviors to meet the same need, without interfering with learning. A Board Certified Behavior Analyst or a school psychologist typically conducts these assessments.

An FBA helps answer questions about:

- why a behavior occurs,
- when and where it happens,
- what generally comes before it, and
- what happens afterward.

Developmental History: The parent/guardian/caregiver completes the developmental history with the assistance of the Guidance Counselor, Adjustment Counselor or School Psychologist, when the Team or the parent/guardian/caregiver feels it should be a part of the evaluation.

Other Assessments: Other assessments may be recommended by the Team. These may include but are not limited to: vision, hearing, behavior, audiological, neuropsychological, orientation and mobility, etc. If the additional evaluations are not available within the district, the Administrator of Special Education will make appropriate arrangements or with an outside agency/vendor.

SE 3 Special requirements for determination of specific learning disability

When a Team suspects a Specific learning disability, a **Psychoeducational Evaluation** should be part of the evaluation. Assessments in **academic achievement** in Reading, Math and Written Language should be included. All previously recorded standardized tests should be reviewed. Assessments should be geared towards helping to determine relative strengths and weaknesses in differing modalities. Someone other than the child's teacher must observe the student. An Observation Report must be included as part of the evaluation.

IDEA 2004 and Massachusetts regulations allow for a process of eligibility based on the student's response to scientific, research-based intervention. It does not require the completion of an IQ/achievement discrepancy model, although it can be used at the district's discretion.

A. Response to Scientific, Research-based Intervention

Determine that the student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention. This could be established through a research-based, Response to Intervention (RTI) model or a multi-tiered instruction process. Districts are encouraged to consider this option; however, the student should be participating in the process before the referral for evaluation occurs. In addition to the data gathered through the response to scientific, research-based intervention process, supplementary data may be necessary. The Team should consider the need for appropriate diagnostic tests that determine how the student learns and what is impeding learning.

B. IQ/Achievement Discrepancy Model

Using appropriate assessments, determine that the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age, or ELA or Math Curriculum Framework standards, or intellectual development. This can be established through the implementation of technically sound assessment instruments that assess cognitive and behavioral factors and physical or developmental factors. This is often called the IQ/Achievement discrepancy model.

Evidence of and discussion of these criteria is documented in the TEAM meeting notes.

When a TEAM Suspects a Learning Disability / 6 Mandated Assessment Forms

1. SLD Team Determination of Eligibility
2. *Required documentation for Component 1* = Historical Review and Educational Assessment
3. *Required documentation for Component 2* = Area of Concern and Evaluation Method
4. *Required documentation for Component 3* = Exclusionary Factors
5. *Required documentation for Component 4* = Classroom Observation Checklist
6. Specific Learning Disability Statement.

SE3: Special requirements for determination of specific learning disability

When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement.

The written determination must contain a statement of:

1. Whether the child has a specific learning disability;
2. The basis for making the determination,
3. The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
4. The educationally relevant medical findings, if any;
 - a. Whether
 - i. The child achieves adequately for the child's age;
 - ii. The child makes sufficient progress to meet grade-level standards;
 - iii. The student exhibits a pattern of strengths and weaknesses in performance, achievement, or intellectual development..

State Requirements

Federal Requirements

34 CFR 300.8(c)(10); 300.311

See also Memorandum on Specific Learning Disability-Eligibility Process/Forms at <http://www.doe.mass.edu/sped/iep/sld/default.htm>

SE 3A Special requirements for students on the autism spectrum

If a student has been identified on the Autism Spectrum, the following will be discussed. A plan to address these concerns will be incorporated into the IEP if needed to support the student to make effective progress.

1. the verbal and nonverbal communication needs of the student;
2. the need to develop social interaction skills and proficiencies;
3. the needs resulting from the student's unusual responses to sensory experiences;
4. the needs resulting from resistance to environmental change or change in daily routines;
5. the needs resulting from engagement in repetitive activities and stereotyped movements;
6. the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
7. and other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development.

SE 3A:Special requirements for students on the autism spectrum

Whenever an evaluation indicates that a student 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 IEP Team shall consider and specifically address the following:

1. the verbal and nonverbal communication needs of the student;
2. the need to develop social interaction skills and proficiencies;
3. the needs resulting from the student's unusual responses to sensory experiences;
4. the needs resulting from resistance to environmental change or change in daily routines;
5. the needs resulting from engagement in repetitive activities and stereotyped movements;
6. the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
7. and other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development.

See also Technical Assistance Advisory SPED 2007-1: **Autism Spectrum Disorder** at http://www.doe.mass.edu/sped/advisories/07_1ta.html.

State Requirements

Chapter 57 of the Acts of 2006, amends
M.G.L. c. 71B, section 3

Federal Requirements

34 CFR 300.8(c)(1)(i)

SE 4 Reports of Assessment Results

Evaluation Summary

- a. Student information
- b. Type of evaluation
- c. Evaluations conducted
- d. Reason for referral
- e. Sources of information
- f. Background information (Educational Assessment A)
- g. Educational Assessment B
- h. Additional information
- i. Observation of the student
- j. Testing results and interpretation
- k. Diagnostic impressions - impact/meaning
- l. Recommendations for student needs and specific services (Accommodations and services)

These summary reports **will** be made available to the parent/guardian/caregiver **at least two days before** the TEAM meeting in their home language

Comprehensive Evaluation Form with Assistive Technology

SE 4 Reports of assessment results

1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.
2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent/guardian/caregiver at least two days in advance of the Team discussion.

State Requirements

603 CMR 28.04(2)(c)

SE 5 Participation in general state and district-wide assessment programs

All students registered in the Monomoy Regional School District are required to participate in MCAS testing and other district and federally required testing. This includes students identified with special educational needs.

For students with individual educational plans, the special education TEAM will determine how the child will take the MCAS, the accommodations that are necessary or whether an alternate assessment is necessary. All decisions will be recorded on the student's IEP. Standard and non-standard accommodations are identified based on those recorded as necessary for the student to access the curriculum and noted on the IEP. Prior to the administration of the MCAS, the Contact Person shall notify the school administration of the accommodations necessary for students. The Administrator shall insure that the accommodations are provided. All scores shall be reported to parent/guardian/caregiver/guardians in the same manner as for other students.

Out-of-District Student MCAS Participation

For students attending Out of District placements at collaborative, private or other placements at public expense, the student shall take the MCAS at the placement under the requirements identified on the IEP. The Out of District placement shall indicate that the child's district is Monomoy Regional School District in an effort to ensure that the scores are reported to the Monomoy Regional School District. All scores shall be reported to the parent/guardian/caregiver/guardians in the same manner as other students.

MCAS Data Analysis

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Upon receipt of MCAS scores and data, the special education staff shall analyze student strengths and weaknesses in relation to the student's access to the general curriculum, special education needs and future IEP goals and objectives for inclusion in the IEP. All data analysis will be recorded on the district MCAS analysis form, filed in the student special education file and used as a guide to develop specific skill improvement goals in the IEP.

MCAS Performance Appeals

The Monomoy Regional School District Superintendent or his/her designee has the authority and responsibility to file an MCAS Appeal. The Monomoy Regional School District sends a Department of Education Letter to parent/guardian/caregiver of students in the Fall after the MCAS scores have been received by the district. This letter explains the importance of the scores and the appeal option/ requirements. The MCAS results are included in this mailing. The Monomoy Regional School District follows all DESE guidelines pertaining to the filing of an appeal. When an appeal is filed, the Superintendent/designee completes the MCAS Performance Appeal Application including all required signatures and related documentation. All parties are kept informed regarding the status of the appeal and the DESE Commissioner's decision.

SE 5 Participation in general State and district-wide assessment programs

1. All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.
2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.
 - a. For each student that is designated for the Alternate Assessment based on Alternate Academic Achievement Standards (MCAS- Alt), the IEP Team documents that the student met the definition of most significant cognitive disability and all other eligibility criteria for an alternate assessment.
3. The superintendent of a school district or, for a public school program that is not part of a school district, the equivalent administrator:
 - a. files an MCAS performance appeal for a student with a disability when the student's parent/guardian/caregiver or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal;
 - b. obtains the consent of the parent/guardian/caregiver or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability;
 - c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.

State Requirements

St. 2003, c. 140, s. 119;
603 CMR 30.05(2),(3),(5)

Federal Requirements

20 U.S.C. 1412(a)(16)

SE 5 is related to State Performance Plan Indicator 3. (See <http://www.doe.mass.edu/sped/spp/>.)
See also Administrative Advisories SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements - Participation in MCAS Testing and High School Graduation Standards at http://www.doe.mass.edu/sped/advisories/02_4.html and SPED 2004-2: AYP and Students with Disabilities at http://www.doe.mass.edu/sped/advisories/04_2.html

SE 6 Determination of transition services

Transition from School to Adult Life

Transition planning is a comprehensive process that is legally mandated under the **Individuals with Disabilities Education Act (IDEA)** in the United States. It involves a coordinated set of activities for a student with a disability that:

1. Is designed to be within a **results-oriented process**, focused on improving the academic and functional achievement of the child to facilitate movement from school to post-school activities.
2. Is based upon the individual child's needs, taking into account the child's **preferences and interests**.

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 may require that planning activities begin in elementary 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.

All Students have an opportunity to share their interests and dreams through the IEP process. All students create a powerpoint presentation that is shared at the meeting to ensure their voice is heard. Students are also invited to their meeting to share their vision.

Some Key Components of Transition Planning

Elementary School: Early Awareness & Preparation: While formal planning typically begins later, early activities focus on building foundational academic, functional, and social skills. The text suggests that starting the thought process early is beneficial.

Middle School Exploration of Interests: Students begin to consider their personal interests, preferences, and strengths, which will guide later planning.

Middle School Pathway Exploration: Students will be made aware of and gain exposure to pathways that include, but not limited to: Career and Technical Education, early College Programs, Innovation Career Pathways.

Transition Services - begin at age 14 or earlier and update annually. Recognizing the need for students with disabilities to engage in transition planning, the Individuals with Disabilities Education Act (IDEA) requires that transition planning be part of the Individualized Education Program (IEP). Students must be invited to all educational meetings and be allowed to participate actively when transition planning is discussed. Transition needs must be stated on the IEP. Goals and objectives must be tied to the Transition Planning form and post secondary planning and experiences.

Middle School Pathway Exploration: Students will be made aware of and gain exposure to pathways that include, but not limited to: Career and Technical Education, early College Programs, Innovation Career Pathways.

Linkages to Post School Options —provide transition services by age 14 or earlier and update annually. By age 14, the IEPs of all students must include a post secondary school vision statement and identify the transition services necessary to support that vision. IDEA 2004 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." Transition services must be stated on the **IEP**. Monomoy Regional School District transition plans must be completed for every secondary student in need of special education at the age of 14 and older and are added to the special education file with annual review and updating.

Interagency Collaboration - *develop supports and services necessary for adult life.* The adult service system is complex and understanding it is essential for effective transition planning. When students with disabilities graduate from school or turn 22, they move **from an entitlement to a non-entitlement system**. While in school, students receive services and supports mandated by federal and state law. As adults, while they may be eligible for service from adult service agencies, these services are not an entitlement, which means they are subject to the availability and funding of services. The only entitlement they maintain is through Chapter 688 which is entitlement to an Independent Transition Plan if they qualify. Consequently, it is essential that educators, parents/guardians/caregivers and students understand the adult service system years before adult services need to be accessed. It is a sound practice to invite adult service agencies to speak to groups of students and individuals who live and work with students with disabilities in order to understand and begin the eligibility processes specific to each appropriate agency as well as the services that are available to adults with disabilities.

Adult Services-Chapter 688 Referrals - For students with severe disabilities, a Chapter 688 referral should be made to ensure that students who will require ongoing supports and services from one or more public agencies are part of the eligibility process for receiving services and supports as adults. The Team Chair at the high school is responsible for filling out the appropriate information and forwarding a signed copy by parent/guardian/caregiver or student 18 and older.

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The Team Chair will upload the appropriate records to the State Virtual Gateway and select the designated agency for approval. For other students who require fewer supports and services and may not meet the eligibility requirements for Chapter 688, a general referral for services can be made to adult service agencies. Once agencies are identified, representatives should be invited to TEAM meetings to plan and develop adult service plans.

Connecting with Adult Service Agencies: Linking students and families with agencies (e.g., vocational rehabilitation, developmental disabilities services) that will provide support after the student graduates or "ages out" of school services (typically at age 22).

Academic Support - Transition Scope and Sequence Grades 7-12+

SE 6 - Determination of transition services

1. For eligible students aged 14-22 and also for students who are 13 and will turn 14 during this IEP period, the Team discusses the student's transition needs annually and documents its discussion and updates the IEP, as appropriate.
2. The IEP includes appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. In addition, the IEP includes a course of study and other transition services to assist the student in reaching their postsecondary goals.
3. Reserved
4. No later than two years prior to any student approaching graduation or the age of 22, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the administrator of special education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688).
5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives.
6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed. If the student does not attend the Team meeting for the purpose of postsecondary goal setting and transition, the public agency takes other steps to ensure that the student's preferences and interests are considered

State Requirements

M.G.L.c.71B, Sections 12A-C
603 CMR 28.05(4)(c)

Federal Requirements

34 CFR 300.320(b); 300.321(b);
300.322(b)(2); 300.324(c)

SE 6 is related to State Performance Plan Indicators 1, 13, and 14.

(See <http://www.doe.mass.edu/sped/spp/>.)

For the Transition Planning Form, see <http://www.doe.mass.edu/sped/28MR/28m9.pdf#search=%22transition%22>.

See also Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process at http://www.doe.mass.edu/sped/advisories/13_1ta.html; Technical Assistance Advisory SPED 2014-4: Transition Assessment in the Secondary Transition Planning Process at <http://www.doe.mass.edu/sped/advisories/2014-4ta.html>; and Technical Assistance Advisory SPED 2016-2: Promoting Student Self-Determination to Improve Student Outcomes at <http://www.doe.mass.edu/sped/advisories/2016-2ta.pdf>.

Consideration of Vocational Educational Services for Students with Special Education Needs

According to Massachusetts General Law, each school must ensure that students with disabilities have available to them "a variety of educational programs and services available to non-disabled students, including art, music, industrial arts, consumer and homemaking education and vocational education." When considering the vocational needs of a student with special educational needs, a TEAM must be aware that:

1. Vocational education is not exclusively the responsibility of vocational schools. IEP's for students with disabilities must address vocational education needs and services based solely on the needs and interests of the student. IEP TEAMS do not have the authority to make placements in vocational schools. Public schools must address needs

related to vocational preparation or experience. Vocational schools must provide appropriate education and special education services.

2. When a student is found to be in need of vocational services, the liaison should work with the Guidance Counselor in charge of vocational services and the Director of Student Services to procure the appropriate services. Such services can be found through other public school programs, agencies such as Department of Developmental Services (DDS), Massachusetts Abilities (MBY), Department of Children and Families(DCF), Department of Mental Health (DMH), Massachusetts Commissions for the Blind and/or Deaf, local Vocational SchoolsHI , local Community Colleges, and other such agencies or private vendors.

School Committee Policy: IHAI Occupational Education

CR 13 Availability of information and academic counseling on general curricular and occupational/vocational opportunities

Students, in grades 7-12, from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.

The district ensures that ELs are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs.

The district uses grade appropriate content objectives for ELs that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members.

Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03

Students 16 or over leaving school without a high school diploma, Certificate of Attainment or Certificate of Completion

For students 16 or over who leave school without a high school diploma, the following steps must be followed:

- Within ten days from a student's fifteenth consecutive unexcused absence, the school provides written notice to students age 16 or over and their parent/guardian/caregiver. The notice is in English and the family's native language and states that the student and the parent/guardian/caregiver may meet with a representative of the district within ten days from the date the notice was sent.
- At the request of the parent/guardian/caregiver, the district may consent to an extension of the time for the meeting of not longer than fourteen days.
- At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The school counselor shares resources in writing to the student and parent/guardian/caregiver of services in the community such as:
 - HiSET and GED information
 - Services at Local State Employment Offices
 - Services at local Vocational Schools
 - Adult Training and certificate programs
 - Local Career Counseling resources
- The student and parent/guardian/caregiver are informed that attendance is voluntary after the student turns 16 but are also informed of the student's right to return to school. If the student is a special education student 'Notice of Procedural Safeguards is given and they are reminded of their entitlement to an evaluation prior to leaving school.
- A parent/guardian/caregiver/guardian must come to school to sign the student out of school if under 18 years of age and or if in the case of a student with an IEP, student must have independent signing rights.

Additional Procedures for Students leaving school without a diploma as required by regulation

Monomoy Regional School District sends annual written notice to former students who have not yet earned their diploma/competency determination and who have not transferred to another school for the purpose of:

- a) to inform them of the availability of publicly funded post-high school academic support programs; and
- b) to encourage them to participate in those programs.

At a minimum, the district sends an annual written notice to the last known address of each such student who attended MRSD high school in the past two years.

CR 16 Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion

1. No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school where the student last attended has sent notice within five days from the student's tenth consecutive absence to the student and the parent/guardian/caregiver /guardian of the student in English and the primary language of the parent/guardian/caregiver or guardian (to the extent practicable). The notice shall offer at least two dates and times for an exit interview between the superintendent (or designee) and the student and the parent/guardian/caregiver/guardian to occur prior to the student permanently leaving school. The notice shall include contact information for scheduling the exit interview and indicate that the parties shall agree to a date and time for the exit interview and that the interview shall occur within 10 days of the notice. The time and the date for the exit interview may be extended at the request of the parent/guardian/caregiver/guardian but for no longer than 14 days. The superintendent or designee may proceed with the exit interview without a parent/guardian/caregiver/guardian if the superintendent or designee makes a good faith effort to include the parent/guardian/caregiver/guardian.
2. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education programs and services available to the student. The superintendent (or designee) shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent/guardian/caregiver/guardian. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and a list of alternative education programs and services available to the student.
3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school
 - a. to inform them of the availability of publicly funded post-high school academic support programs and
 - b. to encourage them to participate in those programs.

At a minimum, the district sends annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.

4. The Superintendent shall annually report to the Department the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement the student has taken.

M.G.L. c. 76, ss. 5, 18 as amended by 2012, 222, Sec. 8 effective July 1, 2014; St. 1965, c. 741

Graduation

Graduation from school is considered a change in placement. Local school and state officials (NOT courts, hearing officers or TEAMS) set the academic standards for award of a regular high school diploma.

Competency Determination Graduation Requirement

The awarding of a fully certified diploma from the Monomoy Regional School District requires, in addition to the MRHS Graduation criteria as outlined in the MRHS School Handbook, a demonstration of mastery of the tenth-grade Massachusetts Curriculum Framework Standards in the areas of English language arts, mathematics, and science. Mastery is determined when a student successfully earns one full-credit for the identified courses below. Mastery is determined in accordance with the district's grading policy (e.g. course grade equal to or greater than 60) and obtained by the (1) final assessment of MRSD curricular priority standards for the course; or (2) an equivalent measure outlined in the high school's handbook. The district must determine that every student has met the Competency Determination (CD) outlined in this policy and the local graduation requirements prior to graduating that student.

For the Class of 2026, a successful Competency Determination (CD) requires a qualifying score on the MCAS prior to December 5, 2024 or the demonstration of mastery based on the outlined CD courses below:

For the class of 2027 and beyond, only the coursework stated below will be used to determine certification of the

competency determination (CD)

- The equivalent of two years of high school English Language arts courses. These courses must be taken in grades 9-12 and include English 9, 10, 11, or 12.
- The equivalent of one year of both Algebra and Geometry courses or the equivalent of one year of both Integrated Math I and Integrated Math II. Middle school math courses may be certified by the district as meeting the coursework requirement when the district confirms that the middle school courses align to the 2017 MA Mathematics Curriculum Framework.
- The equivalent of one year of any one of the following disciplines: Biology, Physics, Chemistry or Technology/Engineering. These courses must be taken in grades 9-12.
- The equivalent of a one-year United History (US History I or II) course. This course must be taken in grades 9-12.

Special Circumstances:

- Students with disabilities have under IDEA or M.G.L. c. 71B the right to be provided a Free and Appropriate Public Education (FAPE), and as such, the district must determine that the student has met the CD and local graduation requirements prior to graduating that student.
- Students with disabilities placed in out-of-district placements must meet the requirements of the CD policy of the placing school district.
- Districts are responsible for selecting and certifying the courses that meet the CD requirements for English Learners including determining that English as a Second Language (ESL) courses may count towards the English Language Arts (ELA) coursework component provided that the school explicitly integrates grade-appropriate ELA standards with English Language Development (ELD) standards, using instructional scaffolds that are appropriate to students English proficiency levels.
- Students who enroll in an MA public high school after their ninth-grade year must be afforded the opportunity to earn the CD. Monomoy Regional School District reserves the right to substitute any courses for the above-stated courses provided they align with the appropriate MA Curriculum Framework Standards and the State Law regarding Competency Determination M.G.L. Title XII Ch. 69 S.1D.
- Students who do not meet the required passing grades in the above-prescribed courses may enroll in an approved summer school program, credit recovery courses, or be scheduled to take additional coursework by their guidance counselor that meets the same MA Curriculum Framework Standards.
- In limited circumstances, where a district is unable to document a student's prior coursework, the regulations allow for a student to earn the CD by:
 - Attaining a qualifying score of at least "meeting expectations" or "exceeding expectations" achievement levels on the relevant high school MCAS assessment; or
 - Meeting the standard for a substituted equivalent that the district certifies satisfies the same academic standards.

Monomoy Regional School District will offer eligible students in the classes of 2003 through 2024 who did not earn a diploma as a result of failing to meet the state's CD requirement an opportunity to determine their current eligibility for a diploma pursuant to the district's CD requirements.

An eligible student is one who:

1. Was previously enrolled in the district; and
2. Previously met the criteria for a Certificate of Attainment (ie, met local graduation requirements but did not receive a high school diploma because they did not earn a CD); and
3. Was not previously reported as a graduate in any district's Student Information Management System (SIMS) submission.

Any student who has not previously met the criteria for a Certificate of Attainment (indicating that they did not meet all local graduation requirements when they exited high school) must meet the district's current CD requirements and local graduation requirements in order to earn a diploma.

If a student is determined to now meet all requirements to graduate, the student must be reported to the MA Department of Education as a graduate via SIMS.

The Principal shall be the arbiter for all disagreements in transcript review. An appeal of the principal's decision may be made to the superintendent. The superintendent's decision on transcript reviews as related to CD is final.

Termination of Public School Education (turning 22, graduation or leaving school)

The “Summary of Academic Achievement and Functional Performance” is completed and provided to student/parent/guardian/caregiver during or before the last month that the student is enrolled in MRSD.

