

Westford Public Schools

SPECIAL EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
COMMENTS**

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS	
	Legal Standard	
SE 1	<p>Assessments are appropriately selected and interpreted for students referred for evaluation</p> <ol style="list-style-type: none"> 1. Tests and other evaluation materials are: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent; 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	Federal Requirements
	603 CMR 28.04 603 CMR 28.05	

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER	SPECIAL EDUCATION II. ASSESSMENT OF STUDENTS	
	Legal Standard	
SE 2	<p>Required and optional assessments</p> <ol style="list-style-type: none"> 1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: 	

CRITERION NUMBER		
	Legal Standard	
	<p>a. Assessment(s) in all areas related to the suspected disability(ies) including consideration of any needed assistive technology devices and services and/or instruction in Braille.</p> <p>b. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum.</p> <p>c. 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, as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.</p> <p>d. 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.</p> <p>2. <u>Optional assessments</u>: The administrator of special education may recommend or the parent may request one or more of the following:</p> <p>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.</p> <p>b. A psychological assessment by a licensed school psychologist, certified psychologist, or certified educational psychologist, including an individual psychological examination.</p> <p>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.</p> <p>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 parents the following:</p> <p>a. that no further assessments are needed and the reasons for this; and</p> <p>b. the right of such parents to request an assessment.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.04 (1) and (2)	34 CFR 300.304; 300.305; 300.324(a)(2)(v)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER	
	Legal Standard
SE 3	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.
	State Requirements
	Federal Requirements
	34 CFR 300.8(c)(10); 300.311

Department of Elementary and Secondary Education Comments:

Proposed Finding: *A review of student records and staff interviews indicated that when a student suspected of having a specific learning disability is evaluated, the Team does not always create a written determination as to whether or not the student 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.*

CRITERION NUMBER	
	Legal Standard
SE 3A	Special requirements for students on the autism spectrum Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhett's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the IEP Team shall consider and shall 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. Please see additional guidance at: Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorder http://www.doe.mass.edu/sped/advisories/07_1ta.html#

CRITERION NUMBER		
	Legal Standard	
	State Requirements	Federal Requirements
	Chapter 57 of the Acts of 2006, amends M.G.L. c. 71B, section 3	34 CFR 300.8(c)(1)(i)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 5	<p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 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. 3. The superintendent of a school district or, for a public school program that is not part of a school district, the equivalent administrator: <ol style="list-style-type: none"> a. files an MCAS performance appeal for a student with a disability when the student's parent 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 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	Federal Requirements
	St. 2003, c. 140, s. 119 603 CMR 30.05(2),(3),(5)	20 U.S.C. 1412(a)(16)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 6	<p>Determination of transition services</p> <ol style="list-style-type: none"> 1. The Team discusses the student's transition needs annually, beginning no later than when the student is 14 years old, and documents its discussion on the Transition Planning Form. 	

CRITERION NUMBER		
	Legal Standard	
	2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate. 3. Reserved 4. 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 at least two years before the student's graduation or 22nd birthday, whichever occurs first, 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.	
	State Requirements	Federal Requirements
	M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)	34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 7	<p>Transfer of parental rights at age of majority and student participation and consent at the age of majority</p> 1. At least one year prior to the student reaching age 18, 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 18 th 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. 2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student's special education program. 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 retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of	

CRITERION NUMBER		
	Legal Standard	
	<p>competent jurisdiction.</p> <p>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.</p> <p>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 student record.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.07(5)	34 CFR 300. 320(c), 300.520

Department of Elementary and Secondary Education Comments:

***Proposed Finding:** A review of student records indicated that, at least one year prior to the student reaching age 18, the district does not consistently inform the student and parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. In addition, the district does not always obtain consent from the student with shared decision-making authority to continue their special education program.*

CRITERION NUMBER		
	Legal Standard	
SE 8	<p>IEP Team composition and attendance</p> <p>The following persons are members of the IEP Team and may serve in multiple roles:</p> <ol style="list-style-type: none"> 1. The student's parents. 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. <ol style="list-style-type: none"> a. If the student <i>may</i> be involved in a regular education program, a regular education teacher. If the student <i>is</i> involved in a regular education program, a regular education teacher of the student. b. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education 	

