



Special Education Process and Procedure Handbook

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SPECIAL EDUCATION OVERVIEW

VISION STATEMENT

The Webster Public Schools Special Education Department is dedicated to educate, serve, challenge and nurture all students, based on their varied learning needs, in order to assist each child in reaching their personal potential through quality school programs and related services, as well as through the alignment of services to the Massachusetts Frameworks, in partnership with general education programs and community resources.

We align with the District's vision statement.

*The vision of the Webster Public Schools is
to provide a quality education and a safe learning environment for all students
and to empower all students to succeed as responsible, productive citizens in an
ever-changing global society.*

To that end, the Webster Public Schools Special Education Department strives to provide the services and support necessary to ensure that students with special needs are prepared for a productive and successful future.

GUIDING PRINCIPLES

- To offer education through relevant and appropriate learning experiences
- To provide educational opportunities for all students in culturally valued and diverse educational environments
- To challenge students to achieve academic success and personal satisfaction
- To insure that all students receive necessary educational supports
- To ensure that all students receive educational services in the least restrictive environment and most inclusive setting possible

NONDISCRIMINATION STATEMENT

The Webster Public School District does not discriminate on the basis of race, color, creed, national origin, ancestry, age, sex, physical or mental disability, sexual orientation, gender identity, or homelessness status.

RELATED LAWS

Special education services of the Webster Public School District abides by all federal and state disability and special education laws and regulations. The following is a partial list of laws related to education and disability for your reference:

FEDERAL

Every Student Succeeds Act of 2016

**Individuals with Disabilities Education Improvement Act, 2004;
Amendments December 2008**

Statute: Public Law 108-446

Individuals with Disabilities Education Act, 1997

U.S.C. 1400 et seq

Statute: Public Law 94-142

Rehabilitation Act of 1973: Section 504

Amended by Public Law 100-259 (Civil Rights Restoration Act 1987)

Regulations 34 CFR Part 104

Americans with Disabilities Act, 1992

Amended January 2009

The Family Education Rights and Privacy Act of 1974

No Child Left Behind Act - 2002:

***Every Student Succeeds Act (ESSA) authorized 12/10/2015**

STATE

Massachusetts General Laws Chapters 69-78A

Chapter 766 of the Acts of 1972 (Massachusetts Special Education Law)

- Statute M.G.L.c. 71B
- State Regulations: 603 CMR 28.00, Revised July 2005

Massachusetts Student Record Regulations 603 CMR 23.00

Chapter 699 – Early Intervention (M.G.L.c. 111G)

Chapter 688 – Transitional Services (M.G.L.c. 71B 12A-12C)

Regulations 101 CMR 10.00

CONFIDENTIALITY AND PROFESSIONAL COMMUNICATION

The Webster Public School District takes seriously our obligation to protect the privacy of *all* students. The District abides by all privacy laws including M.G.L.c. and the Health Insurance Portability and Accountability act of 1996, Public Law 104-191 (HIPAA regulations), and Massachusetts Student Record Regulations, 603 CMR 23.00.

The Webster Public Schools protects the confidentiality of personally identifiable special education information at collection, storage, disclosure and destruction stages. Master files for special education are maintained in the Student Support Services office at the central administration building. Records are kept in a locked storage system. Student information maintained by teachers or related service providers are stored in the same fashion. Historical files are maintained in a secure room within the central administration building and are maintained after graduation and/or exit from services for a period of seven years. The District provides notification at the end of the seven year period that records are scheduled to be destroyed. Parents/students are given the option of obtaining their records. Otherwise, files are destroyed two weeks after notification has been sent.

A log of access is maintained within each student file in the Student Support Services office. This log includes the name of the party accessing the record as well as the date and purpose of the file access/review.

All staff members are required to ensure that the integrity of student file information as well as verbal and written communication regarding a student is protected. Information will never be disseminated to an outside party at any time unless specific, written authorization is provided by the parent or guardian to release such information.

During the Team meeting process, the full names of students other than the student being discussed will not be disclosed. This is a breach of confidentiality. Awareness of protecting the privacy of all students is the professional responsibility of our staff. Staff members are expected to abide by privacy and confidentiality standards beyond the school day.

TRANSLATION OF INFORMATION FOR STUDENTS AND FAMILIES WITH A HOME LANGUAGE OTHER THAN ENGLISH

The special education department will accommodate all students and families whose primary language is other than English upon identification or notice to the Student Support Services office through the home language survey conducted by the District. This assistance will include interpreters at all meetings and the translation of all documents into the family's native language including Notices of Proposed School District Action, Consents for Evaluations, Eligibility Determinations, evaluation reports and Individualized Education Programs (IEPs). The mandate to comply with this activity is noted by the Department of Elementary and Secondary Education as follows:

Communications are in English and primary language of home:

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 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 (1) that it has provided such notice in an alternate manner, (2) of the content of the notice and (3) of the steps taken to ensure that the parent understands the content of the notice.

State Requirements

603 CMR 28.07(8)

Federal Requirements

34 CFR 300.322(e); 300.503(c)

Note: Further information regarding ELL services are available through the District website at www.webster-schools.org.

When IEPs and related special education documents (N-1, PL 1, Consents for Evaluation, etc.), correspondence or copies of evaluations are needed, the team will identify this to the Special Education office via the Educational Team Chairperson and administrative staff will forward all materials to a Translation Resource Provider. Timelines for translations will be expedited to the greatest extent possible in order for parents/guardians to have information available as quickly as possible.

EDUCATIONAL DECISION MAKING

When voluntary custody has been given to the Department of Children and Families (DCF) or another legal petition is in effect and no specific legal action has been taken to remove decision-making rights from the parent, the parent maintains educational decision making rights.

If the natural parent is unwilling or unavailable for a period of time and the student is in foster placement, the foster parent may automatically serve as the educational decision maker. If the student is in a placement other than a foster placement, DCF or the LEA needs to request the assignment of an Educational Surrogate Parent.

If a child is living with extended family members ("kinship" home), such person(s) can be considered "foster" parents for purposes of educational decision making, unless other specific circumstances/arrangements are indicated otherwise. If this arrangement is made with the parent(s), the District will consider the continued decision making by the parent(s) unless written permission is granted to the extended family member.

If the student is referred for an evaluation for special education services, or already receiving special education services, the foster parent or extended family member with whom the child lives can be considered the educational decision maker.