A signature receipt is completed and dated. One copy is given to the student and the other copy is put in the student file.

SE 7 Transfer of parental rights and student participation and consent at age of majority

Age of Majority - transfer of parent/guardian/caregiver rights to student at age 18

In Massachusetts, regardless of the severity of their disability, students are considered adults and competent to make their own decisions at age 18 (Age of Majority). Unless there is a court appointed guardian or the student has chosen to share or delegate decision making with his or her parent/guardian/caregiver, or other adult, the school district must seek the consent of the student to continue the special education program. Students at age 18 have the right to make their own educational and medical decisions and must sign all consent forms. Parent/guardian/caregiver and students must be notified about the transfer of parent/guardian/caregiver rights to the student at least one year before the student turns 18 years of age. Monomoy Regional School District documents the status of each student on the IEP as well as on the Team Meeting Summary Minutes following a TEAm meeting as well as collecting the required signatures. For students who have been assigned a legal guardian, a copy of the court document must be contained in the student's record. Until the district has a copy of court documents, students are their own legal guardian. A student on the Age of Majority form may choose to delegate or share decision making with their parent/guardian/caregiver/ or other designated person.

A spreadsheet will be maintained that indicates the date one year prior to the 18th birthday to send out the Transfer of Authority Notice and the date of the 18th birthday to ensure the process is followed. If a student's birthday falls on a weekend, the transfer of Authority can take place on the following Monday (or Tuesday if Monday is a holiday). The signature must be obtained on the actual 18th birthday and not at an IEP meeting.

SE 7 Transfer of parent/guardian/caregiver rights at age of majority and student participation and consent at the age of majority

1. On or before the student's 17th birthday, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18-year-old. This notification is not required if the parent has sought and received guardianship from a court of competent jurisdiction.
2. When the student reaches the age of 18, the school district implements procedures to obtain consent from the student to continue the student's special education program unless the parent has received guardianship, or the student has delegated decision-making authority to the parent.
3. The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below.
 - a. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retracts full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
 - b. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision making.
 - c. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the record.

State Requirements

603 CMR 28.07(5)

See also Administrative Advisory SPED 2011-1 Age of Majority at http://www.doe.mass.edu/sped/advisories/11_1.html

Federal Requirements

34 CFR 300.320(c), 300.520

SE 8 IEP Team Composition and Attendance

The following must be invited to the TEAM meeting in addition to the parent/guardian/caregiver, and student (when appropriate):

- a. general education teacher
- b. special education teacher
- c. individuals qualified to interpret evaluation results
- d. other individuals knowledgeable about curriculum, placement, and other services (when needed)
- e. When discussing transition, the adult agency representative

If a TEAM member cannot be present, the parent/guardian/caregiver will be notified to seek consent for their absence. If the parent does not consent, the TEAM meeting will be rescheduled.

The Team Chairperson is always the Team member with the authority to commit the resources of the district. The Team chair person will make the decision to reconvene the TEAM when his/her knowledge of the resources available is not broad enough or when there is additional information required to make a team decision. When a TEAM meeting must be reconvened to include additional members (e., Director of Student Services, a consultant, or advocate invited by the parent/guardian/caregiver, etc), the Team Chairperson must ensure that all members of the first meeting are invited and that the reconvened TEAM meets within the prescribed time.

SE 8 - IEP Team composition and attendance

The following persons are members of the IEP Team and may serve in multiple roles:

1. The student's parent/guardian/caregiver.
2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.
3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson).
4. If the student *may* be involved in a regular education program, a regular education teacher.
5. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student.
6. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses.
7. Other individuals at the request of the student's parent/guardian/caregiver.
8. Reserved
9. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 - 4 above.
10. Other individuals who may be necessary to write an IEP for the student, as determined by the Administrator of Special Education.
11. When one purpose of the Team meeting is to discuss transition services, with the consent of the parent/guardian/caregiver(s) or student who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
12. RESERVED
13. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.

Members of the Team attend Team meetings unless:

- a. the parent/guardian/caregiver and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR
- b. the district and the parent/guardian/caregiver agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed OR
- c. the district and the parent/guardian/caregiver agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent/guardian/caregiver and the IEP Team prior to the meeting.

State Requirements

603 CMR 28.02(21)

CFR Part 300, Appendix A, Question #22

Part 1 of SE 8 is related to State Performance Plan Indicator 8.

Parts 5 and 10 are related to State Performance Plan Indicators 13 and 14.

(See <http://www.doe.mass.edu/sped/spp/>.)

Federal Requirements

34 CFR 300.116(a); 300.321; 300.328

See also, in the IDEA 97 regulations, 34

SE 9 Timeline for determination of eligibility and provision of documentation to parent

When a student is referred for an evaluation by his/her parent/guardian/caregiver(s), this request is sent immediately to the School's Team Chair for action. The school district is responsible to respond in writing (consent to evaluate) to the parent/guardian/caregiver's request within 5 school days from the receipt of the request.

If it is determined that an evaluation will take place, the Team Chair initially consults with the parent/guardian/caregiver as to their concerns and reviews the evaluation process. Teachers counselors and any other appropriate service providers are consulted with to review data relevant to the referral question. A parent/guardian/caregiver may waive any of the specific assessments requested by the school team. The Team Chair will provide the parent/guardian/caregiver an assessment waiver form to complete and sign if this is the case.

If a student is referred for an evaluation through the MTSS process, the Team Chair will contact the parent/guardian/caregiver(s) to discuss the referral and the process for an evaluation.

Notification of the referral is sent home with a consent form for the parent/guardian/caregiver to sign along with the parent/guardian/caregiver's Notice of Procedural Safeguards. The parent/guardian/caregiver has 30-days to respond to the consent to evaluate **No assessments may begin until parent/guardian/caregiver or if a student is 18 years or older consent is received.**

When the signed consent is received, all evaluators are notified by the Team Chair of the receipt of the consent and the timeline. The Team Chair logs receipt of the consent to evaluate and the timeline for the evaluation to be completed is established:

- Thirty school working days from receipt (**Day 1 is date of receipt**) of the parent/guardian/caregiver consent to complete the assessments.
- The TEAM must convene within **forty** school working days from receipt of consent to review and consider evaluation findings and determine eligibility.
- A copy of the completed evaluation report **must** be presented to the parent/guardian/caregiver **two days** before the TEAM meeting.
- If found eligible for special education, an IEP must be issued no later than **five** days from the eligibility meeting.

SE 9 - Timeline for determination of eligibility and provision of documentation to parent/guardian/caregiver

Within 45 school working days after receipt of the parent/guardian/caregiver's written consent to an initial evaluation or a re-evaluation, the school district determines whether the student is eligible for special education and provides to the parent/guardian/caregiver either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility.

State Requirements

603 CMR 28.05(1); 28.06(2)(e)

Federal Requirements

SE 9 is related to State Performance Plan Indicator 11.
(See <http://www.doe.mass.edu/sped/spp/>.)

Special Education MTSS Referral Form

SE 9A Elements of the eligibility determination; general education accommodations and services for ineligible students

When the TEAM reaches the eligibility decision-making phase of the evaluation process, it must consider all of the assessment data, all observations of the student throughout the school environment, the family's input, the teacher's observations, information regarding the curriculum in the student's particular grade, all interventions/supports/services provided throughout their education career, and information regarding specific areas of disability. Close examination of the student's school history/record, systematic observation of the student in the classroom and throughout the school environment, and the input of TEAM members with expertise in the area of suspected disability and regular educators should assist the TEAM in determining if the student has a disability.

Concurrently, the TEAM must review the definition of "to progress effectively in regular education" to determine whether there is a causal relationship between the disability and the student's ability to progress effectively. If the disability is shown to be inhibiting the student's ability to progress effectively in general education and the student requires **specially designed instruction or related services** to access the general education curriculum, the student is eligible for special education.

In some instances, the TEAM will have clear evidence of a disability, well-documented data and a history of diagnosis. In others, the disability may not be as clear or there may be elements of two or more disabilities present. It is the responsibility of the TEAM to make a good faith effort to determine the category of disability. It is recognized that this is not always easy and may, in fact, be altered at some other date.

If the Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for a disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that general education program. Concurrently, all students have access to accommodations outlined in the DCAP and Tiered Interventions..

Determination of eligibility:

If the student is found eligible for special education services, the TEAM will develop and issue an IEP within five- days of the eligibility meeting.

If a determination of no eligibility:

- The Team Chairperson or his/her designee completes the District Refusal to Act letter (N2) and alerts the Office of Student Services upon completion.
- The Office of Student Services sends the N2 to parent/guardian/caregiver/guardian with the parent/guardian/caregiver's Notice of Procedural Safeguards brochure.

Team Meeting Summary Minutes for Initial and Re-Evaluation

SE 9 A Elements of the eligibility determination; general education accommodations and services for ineligible students

1. To determine whether a student is eligible for special education, the school district:
 - a. provides an evaluation or re-evaluation
 - b. convenes a Team meeting
 - c. determines whether the student has one or more disabilities
 - d. determines if the student is making effective progress in school
 - e. determines if any lack of progress is a result of the student's disability
 - f. determines if the student requires special education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum
2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for a disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that general education program.
3. When the student does not need any direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program.
4. When the student's lack of progress is due to a lack of instruction in reading or mathematics, limited English proficiency, social maladjustment, or is due to an inability to meet the school discipline code but is not due to a disability, the district makes a finding of no eligibility for special education and may refer the student to a more appropriate instructional program or support service.

State Requirements

603 CMR 28.05(1) and (2)

Federal Requirements

34 CFR 300.8; 300.306

See also Administrative Advisory SPED 2001-4: Finding of No Eligibility for Special Education at http://www.doe.mass.edu/sped/advisories/01_4.html

MTSS Toolkit

SE 10 End of school year evaluations

If consent is received within 30-45 school working days before the end of the school year, the school district will ensure that a TEAM meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of school year.

When a referral for evaluation is received with less than 30 school working days remaining in the school year, a good faith effort will be made to complete the evaluation and hold a TEAM meeting prior to the end of school year. If it is not possible to complete the evaluation, it will be completed at the beginning of the next school year in accordance with all state and federal timeline requirements. If eligibility for special educational services is determined, the IEP will be developed and placement will be determined within five-days of the meeting.

SE 10 End of school year evaluations

If consent is received between 30 and 45 school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.

State Requirements

603 CMR 28.05(1)

Federal Requirements

34 CFR 300.323

SE 10 is related to State Performance Plan Indicator 11. (See <http://www.doe.mass.edu/sped/spp/>.)

SE 11 School district response to parental request for independent educational evaluation

Any request, either in written or verbal form, for an independent education evaluation (IEE), should be directed to the Director of Student Services for determination of next steps. Any request for evaluations (including IEE) must be acted upon within 5 days.

If a parent/guardian/caregiver disagrees with an initial evaluation or re-evaluation completed by the Monomoy Regional School District and the parent/guardian/caregiver requests an independent educational evaluation, the school implements the following requirements:

1. All independent educational evaluations funded are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates.
2. The Monomoy Regional School District has procedures to offer parents/guardians/caregivers the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school.
3. The Monomoy Regional School District extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent/guardian/caregiver disagrees.
4. If the parent/guardian/caregiver is requesting an evaluation in an area not assessed by the Monomoy Regional School District, or if the parent/guardian/caregiver does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the Monomoy Regional School District's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent/guardian/caregiver.
5. Within **ten (10) school days** from the time the Monomoy Regional School District receives the report of the independent educational evaluation for a student receiving special education services, the Team reconvenes and considers the independent educational evaluation.
 - a. The ten days can be waived by mutual agreement of the district and parent/guardian/caregiver due to extenuating circumstances. This will be documented in the student record.

6. If the district receives an independent education evaluation for a student not receiving special education services, the team chair will notify the parent/guardian/care giver that the district intends to evaluate the student in the identified areas of concern/suspected disability and send a consent to evaluate to the parent/guardian/care giver. Once the district has completed the evaluation within the 30-days, a team meeting will be scheduled to review and consider the district assessments and the independent education evaluation.

Letter to Parent/guardian/caregiver(s) Authorizing an Independent Education Evaluation

SE 11 School district response to parent/guardian/caregiver request for independent educational evaluation

If a parent/guardian/caregiver disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent/guardian/caregiver requests an independent educational evaluation, the district implements the following requirements:

1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed, or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student are to be justified when an individual assessment rate is higher than that normally allowed.
2. The school district has procedures to offer parent/guardian/caregiver the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.
3. The district extends the right to a publicly-funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for 16 months from the date of the evaluation with which the parent/guardian/caregiver disagrees.
4. If the parent/guardian/caregiver is requesting an independent educational evaluation in an area not assessed by the school district, the student does not meet income eligibility standards, or the family chooses not to provide the financial documentation to the district establishing family income level, the school district shall respond in accordance with the requirements of federal law. Within five school days, the district shall either agree to pay for the independent educational evaluation or proceed to the Bureau of Special Education Appeals to show that its evaluation was comprehensive and appropriate. If the Bureau of Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent educational evaluation requested by the parent/guardian/caregiver.
5. Whenever possible, the independent educational evaluation is completed, and a written report sent no later than 30 days after the date the parent/guardian/caregiver requests the independent educational evaluation. If publicly funded, the report is sent to the parent/guardian/caregiver and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.
6. Within 10 school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.

State Requirements

603 CMR 28.04(5)

Federal Requirements

34 CFR 300.502

See also Administrative Advisories SPED 2001-3: Guidance on Using a Sliding Fee Scale for Public Payment of Independent Educational Evaluations (IEEs) and SPED 2004-1: Independent Educational Evaluations

at http://www.doe.mass.edu/sped/advisories/01_3.html.

SE 12 Frequency of re-evaluation

Minimally, a student should be reevaluated every three years or sooner if appropriate to determine eligibility for special education services.

It is the responsibility of the Team Chair to generate the notice to reevaluate upon receipt of the referral form from the designated Contact Person/liaison and sends the parent/guardian/caregiver the consent form before the Individual Education Plan of a student will expire to ensure the 30 day assessment timeline is met and a meeting is scheduled by the 40th day. If the TEAM decides that no additional assessments are needed to determine if the student continues to be eligible for special education, the TEAM may recommend to the parent/guardian/caregiver:

- a) That all assessments given at the initial evaluation be repeated
- b) That no further assessments are needed at this time and the reasons for this; and

- c) That the parent/guardian/caregiver has a right to request a specific assessment based on the suspected area of disability.

Students should be assessed in the area of suspected disability. If a TEAM has additional questions or concerns about a child, other assessments may be included.

When a TEAM evaluation determines that a child younger than 9 years old is developmentally delayed, the TEAM must reevaluate him/her by his/her ninth birthday to determine eligibility category. **Developmentally delayed is a disability category appropriate for children only up to age nine. The student must be evaluated in all areas of suspected disability.**

A Finding of No Eligibility:

To make a finding of no eligibility or removal of service from an IEP, an evaluation must be done in that area.

The TEAM must make a finding of no eligibility:

- If the student does not have a disability;
- If the student does have a disability but is making effective educational progress without the need of supportive services;
- If the student shows a lack of educational progress but it is not due to a disability;
- If the student does not require specially designed instruction and/or related services.

If the student has a disability and that disability substantially impacts a life function, the student may be eligible for a Section 504 Accommodation Plan or DCAP/general education support services.

The Team Chairperson must inform Parent/guardian/caregiver in writing of the finding of no eligibility for special education using the N2 (Notice of Refusal to Act) form. Parents/guardians/caregivers have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA), including a finding of no eligibility. Parents/guardian/caregiver may contact the BSEA directly or request the district's assistance with this process.

Waiving Assessments / Re-evaluations

To avoid unnecessary or excessive testing, the Team Chair may ask a parent/guardian/caregiver to waive certain redundant or other assessments that are not needed either to write the educational plan or determine eligibility. All waivers should be in writing and signed by the parent/guardian/caregiver/.

A parent/guardian/caregiver may waive any of the specific assessments requested in an evaluation. If this is the case, complete the waiver form and secure the proper signature(s). Documentation of multiple efforts to contact a parent/guardian/caregiver to gain their consent must be maintained in the child's special education record. In the event that consent is not received, contact the Director of Student Services to determine the next step(s). A parent/guardian/caregiver's Notice of Procedural Safeguards brochure should always accompany any notice sent to a parent/guardian/caregiver.

SE 12 Frequency of re-evaluation

1. When the student's needs warrant it or a parent/guardian/caregiver or teacher requests it, the school district, with parent/guardian/caregiver consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that:
 - a. a re-evaluation is conducted every 3 years unless the parent/guardian/caregiver and district agree that it is unnecessary and
 - b. a re-evaluation is conducted no more frequently than once a year unless the parent/guardian/caregiver and district agree otherwise.
2. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following:
 - a. that no further assessments are needed and the reasons for this; and
 - b. the right of such parents to request an assessment.

3. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a general high school diploma or exceeded the age of eligibility.

State Requirements

603 CMR 28.04(3) 34 CFR 300.303; 300.305(e)

Federal Requirements

SE 13 Progress reports and content

Progress report information sent to parent/guardian/caregiver includes written information on the student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.

Monomoy Regional School District Procedures:

1. Written IEP progress reports will be issued based on the IEP date according to the number of report cards issued at a particular grade level or school.
 - a. Elementary - Trimester
 - b. Middle School - Trimester
 - c. High School - Quarterly

Progress Report Issuance Schedule

2. All IEP progress reports will be written in narrative form supported by data for each IEP goal area and written in the parents home language.
3. All progress report information shall indicate the progress in relation to the student reaching the goal during the IEP period. If there is indication that the student will not reach the goal during the IEP period, the TEAM shall reconvene to determine if the IEP needs to be adjusted to better serve the student. Further, if a student meets a goal sooner than expected, the TEAM shall reconvene to consider adjusting the goals to move the student to the next expected level.
4. The Director of Student Services shall conduct random reviews of progress reports checking content and actual student indication of student progress.
5. The Director of Student Services or designee shall annually review the procedures for writing progress reports with all staff.
6. The Director of Student Services or designee shall review and monitor progress reports sent by collaborative and private school placements paid for with public funds. If necessary, the Director of Student Services or designee will reconvene the TEAM to discuss student progress and goals. When necessary, a copy of the Monomoy Regional School District Procedures for Monitoring IEP Progress Reports will be provided to collaborative and/or private schools to ensure consistency with implementation of this procedure.
7. Copies of progress reports should be maintained in the student's special education record.

Defining Effective Progress

In accordance with Massachusetts Department of Elementary and Secondary Education Eligibility Guidelines for Special Education, the TEAM must determine the educationally relevant disability is and how it manifests itself in a student's school performance. "To progress effectively in regular education" is the standard by which the TEAM is expected to judge whether or not a disability is affecting the student's educational performance. DESE defines "progressing effectively" in general terms. "Progressing effectively" is to make documented growth in the acquisition of knowledge and

skills, including social/emotional development, according to chronological age and the individual educational potential of the child.

Measuring Effective Progress

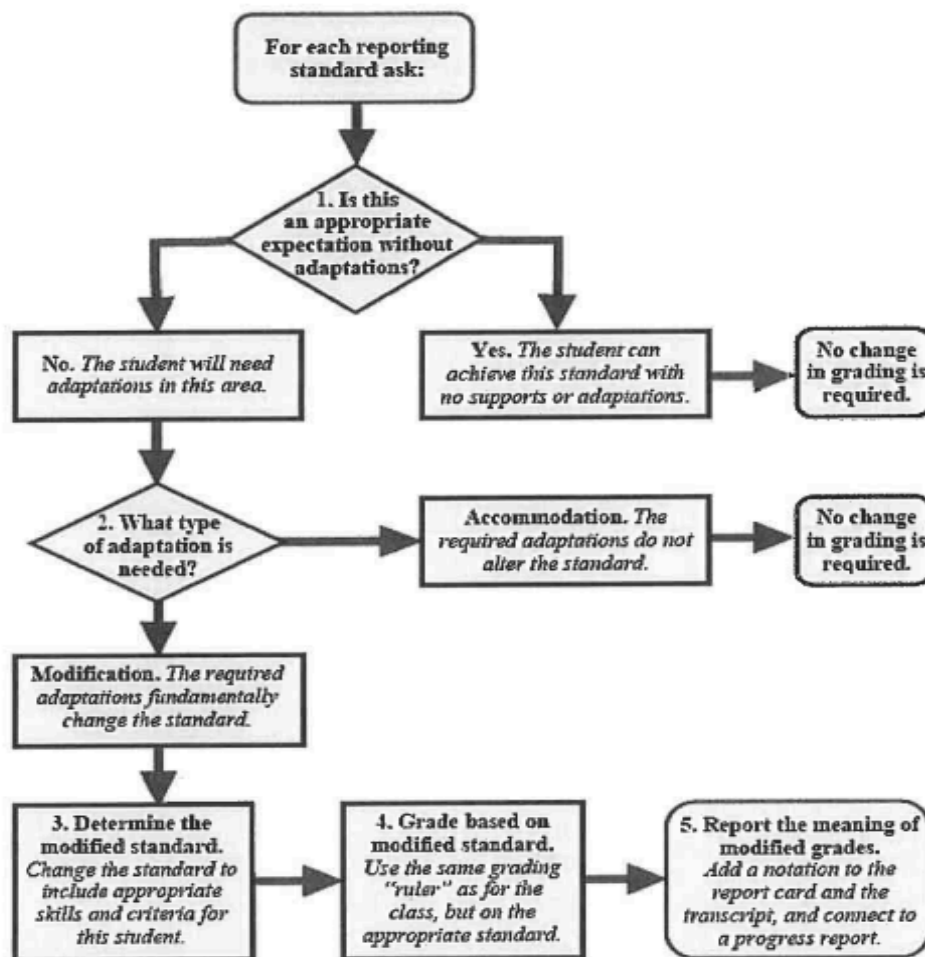
The Monomoy Regional School District has a wide assortment of assessment criteria that may be used to determine whether a child is making effective progress or not. No single measure should be used to make this determination. The following list identifies the most common ways to measure effective progress.

Portfolio assessments	Psycho-educational assessments	Formative/Summative Assessments	Performance Measures
Ongoing data collection	Initial and revaluation data	Quarterly/trimester grades	Written language samples
Progress Monitoring	Feedback from parent/guardian/caregiver	Progress reports	Developmental checklists
Pre- and post-academic testing	Clinical observations	Ongoing written observations	Counselor's assessments
Observations by staff	Disciplinary assessments	Feedback from students	SEL data and Progress monitoring
	Other, as determined by the TEAM		

Grading for Exceptional Learners

GRADING FOR EXCEPTIONAL LEARNERS

A guideline for grading students receiving special education support.