CRITERION NUMBER		
	Legal Standard	
	<p>provider for the student.</p> <ol style="list-style-type: none"> 5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses. 6. Other individuals at the request of the student's parents. 7. 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. 8. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education. 9. When one purpose of the Team meeting is to discuss transition services, with the consent of the parent(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. 10. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting. 11. Members of the Team attend Team meetings unless: <ol style="list-style-type: none"> a. the parent 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 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 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 and the IEP Team prior to the meeting. 	
	State Requirements	Federal Requirements
	<p>603 CMR 28.02(21). Part 1 of this criterion is related to State Performance Plan Indicator 8. Parts 5, 10, are related to Performance Plan Indicators 13 and 14. (See Massachusetts State Performance Plan (MA SPP) and Annual Performance Reports (MA APR) - Special Education.)</p>	<p>34 CFR 300.116(a), 300.321, 300.328. See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, to State Question #22</p>

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
	<p>Timeline for determination of eligibility Within 45 school working days after receipt of the parent's written consent to an</p>	

CRITERION NUMBER		
	Legal Standard	
SE 9	initial evaluation or a re-evaluation, the school district determines whether the student is eligible for special education.	
	State Requirements	Federal Requirements
	603 CMR 28.05(1); 28.06(2)(e)	

Department of Elementary and Secondary Education Comments:

***Proposed Finding:** A review of student records and staff interviews indicated that within 45 school working days after receipt of the parent's written consent to an initial evaluation or re-evaluation, the district does not always determine whether the student is eligible for special education and provide the parent with a proposed IEP and proposed placement.*

CRITERION NUMBER		
	Legal Standard	
SE 9A	<p>Elements of eligibility determination and provision of documentation; general education accommodations and services for ineligible students</p> <ol style="list-style-type: none"> 1. To determine whether a student is eligible for special education, the school district: <ol style="list-style-type: none"> 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 g. provides to the parent either a proposed IEP and proposed placement or a written explanation of the finding of no eligibility. 2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for 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	Federal Requirements
	603 CMR 28.05(1) and (2)	4 CFR 300.8; 300.306

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
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	Federal Requirements
	603 CMR 28.05(1)	34 CFR 300.323

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 11	School district response to parental request for independent educational evaluation 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	Federal Requirements
	603 CMR 28.04(5)	34 CFR 300.502

Department of Elementary and Secondary Education Comments:

Pre-finding Correction currently in progress (sent 6/4/25): A review of documents and staff interviews indicated that the district's procedures for independent educational evaluations do not include all required content as set forth in 603 CMR 28.04(5) and 34 CFR 300.502.

CRITERION NUMBER		
	Legal Standard	
SE 12	Frequency of re-evaluation 1. When the student's needs warrant it or a parent or teacher requests it, the school district, with parental 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 and district	

CRITERION NUMBER		
	Legal Standard	
	<p>agree that it is unnecessary and</p> <p>b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.</p> <p>2. 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.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.04(3)	34 CFR 300.303; 300.305(e)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 13	<p>Progress Reports and content</p> <p>1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.</p> <p>2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP.</p> <p>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.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.07(3)	34 CFR 300.305(e)(3); 300.320(a)(3)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 14	<p>Review and revision of IEPs</p> <p>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</p>	

CRITERION NUMBER		
	Legal Standard	
	<p>IEP or refer the student for a re-evaluation, as appropriate.</p> <p>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.</p> <p>3. <u>Amendments to the IEP.</u> In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.04(3)	34 CFR 300.324(a)(4), (6) and (b)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 17	<p>Initiation of services at age three and Early Intervention transition procedures</p> <p>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.</p> <p>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.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.06(7)(b)	34 CFR 300.101(b); 300.124; 300.323(b)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 18A	<p>IEP development and content</p> <p>1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting.</p> <p>2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.</p>	

CRITERION NUMBER		
	Legal Standard	
	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	Federal Requirements
	603 CMR 28.05(3); M.G.L. c. 71 B, section 3, as amended by Chapter 92 of the Acts of 2010	IDEA-97: 34 CFR Part 300, Appendix A, Question #22

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 18B	Determination of placement; provision of IEP to parent 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 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	Federal Requirements
	603 CMR 28.05(6) and (7); 28.06(2)	34 CFR 300.116; 300.325

Department of Elementary and Secondary Education Comments:

Proposed Finding: *A review of student records and staff interviews indicated that the district does not consistently issue the proposed IEP and proposed placement to the parent immediately following the development of the IEP.*

CRITERION NUMBER		
	Legal Standard	
SE 19	<p>Extended evaluation If the Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, may agree to an extended evaluation period.</p> <ol style="list-style-type: none"> 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, 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 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. The extended evaluation may extend longer than one week but does not exceed eight school weeks. 5. The extended evaluation is not considered a placement. 	
	State Requirements	Federal Requirements
	603 CMR 28.05(2)(b)	

Department of Elementary and Secondary Education Comments:

Prior Noncompliance - Corrective Action Under Review: The Department's Problem Resolution System (PRS) issued a Letter of Finding in January 2025 indicating, in part, that the district does not consistently implement appropriate procedures for extended evaluations. Specifically, the district was found to utilize the extended evaluation period as additional time to complete required assessments for initial evaluations.