VISITS TO PROGRAMS

At times, it may be beneficial to visit/observe other schools/programs to gain information on best practices and for the purpose of program development. All visits to programs outside of the District require permission of the building principal and/or Student Support Services Director.

If a visit is being considered, the justification/purpose of the visit must be provided to the Building Principal and/or Student Support Services Director. The building principal and/or Student Support Services Director will obtain permission from the school/program prior to the visit being scheduled. Permission to observe/visit programs outside the District must be obtained by the program/school/District or the visit cannot take place.

Any visits to potential out of district programs will be conducted by the Student Support Services Director or his/her designee overseeing students placed out of district.

OBSERVATIONS BY PARENTS/OUTSIDE PARTIES

The District abides by the requirement of the “Observation Law”, Chapter 363, “An act providing access to information for parents of a child with special needs”, section 3 of chapter 71B of the General Laws, amended: “To insure that parents can participate fully and effectively with school personnel in the consideration and development of appropriate educational programs for their child, a school committee shall, upon request by a parent, provide timely access to parents and parent-designated independent evaluators and educational consultants for observations of a child’s current program and of any program proposed for the child, including both academic and non-academic components of any such program. Parents and their designees shall be afforded access of sufficient duration and extent to enable them to evaluate a child’s performance in a current program and the ability of a proposed program to enable such child to make effective progress. School committees shall impose no conditions or restrictions on such observations except those necessary to ensure the safety of children in a program or the integrity of the program while under observation or to protect children in the program from disclosure by an observer of confidential and personally identifiable information in the event such information is obtained in the course of an observation by a parent or a designee.” (*Approved October 10, 2008*)

The Webster Public Schools will allow, with adequate written notice in advance to the building principal and Student Support Services Director, an observation of the child's program by the parent or parent designee. The District shall assign a staff person to accompany the parent or parent designee for the duration of the visit. Access of sufficient duration will be determined by the building principal.

TAPING OF TEAM MEETINGS

Webster Public Schools does not permit audio or video recordings of IEP Team meetings. An exception to this prohibition will be to ensure a parent/guardian's access to the meeting when recording is required to ensure other parental rights guaranteed under IDEA Part B.

All requests to record IEP Team meetings will be reviewed by the Director of Special Education, who will determine whether the request meets the exceptions outlined above.

Requests to record an IEP Team meeting must be submitted in writing to the Director of Special Education at least two (2) business days prior to the scheduled meeting date. The Director of Special Education may request additional information to support the parent/guardian's request.

If permission to record is granted, Webster Public Schools will also record the meeting. This recording will be maintained by the district as an educational record in accordance with FERPA guidelines and regulations.

All parties acknowledge that any recordings are for educational purposes only. Improper dissemination or use of recordings may result in further action by the District.

STORAGE OF RECORDS

As indicated previously, files for Special Education are maintained in the Student Support Services office at the central administration building. Records are kept in a locked storage system. Student information maintained by teachers or related service providers should be stored in the same fashion. Historical files are maintained in a secure room within the central administration building and are maintained after graduation and/or exit from services for a period of seven years. Special Education records are not a part of the student's cumulative school records and the primary file is not maintained within the school building. Requests for records can be submitted to the Student Support Services office with proper consent provided by the parent or legal guardian.

THE PRE-REFERRAL PROCESS

MANDATE FOR PRE-REFERRAL

If a student experiences difficulty in a regular education setting, it is the responsibility of the building principal to ensure that all efforts are made to meet a child's needs within the regular education program. Although the right to refer a child to special education cannot be circumvented at any time, the implementation of pre-referral strategies is an opportunity to prevent student failure and help the student to succeed in regular education.

The pre-referral system ensures compliance with the Massachusetts Special Education Regulations/Chapter 766 Regulations. Chapter 766 s.309.0 states:

“Prior to a referral of a child for an evaluation the principal of the child’s school shall ensure that all efforts have been made to meet such child’s needs within the regular education program. In addition, all efforts shall be made to modify the regular education program to meet such needs. Such efforts may include, but are not limited to: modification of the curriculum, teaching strategies, teaching environments, or materials; and use of support services, consultative services, and building based teams to meet the child’s needs in the regular classroom. Such efforts and their results shall be documented and placed in the child’s record. Nothing contained in this paragraph shall be construed to limit or condition the right to refer a child for an evaluation.”

A Student Success Team (SST) provides support to teachers as they develop alternatives for students experiencing difficulties (behavioral or academic) in the classroom. This support comes from a group of colleagues within each school building who are readily available to join with the classroom teacher in his/her problem solving efforts. The team will meet to review data and brainstorm regarding strategies/developing solutions when in-class efforts fail to bring about solutions to a student's problem. This is an organized effort to provide teachers with support. Teachers are encouraged to bring concerns about any student to the SST and not just those whom they feel may qualify for a Special Education Team evaluation. All Pre-Referral documentation will be compiled and stored at each building.

PRE-REFERRAL GUIDELINES

Overview

Pre-referral activity is a general education procedure that falls under the District Curriculum Accommodation Plan (DCAP). Each school principal is responsible for coordinating pre-referral processes with their building staff and implementing pre-referral activities within their building.

A student's classroom teacher(s) and the Student Success Team (SST) will initiate pre-referral activity when there is a concern about a child's inability to make effective academic progress. This study is completed to better understand the student and determine if certain interventions can benefit the child.

If the student's parent has requested an evaluation, the building principal or designee should contact the parent to discuss the SST process and the benefits of proceeding with this process prior to a formal referral in order to obtain more specific data on the student and determine if the student responds to regular education interventions.

Recommended Procedure: Student Success Team (SST)

Step One: Prior to SST Meeting

1. The classroom teacher(s) will contact parents/guardians regarding concerns evident in the classroom and seek out relevant information from the parent/guardian.
2. The classroom teacher(s) will gather information to document their concern (observations, work samples, grades, data, formative assessment results, etc.).
3. Teacher(s) may ask appropriate members of the SST, or specialists, such as occupational, physical or speech Therapists, school psychologists, ELL, BCBA or other professional support personnel, to make informal observations of the child prior to a SST meeting.