Source: Adapted from Jung, L. A., & Guskey, T. R. (2007). Standards-based grading and reporting: A model for special education. *Teaching Exceptional Children*, 40(2), 48–53.
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SE 13 Progress Reports and content

1. Parent/guardian/caregiver receive reports on the student's progress towards reaching the goals set in the IEP at least as often as parent/guardian/caregiver are informed of the progress of non- disabled students.
2. Progress report information sent to parent/guardian/caregiver includes written information on the student's progress towards the annual goals in the IEP.
3. 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.

State Requirements

603 CMR 28.07(3)

Federal Requirements

34 CFR 300.305(e)(3);
 300.320(a)(3)

See optional summary of academic achievement form at www.doe.mass.edu/sped/IDEA2004/spr_meetings/eval_exitsummary.doc

Annual Review

The Team Chair serves as Chairperson for all annual reviews unless otherwise indicated

Ongoing

1. Maintain communication with the student's parents/guardian/caregiver.
2. Ensure that progress reports of all service providers are posted in ASPEN (sent home upon request) when scheduled based on the IEP dates and as frequently as report cards.

Setting up the Meeting

1. The Team Chair or liaison will schedule team meetings and complete the invitation and attendance sheet and send it to the parent/guardian/caregiver at least ten school days prior to the TEAM meeting.
2. The Team Chair or liaison notifies all TEAM members of the meeting date.
3. The Team Chair or liaison documents any change of time and notifies all participants of the change in time.
4. The Team Chair or liaison ensures an invitation is sent to the students 14 years old and older.
5. The Office of Student Services ensures that parent/guardian/caregiver's Notice of Procedural Safeguards brochure is sent home annually to all parent/guardian/caregiver and students 18-years and older.

Prior to organizing the Meeting

1. Review student's file, prior assessments, and current progress.
2. Gather reports of student progress and/or other pertinent information from the child's teacher(s).

At the Meeting

1. Have all participants sign the Attendance Sheet. If virtual, seek permission to check participants off.
 - a. complete excusal form, if necessary
2. Ask the parent/guardian/caregiver/student to share concerns they would like addressed on the IEP.
3. Ask the team to develop a Vision Statement. If the parent/guardian/caregiver's vision differs from the TEAM vision, both should be reflected on the IEP.
4. The Liaison/service provider will review and update PL Academic, PL BSE, PL Communication, and PL Additional Areas in accordance with current performance data.
5. Discuss Progress Reports as they relate to goals and objectives. Discuss any reasons why goals were not achieved and resulting changes in the new IEP.
6. Discuss proposed service delivery and IEP.
7. Discussion shall also include: Sharing of the student powerpoint/presentation, English Language Learner status, assistive Technology needs, if applicable, MCAS, Transportation, Transition, Bullying, ESY
8. Notes will be documented on the Team Meeting Summary Minutes, which includes service delivery grid, as proposed, and a summary of goals. A copy of the notes is given to the parent/guardian/caregiver or emailed following the meeting or by the end of the day if the parent agrees. If the meeting is virtual, the notes, attendance sheet and any other documentation will be emailed following the meeting

After the Meeting

1. The Liaison develops the NI (Notice of School District Action) Letter with the completed IEP within 3 days from the meeting.
2. The Liaison alerts Team Chair that the IEP is complete.
3. The Office of Student Services sends/emails the documents home within 5 days of the meeting.
4. No service begins until written consent is obtained from the parent/guardian/caregiver.
5. Liaison/contact person alerts teachers when IEP is signed and accepted to review new information.

Amendments

If the TEAM determines that minor changes to the IEP are required an amendment must be developed. An amendment may be used to change the service delivery model when a student changes schools if this is appropriate. An amendment may not be used to change the placement of the program. The TEAM must be reconvened but does not require all members; however, parent/guardian/caregiver must be notified.

Monomoy Regional School District typically will reissue the IEP when changes need to be made following a team meeting. There are some occasions where the district will write an amendment, examples include transportation, ESY, or other minor changes.

SE 14 Review and revision of IEPs

1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
2. The IEP Team reviews and revises the IEP to address any lack of expected progress towards the annual goals and in the general curriculum.
3. Amendments to the IEP. Between annual IEP meetings, the district and parent/guardian/caregiver may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent/guardian/caregiver is provided with a revised copy of the IEP with the amendments incorporated.

State Requirements
603 CMR 28.04(3)

Federal Requirements
34 CFR 300.324(a)(4),(6) and (b)

STUDENT IDENTIFICATION AND PLACEMENT

SE 15 Outreach by school district

The Monomoy Regional School District (Chatham and Harwich) Child Find procedures are mandated by state and federal law. In accordance with Federal law IDEA (formerly PL 94-142), Monomoy Regional School District provides special education programs designed to meet the needs of children who are attending public schools as well as to support children who are attending private school at private expense and whose parent/guardian/caregiver reside in the Monomoy Regional School District. A screening and/or evaluation is provided to children ages 3 through 21 who are unable to progress effectively in a regular education program due to a suspected disability consisting of a developmental delay, intellectual, sensory (hearing, vision, deaf/blind), neurological, Autism, emotional, communication, physical, specific learning disability, or multiple health impairment.

The Monomoy Regional Schools are committed to locating children before their 3rd birthday to provide services for 3- and 4-year-olds who may be eligible for special education.

If a parent/guardian/caregiver, or community members have questions about special education services, they can contact the Director of Student Services at (508) 945-5130 to discuss or to schedule a meeting.

Additionally, the Monomoy Regional School District will place "Child Find" ads in local newspapers, school newsletters, and post on the school website (under "Notices / Policies" and Student services). Additionally, letters will be sent to all organizations that support children as required.

Sample Letter

SE 15 Outreach by the School District (Student Find)

The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:

1. professionals in community
2. private nursery schools
3. child care facilities
4. group homes

5. parent/guardian/caregiver organizations
6. clinical /health care agencies
7. early intervention programs
8. private/parochial schools
9. other agencies/organizations
10. the school or schools that are part of the district, including Horace Mann charter schools
11. agencies serving migrant and/or homeless persons pursuant to the McKinney- Vento Education Act for Homeless Students
12. agencies serving highly mobile, including migrant, children or youth

The use of tiered interventions or screening tools may not be used to delay or deny a full and individualized evaluation of a child suspected of having a disability as required under 34 C.F.R. §§ 300.111 and 300.301. An evaluation of a student may be conducted at the same time as a student receives tiered interventions and supports.

State Requirements

Federal Requirements

34 CFR 300.111; 300.131; 300.209

SE 16 Screening and SE 17 Initiation of services at age three and early intervention transition procedures

Early Intervention

Referrals for screening and evaluations by the Preschool Team are received from parent/guardian/caregiver either independently or with the support of Early Intervention Staff, community preschool programs, pediatricians, and/or community human services programs. The Monomoy Regional School District will place "Child Find" ads in local newspapers, post on the district website and provide information to the Community Partnership Members and other care providers.

When a screening is requested, an initial meeting/screening is scheduled with the parent/guardian/caregiver to collect further developmental information. parent/guardian/caregiver receives an email that includes a questionnaire in their home language and screening details and referral process. At that time, parents/guardians/caregivers are asked to complete questionnaires regarding their child's development. Additional observations, medical information, early intervention provider and caregiver interviews may also be scheduled. The Early Childhood Coordinator and the School Psychologist review all pertinent information and a determination is made regarding the need for evaluation.

The Preschool team, including an occupational therapist, physical therapist, speech therapist, school psychologist and a preschool teacher determines with the parent/guardian/caregiver what the evaluation will include. After appropriate notification to the parent/guardian/caregiver and receipt of parent/guardian/caregiver consent, an initial evaluation is conducted. Assessments of young children are formal and informal. Monomoy Regional School District evaluates children as young as two years nine months old. The evaluation Team makes every attempt to ensure that if the child is found eligible, special education services begin promptly at three years of age.

The evaluation of a two years-nine months, three or four year old should include assessments in all areas related to suspected disability and an observation of the child in a natural environment by an educator qualified in observing and interpreting early childhood development. For children who are receiving service in Early Intervention, assessments from their service providers may be considered by the team. However, the Monomoy Regional School District reserves the right to conduct its own assessment in determining eligibility for school-based services.

Tests and other evaluation material for young children must be provided in the child's native language or other mode of communication unless it is clearly not feasible to do so. Assessment tools and procedures for a child with limited English proficiency must be chosen and used in a way that evaluates the child's disability and need for special education services, not their English language skills.

A variety of assessment tools and strategies must be used to gather relevant functional and developmental information about the child, including information provided by the parent/guardian/caregiver and information related to enabling the child to participate in appropriate activities. Tests and other assessment tools must include those tailored to assess the

specific area of alleged educational need. Tests must also be selected to ensure that if a test is administered to a child with impaired sensory, manual or speaking skills, the test must accurately reflect the child's aptitude or achievement level rather than reflect the impairment. No single measure may be used to determine eligibility.

SE 16 Screening

1. The school district conducts screening for three and four year olds and for all students who are of age to enter kindergarten. Such screening is designed to review a student's development and to assist in identification of those students who should be referred for an evaluation to determine eligibility for special services.
2. Participation in the screening program for three and four year olds is optional on the part of the parent/guardian/caregiver.

State Requirements

603 CMR 28.03(1)(d)

Federal Requirements

SE 17 Initiation of services at age three and Early Intervention transition procedures

1. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the student turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the student's third birthday in accordance with federal requirements.
2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs.

State Requirements

603 CMR 28.06(7)(b)

Part 1 of SE 17 is related to State Performance Plan Indicator 12. (See <http://www.doe.mass.edu/sped/spp/>)

Federal Requirements

34 CFR 1(b); 300.124; 300.323(b)

SE 18A IEP Development and Content

Guidelines for Effective TEAM Meetings:

Effective TEAM meetings are predicated upon positive communication among all participants including internal constituencies such as professional staff and external constituencies such as parent/guardian/caregiver, agency representatives, private school providers and advocates and other appropriate parties identified.

The agenda for the TEAM meeting will reflect the interests of all participants in an effort to have a meaningful discussion and development of an IEP:

- The focus of special education services
- Types of strategies that will foster effective progress
- Collaborative effort
- Relationship between proposed goals and the core curriculum
- Delivery of special education services

If a student is eligible for special education services, an IEP will be developed

- The IEP will be developed at the TEAM meeting with input from all participants. Parents will be provided with the attendance sheet and the Team Meeting Summary Minutes following the meeting or no later than the following day
- The finalized proposed IEP MUST be sent to the parent/guardian/caregiver within **five** days after the TEAM meeting.
- The Team Chairperson designates who will complete the N1 at the conclusion of the meeting. The Office of Student Services is alerted and either the IEP is mailed (2 copies) or issued in the home language through

ADOBE. Additionally, the IEP is also emailed to the parent/guardian/caregiver informing them it has been issued through ADOBE.

- The Office of Student Services records the date of the IEP issuance and the returned IEP response in ASPEN.
- The Team Chair notifies all team members that the signature has been received. For initial evaluations, no service is given until a signed IEP is received. For IEP's already in place, only the services on the last signed IEP are provided until the new IEP is returned signed.
- The IEP **CANNOT** be changed once it has been responded to and signed.
- Liaisons ensure the general education staff are aware the IEP is available in ASPEN once it has been returned and responded to by the parent/guardian/caregiver. They review specific sections with the regular education teachers to ensure that they are aware of the student's needs.

IEP must include the following

- Concerns and Vision (parents may choose to email their concerns and vision) Includes the student and their responses to the specific questions based on age/grade.
- Present Levels of Academic Achievement and Functional Performance (academics, behavior/social/emotional, communication, additional areas)
 - Bullying
 - Consideration for students on the Autism Spectrum
- Transition Planning (if applicable)
- Accommodations and modifications and state-wide or District Assessments
- Current Performance, Goals and benchmarks
- Service Delivery including Extended Year Services and participation in the general education setting
- Transportation
- Schedule Modification (If applicable)
- Additional information relevant to the students needs
- Placement

Extended School Year Programs (ESY)

Extended school year programs are described under state and federal special education requirements and have been further interpreted through case law and through advisories issued by the U. S. Department of Education, Office of Special Education Programs (OSEP).

All children "regress" lose progress, forget, and revert to previous behavior—to some extent between school years. It must be determined whether a child's regression would likely be substantial, and whether the child would require a greater than usual time to "recoup"—to get back to the level the child had achieved before a break in service.

Annually, the child's TEAM must consider the need for an extended school year program and record its determination in the IEP. The TEAM will complete the ESY criteria located on the Team Meeting Summary Minutes as a guide in this determination. The child's team should not put off a determination to offer ESY programming until the end of a break in service (i.e., summer vacation). ESY programs may not be limited to children with special needs in certain programs (e.g., substantially separate settings; developmental disabilities program) or to children based on their designated type of disability. Decisions about ESY programs must be made on an individual basis, taking into consideration the child's unique needs. These services will be provided free to the child's parent/guardian/caregiver.

Federal special education regulations under the Individuals with Disabilities Education Act (IDEA, 2004) do provide for "recreation programs" as related services. Therefore, an ESY program may consist of, or include, a recreation program, depending on the individual needs of the student. As with all special education services, goal(s) and objectives for a recreation program must be included in a child's IEP.

In addition to significant regression and/or limited recoupment, the TEAM will consider:

- The child's degree of impairment.
- The child's rate of progress.
- The child's specific behavior and/or physical problems.

- The specific curricular areas in which the child needs continuing attention.
- The vocational needs of the child.
- Whether the service requested is "extraordinary" rather than usual in consideration of the child's condition.

Only when all factors are considered together by the child's TEAM can a determination be made as to how much service, if any, will be offered.

When there is no previous record of a child's substantial regression after a significant break in service, the TEAM should still consider the need for an ESY program if the following circumstances are present:

- There is a lack of progress in meeting short-term objectives over two marking periods, resulting in little or no progress made over the school year, and/or
- There are significant regression/recoupment problems over short-term vacation periods or other breaks in the school year.

As in regular school year placements, the principles of Least Restrictive Environment (LRE) apply to the provisions of ESY services.

If the TEAM makes a determination that a child needs ESY, the contact person/liaison is responsible for completing the ESY Roster provided annually.

SE 18A IEP development and content

1. Upon determining that the student is eligible for special education, the Team, including the parent/guardian/caregiver(s), develops an IEP at the Team meeting.
2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
3. The school district ensures that the IEP will not be changed outside of the Team meeting.
4. For students identified with a disability on the autism spectrum, or 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.

State Requirements

603 CMR 28.05(3) IDEA-97:

Federal Requirements

34 CFR Part 300, Appendix A,
Question #22

In connection with parts 4 and 5, see the Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention at http://www.doe.mass.edu/sped/advisories/11_2ta.html.

SE 18B Determination of placement; provision of IEP to parent

At the TEAM meeting, IEPs are to be written with service delivery and goal decisions made before the placement is determined.

If questions arise regarding placements other than what was proposed that the Team Chairperson did not anticipate and is unprepared to respond, the Team Chairperson will do the following if the issue can not be resolved in the meeting:

- a. They will end the meeting and schedule a meeting to further discuss placement options.
- b. The current placement is the "stay-put" placement until there is a resolution.

SE 18B - Determination of placement; provision of IEP to parent/guardian/caregiver

1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP.
2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education.

3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.
4. Reserved.
5. Immediately following the development of the IEP, the district provides the parent/guardian/caregiver with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.

State Requirements

603 CMR 28.05(6) and (7); 28.06(2)

Federal Requirements

34 CFR 300.116; 300.325

In connection with part 5, see Memorandum on the Implementation of 603 CMR 28.05(7): parent/guardian/caregiver response to proposed IEP and proposed placement at <http://www.doe.mass.edu/news/news.aspx?id=3182>.

SE 19 Extended evaluation

An extended evaluation should be used when evaluation information is inconclusive and should not be used to deny programs or services determined necessary by the Team. If the Team has determined eligibility and some necessary objectives and services, then the Team will write a partial IEP and, with parent/guardian/caregiver acceptance, immediately implement the partial IEP while the extended evaluation is occurring. The evaluation may extend from one to eight school weeks (40 days) but no longer than eight school weeks. The Team may meet at intervals during this period and will reconvene promptly when the evaluation is complete to make any final decisions about IEP services. The extended evaluation should not be used to allow extra time to complete required assessments and is not considered a placement.

The Team Chair will complete the Extended Evaluation Consent Form (EE1) in the IEP program.

SE 19 Extended evaluation

If the Team finds the evaluation information insufficient to develop an IEP, the Team, with parent/guardian/caregiver consent, may agree to an extended evaluation period.

1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent/guardian/caregiver, is immediately implemented by the district while the extended evaluation is occurring.
2. The extended evaluation period is not used to allow additional time to complete the required assessments.
3. If the parent/guardian/caregiver consents to an extended evaluation, the Team documents its findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete.
4. extended evaluation is not considered a placement.

State Requirements

603 CMR 28.05(2)(b)

Federal Requirements

SE 20 Least restrictive program selected

When the TEAM is considering placement, they must consider the following:

1. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.
2. Students are not removed based on the need for modifications to the curriculum
3. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program.

SE 20 Least restrictive program selected

1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs.
2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.
3. The district does not remove an eligible student from the general education classroom solely because of needed modification in the curriculum.
4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program.

State Requirements

M.G.L. c. 71B, s. 3
603 CMR 28.06(2)

Federal Requirements

34 CFR 300.114 – 120
34 CFR 300.42

SE 20 is related to State Performance Plan Indicator 5. (See <http://www.doe.mass.edu/sped/spp/>)

See also Administrative Advisory SPED 2003-1: Changes to Massachusetts Special Education Law, regarding required considerations for students placed in day or residential facilities or out-of-district educational collaborative programs at http://www.doe.mass.edu/sped/advisories/03_1.html.

SE 21 School day and school year requirements

Considerations

Shorter or Longer day

The TEAM will consider the unique learning needs, social emotional learning, and mental/behavioral health when determining whether a student requires a shorter or longer day.

Extended School Year Programs (ESY)

Extended school year programs are described under state and federal special education requirements and have been further interpreted through case law and through advisories issued by the U. S. Department of Education, Office of Special Education Programs (OSEP).

All children "regress" lose progress, forget, and revert to previous behavior—to some extent between school years. It must be determined whether a child's regression would likely be substantial, and whether the child would require a greater than usual time to "recoup"—to get back to the level the child had achieved before a break in service.

Annually, the child's TEAM must consider the need for an extended school year program and record its determination in the IEP. The TEAM will complete the ESY criteria located on the Team Meeting Summary Minutes as a guide in this determination. The child's team should not put off a determination to offer ESY programming until the end of a break in service (i.e., summer vacation). ESY programs may not be limited to children with special needs in certain programs (e.g., substantially separate settings; developmental disabilities program) or to children based on their designated type of disability. Decisions about ESY programs must be made on an individual basis, taking into consideration the child's unique needs. These services will be provided free to the child's parent/guardian/caregiver.

Federal special education regulations under the Individuals with Disabilities Education Act (IDEA, 2004) do provide for "recreation programs" as related services. Therefore, an ESY program may consist of, or include, a recreation program, depending on the individual needs of the student. As with all special education services, goal(s) and objectives for a recreation program must be included in a child's IEP.

In addition to significant regression and/or limited recoupment, the TEAM should consider:

- The child's degree of impairment.
- The child's rate of progress.

- The child's specific behavior and/or physical problems.
- The specific curricular areas in which the child needs continuing attention.
- The vocational needs of the child.
- Whether the service requested is "extraordinary" rather than usual in consideration of the child's condition.

Only when all factors are considered together by the child's TEAM can a determination be made as to how much service, if any, will be offered.

When there is no previous record of a child's substantial regression after a significant break in service, the TEAM should still consider the need for an ESY program if the following circumstances are present:

- There is a lack of progress in meeting short-term objectives over two marking periods, resulting in little or no progress made over the school year, and/or
- There are significant regression/recoupment problems over short-term vacation periods or other breaks in the school year.

As in regular school year placements, the principles of Least Restrictive Environment (LRE) apply to the provisions of ESY services.

If the TEAM makes a determination that a child needs ESY, the contact person/liaison is responsible for notifying the Director of Student Services no later than ten days from the meeting date, with the request for specific services. The request should be in writing with a copy of the ESY services defined on the new IEP. Except for emergencies, all ESY requests should be provided to the Director of Student Services no later than March 1 of the school year.

Transportation

The TEAM will consider the student's unique needs and their ability to access transportation to get to school. Transportation can include a regular bus with accommodations and supports or a specialized vehicle to accommodate the students' unique needs.

Specialized transportation schedules will not impede a student's access to a full school day and program of instruction.

Out of District Day (public or private) or Residential

If an out-of-district day or residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student's IEP reflect the comprehensive nature of the educational program required.

SE 21 School day and school year requirements

1. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, year, and/or residential services, and indicates on the IEP why the shorter or longer program is necessary.
2. The daily duration of the student's program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the student. In this case the Team specifies the daily duration of the program and states the reason for the different duration on the IEP.
3. Specialized transportation schedules do not impede a student's access to a full school day and program of instruction.
4. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.
5. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student's IEP reflect the comprehensive nature of the educational program required.
6. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs.

State Requirements
M.G.L. c. 69, s. 1G 34

Federal Requirements
CFR 300.106 603 CMR 28.05(4)(d) and (5)(c)

SE 22 IEP implementation and availability

The IEP will be issued within 5 days of the IEP meeting. All IEPs will become effective for implementation immediately upon parent/guardian/caregiver signature of acceptance of some or all of the services.

An audit of all students receiving special education services will be completed to ensure that all IEP's are current and available to the staff responsible for the implementation.

There will be no delay in services based on space or personnel. If there are issues related to implementation of any service, the parent will be notified immediately and a plan to deliver services will be developed. If services are missed due to staff absence, a compensatory plan will be developed with the parent.

SE 22 IEP implementation and availability

1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent/guardian/caregiver, the school district provides the mutually agreed upon services without delay.
2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.
3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it.
4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parent/guardian/caregiver in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parent/guardian/caregiver, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.