As the district is currently engaged with the Department to address the noncompliance, all corrective action required will be reviewed and verified by PRS.

CRITERION NUMBER		
	Legal Standard	
SE 20	<p>Least restrictive program selected</p> <ol style="list-style-type: none"> 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 	

CRITERION NUMBER		
	Legal Standard	
	<p>environment, with the use of supplementary aids and services, could not be achieved satisfactorily.</p> <p>3. The district does not remove an eligible student from the general education classroom solely because of needed modification in the curriculum.</p> <p>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.</p>	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, § 3 603 CMR 28.06(2)	34 CFR 300.114-120 34 CFR 300.42

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 22	<p>IEP implementation and availability</p> <p>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, the school district provides the mutually agreed upon services without delay.</p> <p>2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.</p> <p>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.</p> <p>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 parents 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 parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.05(7)(b); 28.06(2)(d)(2)	34 CFR 300.323

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 25	<p>Parental consent</p> <ol style="list-style-type: none"> 1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental 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 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 is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent 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 is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental 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 parental 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 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'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 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 revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district's proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services. 	
	State Requirements	Federal Requirements
	603 CMR 28.07(1)	34 CFR 300.300

CRITERION NUMBER		
	Legal Standard	
	This criterion is related to State Performance Plan Indicator 8. (See Massachusetts State Performance Plan (MA SPP) and Annual Performance Reports (MA APR) - Special Education.)	

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 26	<p>Parent participation in meetings</p> <ol style="list-style-type: none"> 1. The district ensures that one or both parents 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(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 can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. 5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation. 	
	State Requirements	Federal Requirements
	603 CMR 28.02(21)	34 CFR 300.322; 300.501

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 29	<p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> 1. Communications with parents are in simple 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 parents or the 	

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	Legal Standard	
	<p>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.</p> <p>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 understands the content of the notice.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.07(8)	34 CFR 300.322(e); 300.503(c)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 34	<p>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.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.05(7)(b)	34 CFR 300.109; 300.110; 300.115

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 35	<p>Assistive technology: specialized materials and equipment <i>Assistive technology device</i> 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.</p>	

CRITERION NUMBER		
	Legal Standard	
	<p><i>Augmentative and alternative communication:</i> 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.</p> <p><i>Assistive technology service</i> 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:</p> <ul style="list-style-type: none"> (a) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment; (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities; (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (e) Training or technical assistance for a student with a disability or, if appropriate, that student's family; and (f) 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. <p>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.</p> <ul style="list-style-type: none"> • 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. 	
	State Requirements	Federal Requirements

CRITERION NUMBER	
	Legal Standard
	34 CFR 300.105; 300.324(a)(2)(v)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER					
	Legal Standard				
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 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 parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district program. 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 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. 				
	<table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">State Requirements</td> <td style="text-align: center;">Federal Requirements</td> </tr> <tr> <td>M.G.L. c. 76, s. 1 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00</td> <td>34 CFR 300.2(c)</td> </tr> </table>	State Requirements	Federal Requirements	M.G.L. c. 76, s. 1 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00	34 CFR 300.2(c)
State Requirements	Federal Requirements				
M.G.L. c. 76, s. 1 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00	34 CFR 300.2(c)				

Department of Elementary and Secondary Education Comments:

Prior Noncompliance - Corrective Action Under Review: *The Department's Problem Resolution System (PRS) issued a Letter of Finding in January 2025 indicating, in part, that the district does not consistently monitor the provision of services to and the programs of individual students placed in out-of-district programs.*

As the district is currently engaged with the Department to address the noncompliance, all corrective action required will be reviewed and verified by PRS.