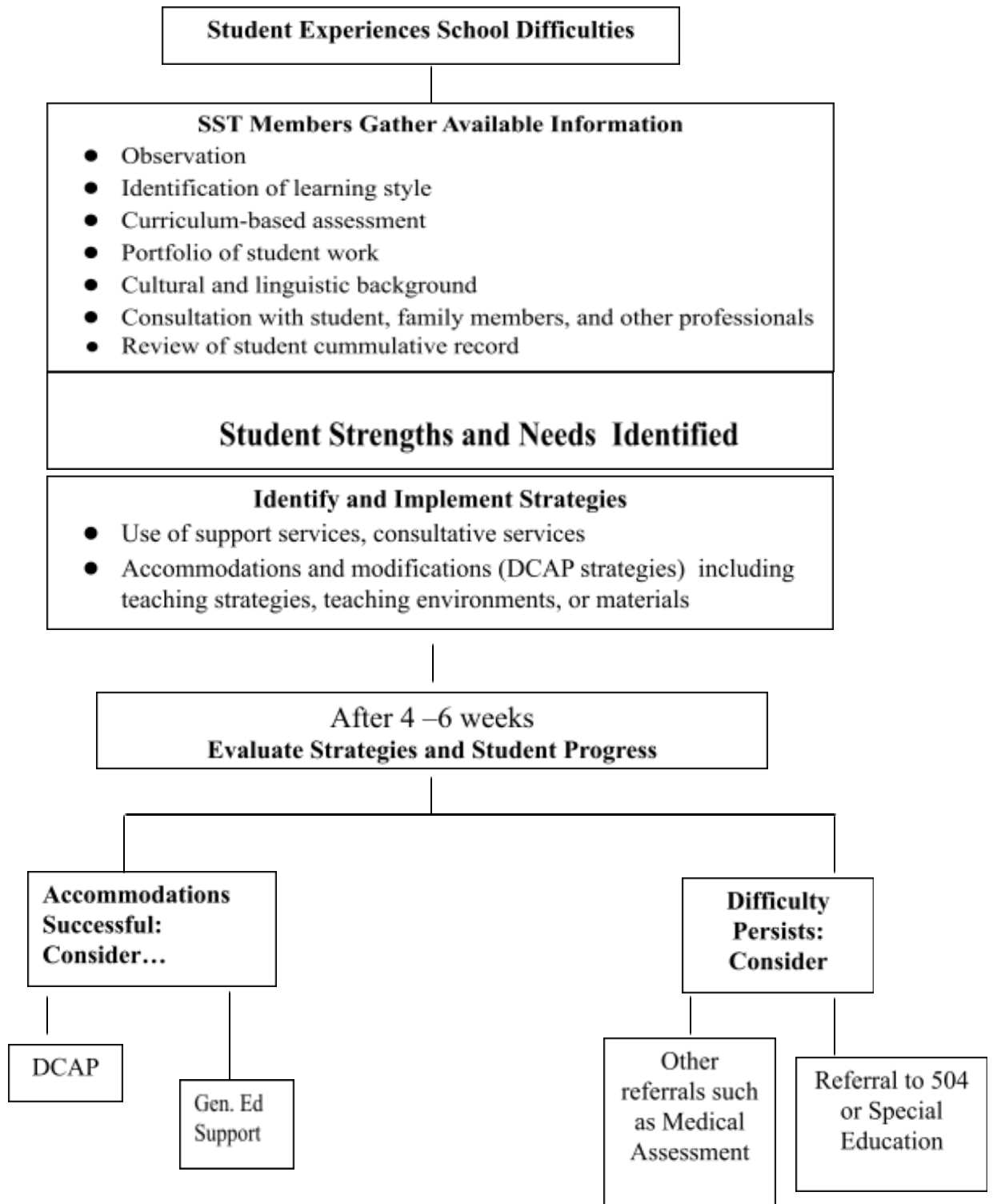
Step Two: SST Meeting

1. The classroom teacher(s) present concerns and supporting documentation.
2. The SST members may ask for clarification and will utilize the cumulative file for academic history and identifying patterns of difficulty.
3. The classroom teacher(s) and SST members brainstorm about accommodations/modifications/general education services that may be appropriate to address student concerns.
4. SST members come to consensus by developing strategies and benchmark objectives that will be implemented during a trial period (typically 4-6 weeks).
5. All strategies and data collected on benchmarks are documented and maintained by the SST. All documentation is maintained in the student's cumulative record.

Step Three: SST Reconvenes

1. After a period of 4-6 weeks, the SST reconvenes to assess how effective the strategies were in addressing the teacher(s) concerns.
2. The SST must revisit each strategy and assess whether or not it was implemented and how effective it was.
3. At the conclusion of the SST meeting, the TEAM may decide to:
 - a. change or develop different strategies, or establish new benchmarks, and reconvene after another trial period, no longer than 6 weeks in duration
 - b. develop a support plan based on effective accommodations
 - c. document student progress and continue with current strategies recommended by the SST. (This must be documented and placed into student's cumulative folder)
 - d. refer the student for an evaluation through the 504 or the Special Education process; the SST Team can suggest what areas for assessment would be useful and forward documentation to support their recommendations to the 504 coordinator or team chairperson. Referral questions should be developed by the SST.
 - f. SST designee should notify the parent of the recommendation for referral and document that this contact has taken place on the referral form.

Student Success Team - Pre-Referral Process



TRANSITION FROM EARLY INTERVENTION

The Director of Student Support Services or Team Chairperson maintains routine contact with the Kennedy-Donovan Early Intervention team (as well as other area Early Intervention programs) in order to allow for the smooth transition of students from Early Intervention to the public school setting. Unless the parent has provided written consent, no identifying information is shared with the school District. Any discussions with EI are based on general information so that the District can begin to plan for any extraordinary needs and services in advance.

Referrals from Early Intervention can be accepted for children who are 2.5 years of age and older and currently receiving services through Early Intervention. Upon receipt of a referral from Early Intervention (EI), the Special Education Department notifies the parent of the referral and provides the parent with consent to begin the evaluation process. Typically, early childhood evaluations commence no later than age 2 year 9 months age level in order to provide enough time to complete an evaluation and propose an Individual Education Program for eligible children prior to their third birthday. The school-based team may be invited to attend the EI Transition meeting.

For the purpose of the evaluation of a child referred from EI, the District may consider testing completed by the Early Intervention staff along with a thorough review of the records by the District's related service providers/teachers, and testing completed by the District. The parent can also submit any other pertinent testing completed by an outside evaluator for consideration. The District completes an observation of the child and may consider other assessments such as a home assessment, developmental checklists specific to an area of suspected disability, etc. A play-based assessment may be recommended for students with global developmental delays.