State Requirements

603 CMR 28.05(7)(b); 28.06(2)(d)(2)

Federal Requirements

34 CFR 300.323

SE 22 is related to State Performance Plan Indicator 3. (See <http://www.doe.mass.edu/sped/spp/>)

PARENT AND COMMUNITY INVOLVEMENT

SE 24 Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE

The following are the procedures for a referral for special education:

- a) When a student is referred for an evaluation to determine eligibility for special education, the Team Chair will contact the parent/guardian/caregiver to discuss the reasons for the referral, the process for consent of the proposed evaluation, and the evaluators who will conduct the evaluation.
- b) The school district shall send written notice with a consent form to evaluate the child to the parent/guardian/caregiver within five days of receipt of the referral.
 - i) The consent must include a cognitive and achievement for initial evaluations in addition to assessments specific to the suspected disability
- c) Referrals may be in writing or through a verbal request by parent/guardian/caregiver. In any case, document the referral and send written notice (consent). Written notice should be given in the primary language of the parent/guardian/caregiver.
- d) The notice will meet all of the content requirements set forth in MGL c. 7IB, Sec 3 and in federal law and shall seek the consent of the parent/guardian/caregiver for the evaluation to occur, and provide the parent/guardian/caregiver with the opportunity to express any concerns or provide information on the student's skills or abilities.

SE 24 - Notice to parent/guardian/caregiver regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE

1. A student may be referred for an evaluation by a parent/guardian/caregiver or any person in a caregiving or professional position concerned with the student's development.

2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the student's parent/guardian/caregiver(s) within 5 school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent/guardian/caregiver for the evaluation to occur, and provides the parent/guardian/caregiver with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used.
3. For all other actions, the district gives notice complying with federal requirements within a reasonable time.
4. The school district provides the student's parent/guardian/caregiver(s) with an opportunity to consult with the special education administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation.
5. The district provides parent/guardian/caregiver with an opportunity to consult with the administrator of special education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments.
6. The school district does not limit a parent/guardian/caregiver's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's curriculum accommodation plan, including any pre-referral program.
7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.

State Requirements

M.G.L. c. 71B, Section 3;
603 CMR 28.04(1)

Federal Requirements

34 CFR 300.503; 300.504(a)(1)

Parts 2, 4, and 5 of SE 24 are related to State Performance Plan Indicator 8.

(See <http://www.doe.mass.edu/sped/spp/>.)

SE 25 Parental Consent

The Team Chair sends out consent to evaluate forms along with the parent/guardian/caregiver's Notice of Procedural Safeguards. The parent/guardian/caregiver has 30-days to respond to the consent to evaluate **No assessments may begin until parent/guardian/caregiver or if a student is 18 years or older consent is received.**

When the signed consent is received, all evaluators are notified by the Team Chair of the receipt of the consent and the timeline. The Team Chair or Office of Student Services logs receipt of the consent to evaluate and the timeline for the evaluation to be completed is established:

- a. Thirty school working days from receipt of the parent/guardian/caregiver consent (day 1 is the date the consent is received by the end of the school day) to complete the assessments.
- b. The TEAM must convene within forty school working days from receipt of consent to review and consider evaluation findings and determine eligibility and if eligible, issue an IEP by the 45th day from receipt of consent.
- c. A copy of the completed evaluation report **must** be presented to the parent/guardian/caregiver **two days** before the TEAM meeting.

Parent/Guardian/Caregiver Reject Some or All of an IEP

The Director of Student Services should be notified of any rejected IEP's. Upon receipt, it will be forwarded to the Bureau of Special Education Appeals. The parent/guardian/caregiver or the district may request a meeting to discuss concerns. This may include an administrator to assist in mediating the disagreement. If this is impossible or the parent/guardian/caregiver does not agree to another meeting, the Director of Student Services will determine the next steps. Next steps could include: a facilitated meeting, mediation, or a hearing at the BSEA if the parties cannot agree.

In accordance with 603 CMR 28.08; Continuum of Options for Dispute Resolution, Monomoy Regional School District will make every attempt to resolve differences amicably regarding a student's IEP. At no time will these attempts interfere with a parent/guardian/caregiver's right to access other dispute resolution mechanisms as outlined by 28.08. If a parent/guardian/caregiver does not agree with the district's recommendations, the district must still send out a proposed IEP within the determined regulatory timelines. The parent/guardian/caregiver will have 30 days to respond to the IEP.

In accordance with state and federal law, during any dispute regarding the placement or services, the eligible student shall remain in his or her then current education program and placement unless the parent/guardian/caregiver or school district agree otherwise. The following circumstances are exceptions:

- a.) seeking of an initial placement in the public school and the child is at least five years old,
- b.) eligible three and four year olds who have an IEP and placement proposed by the district and accepted by

parent/guardian/caregiver,

c.) Hearing officer makes changes to the placement of an eligible student in accordance with the federal law and related to placement that is harmful, and

d.) related to provisions in 603 CMR 28.08(7) a through c. when placement and services are pending with BSEA.

If it is clear at the end of the meeting there is dispute, the following suggestions may be able to assist with the problem related to the IEP:

- Offer to meet with parent/guardian/caregiver at another time to discuss issues and concerns
- Offer to reconvene the TEAM to discuss options
- Offer to have a neutral party meet to discuss concerns (i.e. administrator, counselor)
- Explore outside resources/agencies as a means to assist with resources needed for this student.

When Parent/guardian/caregiver Fail to Participate or Consent

When a parent/guardian/caregiver fails to consent or participate in the evaluation process, efforts will be made by designated staff to contact the parent/guardian/caregiver and encourage their participation. Contact may include letters, telephone calls, video conferencing, notices sent by certified mail, home visits when requested by the administration, a referral to DCF through a 51A (neglect petition) if there is significant concern.

Nothing in this procedural manual prohibits parent/guardian/caregiver from ultimately refusing an initial special education evaluation or services.

Failure of the Parent/Guardian/Caregiver/ to Respond Regarding the IEP

In the event that a parent/guardian/caregiver fails to respond within 30 days to a proposed notice of action (IEP, Evaluation Consent, Amendment, IEE, or Placement), the Team Chair will:

- Call the parent/guardian/caregiver and discuss the parent/guardian/caregiver's concerns. Attempt resolution and allow more time if circumstances warrant. Document all attempts to contact in a log.
- The Director of Students Services will send a letter to the parent/guardian/caregiver notifying them that they are legally required to respond.
- The Director of Students Services will inform BSEA with response after reasonable attempts to contact parent/guardian/caregiver and document difficulties.
- The Director of Students Services may request mediation, a facilitated meeting, or hearing through BSEA.

Notwithstanding all the above procedures, no student in need shall be denied special education services because a parent/guardian/caregiver failed to respond. Stay put provision remains in place. However, no new services or program changes are to begin without signed parent/guardian/caregiver consent. Services will be provided as listed on the last signed IEP.

Parent/guardian/caregiver Revocation of Consent and Termination of All Special Education Services

A parent/guardian/caregiver has the right to deny consent to an initial evaluation and provision of services and to discontinue all special education services by revoking consent in writing. In both instances the district cannot override the parent/guardian/caregiver's denial of consent. This also applies to students who are eighteen (18) years of age or older. If the student exercises this right as discussed below, the parent/guardian/caregiver is also entitled to notice of the discontinuation of services. If a parent/guardian/caregiver or student, eighteen (18) years or older, revokes consent in writing, the following steps must be followed:

1. Respond in writing of its proposal to discontinue special education services based upon revocation of services from parent/guardian/caregiver. (N1 or N2).
2. The proposal must contain information about how a parent/guardian/caregiver can obtain a copy of his/her right to procedural safeguards.

Legal Implications and guidelines:

1. Rationale: Monomoy Regional School District may ask why a parent/guardian/caregiver is revoking consent/discontinuation of services but will not require an explanation as a condition of continuing services.
2. Voluntary Meetings: The district may propose a meeting to discuss this issue but must make it clear to the parent/guardian/caregiver or student that this is a voluntary meeting on the part of the parent/guardian/caregiver or student.
3. Mediation and Hearings: Monomoy Regional School District may not use mediation or request a hearing to obtain a ruling requiring the continuation of services or an initial evaluation.
4. MCAS: When a student exits special education in this manner they are considered a general education student. For accountability purposes and under NCLB, if the parent/guardian/caregiver revokes consent after the school year begins but before MCAS is administered, this student is considered an exited special education student.
5. Discipline: Following revocation of consent to all special education and related services, the school is deemed not to have prior knowledge that a student has a disability for disciplinary circumstances.
6. Right to Request an Evaluation: Parent/guardian/caregiver has a right to request an evaluation if the student is experiencing difficulty after consent/services have been revoked by the parent/guardian/caregiver. Child Find provisions remain intact for general education teachers who believe that the student is experiencing difficulty based upon a disability. At this point if a referral is made it follows provisions on an initial evaluation. The IEP Team and other professionals must review existing data, assessments and observations. On the basis of that review and input from parent/guardian/caregiver and professionals, the Team must identify what additional data are needed to determine whether the student has a disability and the educational needs of the student. This being said the Team may not need to do a “full initial evaluation.”
7. Records: Monomoy Regional School District is not required to amend the student record to remove references to receiving special education services prior to the revocation of consent and discontinuance of services. However, a parent/guardian/caregiver has a right to request amendments on the grounds that information is “inaccurate, misleading or otherwise in violation of the privacy or rights of the child.” This request will be sent to the building principal and the Office of Student Services.

SE 25 parent/guardian/caregiver consent

1. The school district obtains written parent/guardian/caregiver consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parent/guardian/caregiver consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education.
2. The school district obtains consent before initiating extended evaluation services.
3. The school district obtains consent to the services proposed on a student's IEP before providing such services.
4. A parent/guardian/caregiver is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the student.
5. When the participation or consent of the parent/guardian/caregiver is required, and the parent/guardian/caregiver fails or refuses to participate, the attempts to secure the consent of the parent/guardian/caregiver are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent/guardian/caregiver is likely to be home. Efforts may include seeking assistance from a community service agency to secure parent/guardian/caregiver participation.
6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parent/guardian/caregiver consent to a re-evaluation or to placement in a special education program subsequent to the initial placement, the school district considers with the parent/guardian/caregiver whether such action will result in the denial of a free appropriate public education to the student. If, after consideration, the school district determines that the parent/guardian/caregiver's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the Bureau of Special Education Appeals (BSEA).
7. If the parent/guardian/caregiver has given consent for special education services and then, at any time following, revokes his/her consent to the student's special education services in writing, the district 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/guardian/caregiver revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian/caregiver/guardian of the district's proposal to discontinue services based on the revocation of consent, as well as information on how the parent/guardian/caregiver can obtain a copy of his/her right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services.

State Requirements

603 CMR 28.07(1)
(See <http://www.doe.mass.edu/sped/spp/>)

SE 25 is related to State Performance Plan Indicator 8.

Federal Requirements

34 CFR 300.300

SE 25A Sending of copy of notice to the Bureau of Special Education Appeals

The office of Student services will send notice to the Bureau of Special Education Appeals within five days for the following:

1. Parent/guardian/caregiver or student reject in whole or part the IEP;
2. District is filing for a hearing with the BSEA, a copy will also be sent to the parent/guardian/caregiver or student;
3. Parent/guardian/caregiver or student requests a hearing with the BSEA

SE 25A- Sending of copy of notice to Special Education Appeals

Within five days of receiving a notice that a parent/guardian/caregiver is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the school district sends a copy of the notice to the BSEA.

State Requirements
603 CMR 28.08(3)(b)

Federal Requirements

SE 25B Resolution of disputes

If the district receives notice the parent has filed a hearing request with the BSEA, a meeting will be scheduled with the parent/guardian/caregiver or student and relevant IEP team members, including the director of student services to discuss concerns and attempt to resolve the issue(s)

The resolution session may be waived if the district and the parent/guardian/caregiver agree in writing to do so or if they agree to use mediation instead.

If the dispute is resolved at the resolution session, the parent/guardian/caregiver(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within 3 business days of the signing.

SE 28B Resolution of disputes

1. Within 15 days of receiving notice that a parent/guardian/caregiver has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent/guardian/caregiver(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parent/guardian/caregiver agree in writing to do so or if they agree to use mediation instead.
2. If the dispute is resolved at the resolution session, the parent/guardian/caregiver(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within 3 business days of the signing.

State Requirements

Federal Requirements

34 CFR 300.510

SE 26 Parent participation in meetings

Parents/guardians/caregivers are given as much advance notice for meetings as possible; minimally 10-school days. The district will work with the parent to schedule a time and location that is mutually agreed upon. If the parent/guardian/caregiver cannot attend, other methods (i.e., virtual or phone conference) should be used to ensure parent/guardian/caregiver participation.

In the case of parents/guardians/caregivers that are non English speaking, appropriate translation services will be provided. A detailed record of all such attempts must be maintained. Along with each completed IEP mailed/emailed to

the parent/guardian/caregiver, a specific date identifying the day when the parent/guardian/caregiver must respond, by either accepting or rejecting (in full or part) the IEP.

Setting up the TEAM meeting:

- Schedules for Annual reviews should be coordinated with the parent far enough in advance for the parent/guardian/caregiver to plan their schedule.
- Meetings can either take place in person or virtually based on the parent/guardian/caregiver's preference.

Initial or re-evaluation

- Evaluators have 25 days to complete the evaluation in order for the Team Chair to review the report and seek clarification when necessary and in order for the report to be sent to the parent/guardian/caregiver two days in advance of the scheduled meeting.
- The Team Chair will contact the parent/guardian/caregiver to arrange a mutually convenient date and time for the TEAM meeting. This meeting date must be within **40 days** of receipt of the signed consent. This allows for the IEP to be developed if found eligible and issued by the 45th day.
- The Team Chair notifies all TEAM members of the agreed upon date of the TEAM meeting.
- The Team Chair or designated clerical support sends the meeting invitation and attendance sheet to the parent/guardian/caregiver at least 10 school days prior to the meeting. In the case of notification less than 10 days it will be noted on the meeting invitation as agreed upon by parent/guardian/caregiver or student if 18 years or older.
- If a new date is agreed upon, a new invitation will be sent and all TEAM members will be notified.
- The Team Chair or designated clerical staff will document all efforts to contact parent/guardian/caregiver and ensure their participation in the TEAM meeting

TEAM Meeting Procedures:

- The Team Chairperson/Liaison facilitates introductions of TEAM members.
- The Team Chairperson/Liaison gives an overview of the reason for the meeting and the agenda of the meeting.

Initial or re-evaluation

- The Team Chairperson/Liaison facilitates the discussion and sharing of evaluation results by each evaluator, and encourages parent/guardian/caregiver input of concerns and information relative to the referral question.
- For an initial or re-evaluation meeting, the Team Chairperson facilitates Eligibility Discussion and Determination of Eligibility using the flow chart. The completed flow chart is maintained in the student file.
- Special Education TEAMS do not determine 504 eligibility or services in the context of a Special Education TEAM meeting.
- If the student is found eligible, the Team Chairperson assists the parent/guardian/caregiver in a discussion of the parent/guardian/caregiver's goals for the year and the parent/guardian/caregiver and student vision. The vision statement is a TEAM vision. If the TEAM vision is different from the parent/guardian/caregiver/student vision, include both with proper credit given.
- Provide parent/guardian/caregiver with a copy of the Team Meeting Summary which includes the service delivery grid and list of goal areas, as applicable. This should be done at all meetings.

In an effort to establish a positive vehicle for effective communication, the following guidelines are required:

1. WITHIN 10 DAYS PRIOR TO THE TEAM MEETING:

Establish communications between school representative(s) and parent/guardian/caregiver prior to the TEAM meeting. The IEP Meeting Invitation Letter and Attendance Sheet (N3 A), and the parent/guardian/caregiver input form serve to solicit parent/guardian/caregiver input prior to the meeting. The Chairperson/ Liaison may call parent/guardian/caregiver to discuss any specific issues or concerns that the parent/guardian/caregiver would like addressed at the meeting. This allows the TEAM Chairperson/Liaison to set a mutually established agenda and sets the foundation for a positive working relationship.

Parent/Guardian/Caregiver in Input Form form

2. TWO DAYS PRIOR TO THE MEETING:

Annuaals: A draft IEP will be sent to the parent/guardian/caregiver two days in advance. This allows thoughtful consideration and collaboration at the meeting.

Evaluations: Make assessment reports available to parent/guardian/caregiver and other professional staff at least two days before the TEAM meeting. This allows parent/guardian/caregiver and staff an opportunity to review the information contained within these reports prior to the meeting, to expedite the discussion during the meeting, and to focus on the determination of eligibility.

3. THE DAY OF THE MEETING:

The TEAM Chairperson/Liaison invites parent/guardian/caregiver to share any issues or concerns the individual would like the TEAM to address during the meeting.

The TEAM Chairperson/Liaison clarifies written assessment reports as needed.

The TEAM Chairperson/Liaison facilitates a TEAM meeting that encourages optimal participation from all parties in attendance to develop an Individualized Education Program that is adequate and appropriate for the student.

SE 26 - parent/guardian/caregiver participation in meetings

1. The district ensures that one or both parent/guardian/caregiver of a student are members of any group that makes decisions on the educational placement of their student.
2. The administrator of special education notifies parent/guardian/caregiver(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend.
3. The district schedules the meeting at a mutually agreed upon time and place and documents such efforts.
4. If neither parent/guardian/caregiver can attend, the district uses other methods to ensure parent/guardian/caregiver participation, including individual or conference telephone calls, or video conferencing.
5. In cases where the district, after reasonable efforts, is unable to obtain the parent/guardian/caregiver' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parent/guardian/caregiver' participation.

State Requirements

603 CMR 28.02(21)

Federal Requirements

34 CFR 300.322; 300.501

SE 26 is related to State Performance Plan Indicator 8.

(See <http://www.doe.mass.edu/sped/spp/>.)

[New IEP Team meeting summary - Evaluations](#)

[New IEP Team meeting summary - Transition Evaluations](#)

[New IEP Team Meeting Summary - Transition Annuals](#)

[New IEP Team meeting summary - Annuals](#)

[New IEP Team meeting summary for meetings other than an IEP](#)

SE 27 Content of Team meeting notice to parents

The Team Chair or Liaison will send out a meeting notice at least with 10 days advance notice. The notice will indicate date, meeting time and location. The attendance sheet with all participants (name and role) will be attached to the meeting notice. The notice will also include students 14 or younger if appropriate on the invitation and attendance sheet. If applicable, the 688 state agency representative will be invited and included on the invitation.

SE 27 - Content of Team meeting notice to parent/guardian/caregiver

The parent/guardian/caregiver notice of any Team meeting states the purpose, time, and location of the meeting as well as who will be in attendance.

State Requirements**Federal Requirements**

34 CFR 300.322(b)(1)(i)

SE 27 is related to State Performance Plan Indicator 8.

(See <http://www.doe.mass.edu/sped/spp/>.)

SE 29 Communications are in English and primary language of the home

Communications with parent/guardian/caregiver are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English

Interpreters and translators are used to assist a parent/guardian/caregiver and student in the Special Education process and services are available and shall be provided with a copy of all forms utilized in the process along with the Parents Notice of Procedural Safeguards explaining the rights of parent/guardian/caregiver. The contact person shall notify the Office of Student Services to arrange for interpreter or translation services. In the case of a need for an interpreter for families or students who are deaf and/or hard of hearing, the Office of Student Services will ensure that the interpreter is DESE certified. If a parent/guardian/caregiver or student is blind, documents will be provided in Braille.

Parent/guardian/caregiver's Notice of Procedural Safeguards brochures and forms are available on the DESE website for several languages. Additionally, the Office of Student Services will provide a parent with translated information upon request.

SE 29 Communications are in English and primary language of home

1. Communications with parent/guardian/caregiver are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parent/guardian/caregiver or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.
2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent/guardian/caregiver understands the content of the notice.

State Requirements**Federal Requirements**

603 CMR 28.07(8)34 CFR 300.322(e); 300.503(c)

(See <http://www.doe.mass.edu/sped/spp/>.)

SE 29 is related to State Performance Plan Indicator 8.

SE 32 Parent advisory council for special education

Monomoy Regional School District Special Education Parent Advisory Council

The District currently has a Special Education Parent Advisory Council
Board members are sought annually.

The district provides the following:

1. SEPAC with a district email address to ensure parents can communicate directly with the advisory committee.
2. The district publishes all notices and events offered through the SEPAC.
3. The District financially supports membership to MASS PAC through the Federation of Children with Special Needs.
4. The District supports the SEPAC in providing annual workshops on Parent Rights and other available training.
5. The district collaborates with the SEPAC on an annual presentation to the school committee about SEPAC's activities.
6. The [SEPAC has a webpage](#) on the district website..

7. There is an assigned school committee member who is the liaison to the SEPAC.

SE 32 parent/guardian/caregiver advisory council for special education

1. The school district has established a district-wide parent/guardian/caregiver advisory council on special education.
2. Membership on the council is offered to all parent/guardian/caregiver of students with disabilities and other interested parties. The parent/guardian/caregiver advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; and meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs.
4. The parent/guardian/caregiver advisory council has established by-laws regarding officers and operational procedures.
5. The parent/guardian/caregiver advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.
6. The school district conducts, in cooperation with the parent/guardian/caregiver advisory council, at least one workshop annually within the district on the rights of students and their parent/guardian/caregiver and guardians under the state and federal special education laws.

State Requirements

M.G.L. c. 71B, section 3;
603 CMR 28.03(1)(a)(4); 28.07(4)

SE 32 is related to State Performance Plan Indicator 8. (See <http://www.doe.mass.edu/sped/spp/>.)

See also Administrative Advisory SPED 2015-2R: Special Education parent/guardian/caregiver Advisory Councils, Acceptable Alternatives, and Use of Social Media at <http://www.doe.mass.edu/sped/advisories/2015-2r.html>.

Federal Requirements

CURRICULUM AND INSTRUCTION

SE 33 Involvement in general curriculum

At least one general education teacher (typically in the area the student struggles or receives services) will participate in the initial evaluation, annual review, re-evaluation and progress reporting of students receiving special education services. The students' participation will be documented through the Education Assessment Part B and in the Present Level of Performance sections on the IEP.

SE 33 Involvement in the general curriculum

1. Reserved.
2. Reserved.
3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum.
4. The district documents the student's participation in the general curriculum in the IEP.

State Requirements

603 CMR 28.05(4)(a) and (b)

Federal Requirements

34 CFR 300.320(a)(1)(i) and a(2)(i)(A);
300.321(a)(4)(ii)

SE 33 is related to State Performance Plan Indicators 1, 3, and 5. (See <http://www.doe.mass.edu/sped/spp/>.)

SE 34 Continuum of alternative services and placements

Monomoy Regional School District ensures the provision of all services outlined in the IEP for students ages 3 through the 21st birthday when indicated as part of the IEP. A continuum of services and placement options are available for the duration of the students IEP including transition and vocational services.

The following services are provided based on services outlined in the IEP:

Inclusion programs for students with disabilities

Inclusion in the general education program is available to all students based on their needs and the services specially designed through the IEP process.

The goal is to ensure every child feels like a full member of the school community, regardless of their learning, physical, or emotional needs.

Level of Support

Supported Content Class: The student accesses the general education curriculum with the targeted assistance of a paraprofessional, ensuring all specialized supports and services are implemented as outlined in their Individualized Education Program.