CRITERION NUMBER		
	Legal Standard	
SE 38	<p>Special education services in institutional settings (SEIS) <u>Department of Elementary and Secondary Education responsibility:</u> 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.</p> <p><u>School district responsibility:</u></p> <ol style="list-style-type: none"> 1. 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. 2. 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's school district to implement the student's IEP by arranging and paying for the provision of such service(s). 3. The parent'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's school district. 	
	State Requirements	Federal Requirements
	603 CMR 28.06(9)	

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 39	<p>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 parents reside in Massachusetts or out of state, the school district:</p> <ol style="list-style-type: none"> 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 parents of parentally-placed private school children with disabilities prior about: 	

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> a. the child find process for students suspected of having a disability, and how parents, 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 of 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 parents; 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. <p>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.</p> <p>5. Calculates the proportionate share of federal special education entitlement funds (Fund Code 240 [IDEA Section 611Funds] 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 <i>prior</i> 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.)</p> <p>6. Determines equitable services and how they will be provided to one or more students with disabilities attending private schools in the district through</p> <ul style="list-style-type: none"> 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 are 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

CRITERION NUMBER		
	Legal Standard	
	<p>provide services directly or through a contract. The school district has the final decision-making authority.</p> <p>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.</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>9. Collects the following data and information, and reports to ESE as necessary in the Fund Code 240 application:</p> <ol style="list-style-type: none"> 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	Federal Requirements
	M.G.L. c. 71B, section 2 603 CMR 28.03(1)(e)	34 CFR 300.130-144; 300.300(d)(4)

Department of Elementary and Secondary Education Comments:

Pre-finding Correction currently in progress (sent 6/4/25): A review of documents and staff interviews indicated that the district has not developed procedures regarding the provision of services to eligible students enrolled in private schools at private expense.

CRITERION NUMBER		
	Legal Standard	
SE 40	<p>Instructional grouping requirements for students aged five and older</p> <ol style="list-style-type: none"> 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. 2. 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. 3. When eligible students are assigned to instructional groupings outside of the 	

CRITERION NUMBER		
	Legal Standard	
	<p>general education classroom for <u>60% or less of the students' school schedule</u>, group size does not exceed</p> <ol style="list-style-type: none"> a. 8 students with a licensed special educator, b. 12 students if the licensed special educator is assisted by 1 aide, and c. 16 students if the licensed special educator is assisted by 2 aides <p>4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for <u>more than 60% of the students' school schedule</u>, the district provides instructional groupings that do not exceed</p> <ol style="list-style-type: none"> a. 8 students to 1 licensed special educator, or b. 12 students to 1 licensed special educator and 1 aide. <p>5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the administrator of special education <u>and</u> 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.</p> <p>6. In such cases, the administrator provides written notification to the Department and the parents 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.</p> <p>7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.06(6)	

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 41	<p>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.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.06(6)(f)	

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 42	<p>Programs for young children three and four years of age</p> <p><u>General requirements:</u></p> <ol style="list-style-type: none"> 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. 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. 3. 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). <p><u>Types of Settings:</u></p> <ol style="list-style-type: none"> 4. <u>Inclusionary programs</u> for young students are located in a setting that includes students with and without disabilities and meet the following standards: <ol style="list-style-type: none"> 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. 5. <u>Substantially separate programs</u> 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: <ol style="list-style-type: none"> 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	Federal Requirements
	603 CMR 28.06(7)	34 CFR 300.101(b); 300.124(b); 300.323(b)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
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)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
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

Department of Elementary and Secondary Education Comments:

Pre-finding Correction currently in progress (sent 6/4/25): A review of documents indicated that the district has not developed 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.

CRITERION NUMBER		
	Legal Standard	
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	

CRITERION NUMBER	
	Legal Standard
	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
	Federal Requirements
	M.G.L. c. 76, §§ 16-17
	34 CFR 300.530-300.537

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER	
	Legal Standard
SE 46	<p>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</p> <ol style="list-style-type: none"> 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, and other relevant members of the Team, as determined by the parent 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 parents, 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, and other relevant members of the Team determine that the behavior is <u>NOT</u> 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: <ol style="list-style-type: none"> a. 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 b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. <u>Interim alternative educational setting</u>. 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 <ol style="list-style-type: none"> a. 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 b. on the authority of a hearing officer if the officer orders the alternative

CRITERION NUMBER		
	Legal Standard	
	<p>placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.</p> <p><u>Characteristics.</u> 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.</p> <p>5. If district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> 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 it 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 parents and district agree otherwise, or the hearing officer orders a new placement.</p> <p>6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent 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 and the school district agree otherwise.</p>	
	State Requirements	Federal Requirements
		34 CFR 300.530-537

Department of Elementary and Secondary Education Comments:

Pre-finding Correction currently in progress (sent 6/4/25): A review of documents indicated that the district's procedures for the discipline of students with disabilities do not include the provision of the written notice of procedural safeguards to parents no later than the date of the decision to take disciplinary action.