The Early Intervention team is invited to attend the eligibility determination meeting to provide input to the team decision making process. The Team meeting takes place to determine eligibility, and develop an IEP if indicated, prior to the child's third birthday.

If a child is determined eligible under IDEA, Special Education services commence immediately when the child turns three years of age and/or immediately upon receipt of parent consent through a signed IEP.

OUTREACH AND CHILD FIND PROCEDURES

The Webster Public Schools Special Education Department notifies parents and Pre-schools in the local area that services are available for children with special needs including those with related service needs in the areas of speech and language, motor skills development and cognitive delays. In September of each year, this information is posted in the local newspaper (*The Webster Times*). Additionally, this information is

available on-going at the Student Support Services link on the Webster Public Schools website www.webster-schools.org. A letter describing the District's screening and referral process is forwarded to all local preschool programs, the public library, Head Start, private schools in close proximity to the community, homeless shelters, and local health/human service agencies.

Parents of children two years, six months or older are asked to contact the special education department if they have any questions regarding services or about the special education eligibility determination process. If an evaluation is necessary, this process can begin between two years, six months and two years, nine months. Determination of special needs eligibility would qualify a child to receive services commencing on their third birthday.

PRESCHOOL AND KINDERGARTEN SCREENING

PROCESS AND PROCEDURES

"Each school District shall conduct screening for three and four year olds and for all children who are of age to enter Kindergarten. Screenings are designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services."(M.G.L.c. 28.03)

Preschool Screening

The Webster Public Schools special education department provides preschool screening for all three and four year old children who reside in the community. This process is optional and at the request of the parent or guardians.

Kindergarten Screening

All students preparing to enter Kindergarten (age five by August 31st) are required by Massachusetts General Law to participate in a Kindergarten screening program. During Kindergarten registration, parents are informed about the screening process and will be provided with the date/time of the screening (usually scheduled in the spring prior to the student entering school in the fall). The following areas will be screened:

- General Development
- Fine Motor Skills
- Gross Motor Skills
- Speech/Language Development
- Vision and Hearing

Parents are notified in writing if their child exhibits difficulty in any of the above areas. It may be deemed necessary to conduct a more in-depth assessment to determine if a more

serious issue exists. The Kindergarten Screening Team will forward a referral for a Special Education evaluation upon completion of the screening process if a more comprehensive assessment is recommended.

OTHER REFERRAL SOURCES

Students can be referred through the Student Success Team (SST) process or directly through a parent/guardian. Other parties, such as a therapist, physician, social worker, or private school service providers, can also initiate the referral process. This is done through written notification to the Special Education Department with the specific reason noted for why an educational disability may exist. The process will move forward as indicated above.

Students Involved With Social Service Agencies or the Courts: When social services agencies or the courts make referrals for a special education evaluation, the evaluation will be conducted as per the regulatory requirements. The evaluation team must be careful in sorting through environmental factors as well as the conditions of schooling in reaching a decision about eligibility for special education. It should not be assumed that involvement with such agencies indicates the existence of a disability. Nor should it be assumed that the influence of factors outside of the school environment indicates that a disability exists. The same standards used to determine eligibility for students referred by the schools and/or parents is applicable to students in special circumstances.

THE EVALUATION PROCESS

SCREENINGS

If there is concern that a child may be struggling in a developmental area and building staff and/or parents would like to assess basic functioning prior to making a formal referral, a request for screening can be made through the SST liaison in each school. Once notified, a screening request will be sent to the appropriate related service provider/therapist. The screening should be completed within 3 weeks of notice. Once feedback is provided to the SST, a referral will be processed, if necessary. If no evaluation is needed, written feedback from the therapist/specialist will be provided to the school and /or parent.

INITIAL EVALUATION TIMELINES/REFERRAL PROCESS

All students residing within the Webster Public Schools boundaries have the same rights to special education services, regardless of where they attend school, (e.g. preschool, private, parochial, or home-schooled students). Referrals must be accepted by the Special Education Department for children aged 3 - 22 who reside in Webster and who have not yet met graduation requirements.

The Student Success Team (SST) pre-referral process is the recommended procedure to use when a child is being considered for referral for an evaluation for Special Education Services. A student may, however, be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development at any time. The Principal or his/her designee, of the school attended by such child shall determine whether pre-referral efforts should be considered.

If, after completing pre-referral activities, a referral is made by the Student Success Team for a Special Education Evaluation, the SST is responsible for informing the principal of their decision. The school is responsible for informing the parent/guardian that a referral is being made and why. The consent for evaluation is prepared by the Team Chairperson and is sent out through the special education office for parent signature. Documentation of all pre-referral activity and/or evaluation request documentation will be sent to the special education office for the student's file.

PROCEDURES REGARDING PARENT NOTIFICATION AND INVOLVEMENT

The Webster Public Schools values and encourages parent involvement and participation throughout the special education process. In keeping with state and federal requirements in the specific areas in which notice to parents must be provided, the Webster Public

School D abides by the following guidance. Please refer to Pre-referral, Evaluation and IEP sections of this manual for further detail regarding local processes.

1. Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE

1. A student may be referred for an evaluation by a parent or any person in a care-giving 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 child's parent(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 for the evaluation to occur, and provides the parent 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(s) with an opportunity to consult with the Director of Special Education or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation.
5. The District provides parents 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'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)

2. Parental consent

In accordance with state and federal law, the school District obtains informed parental consent as follows:

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 child.
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 reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school District considers with the parent whether such action will result in the denial of a free appropriate public education to the child. 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 Special Education Appeals.

State Requirements

603 CMR 28.07(1)

Federal Requirements

34 CFR 300.300

3. Content of Team meeting notice to parents

The parent 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)

PROCESS FOR OBTAINING CONSENT FOR EVALUATIONS

Within 5 school days of the receipt of referral for evaluation, the special education office will forward the consent for evaluation to the parent/guardian. A copy of the Notice of Procedural Safeguards will be forwarded with the consent form. In rare situations where the referral is deemed not appropriate, the Student Support Services Director will contact the referral source to discuss the situation and will submit a Notice of District Decision (N 2 Form) to the parent/guardian within five school days of receipt of the referral, documenting the rationale for the decision. If a referral request is made by a party outside of the school system, the parents/guardians will be provided with notification of receipt of the referral along with the consent for evaluation as indicated above.

Upon receipt of the signed consent form, the special education office will send notification to the Team Chairperson who will in turn provide the signed consent to all parties who are required to conduct testing. The evaluation must be completed within 30

school days from the date the consent form was received by the Special Education office. A Team meeting will be held within 45 school days, or sooner, of the date consent was received by the Student Services Office.