1. **Push-In Services:** The student accesses the general education curriculum with the targeted assistance of a special education teacher and/or related service providers, ensuring all specialized supports and services are implemented as outlined in their Individualized Education Program.
2. **Co-Teaching:** The student accesses the general education curriculum with both a general education teacher and a special education teacher, who provide instruction and support as outlined in the student's Individualized Education Program.

Monitoring

To ensure student success, data is systematically collected to monitor the utilization of accommodations, the development of independent learning skills, and consistent progress toward IEP goals. The special education teacher and related service providers collaborate frequently with general education staff to oversee the seamless implementation of services. This consultative approach ensures that all supports are delivered as mandated and provides a regular forum to analyze progress and adjust instructional strategies.

Modified Content Classes for students with disabilities

Our modified classes meet students where they are. Designed for those who face significant academic challenges and are working two or more years behind their grade level, this program replaces the standard curriculum with one that builds essential skills at a pace that ensures every student can feel successful and supported. Determining if a student needs a modified special education placement is made by the IEP team

The primary indicator is usually a major gap between the student's current performance and grade-level expectations.

Academic Discrepancy

- **The "Two-Year" Rule:** The student is consistently performing **at least two grade levels below** their age-appropriate grade in core subjects (Reading, Writing, or Math).
- **Stagnant Progress:** Despite receiving high-quality interventions in a general education setting, the student is not "closing the gap."

Cognitive or Intellectual Profile

Modified curriculum is most often reserved for students whose learning challenges are rooted in cognitive processing rather than just "missing pieces" of info.

- **Standardized Testing Data:** Results from psychological evaluations (like the WISC-V) show significant deficits in working memory, processing speed, or fluid reasoning.

- **Adaptive Behavior:** Challenges with "functional" skills—such as communication, self-care, or social problem-solving—that make the fast-paced general education environment overwhelming.

Foundational Skill Deficits

Placement is often necessary when a student lacks the "building blocks" required for inclusion.

- **Pre-requisite Skills:** The student lacks the prerequisite skills to participate meaningfully in grade-level discussions or group work.

Monitoring

By continuously monitoring skill acquisition through data, we can make informed, evidence-based decisions regarding a student's readiness to move from a modified environment into a general education classroom.

[Academic Support \(C grid\)](#): Academic Support is to provide explicit instruction in specific academic and or transition (14-22) skills, along with integrating Social-Emotional Learning and executive function skills development, tailored to the needs of the student's disability(ies).

Chatham Elementary

[SEAL \(Students Engaged in Active Learning\)](#)

A program for students with cognitive disabilities that requires specialized instruction for over 50% of the day. The program provides services to students in the areas of academics at the students' instructional level, functional academics, social-emotional learning, social and language skills, and daily living skills, while providing opportunities to integrate into the CES community, while meeting their unique learning needs.

Harwich Elementary

[ISLE PrK-4 \(Independent Student Learning Environment\)](#)

Is an Intensive Special Needs program supporting Grades Pre-K through four. The principles of Applied Behavior Analysis (the process of systematically applying interventions based on the principles of learning theory to improve socially significant behaviors to a meaningful degree) is the foundation for developing Individualized programs for each student to meet their unique learning needs. The goal is to integrate the students into the inclusion setting as often as possible; however, they may require support within a separate setting to meet their unique learning needs both socially, behaviorally, and emotionally.

[SURF \(Social Understanding and Real Feelings\)](#)

A therapeutic learning center program for students in grades Kindergarten through four, designed to assist students with social and emotional challenges. The goal is to integrate the students into the inclusion setting as often as possible; however, they may require support within a separate setting to meet their unique learning needs both socially and emotionally. The purpose of this classroom is to help students develop self-advocacy skills, maintain consistent academic performance, and self-monitor their emotions and behavior. This classroom is designed for students who would benefit from developing a trusting relationship with adults in a therapeutic environment and from close monitoring of school/classroom behavior.

MRMS

[TIDE \(Teaching Independent Desired Emotions\)](#)

A program designed to support students with social, emotional, and/or behavioral challenges. There are established behavioral protocols and expectations with an incentivized level system within the TIDE program. The goal is to support students in developing skills for self-regulation, motivation, and self-awareness. Students connected to the TIDE program are supported by TIDE staff members and have access to the program throughout the school day as needed.

SHELLS Program (Students Having Excellent Life Learning Success)

A program designed to support students in learning and practicing skills to promote the generalization of life skills. The program supports students in the areas of functional academics, activities of daily living, and exposure to vocational skills. Students connected to the SHELLS program are supported by SHELLS staff members and have access to the program throughout the school day as needed.

High School

SAIL (Students Achieving Independent Learning) program serves students enrolled in grades eight through twelve. SAIL is an academic preparation program for students with cognitive disabilities that requires specialized instruction for over 50% of the day. The program provides services to students in the areas of social-emotional learning, activities of daily living, social and language skills, and academics, while providing opportunities to integrate into the high school community, while meeting the unique learning needs.

SHORE (Students Have Opportunities for Recreation and Employment) program is to provide students with vocational and transitional services. The program's goals include career planning, employment training, hands-on work experience, and collaboration with families and external agencies. The program will assist students in developing their functional life skills, such as money and time management, safety in the community, travel training, vocational training, self-advocacy skills, and functional communication.

SAND (Students Achieving New Directions) program is a therapeutic learning center for students in grades eight through twelve designed to assist students with social and emotional challenges. The goal is to integrate the students into the inclusion setting as often as possible. However, they may require support within a separate setting to meet their unique learning needs both socially and emotionally. The purpose of this classroom is to help students develop self-advocacy skills, maintain consistent academic performance, and self-monitor their behavior. This classroom is designed for students who would benefit from developing a trusting relationship with adults in a therapeutic environment and from close monitoring of school/classroom behavior and attendance. Each student will develop a schedule based on their academic needs.

WAVE (We Accept and Value Education)- This program is a Supportive learning center for students in grades 8 through 12, designed to support students:

- a. to continue developing independent learning and social/emotional skills and strategies;
- b. who have begun to acquire skills that they can now generalize into their educational program;
- c. who are making effective progress within the general education setting, but continue to benefit from a check-in or space to access support;
- d. Who have identified a difficult situation (academically, with peers, etc) for which they need additional support to navigate.

The goal is to provide a supportive environment where students can practice learned coping strategies and skills to achieve academic success.

The purpose of this classroom

- Provide a welcoming environment where students can feel secure and comfortable expressing their thoughts and feelings.

- Collaborate with general education teachers to ensure that students are able to generalize the skills learned in this setting to their regular classrooms.
- Conduct regular assessments to monitor student progress in both social-emotional skills and academic performance.
- Improve social-emotional skills and coping strategies.
- Increase engagement and participation in academic settings.
- Enhance relationships with peers and teachers.
- Provide a greater sense of belonging and self-advocacy within the school community.

SE 34 Continuum of alternative services and placements

The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.

State Requirements

603 CMR 28.05(7)(b)

Federal Requirements

34 CFR 300.109; 300.110; 300.115

SE 34 is related to State Performance Plan Indicator 5. (See <http://www.doe.mass.edu/sped/spp/>)
See also Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities at http://www.doe.mass.edu/sped/advisories/02_3.html.

SE 35 Assistive technology: specialized materials and equipment

Assistive Technology: When a Team is considering whether specific technology will be required to assist a student access the general education curriculum or participate more fully in the school day, the Team may include an assistive technology evaluation in the student's customary environment. In most cases, members of the student's Evaluation Team will collaborate on this evaluation. This evaluation may include input from the special educator, a general educator, the speech and language pathologist, the occupational therapist, the physical therapist, or an assistive technology specialist to name a few.

Occasionally, the evaluation Team may feel that there is more technological expertise required for the evaluation than they have immediately available to them. In that case, a request is made to the Director of Student Services for an Assistive Technology Evaluation to be contracted. The Director of Student Services will assist the Evaluation TEAM in making the determination as to the evaluator or agency to complete such an evaluation.

If a student has been evaluated and the team determines the need for assistive technology, The district will consult with the evaluator in the selection, designing, fitting, customizing, adapting of any equipment the student needs. The district will ensure the recommended equipment is purchased, maintained, and replaced or repaired if needed.

Parents/Guardians/Caregivers will have an opportunity to receive training on the assistive technology their child uses to ensure carryover at home and in the community when indicated by the IEP. Teachers and service providers will be available for consultation as needed or when the Parent/Guardian/Caregiver requests it.

The district will coordinate with other therapies, interventions, or services with assistive technology devices, such as those associated with existing education programs.

SE 35 Assistive technology: specialized materials and equipment

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Augmentative and alternative communication: The IEP Team must consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.

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

The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;

- a. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
- b. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- c. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- d. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
- e. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

In developing each student's IEP, the IEP Team must consider whether the student needs assistive technology devices and services. Each public agency must ensure that assistive technology devices and services are made available to a student with a disability if required as a part of the student's special education, related services, and/or supplementary aids and services.

- If the Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process.
- In instances when assistive technology devices and/or services are determined as required, the Team must further determine and document which settings (classroom, home or other) in which the student needs access to those devices and services in order to assure provision of FAPE.

The IEP Team must also consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.

State Requirements

603 CMR 28.04(2); Technical Assistance Advisory SPED 2018-3:

Federal Requirements

34 CFR 300.5; 300.6; 300.105; 300.324(a)(2)(v) Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication (AAC)

SE 36 EP implementation, accountability, and financial responsibility

The Monomoy Regional School District assigns the authority to commit funds and resources to the staff member in the position of Team Chairperson or designee. At any TEAM meeting where an administrator is present, authority to commit funds remains with the administrator. All services are provided at no expense to the family or student.

Local Procedures to internally monitor the full implementation of IEPs by general and special educators and related service providers:

The Monomoy Regional School District is committed to the provision of Special Education Services without delay and in a consistent manner. All students are scheduled for their services in a timely manner and parent/guardian/caregiver are notified when there is a shortage/change of staff or space, or need to make up service due to a staff absence.

The Monomoy Regional School District has the following processes in place to monitor service provision:

- Principals, Team Chairs, and the Director of Student Services complete "walk throughs" to monitor all programming
- Classroom observations are completed in relation to the Teacher and Instructional Assistant Evaluation process
- Administrators attend numerous Team meetings

- Team Chairs meet on a scheduled basis with the Director of Student Services regarding all special education issues
- Team Chairs meets with the Director of Student Services outside of formally scheduled times to discuss building specific issues
- Principals meet with the Team Chair and Director of Student Services on a regular basis to ensure appropriate educational programming.
- General Education Teachers are required to submit student progress reports upon request and as required on student IEPs
- Special Education staff complete observations of students in general education classrooms
- Parent/guardian/caregiver are encouraged to call the Team Chair, Principals and/or the Director of Student Services with their concerns
- Special Education and General Education Staff as well as Consultants hired by the district complete data collection in relation to the needs of a student in the general education classroom.
- All district staff (teachers and instructional assistants) are provided Professional Development in regard to meeting student needs in the regular classroom setting
- Programs are evaluated on a regularly scheduled basis to ensure quality
- Team Chairs meet regularly with counseling staff at each building to ensure quality programs and continuity of services across the district
- Team Chairs consult with the MTSS Team and building staff related to the development of and implementation of the AIP process
- All Special Education staff meet regularly each month to review regulations, problem solve, and collaborate in a professional Learning Community

SE 36 IEP implementation, accountability and financial responsibility

1. Reserved.
2. The school district oversees in an ongoing manner the full implementation of each proposed in-district and out-of-district IEP that has been consented-to by a student's parent/guardian/caregiver.
3. Reserved.
4. The district provides all programs and services without expense to the student's parent/guardian/caregiver.
5. Reserved.

State Requirements

603 CMR 28.06(3) 34 CFR 300.17(a); 300.101-104; 300.154

Federal Requirements

SE 37 Procedures for approved and unapproved out-of-district placements

Local Monitoring for Monomoy Regional School District for 28.06 Placement and Service Options:

Monomoy Regional School District shall abide by all provisions in this portion of the regulation by monitoring programs both in and out of district. The district works to ensure all placements are the least restrictive environment through this monitoring process. Because monitoring has different features when monitoring programs, this document specifically addresses "Out of District Placements" defined in the regulations. It adheres to the requirements for:

- a.) Program oversight
- b.) Individual Student Program oversight
- c.) Insurance of student rights to full Procedural Protections
- d.) Preference of Approved Programs
- e.) Adherence to provisions in the Use of Unapproved Programs and required documentation
- f.) Written Contracts and Monitoring Plans

The district shall abide to guidelines for:

- 1.) Provisions for Older Students

- 2.) Access to district programs
- 3.) Instructional group requirements
- 4.) Programs for Young Children
- 5.) Transportation services
- 6.) Special Educational Services in Institutional Settings

OOD Monitoring Form

SE 37 Procedures for approved and unapproved out-of-district placements

1. **Individual student program oversight:** The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parent/guardian/caregiver or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district program.
2. **Student right to full procedural protections:** The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district program.
3. **Preference to approved programs:** The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department.
4. **Written contracts:** The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 603 CMR 28.06(3)(f)(1-5), and specifically include a statement that the district shall not contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, gender identity or national origin, or that discriminates against qualified persons with disabilities.
5. **Use of unapproved programs:** A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation.
6. **Placement documentation:** The following documentation is maintained by the school district pursuant to its placement of students in unapproved out-of-district programs:
 - a. **Search:** The administrator of special education documents the search for and unavailability of a program approved by the Department. The administrator places such documentation in the student record.
 - b. **Evaluation of facility:** The administrator of special education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluation determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parent/guardian/caregiver or their agents or the proposed unapproved facility.
 - c. **School district approval to operate a private school in Massachusetts:** If services in an unapproved program are provided in a school setting, the administrator of special education ensures that such school has received approval from the school committee where the private school is located under M.G.L. c.76, §1 and a copy of such approval is retained in the student record. **Pricing:** Pursuant to the requirements for Compliance, Reporting, and Auditing for Human and Social Services at 808 CMR 1.00, the administrator obtains pricing forms required to set program prices for programs receiving publicly-funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program.
 - d. **Notification of the Department of Elementary and Secondary Education: Prior** to placement, if the Team determines that placement in such facility is appropriate, the administrator notifies the Department of the intent to place the student and the name and location of the proposed placement before placing the student into the program by sending a completed mandated 28M3 form titled "Notice of Intent to Seek Approval for Individual Student Program" and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department's objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly-funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.
 - e. **Out of state programs:** If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the administrator of special education ensures that such school has received approval from the host state.

State Requirements

Federal Requirements

See also Administrative Advisories SPED 2002-5: Special Education Contracts Between School Districts and Out-of-District Programs at http://www.doe.mass.edu/sped/advisories/02_5.html; SPED 2004-4: School District Responsibility for Children in Special Education Day Schools Who Are Transferred to a Residential School by the Department of Social Services at http://www.doe.mass.edu/sped/advisories/04_4.html; 2008 ESE Memorandum regarding Revised Procedures to Use When Seeking ESE Approval for Individual Student Program at <http://www.doe.mass.edu/news/news.aspx?id=4438>; and revised 28M3 Form at <http://www.doe.mass.edu/sped/28mr/28m3.pdf>

SE 38 Special education in institutional settings (SEIS)

When a student is placed in a special education institutional setting, the Director of Student Services will coordinate with the special education administrator of the facility:

1. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent/guardian/caregiver's school district to implement the student's IEP by arranging and paying for the provision of such service(s).
2. The parent/guardian/caregiver's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent/guardian/caregiver's school district.

SE 38 Special education in institutional settings (SEIS)

Department of Elementary and Secondary Education responsibility: In cases where the Department provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health, the Department retains the discretion to determine, based upon resources, the type and amount of special education and related services that it provides in such facilities.

School district responsibility:

The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law.

3. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent/guardian/caregiver's school district to implement the student's IEP by arranging and paying for the provision of such service(s).
4. The parent/guardian/caregiver's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent/guardian/caregiver's school district.

State Requirements

603 CMR 28.06(9)

SE 39 Procedures used to provide services to eligible students enrolled in private schools at private expense

Students who attend private schools, parochial schools, or are home schooled are afforded the same rights under special education law. It is incumbent upon school Principals to direct requests for these services to the special education team.

All referrals follow the same process as students attending our schools. The team will determine eligibility and services will be offered as if the child were attending one of the district schools. Parent/guardian/caregiver may invite a representative from the private school, preferably the child's teacher, to the TEAM meeting. Services can be offered in a variety of ways from the child attending a district school for direct services to consultative services to the family, child or private school staff, or directly to the student at the private school.

The Monomoy Regional School District shall offer, on an annual basis, the opportunity for representatives from the private schools to meet to discuss the provision of services. A plan will be developed with this input. All students

attending private schools are to be tracked for provision of services, annual reviews and three-year evaluations by the Monomoy Regional School District Team Chair. All regulations apply (i.e. timelines, meetings, etc). Students who choose not to accept placement in the public schools shall be offered a genuine opportunity to receive special education services. The Director of Student Services shall oversee the oversight of service delivery.

Nothing in these policy/procedure guidelines shall limit the rights of private/parochial/Home Schooled students from receiving a free and appropriate educational service (s) that any special education student enrolled would receive.

SE 39 Procedures used to provide services to eligible students enrolled in private schools at private expense

For all students with disabilities attending private school(s) located in the district's geographic boundary whose parent/guardian/caregiver reside in Massachusetts or out of state, the school district:

1. Conducts child find activities comparable to those for public school students, for all students enrolled at private expense in private schools located in the geographic boundary of the district.
2. Provides or arranges for the provision of an evaluation for any private school student who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility.
3. Provides for ongoing timely and meaningful consultation with private school representatives and representatives of parent/guardian/caregiver of parent/guardian/caregiverally-placed private school children with disabilities prior about:
 - a. the child find process for students suspected of having a disability, and how parent/guardian/caregiver, teachers, and private school officials will be informed about the child find process;
 - b. what the determination of proportionate share funds is and the calculation on which that determination is based, including the underlying data;
 - c. how the consultation process will occur during the school year between the district, private school representatives, and parent/guardian/caregiver;
 - d. how, where, and by whom special education and related services will be provided to eligible private school students with disabilities using proportionate share funds, including types of services, how funds will be apportioned if federal funds are insufficient to serve all eligible students, and how and when decisions about proportionate share services will be made; and
 - e. how the district will notify private school officials, in writing, if the district does not agree with the view of the private school offices about the provision of services or specific types of services.
4. Obtains signed, written affirmation from participating private school officials that consultation has occurred, and if there is no written affirmation, the district sends ESE documentation about the consultation process.
5. Calculates the proportionate share of federal special education entitlement funds (Fund Code 240 [IDEA Section 611 Funds] and Fund Code 262 [IDEA Section 619 Funds]) required to be spent, based on the child count taken between October 1 and December 1 of the prior fiscal year that includes the number of all eligible private school students attending school in the district's geographic catchment area including residents, non-residents, and home school students, using the ESE form. (N.B.: A student remains eligible for 3 years following identification. Child count includes all students found eligible attending school in the district, regardless of whether they receive(d) special education services.)
6. Determines equitable services and how they will be provided to one or more students with disabilities attending private schools in the district through
 - a. a discussion of student needs and possible types of special education and related services that can be provided either directly or through alternative service delivery mechanisms;
 - b. consideration that federal grant funds can be used to provide services on the grounds of private schools, although services provided with state and local funds must be provided at a "public school facility or other public or neutral site;"
 - c. if the amount of proportionate share grant funds is insufficient to serve every eligible student, a discussion of how the district will apportion the services among eligible students, or may choose to supplement the proportionate share of the grant funds with additional grant funds or with state or local funds; and
 - d. if the school district disagrees with the views of the private school officials on the provision or type of services, the district must provide private school officials with a written explanation of the reasons the district chose not to provide services directly or through a contract. The school district has the final decision-making authority.
7. Creates a services plan for each eligible private school student who will receive special education or related services from the district using proportionate share funds.
 - a. Initiates and conducts meetings to develop, review, and revise services plans for eligible students.
 - b. Ensures a representative of each student's private school attends each meeting or is able to participate through individual or conference calls.
8. If using federal funds only, provides special education services and/or related services to private school children at the private school, and if using state funds, provides services to private school students on the grounds of the public school or another public or neutral site.
9. Collects the following data and information, and reports to ESE as necessary in the Fund Code 240 application:
 - a. the number of private school and home school children evaluated in a school year;
 - b. the number of private school and home school children determined to be eligible in a school year (may include evaluations conducted, or, for non-residents, evaluations provided by the district of residence and accepted as evidence of eligibility); and
 - c. the number of private school and home school children served in a school year regardless of where they attend school.

State Requirements

603 CMR 28.03(1)(e); 28.04; 28.05(2)

Federal Requirements

34 CFR 300.130-144; 300.300(d)(4);
300.301-311

See also Administrative Advisory SPED 2018-1: Guidance and Workbook for Calculating and Providing Proportionate Share Services for Students with Disabilities Enrolled by Their parent/guardian/caregiver in Private Schools (Updated July 2017) at

Home/private School Affirmation of consultation

SE 40 Instructional grouping requirements for students aged five and older

Instructional grouping are designed to meet the unique learning needs of students and address the specific goals in their IEPs. Instructional groups will have a maximum of eight students with one certified special education teacher; and a maximum of 12 students with the addition of an instructional assistant.

Instructional grouping refers to students receiving their direct instruction or services together.

Department of Elementary and Secondary education regulations will be followed related to instructional groupings.

SE 40 Instructional grouping requirements for students aged five and older

1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP.
Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs.
2. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed
 - 8 students with a licensed special educator,
 - 12 students if the licensed special educator is assisted by 1 aide, and
 - 16 students if the licensed special educator is assisted by 2 aides.
3. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed
 - 8 students to 1 licensed special educator, or
 - 12 students to 1 licensed special educator and 1 aide.
4. After the school year has begun, if instructional groups have reached maximum size as delineated in parts 3 and 4 of this criterion, the administrator of special education and the licensed special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.
5. In such cases, the administrator provides written notification to the Department and the parent/guardian/caregiver of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.
6. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in parts 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.

State Requirements
603 CMR 28.06(6)

Federal Requirements

SE 41 Age span requirements

At the time of placement in substantially separate programs or special education classes only servicing students with disabilities, an age span assessment will be conducted to ensure that the age span does not exceed 48 months.

If the IEP team determines that the placement is appropriate and the age span goes beyond 48-months, a written request is sent to the DESE for approval.

The age span refers specifically to students who are provided direct instruction or services together in a group.

SE 41 Age span requirements

The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the commissioner of elementary and secondary education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.