CRITERION NUMBER		
	Legal Standard	
SE 47	<p>Procedural requirements applied to students not yet determined to be eligible for special education</p> <p>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:</p> <p>a. The parent had expressed concern in writing; or</p>	

CRITERION NUMBER	
	Legal Standard
	<p>b. The parent had requested an evaluation; or</p> <p>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.</p> <p>The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.</p> <p>2. If the district had no reason to consider the student disabled, and the parent 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.</p> <p>3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.</p>
	State Requirements
	Federal Requirements
	34 CFR 300.534

Department of Elementary and Secondary Education Comments:

Pre-finding Correction currently in progress (sent 6/4/25): A review of documents indicated that the district has not developed procedures for the discipline of students who are not yet determined to be eligible for special education.

CRITERION NUMBER	
	Legal Standard
SE 48	<p>Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</p> <p>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.</p> <p>Programs, services, and activities include, but are not limited to:</p> <ol style="list-style-type: none"> 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;

CRITERION NUMBER		
	Legal Standard	
	10. meals.	
	State Requirements	Federal Requirements
	603 CMR 28.06(5)	34 CFR 300.101 - 300.113

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER		
	Legal Standard	
SE 49	<p>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:</p> <ol style="list-style-type: none"> 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 counseling and training 13. interpreting services. 	
	State Requirements	Federal Requirements
	603 CMR 28.02(18)	CFR 300.34; 300.323(c)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

**CIVIL RIGHTS
METHODS OF ADMINISTRATION (CR)
AND
OTHER RELATED GENERAL EDUCATION
REQUIREMENTS**

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
COMMENTS**

CRITERION NUMBER	
	Legal Standard
CR 13	<p>Availability of information and academic counseling on general curricular and occupational/vocational opportunities Students in grades 7-12 all receive the same information and academic counseling on the full range of general curricular opportunities and any occupational/vocational opportunities available to them.</p> <p>Race, color, sex, gender identity, religion, national origin, or sexual orientation are not presented as limiting factors in career determination.</p> <p>The district ensures that English learners 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.</p> <p>The district uses grade appropriate content objectives for English learners 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.</p>
	<p>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</p>

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER	
	Legal Standard
CR 14	<p>Counseling and counseling materials free from bias and stereotypes To ensure that any materials, tests, or procedures employed for guidance or counseling purposes are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district; 3. ensure that ELs and disabled students have the opportunity to receive support

CRITERION NUMBER	
	Legal Standard
	services, such as guidance and counseling, in a language the student understands; 4. support students in educational and occupational pursuits that are nontraditional for their gender.
	IDEA 97; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); 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; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.04, 26.07(8)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
CR 18	<p>Responsibilities of the school principal</p> <ol style="list-style-type: none"> <u>Instructional support</u>. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available within the general education program for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. The school district does not limit a parent'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. <u>Curriculum Accommodation Plan</u>. The principal implements a curriculum accommodation plan <u>developed by the district's general education program</u> to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the

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	Legal Standard
	<p>general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i></p> <p>3. <u>Early Literacy Screening</u>. Effective July 31, 2023, each school district shall at least twice per year assess each student's reading ability and progress in literacy skills, from kindergarten through at least third grade, using a valid, developmentally appropriate screening instrument approved by the Department. Consistent with section 2 of chapter 71B of the general laws and the Department's dyslexia and literacy guidelines, if such screenings determine that a student is significantly below relevant benchmarks for age-typical development in specific literacy skills, the school shall determine which actions within the general education program will meet the student's needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress. Within 30 school days of a screening result that is significantly below the relevant benchmarks, the school shall inform the student's parent or guardian of the screening results and the school's response and shall offer them the opportunity for a follow-up discussion.</p> <p>4. <u>Coordination with special education</u>. The principal, with the assistance of the administrator of special education, coordinates the delivery and supervision of special education services within each school building.</p> <p>5. <u>Educational services in home or hospital</u>. 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 arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.</p>
	M.G.L. c. 71, § 38Q 1/2; 603 CMR 28.03(3); 603 CMR 28.03(1)(f)

Department of Elementary and Secondary Education Comments:

There are no issues identified for this criterion.