The Team Chairperson is responsible for the collection of evaluation documents. Evaluators are required to complete their evaluation within 30 school days of receipt of parental consent and should provide copies of their report to the Team Chairperson at least three (3) days prior to the Team meeting. This timeline is in place to assure that reports are available to parents, upon their written request, at least 48 hours prior to the meeting, as required by law. The Team Chairperson or Student Support Services Director are authorized to share evaluation results with the parents prior to the Team meeting.

At least 10 calendar days before the scheduled Team meeting, parents are notified in writing of the meeting by the Team Chairperson. Copies of the meeting invitation are sent to each individual involved in the evaluation electronically or through inter-office mail. A parent may invite whomever they wish to a Team meeting. *Note: If the parent advises that an attorney will be present, the Student Support Services office will consult with District legal counsel to determine if legal representation will be needed at the Team meeting. The District reserves the right to cancel the Team meeting if the parent attends with legal counsel without notifying the District. The District requests that the parent provide notice of intent to bring legal counsel at least 5 calendar days prior to the meeting in order to plan accordingly.*

INITIAL EVALUATION ASSESSMENTS

Sound evaluations utilize a variety of assessment techniques to guarantee that Team members have a full understanding of the student and the suspect disability(ies). Relying on a single test or a single battery for all students may not be adequate. Evaluations can include formal, informal assessments, observations and interviews. Evaluations should consider:

- Background information
- Information provided by the parents
- Work samples, if available
- Cumulative record and referral record review (including grades for the current and previous school year)

Required Assessments

- 1) An assessment in all the areas of the suspected disability.
- 2) An educational assessment by a representative of the District, including a history of the student's educational progress in the general curriculum. Such assessments shall also include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts

Curriculum Frameworks and the District curriculum as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory and social relations with groups, peers and adults gained by observations of the child in school. The school District shall thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.

3) For children who are receiving Early Intervention services, current and appropriate assessments from Early Intervention Teams may be used whenever possible to avoid duplicate testing.

4) If the Team feels it is appropriate, an observation of the child's interactions in the child's natural environment or in an early intervention program should be conducted to determine eligibility of services. Early childhood referrals may be recommended for a play-based assessment depending on the child's needs.

5) Teacher Assessment (28R/1) completed by the general and/or special education teacher(s) for the evaluation, re-evaluation, and reviews.

6) When a learning disability is suspected, Massachusetts Regulations require that a Specific Learning Disabilities Form be completed. An observation must be conducted and documented by someone, other than the child's teacher, and the form must be completed at the eligibility determination Team meeting.

7) Other observation forms may be completed by specialists as requested for completion of the evaluation (eg. Behavioral Observation Checklists, etc.)

Optional Assessments

The Team Chairperson may recommend or the parent/guardian may request one of the following:

1) Comprehensive Health Assessment by a physician/health practitioner that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant information from the student's school health records.

2) Psychological Assessment by a certified school psychologist, licensed psychologist or licensed educational psychologist.

3) Home Assessment conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher, which includes information on pertinent family history and home situation.

INITIAL EVALUATION PROCEDURE TIMELINE

Timeline	Action	Person Responsible
Within 5 school days of receipt of a referral by the office of Student Support Services	Parent notified of referral. Consent to evaluate is sent with a Notice of Procedural Safeguards and Social/Dev. History Form to parent; Notification of Decline to Evaluate (N-2) if determine not necessary	Special Education Admin./Team Chair/Secretary Director of Student Support Services
Upon Receipt of Parent/ Guardian consent	Meeting is scheduled within 45 school days. Those required to conduct testing are notified	Special Education Team Chairperson
Completion of Evaluations	30 School Days	Evaluation Team
At least 3 days prior to Team meeting	Summaries and assessment reports available for Parents/ Guardians allowing access 48 hours prior to the meeting	Evaluators/Team Chairperson
Within 45 school days of receipt of parent consent to conduct evaluation	Team meeting held. If eligible, a proposed IEP is created at the Team meeting. Parents/guardians are provided with the Team Proposal at the conclusion of the Team meeting.	Team Chairperson
Within 3-5 school days after the Team meeting	If found eligible, IEP is sent to Parent/ Guardian for signature. If not eligible, finding of No Special Needs is sent with a Notice of Procedural Safeguards to the parent/guardian	Special Education Department
Upon receipt of Accepted/ Rejected IEP by Special Education Department	Staff are notified when the IEP is available; The IEP is available electronically to all staff; BSEA is notified of rejected/partially rejected IEP's; Director of Student Support Services/Team Chair contact parent/guardian to discuss rejection/implement necessary changes, schedule new Team meeting.	Special Education Department

REPORT FORMAT GUIDELINES

The Webster Public School special education department requires that all reports pertaining to the testing of a student referred to, or currently receiving special education services, be available no later than three (3) days prior to a scheduled Team meeting in order to abide by the availability requirements for parents to request copies of reports 48 hours in advance of the Team meeting.

Reports must be comprehensive and intelligible to parents/guardians and Team members. Test outcomes and recommendations must address the student's educational needs and learning styles. The report should appear on the District letterhead.

Recommended Report Format:

1. Reason for Referral: Reason for referral, description of presenting problem
2. Background Information: Summary of history and events leading to evaluation
3. Observations: Testing location, observable behaviors, student participation, etc.
4. Test(s) Overview: Identification and description of tests provided
5. Results: Test results and interpretation
6. Findings Summary: Discuss student's abilities, interests, strengths, needs/areas of deficit, and learning style
7. Recommendations: Based on the assessment findings, describe educationally relevant recommendations that will assist the student in making effective progress within the classroom and school environment. Implication for educational services, classroom and /or therapeutic interventions can be considered pending eligibility. Determination of services will be made at the Team meeting once eligibility is decided.

REEVALUATION GUIDELINES

When a student is referred for a reevaluation, the school District, under Federal regulation, should first review existing evaluation data. If no additional information is needed to determine whether the student continues to be eligible, the school District may request that a parent waive particular types of assessment(s). The parent may either consent to waive the assessment(s) or may choose to have the assessment completed regardless of the recommendation for waiver.

Note: If the District suspects that the student may no longer require special education services, then a reevaluation must occur since no decision to remove eligibility can occur without current and complete evaluation information, although no such evaluation is required before a student graduates from high school.