State Requirements
603 CMR 28.06(6)(f)

Federal Requirements

Early Childhood Services

Transition from Early Intervention

1. Monomoy Regional School District receives notification from the Kennedy Donovan (KDC) Center at least three times per year with “minimally identifiable information”. Once children are 2.5 years of age we receive a “Transition Notification and Referral Form.” from KDC.
2. The Early Childhood Coordinator and teacher participates in a transition planning conference for children that are 2.9 years or older. In the case where parent/guardian/caregiver permission has been attained, joint home or program visits are conducted.
3. If screening is requested or an evaluation is necessary, consent and release of information is obtained from the parent/guardian/caregiver in accordance with the initial referral procedures. If it is deemed necessary to evaluate and a referral is received for the child, the district sends out consent to evaluate to the parent/guardian/caregiver 90 days prior to the child turning 3 years of age if possible. Consent is sent by the Early Childhood Coordinator. During this period, once consent is received, the district has 30 days to conduct an evaluation and 15 days following the completion of the evaluations to convene IEP TEAM to review and consider the results of the evaluation and determine eligibility for special education services. TEAM members included but are not limited to parent/guardian/caregiver, appropriate district personnel, early intervention personnel, Team Chairperson (Early Childhood Coordinator), and building principal.
4. If there are birthdays in the summer or a student turns three in September, the TEAM meets in June to determine eligibility and, if eligible, develops an IEP.

Description of Integrated Preschool Eligibility Process within the District

Referrals for screening and evaluations by the Preschool TEAM are received from parent/guardian/caregiver either independently or with the support of Early Intervention Staff (Cape Cod Child Development), community preschool programs, pediatricians, and/or community human services programs. The district works closely with Early Intervention to be active members of the transition planning for students who may be considered eligible for services in the public schools. They will work cooperatively to ensure that timelines and guidelines are adhered to as a child moves toward consideration of school age eligibility for special education. The Monomoy Regional School District will place "Child Find" ads in local newspapers and provide information to the Community Partnership Members and other care providers.

When a screening is requested, an initial meeting/screening is scheduled with the parent/guardian/caregiver to collect further developmental information. parent/guardian/caregiver receive a package of material describing the screening and referral process at the screening appointment. At that time, parents/guardians/caregivers are asked to complete questionnaires regarding their child's development. Additional observations, medical information, early intervention provider and caregiver interviews may also be scheduled. The Early Childhood Coordinator reviews all pertinent information and a determination is made regarding the need for evaluation.

The Preschool Team, including an occupational therapist, physical therapist, speech therapist, school psychologist and a preschool teacher determines with the parent/guardian/caregiver what the evaluation will include. After appropriate notification to the parent/guardian/caregiver and receipt of parent/guardian/caregiver consent, an initial evaluation is conducted. Assessments of young children are formal and informal. Monomoy Regional School District evaluates children as young as two years nine months old. The evaluation team makes every attempt to ensure that if the child is found eligible, special education services begin promptly at three years of age.

The evaluation of a three and four year old should include assessments in all areas related to suspected disability and an observation of the child in a natural environment by an educator qualified in observing and interpreting early childhood development. For children who are receiving service in Early Intervention, assessments from their service providers may be considered by the TEAM. However, the Monomoy Regional School District reserves the right to conduct its own assessment in determining eligibility for school-based services.

Tests and other evaluation material for young children must be selected and administered so as not to be discriminatory on a racial or cultural basis. These must be provided in the child's native language or other mode of communication unless it is clearly not feasible to do so. Materials and procedures used to assess a child with limited English proficiency must be selected and administered to ensure that they measure the extent to which a child has a disability and needs special education and not the child's English language.

A variety of assessment tools and strategies must be used to gather relevant functional and developmental information about the child, including information provided by the parent/guardian/caregiver and information related to enabling the child to participate in appropriate activities. Tests and other assessment tools must include those tailored to assess the specific area of alleged educational need. Tests must also be selected to ensure that if a test is administered to a child with impaired sensory, manual or speaking skills, the test must accurately reflect the child's aptitude or achievement level rather than reflect the impairment. No single measure may be used to determine eligibility.

SE 42 Programs for young children three and four years of age General requirements:

1. The school district ensures programs are available for eligible students three and four years of age. Such programs shall be developmentally appropriate and specially designed for students ages three and four years.
2. Reserved
3. Where appropriate, the school district elects, consistent with federal requirements, to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible students to public school services.
4. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday).

Types of Settings:

5. **Inclusionary programs** for young students are located in a setting that includes students with and without disabilities and meet the following standards:
 - a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.
 - b. For public school programs that integrate students with and without disabilities, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide.
6. **Substantially separate programs** for young students are located in a public school classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:
 - a. Substantially separate programs are programs in which more than 50% of the students have disabilities.
 - b. Substantially separate programs operated by the district limit class sizes to 9 students with 1 teacher and 1 aide.

State Requirements

603 CMR 28.06(7)
300.323(b)

Federal Requirements

34 CFR 300.101(b); 300.124(b);

STUDENT SUPPORT SYSTEMS

General Education

Experiencing Difficulty in School

When a student experiences difficulty in learning, or there are emotional or social concerns, medical or health related or behavioral issues, a teacher or parent/guardian/caregiver may follow one of three avenues as listed below.

1. District Curriculum Accommodation Plan

The District Curriculum Accommodation Plan documents the ways in which Monomoy educators work to meet the needs of all students. The goal is for all students to meet the academic and behavioral expectations that we have for them, with the realization that students will often need accommodations to succeed.

Accommodations may include varied instructional strategies, modified curriculum materials, targeted assessment, support

services, and professional consultation. Additionally, ongoing professional development for educators and a strong induction program for new hires foster continuous improvement in the district's capacity to help learners with diverse needs.

The District Curriculum Accommodation Plan details efforts that have been made or will be made to meet the needs of diverse learners in the general education program. The Principal shall ensure instructional practices responsive to student needs and that adequate instructional support is available for students and teachers. Instructional support shall include, but are not limited to: remedial instruction for students, consultative services for teachers, services for linguistic minority students, and other services consistent with effective educational practices and requirements of MGL C.71B, S2.

All accommodations or interventions for students and their results shall be documented and placed in the student record. Additionally, if an individual student is referred for an evaluation to determine eligibility for special education, the Principal shall ensure documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the special education evaluation Team when determining eligibility.

District Curriculum Accommodation plan

2. Multi-Tiered System of Support (MTSS)

The Student Support Team provides support to teachers as they develop alternatives for students experiencing difficulty requires a thoughtful system and approach. This framework is designed to guide our educators in implementing intervention and acceleration strategies that respond to the unique skills and needs of every learner.

What is MTSS?

A Multi-Tiered System of Support (MTSS) is a framework for how school districts can build the necessary systems to ensure that each and every student receives a high-quality educational experience. It is designed to support schools in proactively identifying and addressing the strengths and needs of all students by optimizing data-driven decision-making, progress monitoring, and the use of evidence-based supports and strategies with increasing intensity to sustain student growth. (MA DESE)

MTSS is not about success, it's about **access**!

IDEIA 2004 requires that no instructional support program or any other intervention limit the right of a parent/guardian/caregiver to refer his/her child for a special education evaluation. If a referral for a special education evaluation has been made and the district has asked for and received parent/guardian/caregiver consent for an evaluation, then evaluation information from any instructional support program should be made available to the Special Education TEAM to consider when determining if the student is eligible for special education services.

Acceleration and Intervention Process

This is a structured process for identifying and addressing student needs. By establishing clear steps for intervention and acceleration, educators can proactively support learners at various stages of their academic journey, ensuring they receive appropriate assistance when necessary.

Recognizing Individual Skills and Needs

Every student brings a unique set of abilities to the classroom. Understanding these individual differences is crucial for effective teaching. This framework encourages educators to assess and acknowledge each student's strengths and areas for improvement, allowing for tailored support that enhances their learning experience.

Process and Progress Monitoring

Monitoring student progress is essential for effective intervention. This framework emphasizes the importance of regular assessments and data collection to monitor students' progress over time. By analyzing this information, educators can

make informed decisions about necessary adjustments to interventions, ensuring that each student continues to move forward.

Differentiation

Differentiation is a key strategy for meeting students' varied needs. This framework provides guidance on implementing differentiation effectively, helping educators modify content, processes, and assessments to meet individual student needs. This intentional approach fosters an inclusive learning environment where all students can engage meaningfully with the material.

Understanding DCAP Implementation (with fidelity)

A thorough understanding of the District Curriculum Accommodation Plan (DCAP) is vital for successful intervention practices. This framework highlights the importance of aligning interventions with DCAP goals and consistently implementing them. By doing so, educators can ensure that their efforts are coherent and focused, ultimately benefiting student learning.

What are the 3 Tiers of Core Instruction?

Tier 1

These are supports available to all students through a general education program. Inclusive practice, which is linguistically responsive and culturally sustaining, is a cornerstone of Tier 1. Inclusive practice is defined as “instructional and behavioral strategies that improve academic and social-emotional outcomes for all students, with and without disabilities, in general education settings” (Educator Effectiveness Guidebook for Inclusive Practice, 2017). For example, providing students with a high-quality, coherent curriculum that provides options and choices for how they learn (i.e., access to books, videos, or direct teacher instruction), what materials, scaffolds and supports they need to learn (i.e., visuals, exemplars, graphic organizers, rubrics, etc.), and how they can express what they have learned will allow more students to access rigorous, standards-based instruction.

Tier 2

Tier 2 supports occur in addition to the supports that are provided in Tier 1 settings. These supports are generally done in small groups and include additional opportunities to practice the skills necessary for core instruction or strategies for enrichment.

Tier 3

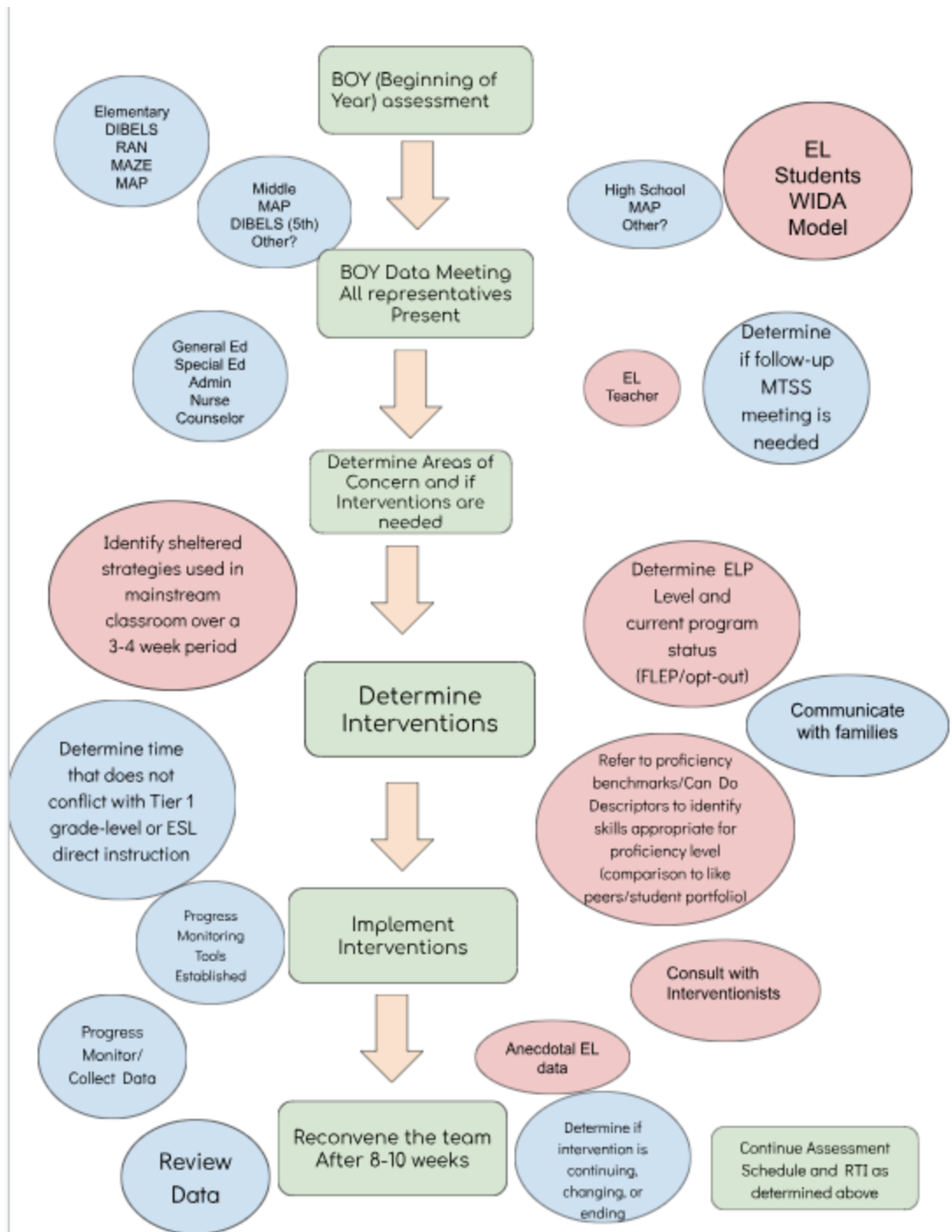
Tier 3 provides more intensive support. These are often explicit, focused interventions that occur individually or in very small groups. It is important to note that Tier 3 is not synonymous with special education. Students with disabilities may not need Tier 3 support and students not identified with a disability may, in fact, need Tier 3 support.

If a parent/guardian/caregiver refers their child for an evaluation, the Team Chair will communicate with the parent/guardian/caregiver to discuss the reason for the referral, the suspected disability the parent/guardian/caregiver is concerned about, and to review the process. The Team Chair will explain the Student Support Team process with the parent/guardian/caregiver to determine if this step should be taken first to gain a better understanding of the students' needs. However, this does not prevent the parent/guardian/caregiver from continuing to seek an evaluation for their child

[MTSS Toolkit](#)

[Special Education MTSS Referral Form](#)

[English Learner Education Handbook](#)



SE 43 Behavioral interventions

School Discipline

Students are expected to meet the requirements for behavior as set forth in the Monomoy Regional School District Student Handbooks. Discipline is the responsibility of the school principal and all authority for discipline rests with him/her. The regulations in 603, CMR 28.00 pursuant to MGLc.69 Section 1B and Chapter 71B, Section 3 require that additional provisions be made for students who have been found eligible for special education by an evaluation TEAM. All suspensions are recorded in the Monomoy Regional School District student management system and are submitted to DESE according to reporting requirements and timelines. The following are additional requirements:

1. If the student's disability requires any change to the district's discipline expectations, this will be identified in their IEP.
2. The Principal must notify the Director of Student Services in writing within one school working day of the suspendable offense of any student with special needs. A record must be kept of such notices.
3. A student who is in process of an evaluation or who has been eligible in the past may be subject to the same regulations that apply to students with special needs.
4. There are "Special Circumstances" within the provision of school discipline under IDEA 2004. They are defined as: drugs, weapons or inflicts serious bodily injury. "Serious bodily injury" is defined as death, extreme physical pain, protracted and obvious disfigurement, or impairment of the function of a bodily member, organ or mental faculty.

Behavioral Interventions

Each team must consider a student's behavior in relation to his/her disability and effective progress. This should be done in a pro-active manner through a Functional Behavioral Assessment and Behavior Intervention Plan. These tools should be developed in an effort to change behavior prior to it becoming unmanageable in the school environment. Data should be maintained and used to inform decisions regarding goals and objectives for the student.

When restraint is considered in relation to meeting a student's needs, very specific practices should be delineated in the IEP. Please refer to the district restraint policy. Only trained persons should restrain students. Call the school office for immediate assistance if a situation develops. Restraint should be a last resort and only used if the student presents as a danger to himself/herself or others. Monomoy Regional School District follows principals for positive behavioral supports and provides support to staff through a variety of resources and supports. Training is ongoing for staff. Monomoy Regional School District has a Behavior Support Team (SOLVE team) in each building. For information on the Monomoy Regional School District restraint policy, contact the building Principal and refer to the district's policy manual. All staff are trained on an annual basis on this topic.

[File JKAA: Prevention of Physical Restraints and Requirements if Used](#) [Restraint Procedures and Forms](#)

Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP):

An FBA that would accompany a Manifestation Determination must be completed ten business days after the removal that will result in the 11th day of suspension. The BIP must be completed as soon as possible following the FBA. Good practice allows FBA completion before the tenth day of suspension. The Team should consider completing an FBA and/or developing a BIP on or about the 8th day of suspension. The goal of a Functional Behavioral Assessment is to help team members determine the function of the behavior in question and any appropriate replacement behaviors that could be more effective in meeting the needs of the student.

SE 43 Behavioral interventions

For a student whose behavior impedes their learning or the learning of others, the Team considers the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

State Requirements

Federal Requirements

34 CFR 300.324(a)(2)(i)

SE 43 is related to State Performance Plan Indicator 4. (See <http://www.doe.mass.edu/sped/spp/>.)

CR 17A Use of physical restraint on any student enrolled in a publicly-funded education program

1. Public education programs must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations under 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.
 - a. restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parent/guardian/caregiver of enrolled students.

- b. restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parent/guardian/caregiver and youth in discussions about restraint prevention and use; a description and explanation of the program's alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.00; a description of the program's training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program's use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent/guardian/caregiver; and a procedure for the use of time-out.
2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.
3. At the beginning of each school year, the principal of each public education program or his/her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.
4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.

Counseling Services

School Psychologists and Counselors support students with disabilities and students without disabilities in both individual and group format. Some students are seen on a regular basis while others are seen on an as-needed basis in response to periodic adjustment problems or if in crisis. Students utilize counseling for the development of self-awareness and the achievement of developing long-term goals. They also utilize counseling to help solve immediate academic, social, or family problems such as conflict resolution with teachers, peers, or family members. Counseling services on IEPs are considered specially designed instruction for the student on an IEP and are only identified on the IEP if the need for this related service is a direct manifestation of the disability. Counseling services should be considered short-term, time-limited services. If the need for further counseling support is identified, a referral to an outside agency for treatment may be warranted.

Referrals for counseling come from a variety of sources:

- a) Self-referrals
- b) Recommendations from the parent/guardian/caregiver
- c) Recommendations of school staff, administrators, parent/guardian/caregiver, medical doctor, agencies, peers, or others.

The major objectives of the counseling provided are:

- To develop social emotional competencies
- To promote/improve communication skills.
- To foster age-appropriate relationships, self-understanding, understanding of others
- To address school adjustment issues.
- To develop age appropriate social skills.
- To provide emotional support.
- To support healthy and effective problem-solving and conflict resolution.

SE 44 Procedure for recording and reporting disciplinary data

Any discipline action will be documented through a discipline referral and recorded in ASPEN. The parent/guardian/caregiver will be notified of any discipline referrals.

SE 44 Procedure for recording suspensions

The district has a procedure to record the number and duration of suspensions from any part of the student's program, including suspensions from special transportation prescribed by the IEP.

State Requirements**Federal Requirements**

34 CFR 300.530

IDEA 2004 Final Regulations,

Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715

SE 44 is related to State Performance Plan Indicator 4. (See <http://www.doe.mass.edu/sped/spp/>.)

See also the required reporting of disciplinary data for special education students in the School Safety and Discipline Report (SSDR), as explained at <http://www.doe.mass.edu/info services/data/schedule.html>.

SE 45 Procedures for suspension up to 10 days and after 10 days: General requirements***SE 46 Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district***

Monomoy Regional School District employs a variety of alternatives to suspension to address disciplinary issues.

The following represent alternatives employed

1. mediation;
2. conflict resolution;
3. Restorative practices;
4. collaborative problem-solving
5. [Access to the PASS Program](#) - middle and high school

Students who are suspended have access to their education through direct tutoring services or access to online courses that align with their current classes.

Manifestation Determination:

Under the provisions of IDEA 2004, if a student violates the discipline code, school personnel may consider unique circumstances on a case by case basis. The principal may refer a student to an alternative placement or suspension for up to 10 days. For subsequent exclusion of 10 days or less in the school year which does not constitute a change in placement (see definition). A **change in placement** is defined as removal for more than ten consecutive (10) school days or for series of shorter removals with consideration on length, total time removed proximity and similarity of behavior. On the date of a decision to remove a student, you must notify parent/guardian/caregiver and notify of Procedural Safeguards. The team must conduct a Manifestation Determination within ten (10) days of the decision resulting in a change in placement.

The team must consider all relevant information in the student's file, any teacher observations and relevant information from the parent/guardian/caregiver. The team must determine and consider:

- Whether the conduct was caused by the disability
- Had a direct and substantial relationship to the disability
- If the conduct was a direct result of the LEA's failure to implement the IEP

The team can come to two conclusions:

1. No Manifestation- school can put discipline into effect; however, that child is to continue to receive FAPE (Team determines which services are necessary to enable progress in general curriculum and IEP goals and the setting where provided.).
 - No FBA or BIP unless removal for "special circumstances"- then must conduct FBA and/or develop BIP "as appropriate" designed to prevent recurrence.

2. Manifestation- IEP and Placement cannot be changed except through the TEAM process (parent/guardian/caregiver consent must be present). In this case, the TEAM must conduct a Functional Behavioral Assessment Plan and develop an Intervention Plan or if a BIP exists the TEAM must review it.
3. There is a return to pre-discipline placement unless:
 - Agreement otherwise through the TEAM process
 - “Special Circumstances”-allows for a change in placement for up to 45 days
 - No timelines for FBA or BIP

Manifestation Handbook

Exception: Interim Alternative Educational Setting (IAES) “40 Day Placement”

Regardless of the Manifestation Determination, the district may place a student in an IAES. The exception to this provision as cited above is in the case of possession of illegal drugs, weapons or serious bodily injury on school premises. This exception allows for placement in an Interim Alternative Setting for forty school (40) days. This exception is considered on a case by case basis. If there is disagreement by parent/guardian/caregiver or the district regarding the placement, “stay put” in the disciplinary placement is enacted until a resolution is made. A district does have a right to an expedited hearing. A hearing officer (BSEA) can order placement if the district provides evidence that the student is “substantially likely” to injure self or others.

SE 45 Procedures for suspension up to 10 days and after 10 days:

1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.
2. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.
3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.

State Requirements

M.G.L. c. 76, sections 16-1734
CFR 300.530-537

Federal Requirements

34 CFR 300.530-537

SE 45 is related to State Performance Plan Indicator 4. (See <http://www.doe.mass.edu/sped/spp/>.)

SE 46 Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district

1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent/guardian/caregiver, and other relevant members of the Team, as determined by the parent/guardian/caregiver and the district, convene within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parent/guardian/caregiver, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.”
3. If district personnel, the parent/guardian/caregiver, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
 - services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
 - as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. **Interim alternative educational setting.** Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
 - on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
 - on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.

5. **Characteristics.** In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.
6. If district personnel, the parent/guardian/caregiver, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parent/guardian/caregiver and district agree otherwise or the hearing officer orders a new placement.
7. Not later than the date of the decision to take disciplinary action, the school district notifies the parent/guardian/caregiver of that decision and provides them with the written notice of procedural safeguards. If the parent/guardian/caregiver chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent/guardian/caregiver and the school district agree otherwise.

State Requirements

Federal Requirements

34 CFR 300.530-537

SE 46 is related to State Performance Plan Indicator 4. (See <http://www.doe.mass.edu/sped/spp/>.)
For a discipline flow chart, see http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc.

SE 47 Procedural requirements applied to students not yet determined to be eligible for special education

In the case of a student who has violated the discipline code and who may have a disability but have no IEP, special provisions apply. All protections apply as if the student were on an IEP if the district had knowledge the student was a student with a disability before the precipitating event. Prior knowledge is defined if:

- Parent/guardian/caregiver had expressed concern in writing to an administrator or the student's teacher that the student needs special education or related services
- Parent/guardian/caregiver requested an evaluation
- Teacher of other personnel had expressed concern about a pattern of behavior to administration
- If a request for an evaluation is made while the student is the subject of discipline then it must be done in an "expedited" manner. The student remains in the placement determined by school officials (can include suspension or expulsion). If eligibility is found due to evaluation then Monomoy Regional School District must provide services.
- Exceptions: If a parent/guardian/caregiver has revoked consent or revoked continuation of special education services, this is not defined as a student having prior history or the district having prior knowledge (new provision as of 12/09). If a parent/guardian/caregiver revokes consent for special education services special circumstances apply.

IF NO KNOWLEDGE PRIOR TO PRECIPITATING EVENT, STUDENT CAN BE DISCIPLINED.

SE 47 - Procedural requirements applied to students not yet determined to be eligible for special education

1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
 - a. The parent/guardian/caregiver had expressed concern in writing; or
 - b. The parent/guardian/caregiver had requested an evaluation; or
 - c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

The district may not be considered to have had prior knowledge if the parent/guardian/caregiver has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.
2. If the district had no reason to consider the student disabled, and the parent/guardian/caregiver requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

SE 48 Equal opportunity to participate in educational, nonacademic, extracurricular, and ancillary programs, as well as participation in general education

All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program. Non-academic and extracurricular services and activities are available to each student enrolled in the district. These may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to agencies that provide assistance to children with disabilities, employment opportunities, and any other services, which are within the purview of the school system.

SE 48 Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education

All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.

Programs, services, and activities include, but are not limited to:

1. art and music;
2. vocational education, industrial arts, and consumer and homemaking education;
3. work study and employment opportunities;
4. counseling services available at all levels in the district;
5. health services;
6. transportation;
7. recess and physical education, including adapted physical education;
8. athletics and recreational activities;
9. school sponsored groups or clubs; and
10. meals.

State Requirements

603 CMR 28.06(5)

SE 48 is related to State Performance Plan Indicator 5.

(See <http://www.doe.mass.edu/sped/spp/>.)

See also Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities at http://www.doe.mass.edu/sped/advisories/02_3.html

Federal Requirements

34 CFR 300.101 – 113

SE 49 Related Services

Monomoy Regional School District evaluates students for mandated related services provided by either district staff or contracted licensed professionals. Related services are initiated once the parent, guardian, or caregiver provides formal written consent by signing the Individualized Education Program (IEP).

District provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and may include one or more of the following:

1. speech-language pathology and audiology services
2. psychological services
3. physical therapy
4. occupational therapy
5. recreation, including therapeutic recreation
6. early identification and assessment of disabilities in children
7. counseling services, including rehabilitation counseling
8. orientation and mobility services (peripatology)

9. medical services for diagnostic or evaluation purposes
10. school health services, including school nurse services
11. social work services in schools
12. parent/guardian/caregiver counseling and training
13. interpreting services
14. Teacher of the Deaf

Other specialized related services are determined and provided based on the students evaluation and proposed services determined at the IEP meeting.

SE 49 Related services

For each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:

15. speech-language pathology and audiology services
16. psychological services
17. physical therapy
18. occupational therapy
19. recreation, including therapeutic recreation
20. early identification and assessment of disabilities in children
21. counseling services, including rehabilitation counseling
22. orientation and mobility services (peripatology)
23. medical services for diagnostic or evaluation purposes
24. school health services, including school nurse services
25. social work services in schools
26. parent/guardian/caregiver counseling and training
27. interpreting services

State Requirements
603 CMR 28.02(18)

Federal Requirements
34 CFR 300.34; 300.323(c)

SCHOOL FACILITIES

SE 55 Special education facilities and classrooms

Monomoy Regional School District carefully considers the assignment of special education spaces based on student needs to ensure they are a part of the life of the school. All classrooms and programs are equal to general education classrooms and programs.

SE 55 - Special education facilities and classrooms

The school district provides facilities and classrooms for eligible students that

1. maximize the inclusion of such students into the life of the school;
2. provide accessibility in order to implement fully each student's IEP;
3. are at least equal in all physical respects to the average standards of general education facilities and classrooms;
4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and
5. are not identified by signs or other means that stigmatize such students.

State Requirements
603 CMR 28.03(1)(b)

Federal Requirements
Section 504 of the Rehabilitation Act of 1973

SE 55 is related to State Performance Plan Indicator 5.
(See <http://www.doe.mass.edu/sped/spp/>.)

PROGRAM PLAN AND EVALUATION

SE 56 Special education programs and services are evaluated

Monomoy Regional School District offers a continuum of placement options, alternative placements, and supplementary services. The Monomoy Regional School District is committed to providing services for our students within the district schools. To this end, the district reviews programs annually, developing and/or moving services to areas where they are needed or identified. In all cases, no student will be denied services due to budgetary issues or lack of in-district programming.

SE 56 Special education programs and services are evaluated

Special education programs and services are regularly evaluated.

State Requirements

M.G.L. c. 69, section 1A

M.G.L. c. 69, section 1I

M.G.L. c. 71B, section 3

Federal Requirements

RECORD KEEPING

SE 59 Transfer of student records

When a student with an IEP transfers from another school district, both within Massachusetts and from other states, the Monomoy Regional School District will:

1. takes steps to promptly obtain the student's records, including the IEP, from the former school district,
2. when a student transfers from the Monomoy Regional School District, then the school takes reasonable steps to promptly respond to any other district's request for records.

Responsibility for such requests and follow through, remains with the Director of Student Services.

SE 59 Transfer of student records

When a student with an IEP transfers from school district to school district, whether both of those districts are within the Commonwealth of Massachusetts or not,

1. any Massachusetts school to which the student is transferring takes reasonable steps to promptly obtain the student's records, including the IEP, from the former school, and
2. any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school's request for records.

State Requirements

34 CFR 300.323(g)

Federal Requirements

LEGAL INFORMATION

Attorney Invited to a TEAM Meeting

If an attorney involved in the student's special education will be attending the TEAM meeting, the Team Chair should inform the Director of Student Services. If parent/guardian/caregiver unexpectedly brings an attorney to a TEAM meeting, the Team Chair should notify the attorney the district has the same legal rights to representation and end the meeting by stating the meeting will be rescheduled to ensure the Director of Student Services can be notified as to whether legal representation is needed. Ethics rules prohibit the attorney from having contact with the school staff without the presence of the school's attorney. The parent/guardian/caregiver may choose to continue the meeting with neither attorney present. If the parent/guardian/caregiver insists on the presence of an attorney, the meeting concludes and will be reconvened, at a later date, with the school attorney present. Contact the Administrator of Special Education immediately if this circumstance comes up.

Parent/Guardian/Caregiver Invite a Consultant or Advocate to a TEAM Meeting

Parents/guardians/caregivers are allowed to bring others to the TEAM meeting to assist them with the process and/or decision-making. Often these people are educational advocates, paid for by the parent/guardian/caregiver. Other times parents/guardian/caregiver may bring a friend or relative. These people must sign in and become a member of the TEAM. If an advocate contacts you by phone, fax or other method, please do not discuss the child or case until you have signed written permission from the parent/guardian/caregiver to do so to protect confidentiality. Notify the Director of Student Services.

If an advocate or consultant wishes to observe a child at school, the Principal will arrange an observation. This observation should include a reasonable time limit. A designated staff person will be assigned to the visitor throughout the entire observation to conduct a simultaneous observation. All questions and concerns about the observation/visit should be referred to the building Principal and/or the Director of Student Services

The following guidelines apply:

1. Advocates must always produce a written permission document signed by the parent/guardian/caregiver. Without this statement, you are not authorized to disclose any information to ANY third party about any student.
2. Requests from advocates for copies of any student file materials must follow the Department of Elementary and Secondary Education Student Record Regulations for dissemination of information. This request should be preceded or accompanied by a signed release of information form from the parent/guardian/caregiver and sent to the Director of Student Services who will respond within 10 working days.

Observation of Students with Disabilities

Monomoy Regional School District in compliance with the laws that govern confidentiality and observations of students with disabilities has procedural measures to coincide with its policy.

Introduction

Introduction

The purpose of An Act to Provide Access to Information for Parents and Evaluators (House Bill No.391) is to protect the rights of parents/guardians/caregivers (further reference will be parent) in participating fully and effectively with school personnel in the development of appropriate educational programs for their children. To that end, the Monomoy Regional School District has established guidelines regarding parents' observations of their child or child's program conducted by themselves, their educational advocate, or an evaluator. The cooperation of school and parent is essential to ensure the safety of children and the integrity of the program while under observation. The district's guidelines for observations of students and programs are as follows:

Requesting an Observation

Parent/guardian/caregiver(s)/Advocates/Evaluators

1. In order for the school district to have verbal or written contact with an educational advocate or evaluator, a “Release of Information” form must be signed by the parent for requests for an advocate or evaluator to observe the student in the classroom.
2. A request for an observation shall be made to the school principal either through email, letter, or telephone minimally 3 days in advance of the requested observation date. Principals will immediately notify the teachers involved and determine the appropriateness of the specific date requested.
3. Requests for an observation shall include the purpose and desired outcome of the observation.
4. Principals should inform parents that their presence might influence the performance of their child that day, and the performance of other children.
5. The building principal shall notify the Director of Special Education and Pupil Personnel Services of the request to observe.
6. Different observation requests may require more planning and observation time than others depending on the complexity of the student’s needs being evaluated or observed. For example, timely access following a request to observe a specific classroom, which the parties agree, can be achieved in an hour. In other instances, such as when a designee needs to observe the current and proposed programs, including periods of unstructured time to observe student’s interactions and responses, the observation may take longer to schedule.
7. For evaluators, observations may occur at greater frequency to complete an assessment. An evaluator must be credentialed/licensed in the area being evaluated. This will also be scheduled with the Principal or designee.
8. There will be periods of time when observations will not be scheduled, such as during MCAS or other district wide testing and during the first two weeks of school and the last two weeks of school.
9. The duration and extent of the observation will be determined on an individual basis.

Expectations during observations

1. For evaluators, the length of the observation shall be a reasonable time to address the purpose of the observation and desired outcome and shall be limited to an amount of time agreed upon by the evaluator and school principal or designee.
2. The number of people scheduled to observe a child or program at one time shall be limited to 2 people. No children may accompany a parent, advocate, or evaluator.
3. A staff member will accompany a parent, advocate, or evaluator for the duration of the observation.
4. Those observing will be seated in an area that will not disrupt instruction.
5. Staff members involved in a classroom observation will welcome observers to the class but will not interact with observers before, during, or immediately after the observation period. Discussion of the observation may take place at subsequent conferences. Discussions should last no more than 20-minutes unless a TEAM meeting is being scheduled.
6. Those observing shall respect student confidentiality and shall not share any impressions of other students with anyone. Observers will be asked to sign a statement that in the event that they obtain personally identifiable or confidential information during the course of an evaluation/observation, they will not disclose it.
7. School safety procedures shall be adhered to at all times.
8. Principals retain the authority to 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 or 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.
 - c. Children in the program from disclosure by an observer of confidential or personally identifiable information he or she may obtain while observing the program.

Follow up

1. Depending on the purpose of the observation, staff will schedule a meeting or make telephone contact to follow up on the observation.

2. If the parent requests a TEAM meeting and an evaluation was conducted as part of the observation, the evaluator shall provide a written evaluation report to the school district at least 10 days prior to a scheduled team meeting.

Observation of Special Education Programs

Guidelines for Classroom/Program Observation Statement of Confidentiality

General Information about the Student Record

Record of Access

A log of access will be maintained at the front of each student record file. It will include all information required by the student records regulations. If more than one record exists, there is a log for each record. Staff that have direct contact with the child (teachers, counselors, etc.) need not sign this log to review or otherwise use the files. Staff or others who are not direct providers and need access to records must sign a log of access.

The student record consists of the child's transcript and temporary record and includes, among other things, record of the student's special education eligibility or program, cumulative records, medical records, and guidance records.

There are several rights relating to the student's record. Parent/guardian/caregiver, and under certain circumstances, the child has a right to inspect and review any and all records relating to the student which are collected, maintained, or used by the school district.

If the child's record includes information regarding another child, the parent/guardian/caregiver has a right to inspect or review only the information relating to their child.

The school district will only limit parent/guardian/caregiver's access to the student records if the school district has received legal documentation that limits a parent/guardian/caregiver's authority in this regard (for example, a divorce or custody decree that limits a parent/guardian/caregiver's access to information about his/her child).

All rights related to student records are contained in Massachusetts State Regulations and Laws.

Fees

Fees charged for reproducing records must be reasonable. In any case, do not exceed the cost of reproduction and be sure to follow any other guidelines mentioned in the parent/guardian/caregiver's Notice of Procedural Safeguards brochure.

However, parent/guardian/caregiver are not charged a fee for copies if to do so would effectively prevent the parent/guardian/caregiver from exercising their right to inspect and review the records.

The Student's Right of Access

Students who are 14 years old or in the ninth grade have all the rights that parent/guardian/caregiver have under the Student Record Regulations. If a student is from 14 through 17 years old or has entered ninth grade, both the student and his/her parent/guardian/caregiver, acting alone or together, may exercise these rights. Once the student turns 18, the rights accorded parent/guardian/caregiver under Student Record Regulations, become those of the student. However, parents/guardians/caregivers may continue to exercise those rights unless the student makes a written request to the Principal or Superintendent to prevent them from doing so. Should the child make such a request, the parent/guardian/caregiver will not retain the right to review his/her records.

Review of the Student Record

If the parent/guardian/caregiver or student age 18 asks to review the student record, the school must allow them access without any unnecessary delay and, in any event, no later than 10 school days after their request, unless

parent/guardian/caregiver have agreed to a longer period of time. parent/guardian/caregiver' 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. Parent/guardian/caregiver's or student age 18 right to inspect and review student records include the right to:

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

Changing Information in the Student Record

Parent/guardian/caregiver/guardians or students age 18 have the right to add information, comments or data to the student record. parent/guardian/caregiver may request that their child's record be amended. This request should always be in writing to the School Principal, identifying the item or items of concern.

If the request is to change information inserted by a TEAM meeting, the request cannot be honored until either the IEP is accepted OR the appeals process is exhausted (if IEP is rejected). The School Principal shall meet with the parent/guardian/caregiver or student (if 18) and ascertain the need for amending the record. Then, within one school week after receiving this in writing, the Principal shall inform the parent/guardian/caregiver in writing of the action taken, or if the request is turned down, the reasons for not honoring the request.

Be sure to send a copy of all correspondence to the Director of Student Services. Should the request be denied, the parent/guardian/caregiver or student has a right to appeal to the Superintendent of Schools. The Superintendent will render a written decision to the parent/guardian/caregiver or student. If parent/guardian/caregiver or student is not satisfied with resolution they may appeal the decision to the School Committee pursuant to Student Record Regulations.

Consent to Release Information

Except for non-personally identifiable information, no information shall be released from a student record to a third party unless agreed to in writing by the parent/guardian/caregiver or student over 18.

Under no circumstances shall special education information be released in writing unless parent/guardian/caregiver/student approves.

A written Consent Form should always be used to obtain permission to release information on a student. Unless the Principal has been provided a copy of a court order denying parent/guardian/caregiver access to information, both parent/guardian/caregiver have a right to access information on their child.

Unless parent/guardian/caregiver makes the school aware that information must be sent to two addresses (in cases of divorce, etc.), the school shall only be obligated to send information to the address listed on student records.

A school district may not release information from education records to participating agencies without parent/guardian/caregiver or student age 18 consent. This includes but is not limited to DDS, DMH, and Mass Rehab, advocates, doctors and others.

Safeguards

When in doubt, don't release information. Check first with the Director of Student Services and/or the Principal. Principals must brief staff yearly as to the rules for safeguarding information in student records. The School Principal is responsible for ensuring that the student records are maintained in a confidential manner and for briefing all building staff on the regulations. Employees should not have access to all student records but only those records which apply directly to students they are servicing.

Destruction of Records

Special Education records will follow the student through the grades. There is no need for teachers to keep records on students after the student moves to the next grade or teacher. Once the student graduates from high school or turns age twenty-two, the students file will be maintained for seven years UNLESS the child's program is federally funded and undergoing an audit, in which case the child's file (especially the IEP) will be maintained until the audit is ended, and all appeals have been satisfied. The entire audit process should be resolved before these student files are destroyed. No Special Education student files should be destroyed BEFORE the seven year period. The district issues public notice of intent to destroy the files of all students on a yearly basis. Parents/guardian/caregiver or student over age 18 are given the opportunity to retain their child's file at this time. The district keeps non-special education records such as the student's school transcript for sixty years. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Services for Home/Hospital Students

Regulation:

Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal shall arrange for the provision of educational services in the home or hospital.

Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal shall coordinate such services with the Director of Student Services for eligible students.

Such educational services shall not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.

Requirements:

Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons

At a minimum the physician's signed notice must include information regarding:

- the date the student was admitted to a hospital or was confined to home;
- the medical reason(s) for the confinement;
- the expected duration of the confinement; and
- what medical needs of the student should be considered in planning the home or hospital education services.

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

Home/hospital instruction is typically one-to-one or small group instruction that is provided on an individualized schedule, for less than a full school day or a full school week. The school district should determine the number of instructional hours per day or per week based on the educational and medical needs of the individual student. Monomoy Regional School District does not preset the number of instructional hours per week provided to students who must remain at home or in the hospital; the decision is individualized.

Based on the student's medical status, the student's physician may determine that the number of instructional hours should be reduced. In addition, the amount of instructional time deemed necessary by MRSD may be guided by the instructional

approach used in a one-to-one home or hospital setting as compared to the instructional approach normally implemented in the student's school-based program. However, such a reduction in instructional time must be based on the educational benefit received by the student given the reduced teacher-student ratio. Service delivery, including the time of day the services are to be delivered, should be determined in the best interests of the student and in consideration of the medical circumstances of the student.

When planning and delivering home or hospital educational services, MRSD will carefully consider all aspects of a student's educational program while attending school, including any current IEP services, Section 504 plans and instructional accommodations, and the student's general education services.

Who delivers the service:

Instruction that is provided in the home or hospital for public school students under 603 CMR 28.03(3)(c) must include the same academic content as that provided in the student's regular school-based program. While teacher certification requirements apply to the teachers who are providing the instruction, the teachers do not have to be certified in all subject areas. However, in all cases MRSD will demonstrate that the assigned staff member effectively provides the necessary instruction to the student. Teachers who provide home/hospital instruction to public school students must coordinate the instructional content, approach and student progress with the student's teachers at school.

For both public school students and private school students, special education and/or related services that are provided in a home or hospital setting under this provision must be delivered (or closely supervised) by staff certified or appropriately licensed to deliver such services.

Process (all forms are located in the shared drive):

1. Have parents complete the parent responsibility Form
2. Have parent provides consent to communicate with the Physician
3. Obtain the Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons or Hospital Education -
 - a. MUST BE SIGNED by AN MD
 - b. Must have an end date
 - c. If absences go beyond the end date - a new affirmation must be submitted
4. Complete the Tutoring Request Form
5. Have the tutor complete the tutor guidelines form
6. Ensure the Tutor completes a timesheet with the student's name included
7. For extended absences beyond 60-days this form must be completed
 - a. Physician's Affirmation of Medical Reasons That Student is Likely to Remain at Home, in a Hospital, or in a Pediatric Nursing Home for More than 60 School Days
 - b. A TEAM meeting may need to be scheduled
 - c. For general education students, this may prompt the need to evaluate

If a student is hospitalized

1. Immediately contact the Director of Student Services.
2. If the hospital has sent a Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons or Hospital Education, immediately send it to the Director of Student Services. Coordination will be done in this office.
3. The school should provide work to the hospital for the student.

Special Circumstances:

Special circumstances would be cases where a student has missed school due to extenuating circumstances (prolonged absence due to death in the family or other family issues that prevented attendance at school for two weeks or more, student is struggling to make up work or “catch-up” due to absences.

Requests should be made to the Director of Student Services to determine what specifically the student needs.¹

GLOSSARY

Accommodation. Changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology and changes in presentation, response, timing, scheduling, and settings that do not fundamentally alter the requirements. Accommodations do not invalidate assessment results.

Adaptation. Changes to curriculum, instruction, or assessments that fundamentally alter the requirements, but that enable a student with an impairment that significantly impacts performance an opportunity to participate. Adaptations include strategies such as reading the reading portion of a test, using spell/grammar check for language arts assessments, and substituting out-of-level testing. Adaptations invalidate assessment results and provide non-comparable results.

Adaptive behavior. Behavior that displays an age-appropriate level of self-sufficiency and social responsibility which includes the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, direction, functional academic skills, work, leisure, health, or safety.

Adult student. A student with a disability, age 18 or older, to whom rights have transferred under the IDEA 2004 and Massachusetts Law.

Age-appropriate activities. Activities that typically-developing children of the same age would be performing or would have achieved.

Age of majority. The age at which, by law, a child assumes the responsibilities of an adult. In Massachusetts, the age of majority is 18.

Aggregated data. Information that is considered as a whole. In this manual, the term refers to collective data on all students, including students with disabilities.

Alternate assessment. A specific assessment, developed by the state in lieu of statewide assessments or by the district in lieu of district wide assessments, designed to measure functional skills within the same domains required by the regular statewide or district wide assessments. It is designed for students who are unable to demonstrate progress in the typical manner and who meet the state-established criteria. (Portfolios)

Alternative or supplementary curriculum. Curriculum not based on or drawn directly from the general education curriculum.