At the reevaluation Team meeting, the Team after determining the existence of a disability(ies) must decide whether the student would continue to make progress in school without the continued provision of special education services. A student's progress should not be judged solely on the completion of IEP goals or report card grades. (Massachusetts Department of Elementary & Secondary Education / June 2001)

Under IDEA 2004, the school District is required to reevaluate a student every three years or sooner if deemed necessary, to determine current level of student function as well as continued eligibility for special education services.

Three months prior to the student's scheduled three-year reevaluation meeting, the parents/guardians will be sent an Evaluation Consent form, indicating the areas of testing which will be completed. If a particular assessment is not being recommended by the District, a Waiver of Assessment form will be sent to the parent for their approval. The parent can opt to waive the assessment or have it completed.

Upon receipt of consent, the process for re-evaluation will be the same as indicated for the initial evaluation process. The Team must determine whether a disability continues to exist and if the student will continue to make effective progress within the regular education setting without the continued provision of special education services.

If eligibility is determined, the Team will write a new IEP for the student and determine placement. If determined not eligible, the parents will be provided written notification with documentation as to why the child is no longer eligible.

END OF SCHOOL YEAR EVALUATIONS

If consent is received within 30 school working days, the District will complete testing for the student by the last day of school. However, a Team meeting will not be convened until the onset of the next school year. If consent is received 45 school working days prior to the end of the school year, the school District ensures that evaluations are completed and 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 fourteen (14) days after the end of the school year. If the consent receipt date does not allow for 45 school working days to hold a meeting, the meeting may not be held until the onset of the next school year.

Each building administrator is asked to review with their faculty the need for any student to be referred for special education prior to the end of March in order for an evaluation and Team meeting to be held prior to the end of the school year.

If the child is referred and consent is not received in time for the District to complete the evaluations and hold a Team meeting within the 30 school day period, evaluation consents will still be forwarded to the appropriate evaluators. The Team meeting will be scheduled at the onset of the next school year at the earliest possible date within the 30-45 school working day timeline from the date of consent receipt.

INDEPENDENT EVALUATIONS

Upon receipt of a student's evaluation results, if the parent/guardian disagrees with an initial or re-evaluation completed by the Webster Public Schools, then the parent may request an independent evaluation. The special education department must respond to the parent's request within 5 school days. The parent may obtain an independent educational evaluation at their own expense anytime.

Only qualified persons can conduct independent evaluations on behalf of the District. These individuals must abide by reimbursement rates set by the State Department of Finance. Unique circumstances of the child may necessitate an independent rate that is over the standard rate.

If a student is eligible for free or reduced lunch, then the District will provide an independent evaluation that is equivalent to the types of assessments done by the school District at the District's expense. A parent/guardian has the right to request publicly funded independent evaluations for 16 months from the date of the evaluation with which the parent disagrees.

Whenever possible, the independent evaluation report should be completed within 30 days of the evaluation request. The independent evaluator may recommend services; however, the educational Team will make the determination of eligibility and necessary

services. Specific placements may not be recommended. A contract outlining the requested service is developed between the District and evaluator.

If the parent/guardian requests an independent evaluation in an area not assessed by the Webster Public Schools, or if the child is not eligible for free and reduced lunch, the Director of Student Support Services may either agree or refuse to pay for an independent evaluation. The District can determine the provision of an independent evaluation with parent contribution based on a sliding scale fee schedule. If the independent evaluation is denied, the case should be forwarded to the BSEA for review and resolution.

EXTENDED EVALUATIONS

If evaluation information is inconclusive and the Team has found the student not eligible for special education, the Team can consider an Extended Evaluation. An Extended Evaluation may be used, with parental consent, to gather additional information needed to write an IEP. Teams must be aware of the state regulatory restrictions placed on the use of Extended Evaluation. Extended Evaluation cannot be used for the following purposes:

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

If a student has been found eligible for special education services, the Team should write a partial or full IEP in conjunction with an Extended Evaluation Form. This action will ensure, with parental acceptance of the IEP, that a student is not denied services determined necessary at a Team meeting.

An extended evaluation may run from one to eight weeks. The Team may decide to meet during that evaluation period. However, the Team must reconvene as soon as the additional evaluation data is available in order to review assessment data and/or complete the writing of the IEP. *(Massachusetts Department of Elementary & Secondary Education / June 2001)*

EVALUATION OF ENGLISH LANGUAGE LEARNERS

In keeping with IDEA 2004, and in accordance with M.G.L.c., for students whose native language is not English, all efforts will be made to arrange for testing in their language. If not, alternate methods of testing cognition and achievement will be attempted.

Notification will be provided to parents in their native language. Qualified translators and/or sign language interpreters will be provided for parents/students who cannot communicate or understand English.

At the time of referral, the school should provide information on the student's native language to the evaluators and indicate whether alternative testing and/or communication with the family will be needed.

UNSCHEDULED EVALUATIONS FOR MEDICAL LEAVE AND EMERGENCY EVALUATIONS

If an eligible student is likely to remain home, in a hospital, or in a pediatric nursing facility for more than sixty (60) days within a school year, with the approval of the Director of Student Support Services, a Team may be convened to consider additional evaluations and/or to amend the existing IEP. If necessary, a new IEP can be developed. Medical information from the student's physician is required.

Only the Director of Student Support Services can authorize an emergency evaluation. If a situation exists that may warrant an evaluation to be completed on an emergent basis, the building principal will consult with the Student Support Services Director to review the case and make a decision on conducting an emergency evaluation.

THE TEAM PROCESS

GENERAL GUIDELINES

PARENT PARTICIPATION

The Webster Public Schools encourages and values the parent/guardian's participation in the Team process. The District adheres to the following guidance provided by the Department of Elementary and Secondary Education in maintaining the integrity of the team process with parent involvement.

Parent participation in meetings

1. The District ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child.
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. If a parent is unable to attend by alternative means, the District may proceed with the Team meeting with parent permission.
5. In cases where the District, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions (for example after 2-3 scheduled meetings), the District conducts the Team meeting on behalf of the student documenting attempts to facilitate the parents' participation.

State Requirements

603 CMR 28.02(21)

Federal Requirements

34 CFR 300.322; 300.501

The District will employ any reasonable accommodation to include the parent in the team process. Examples of this at some of the District's Team meetings has been the use of a conference call for telephonic participation, as well as, obtaining parent input in writing prior to the meeting. In the event of the need for translators or sign language interpretation, the District will make the necessary accommodations in advance.