Alternative school. A public school placement option that may be utilized for students who are not succeeding in the traditional school environment but may benefit through the use of modified curriculum or flexible programming.

Articulation. The ability to speak distinctly and connectedly.

Articulation disorder. Incorrect productions of speech sounds, including omissions, distortions, substitutions and/or additions that may interfere with intelligibility.

Assessment. The formal or informal process of systematically observing, gathering, and recording credible information to

¹Updates 3/22
May 2013; 2022, 2025

help answer evaluation questions and make decisions.

It is an integral component of the evaluation process. A test is one method of obtaining credible new information within the assessment process. Assessment data may also include observations, interviews, medical reports, data regarding the effects of general education accommodations and adaptations and interventions, and other formal or informal data.

Assistive technology device. Any item, piece of equipment, or product system whether acquired commercially, off a shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Excludes surgically implanted medical devices.

Assistive technology service. Any service that directly assists a student with a disability with the assessment, selection, acquisition, or use of an assistive technology device.

Attention deficit disorder (ADD). A biologically based mental disorder that has these typical characteristics: short attention span; distractive behavior; difficulty following directions and staying on task; and an inability to focus behavior. The disorder compromises many skills needed for academic success, including starting, following through with, and completing tasks; moving from task to task; and following directions.

Attention deficit hyperactivity disorder (ADHD). A biologically based mental disorder in which a person has inappropriate degrees of inattention, impulsiveness and hyperactivity.

Autism. An IDEA 2004 disability category in which a developmental disability, generally evident before age 3, significantly affects verbal and nonverbal communication skills and social interactions and adversely affects 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.

Behavioral intervention plan (BIP). A plan comprising practical and specific strategies designed to increase or reduce a definable behavior. These strategies address preventative techniques, teaching replacement behaviors, how to respond or resolve behaviors, and crisis management, if necessary.

Benchmark. A major milestone which describes the progress the student is expected to make toward annual goals within a specified period of time. Similar to an objective.

Business day. A workday (Monday through Friday) except for federal and state holidays, unless specifically included.

Change of placement. Removal of a child with a disability from the child's current educational placement. When the removal is for disciplinary purposes, regulations apply.

Change of placement for disciplinary reasons. A removal from the current educational placement for more than 10 consecutive school days or a series of removals that constitute a pattern when they total more than 10 school days in a school year. Factors such as the length of the removal, the proximity of the removals to one another, and the total amount of time the student is removed are indicators of a pattern.

Child. An individual who has not attained age 18.

Child Find. A process to locate, identify, and evaluate students who reside in the district and may be in need of special education.

Civil action. A judicial action that any party who is aggrieved by the final decision of a due process hearing officer may bring in either a federal district court or a state court of competent jurisdiction (as designated by the state).

Cognitive impairment. An IDEA 2004 disability category in which sub-average intellectual functioning exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student's developmental period and adversely affect the student's educational performance. The term "mental retardation" was previously used to refer to this condition.

Comparable benefit. The IDEA 2004 requirement that obligates districts to ensure that private school students with disabilities receive benefits that are comparable in quality, scope, and opportunity for participation in special education services funded by the IDEA 2004 to those students with disabilities enrolled in public schools.

Compensatory education. Educational services which are above and beyond those normally due a student under his or her state's education law. The principle is acknowledged by most courts that have considered the issue to be an appropriate remedy when a student has been denied free appropriate public education.

Compensatory remedy. A judicial order or administrative action intended to redress a violation of the rights of a student with a disability who has suffered a loss as a result of the wrongful or negligent act of another and to restore the student to the position he or she would have been in if the wrongful or negligent act had not occurred. The remedy may include the award of monetary reimbursement or other corrective actions as appropriate to the needs of the student.

Complaint. A formal written statement submitted to the Massachusetts State Department of Education by an individual or organization that contains one or more allegations and the facts on which the statement is based that a district or agency has violated a requirement of Part B of the IDEA 2004.

Consensus. Has two common meanings.

(1) A general agreement among the members of a given group or community, each of which exercises some discretion in decision making and follow-up action.

(2) A decision-making process that not only seeks the agreement of most participants, but also to resolve or mitigate the objections of the minority to achieve the most agreeable decision.

Consensus is usually defined as meaning both: a) general agreement, and b) the process of getting to such agreement. Consensus decision-making is thus concerned primarily with that process.

Consent. Voluntary, written approval of a proposed activity, as indicated by a parent/guardian/caregiver/adult student signature. The parent/guardian/caregiver/adult student must be fully informed in his or her native language or other mode of communication and must understand all information relevant to the activity to make a rational decision.

Controlled substance. Any drug so designated by law whose availability is restricted; i.e., so designated by federal Controlled Substances Acts. Included in such classifications are narcotics, stimulants, depressants, hallucinogens, and marijuana.

Core Academic Subjects. These include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under NCLB

Corrective Action Plan (CAP). A plan that orders a district as a result of a CPR finding to take corrective actions to resolve the deficiency.

Critical life skills. Skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance students' integration with non-disabled individuals. Skills may include such things as toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.

Dangerous weapon. A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

Data-based decision making. The collecting of information that can be charted or graphed to document performance over time followed by an analysis of the information to determine needed changes in policies, programs, or procedures.

Deaf-blindness. An IDEA 2004 disability category in which a student demonstrates hearing and visual impairments, and where the combination of these two disabilities causes such severe communication and other developmental and educational needs that the student cannot be accommodated with special education services designed solely for students

with deafness or blindness.

Deafness. An IDEA 2004 disability category in which a hearing impairment is so severe that the student, with or without amplification, is limited in processing linguistic information through hearing, which adversely affects educational performance.

Detained youth. Anyone aged 3 through 21 who is being held for a crime regardless of whether or not that person has appeared before the court.

Developmental delay. An IDEA 2004 disability category used only for students ages 3 through 9 for whom a significant delay exists in one or more of the following skill areas: receptive/expressive language; cognitive abilities; gross/fine motor functioning; social/emotional development; or self-help/adaptive functioning.

Disaggregated data. Information that is reported and/or considered separately on the basis of a particular characteristic. In this glossary, the term refers to data on special education students as a group that is reported and/or considered separately from the same data on all students in a school, district, or state.

Discipline. A set of rules or techniques designed by a district for the purpose of minimizing disruption and promoting positive interaction.

Disclosure. The access to or the release, transfer or other communication of education records, or personally identifiable information contained in these records by oral, written, electronic, or other means.

Discrepancy formula. A method of determining the difference between a student's expected level of academic achievement and intellectual ability used to establish eligibility for special education under the category of learning disability.

Disproportionality. A disparity or inequality. In this manual, the term refers to a statistical range of data where students of a specific race or ethnicity are identified in either greater or fewer numbers than expected when compared to the representation of that race or ethnicity within the general school population. The areas addressed in the IDEA 2004 are: (1) identification as a student with a disability; (2) identifications a student with a specific category of disability; and (3) placement in a particular educational setting.

Dropout. A student who has left an education system before completion of requirements and is not known to be enrolled in any other educational program.

Due process hearing. An administrative hearing conducted by an SDE-appointed hearing officer to resolve disputes on any matter related to identification, evaluation, educational placement, or the provision of a free appropriate public education.

Early Intervening Services. Services for students who need additional academic and behavioral support to succeed in a general education environment. These students have not been identified as having a disability.

Education record. A student's record maintained by an educational agency or institution, or by a party acting for the agency or institution, which may include, but is not limited to print, handwriting, computer media, video or audio tape, film, microfilm, and microfiche, but is not within the exceptions set out in FERPA.

Emotional disturbance. An IDEA 2004 disability category in which a student has a condition exhibiting one or more of five behavioral or emotional characteristics over a long period of time, and to a marked degree, that adversely affects educational performance. The term *does not* include students who are socially maladjusted unless it is determined they have an emotional disturbance. The term emotional disturbance *does* include students who are diagnosed with schizophrenia.

Essential Components of Reading Instruction. The term means explicit and systematic instruction in (a) phonemic awareness, (b) phonics, (c) vocabulary development, (d) reading fluency, including oral reading skills, and (e) reading comprehension strategies.

Evaluation. A term that means using all required procedures to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Evaluation team. A group of people, including the parent/guardian/caregiver/adult student, charged with the responsibility to make decisions regarding evaluation, assessments, and eligibility. This team includes the same membership as the IEP team (although not necessarily the same individuals) and other qualified professionals as appropriate. The evaluation team may conduct its business with or without a meeting. However, if requested by the parent/guardian/caregiver/adult student, a team meeting will be held.

Expedited due process hearing. An administrative hearing conducted by an appointed hearing officer to resolve disputes concerning discipline for which shortened timelines are in effect in accordance with the IDEA 2004.

Expulsion. Removal of a student from school for an extended period of time. For general education students, services usually cease during an expulsion.

Extended school year (ESY). A program to provide special education and related services to an eligible student with a disability beyond the conventional number of instructional days in a school year and at no cost to the parent/guardian/caregiver. An ESY program must be based on an IEP team decision and meet Massachusetts standards.

Extracurricular activities. Programs sponsored by a district that are not part of the required curriculum but are offered to further the interests and abilities of students.

Family Educational Rights and Privacy Act (FERPA). A federal law protecting the privacy of students and parent/guardian/caregiver by mandating that personally identifiable information about a student contained in education records must be kept confidential. FERPA also contains provisions for access to records by parent/guardian/caregiver, students, staff, and others.

Fluency disorder. Stoppages in the flow of speech that are abnormally frequent and/or abnormally long. These interludes take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

Free Appropriate Public Education (FAPE). A basic IDEA 2004 requirement which states that special education and related services are provided at public expense (free); in conformity with an appropriately developed IEP (appropriate); under public supervision and direction (public); and include preschool, elementary, and secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the State Department of Education (education).

Functional achievement and performance. Gains made by a student which include programming in community living, reading, communication, self-care, social skills, domestic maintenance, recreation, employment or vocational skills. Also called independent living skills.

Functional behavioral assessment (FBA). A systematic process for defining problem behavior and gathering medical, environmental, social, and instructional information that can be used to hypothesize about the function of student behavior.

Goal. A measurable statement that includes behavior, evaluation procedures and performance criteria and describes what the student is reasonably expected to accomplish from the specialized education program within the time covered by the IEP (generally one year).

Graduation. The point in time when a student meets the district requirements for receipt of a regular high school diploma.

Guardianship. A judicial determination under which a competent adult has the legal right and duty to deal with problems, make decisions, and give consent for an adult with a disability (at least 18 years of age) who cannot act on his or her own behalf. The court will specify the nature and scope of the guardian's authority.

Gun-Free Schools Act. Federal legislation enacted in 1994 requiring school districts and similar public agencies to adopt a policy generally requiring the expulsion from school for a period of not less than one year of any student determined to have brought a weapon to school, although permitting exceptions to be made on a case-by-case basis for students, including students with disabilities whose behavior is determined to be a manifestation of their disability.

Health impairment. An IDEA 2004 disability category in which a student exhibits limited strength, vitality or alertness, including heightened alertness to environmental stimuli that is due to chronic or acute health problems (such as asthma, ADD or ADHD, cancer, diabetes, epilepsy, Fetal Alcohol Syndrome, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome and stroke) to such a degree that it adversely affects the student's educational

Independent educational evaluation (IEE). One or more assessment(s) conducted by a qualified examiner(s) who is not employed by or contracted by the public agency or district responsible for the education of the student in question.

Individualized Education Program (IEP). A written document (developed collaboratively by parent/guardian/caregiver and school personnel) which outlines the special education program for a student with a disability. This document is developed, reviewed and revised at an IEP meeting at least annually.

Individualized Education Program (IEP) Team. A team established by the IDEA 2004 and comprised of the student's general education teacher, a special education teacher, a district representative, parent/guardian/caregiver, the student when appropriate, and other knowledgeable persons. The team is responsible for developing an IEP, determining placement, and reviewing and revising the student's IEP and placement at least annually.

Individualized Family Service Plan (IFSP). A written individualized plan for an infant or toddler with a disability that is developed by a multidisciplinary team, including the parent/guardian/caregiver.

Interagency agreement. A written document that defines the coordination between the state and/or public/private agencies and/or districts with respect to the responsibilities of each party for providing and funding programs and services.

Interim alternative educational setting (IAES). The educational setting in which a district may place a student with a disability, for not more than 45 school days, if the student while at school, on school premises or at a school function carries a weapon or possesses a weapon; possesses, uses, sells or solicits the sale of drugs or controlled substances; or has inflicted serious bodily injury upon another person. An IAES may also be ordered by a due process hearing officer based upon evidence that maintaining the current placement is substantially likely to result in injury to the student or others.

Joint custody. A court order awarding custody of a minor child to both parent/guardian/caregiver and providing that physical and/or legal custody shall be shared by the parent/guardian/caregiver.

Joint legal custody. A court order providing that the parent/guardian/caregiver of a child are required to share the decision-making rights, responsibilities, and authority relating to the health, education, and general welfare of the child.

Joint physical custody. A court order awarding each of the parent/guardian/caregiver significant periods of time in which a child resides with or is under the care and supervision of each of the parent/guardian/caregiver. The actual amount of time is determined by the court.

Language impairment. An IDEA 2004 disability category in which a delay or disorder exists in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems and which adversely affects the

student's educational performance.

A language impairment may involve any one or a combination of the following: the form of language (morphological and syntactic systems); the content of language (semantic systems); and/or the function of language in communication (pragmatic systems).

Learning disability. An IDEA 2004 disability category in which a specific disorder of one or more of the basic psychological processes involved in understanding or in using spoken or written language may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, adversely affecting the student's educational performance. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include a student who has needs that are primarily the result of visual, hearing, or motor disabilities; cognitive impairment; emotional disturbance; or environmental, cultural, or economic disadvantage.

Least Restrictive Environment (LRE). The IDEA 2004 requirement that students with disabilities, including those in public or private institutions or other care facilities, be educated with students who are non-disabled to the maximum extent appropriate.

Limited English Proficient (LEP). Students from language backgrounds other than English who need language assistance services in their own language or in English in the schools and who meet one or more of the following conditions: (1) the student was born outside of the United States or his or her native language is not English; (2) the student comes from an environment where a language other than English is dominant; or (3) the student is American Indian or Alaskan Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency. The student also has sufficient difficulty speaking, reading, writing, or understanding the English language to deny him or her the opportunity to learn successfully in English-only classrooms.

Local Educational Agency (LEA). A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Manifestation determination. A determination by the IEP team of whether or not the misconduct of a student with a disability was (1) a demonstration of the disability, that is, an inability to understand impact and consequences or an inability to control behavior; (2) the result of an inappropriate placement; and/or (3) the lack of provision of services consistent with the IEP and placement.

McKinney-Vento Homeless Assistance Act. This law is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, state educational agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.

Mediation. A voluntary, informal process in which an impartial third party mediator helps parent/guardian/caregiver and district or agency personnel resolve a conflict. Mediation usually results in a written agreement that is mutually acceptable to both parties.

Medicaid Services (School-Based). Those related services, assessment and plan development for students receiving Medicaid which school districts may bill for reimbursement.

Migrant Student. A student of compulsory school attendance age who has not graduated from high school or completed a high school equivalency certificate and resides within a family that is composed of migrant fisher or agricultural workers. The student has moved within the preceding 36 months in order for the family to obtain or seek this type of temporary or seasonal employment that is a principal means of livelihood.

Multiple disabilities. An IDEA 2004 disability category in which two or more impairments co- exist (excluding deaf-blindness), whose combination causes such severe educational problems that the student cannot be accommodated in special education services designed solely for one of the impairments. Multiple disabilities are generally lifelong, significantly interfere with independent functioning, and may necessitate environmental accommodations and adaptations to enable the student to participate in school and society.

Native language. The language or mode of communication normally used by an individual or, in the case of a student, the language normally used by the student's parent/guardian/caregiver. In direct contact with a student, the native language would be the language or mode of communication normally used by the student and not the parent/guardian/caregiver, if there is a difference between the two.

Objectives. Measurable, intermediate steps that describe the progress the student is expected to make toward an annual goal in a specified amount of time; similar to a benchmark.

Occupational therapist. A professional licensed through the Bureau of Occupational Licenses who, in a school setting, is responsible for assessing fine motor skills, including student's use of hands and fingers and developing and implementing plans for improving related motor skills. The occupational therapist focuses on daily living skills such as eating, dressing, schoolwork, play, and leisure.

Orientation and mobility (O&M) services. Services provided by qualified personnel to blind and visually impaired students to enable these students to attain systematic orientation to and safe movement within the home, school, and community, including teaching (1) spatial and environmental concepts and use of information received by the senses to establish, maintain, or regain orientation and line of travel; (2) use of the long white cane, or a service animal, as appropriate to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (3) understanding and use of remaining vision and distance aids; and (4) other concepts, techniques, and tools.

Orthopedic impairment. An IDEA 2004 disability category that includes physical impairments that adversely affects a student's educational performance and are caused by congenital anomaly (e.g., clubfoot, absence of an appendage, etc.); disease (e.g., poliomyelitis, bone tuberculosis, etc.); or from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contracture).

Paraprofessional. A noncertified, nonlicensed individual who is employed by a district and who is appropriately trained and supervised in accordance with state standards to assist in the provision of special education and related services.

Power of attorney. The designation, in writing, by a competent person of another to act in place of or on behalf of another person.

Present level of performance. A statement of the student's current level of achievement or development in an area of need and how the student's disability affects his or her involvement and progress in the general education curriculum offered to students without disabilities.

Procedural safeguards. The formal requirements of Part B of the IDEA 2004 that are designed to allow a parent/guardian/caregiver/adult student to participate meaningfully in decisions concerning an appropriate educational program for a student with a disability and, if necessary, dispute such decisions. Also referred to as special education rights.

Reasonable measures. A combination of recorded written and/or oral documentation to meet notification requirements of the district to parent/guardian/caregiver/adult students.

Reasonable time. A period of approximately 10 calendar days.

Reevaluation. A periodic evaluation conducted at least every three years, or more frequently if conditions warrant, or if

the student's parent/guardian/caregiver or teacher requests an evaluation of a student already identified as eligible for services under the IDEA 2004. Reevaluations may occur not more than once a year, unless the parent/guardian/caregiver and the district agree otherwise.

Related services. Refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education and includes the following: speech therapy, language therapy, audiology services, psychological services, physical therapy, occupational therapy, recreation, therapeutic recreation, early identification and assessment of disabilities in children, counseling services, rehabilitation counseling, orientation and mobility services, interpreting services, medical services for diagnostic or evaluation purposes, school health/nursing services (excluding surgically implanted medical devices), social work services in schools, and parent/guardian/caregiver counseling and training.

Response to Intervention (RTI). A formal process for evaluating student response to scientifically research-based interventions, consisting of the core components of: (1) problem identification, (2) problem analysis, (3) applying research-based interventions, and (4) progress monitoring/decisions rules.

Resolution session. A preliminary meeting involving the parent/guardian/caregiver, relevant members of the IEP team, and a representative of the district who has decision-making authority, required prior to a due process hearing.

School age. Includes all persons 5 (i.e., turns 5 on or before September 1) through 21 years. For students with disabilities who qualify for special education and related services under the IDEA 2004, school age begins at age 3 and continues through the age of 22.

School day. Any day, including a partial day, that students are in attendance at school for instructional purposes.

School health services. School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

School psychologist. A professional who holds state certification with an endorsement in Psychology and is charged with the responsibility to conduct assessments and determine a student's cognitive, academic, social, emotional, and/or behavioral functioning. This professional also provides direct services to students, consults with district staff, and may be a member of the evaluation and/or IEP team.

Scientifically-Based Research (SBR). The term scientifically-based research means research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Screening. An informal, although organized process, of identifying students who may be in need of an in-depth evaluation.

Serious Bodily Injury (SBI). Bodily injury which involves (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of bodily member, organ, or mental faculty.

Socially maladjusted. A child who has a persistent pattern of violating societal norms with truancy, substance abuse, a perpetual struggle with authority, is easily frustrated, impulsive and manipulative.

Special education. Specially designed instruction or speech/language therapy at no cost to the parent/guardian/caregiver to meet the unique needs of a student with a disability including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

Special educational placement. Refers to the provision of special education services, rather than a specific place, such as a specific classroom or school. The balance of setting and services to meet an individual student's needs.

Specially designed instruction. Adapting the content, methodology, or delivery of instruction to address the unique needs of an eligible student that result from the student's disability and to ensure access to the general education curriculum so that the student can meet the education standards of that district that apply to all students.

Speech impairment. An IDEA 2004 disability category that includes articulation/phonology, voice, and fluency disorders.

Speech-language pathologist. A professional holding certification who can assess and treat persons with speech, language, voice, and fluency disorders. This professional coordinates with and may be a member of the evaluation and IEP teams.

Stay put. A requirement that a district or agency maintain a student with a disability in his or her present educational placement while a due process hearing or subsequent judicial proceeding is pending unless the parties agree otherwise.

Substantial evidence. A legal term that means "beyond a preponderance of the evidence" or "beyond more likely than not."

Summary of Performance. A document given to secondary students when a student exits special education as a result of earning a diploma or aging out. This document describes the academic achievement and functional performance along with recommendations to assist the student in meeting post secondary goals.

Supplementary aids and services. Accommodations and adaptations that must be made to the general education classroom and/or curriculum to ensure the satisfactory participation of a student with a disability, including support to the general education teacher.

Surrogate parent/guardian/caregiver. An individual assigned and trained by a district or an agency to assume the rights and responsibilities of a parent/guardian/caregiver under the IDEA 2004 when no parent/guardian/caregiver can be identified or located for a particular student or when the child is a ward of the state.

Transition Services. A coordinated set of activities for a student with a disability designed within an outcome-oriented process. Services are based on individual student needs addressing instruction, related services, community experiences, employment, post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Traumatic brain injury (TBI). An IDEA 2004 disability category that refers to an injury to the brain caused by an external physical force and resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory perception and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

Travel training. Instruction to students with significant cognitive disabilities and any other students with disabilities who require instruction to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within the home, school, and community.

Unilateral placement. A decision by a parent/guardian/caregiver, at his or her own discretion, to remove his or her child

with a disability from a public school and enroll the student in a private facility because the parent/guardian/caregiver believes that the district did not provide FAPE in a timely manner.

Universal Design. A concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

Visual impairment including blindness. An IDEA 2004 disability category characterized by an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes partial sight, which refers to the ability to use vision as one channel of learning if educational materials are adapted, and blindness, which refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials.

Voice disorder. An IDEA 2004 disability category that refers to the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

Written notice. A written statement provided by the district to a parent/guardian/caregiver/adult student within a reasonable amount of time proposing or refusing to initiate or change the identification, evaluation, educational placement, or the provision of FAPE.