Roles and Responsibilities: Team Members

The Team make-up is a direct reflection of the individual needs of the student being evaluated, re-evaluated, reviewed or discussed. A Team consisting of certified or licensed individuals qualified to perform requested assessments conducts the evaluation process. Team members must include:

- Parent(s)/Guardian and/or the student at age 14 and older
- At least one general education teacher, if the student is placed in the general education environment.
- At least one special education teacher and/or if appropriate, a special education provider of the child.
- A representative of the school District who can designate District resources (usually the Team Chair/Liaison)
- School Principal (at their discretion)
- Related Service Provider(s) (such as school psychologist, speech pathologist, occupational therapist and physical therapist) who can interpret the instructional implications of evaluation results. NOTE: The school nurse may be present at the Team meeting to present or interpret information if there are medical reports and/or acute medical concerns.
- Any other people may be invited, at the discretion of the parents or school, who have knowledge or special expertise regarding the child.

Since each Team meeting reflects the particular need of the students, the roles of the members of the Team may change from one meeting to another. To facilitate decision making, the Team must understand that the definition and indicators of effective progress represents a continuum or baseline of achievement. The Team is to review the referred student's performance against this standard. A student's ability to progress effectively compared to the performance of the student's peer group should not be the only measure considered. Effective progress should be measured by the individual student's potential/abilities and progress in school.

It is the responsibility of each Team member to have prepared reports and assessments available in the office of Student Support Services at least three to five days prior to the Team meeting. Parents have the right to request and receive these reports 48 hours in advance of the meeting.

- ***Parent(s)/ Guardian:*** The role of the Parent(s)/Guardian at the Team meeting is crucial to the Team developing an understanding of the child. The parent(s)/guardian(s) share information regarding the student's home life, preferences, personal traits, interests, developmental history, past school experiences, what they would like the future of their child to look like (vision), and express concerns regarding their child's progress.
- ***Team Chairperson:*** The role of the Team Chairperson is to facilitate the Team meeting and to serve as the District's designee for decision-making. This task includes assisting the team in determining eligibility, collaborative writing of the IEP, discussing evaluations and services, as well as making determination of placement. The Team Chairperson provides information regarding resources, services, and placements. This individual has discretion regarding the allocation of services, placements, and evaluations. If there is a disagreement among Team members, it is the Team Chairperson's responsibility to make a decision on behalf of the special education department regarding evaluations, services, and placements.
- ***General Education Teacher:*** It is required that a general education teacher be present at Team meetings if the student is placed in the general education environment. The role of the General Education Teacher is to:
 - share information regarding the general curriculum as it pertains to the student
 - share information regarding the general education classroom environment (as it relates to the student's progress in the general curriculum)
 - assist in developing effective classroom management techniques (including positive behavioral interventions and strategies if needed)
 - assist in identifying classroom supports, teacher supports and assistive devices needed for the student to be successful
 - share information about how the student should participate in state and District-wide assessment
- ***Special Education Teacher:*** The role of the Special Education Teacher is to:
 - share information regarding key evaluation results and progress towards IEP goals
 - share information regarding Present Level of Educational Performance (PLEP)
 - share information regarding accommodations to the general curriculum and specially designed instruction (including suggestions for maximizing the extent to which the student is educated with non-disabled students)
 - develop academic goals and objectives/benchmarks with input from the Team
 - assist in identifying parent supports, classroom supports, and assistive devices needed for this student to be successful

- share information about how the student should participate in state and district-wide assessments
- ***Related Service Provider(s):*** The role of the Related Service Provider is to:
 - share information regarding key evaluation results and progress towards IEP goals
 - share information regarding Present Level of Educational Performance
 - share information regarding accommodations to the general curricula and specially designed instruction (including suggestions for maximizing the extent to which the student is educated with non-disabled students)
 - make recommendations regarding related services and special equipment and devices to be provided to the student
 - develop IEP goals and objectives/benchmarks with team input
 - assist in identifying classroom supports, teacher supports and assistive devices needed for this student to be successful
 - share information regarding how the student should participate in state and district-wide assessments
- ***Student:*** At the age of 14, students are encouraged to attend their Team meetings to provide input into the development of their educational plan as well as discuss transition planning. The parent can assist in making the determination of whether the student should attend. At the age of 18, students are considered capable of educational decision-making and therefore should attend and participate in their annual review meetings. If the student has assigned or delegated decision-making at age 18, he/she is still encouraged to attend and participate (see Age of Majority).

TEAM MEETING STRUCTURE/PROCESS

The Team Chairperson is encouraged to follow an agenda, including the elements below, in facilitating the Team meeting in order to ensure a timely, productive outcome:

(See Appendix C Forms – Team meeting Agenda)

1. Introductions
2. Purpose of the Meeting
3. Parent Concerns/Vision for Student
4. Review of New Information
5. Educational Team Input
6. Review of IEP
 - a. Changes/Proposals
 - b. Summary of Services
 - c. Discussion of LRE and Documentation of Need
 - d. If applicable: Age of Majority/Transition Plan/Chapter 688 Referral Process

7. Team Determination of Placement
8. Provision of Proposal to Parent
9. Discussion of Need for Consent for Services
 - a. Review Options for Accepting/Rejecting IEP
 - b. Due Process
10. Conclusion

TEAM DECISION MAKING

The student's educational Team makes the following determination regarding eligibility:

- 1) Does a disability exist?
- 2) Is the disability impeding effective progress in the regular education setting?
- 3) Does the student require specially designed instruction or related services to make effective progress? (See Appendix A – Eligibility Determination Process Guide)

If the answer is NO to any of the above questions, then the Team identifies alternative options for support if appropriate (e.g. 504 plan, DCAP plan, etc.). The Team Chairperson writes a summary reflecting the finding of No Eligibility which will be sent to the parent within 2 weeks of the meeting (N- 2 form).

If the answer is YES, eligibility is confirmed, the Team completes all sections of the IEP and determines placement. The Team Chairperson provides a summary of proposed services to the parents/guardian and advises them of the process for signing/returning the IEP.

NOTE:

If a meeting is scheduled for a student and the parents are divorced or a restraining order is in effect, the Chairperson needs to clarify the status of the situation and create a Team meeting process that accommodates the parents as indicated. If separate meetings are necessary, meeting times need not be shared with the respective parents. Each parent needs to understand that the other parent retains the right to participate as well as sign-off on the IEP, unless parental rights have been severed.

LEGAL REPRESENTATIVES AND ADVOCATES

A parent/guardian may request the presence of an educational advocate to assist them in understanding the special education process as well as to assist them in the decision-making process. Educational advocates can be invited to the Team meeting by the parent. The district respects their presence but will pursue decision-making with the parent directly.

Parents/guardians may also obtain legal representation. In such cases, the parent needs to advise the district of their intent to bring legal representation to a Team meeting. If the District does not receive ample notification, the meeting will be rescheduled. The parent must provide ample notification so that the District can consult legal counsel and determine if the district should be represented at the Team meeting.

ELIGIBILITY DETERMINATION

TEAM PROCESS

The determination that a student is eligible for special education rests with the educational Team, including evaluators and teachers, who are responsible for conducting and interpreting assessment results. The intent of the Team approach is to ensure that a comprehensive picture of how the child performs within the school environment emerges and that the Team determines eligibility for special education based on the comprehensive evaluation results.

The Team utilizes the Eligibility Determination Form as a guideline for the process. This is completed by the Team Chairperson at the meeting. If the Team cannot reach consensus of eligibility, the Team Chairperson/liaison will provide a decision as the District's designee based on the information presented at the Team meeting.

DETERMINATION OF ELIGIBILITY

Eligibility is determined at initial and re-evaluation meetings. If the student has progressed to the point where he/she no longer requires specially-designed special education intervention, the Team can make a recommendation for discharge from special education at the annual review or at any time that services are no longer warranted. This determination should be based on student progress and an assessment (formal or informal) completed by the service provider(s).

The Department of Elementary & Secondary Education has established guidelines for special education based on state and federal regulations. In order for a student to qualify for special education, the following three elements must be present:

1. **The student must present a disability in one or more of the following categories:**
 - Autism
 - Developmental Delay
 - Intellectual Disability
 - Sensory –Hearing
 - Sensory-Vision
 - Sensory – Deaf/Blind
 - Neurological Disability
 - Health Disability
 - Emotional Disability
 - Communication Disability
 - Physical Disability

- Specific Learning Disability
- Multiple Disabilities

Close examination of a student's school history/record, notes from observations, and input from Team members with expertise in the area of the suspected disability should assist the Team in making this determination. Documentation must be provided to substantiate the disability in order to qualify for special education services. This includes special education evaluation data as well as specific learning disability paperwork. Although the impairment definitions identify specific characteristics, a student may display an array of traits that are associated with more than one type of impairment. Typically, the Team will choose a primary disability and list secondary disabilities on the IEP.

For a child to be considered to have a disability, the Team must have gathered assessment data identifying the characteristics associated with one or more of the impairments listed in the definition of a child in need of special education. The Team must find that the child's capacity in the specific impairments is limited, impaired or delayed. In addition, in the case of intellectual or physical impairment, the child's capacity must be significantly limited, impaired or delayed. To make this determination, the evaluation Team should consider all the following as indicators of limited, impaired or delayed capacity:

- A pattern of difficulty that persists beyond age expectation
- A pattern of difficulty across settings
- A pattern of difficulty that is not solely the result of cultural, linguistic, or socioeconomic differences and
- A pattern of difficulty that persists despite pre-referral activities.

The Team should be able to identify functional limitations that are indicative of one or more impairment described in the regulations. Depending on the nature of the suspected disability, this task may be relatively straightforward or more complex. In some instances the documentation will clearly establish that a disability exists. Physical and medically related disabilities generally fall within this group. In other cases, the existence of a disability will be less clear, making the focused and comprehensive nature of the assessment process even more important. This is often the case with impairments related to psychological and social functioning. Probing all sources of assessment information in such cases is essential.

Assessment information gathered from families may provide additional evidence of a disability, particularly if the student displays similar functional limitations outside of the school environment. In some instances the Team will have more conclusive evidence of a disability because of a documented event in the student's life (e.g., an accident, birth trauma, etc.) which has an evident impact on the student's functional ability. The fact that the child may have not had previous difficulty in school should not be a determining factor in the eligibility process.

2. The disability results in the student's inability to progress effectively in regular education.

The definition of effective progress is to make documented growth in the acquisition of knowledge and skills, including social/emotional development within regular education according to chronological age and the individual education potential of the learner.

The evaluation Team should review the definition of "*to progress effectively in general education*" to determine whether there is a relationship between the student's disability and the student's ability to progress effectively. The Team analyzes the data to document that there is a discrepancy between the student's performance and his/her growth in the acquisition of knowledge and skills, including social-emotional development, within the general education according to chronological age and individual educational potential of the child. If the disability is shown to be affecting the student's ability to make effective progress in the general education setting, the student may be eligible for special education services. Examples of the inability to make effective progress would include: not performing up to expected levels on standardized criterion-referenced (at least one standard deviation below expected levels), or curriculum based assessments (two years below grade-level); student has shown good effort and still at risk of failing for the year.

The Team *must indicate that the lack of progress is due to the disability*. Inability to progress cannot only be due to lack of motivation, lack of exposure to appropriate educational opportunities in the past, second-language issues exclusively, social maladjustment, or cultural differences.

To facilitate decision-making, the Team must understand that the definition and indices of effective progress represent a continuum or baseline of achievement, and that the Team is to judge the referred student's performance against this standard. A student's ability to progress effectively should not be measured merely by performance or the student's peer group. It should be measured by the individual's potential and/or abilities.

3. The student requires specially designed instruction or related services in order to make effective progress.

The Team must determine if the student can be successful without modification to the curriculum or specialized intervention. If they cannot be successful with accommodations then the team needs to consider this in the eligibility determination process.

ELIGIBILITY DETERMINATION SUMMARY

The Team determines that student meets the three criteria for eligibility:

- Has documented evidence to prove the student qualifies for one or more of the disabilities;
- As a result of this disability, the student is unable to progress effectively in the general education program;
- Requires specialized instruction to progress effectively in the general education program

The Team determines that the student is eligible but that the evaluation information is inconclusive:

- With parental consent, the Team may agree to write a partial IEP or proceed with an Extended Evaluation (please note restrictions regarding extended evaluations under “Evaluations”).

OPTIONS FOR STUDENTS NOT ELIGIBLE FOR SPECIAL EDUCATION SERVICES

When the Team finds that a student with a disability is not eligible for special education services, they must provide recommendations to support the child in the general education environment. This may include consideration of an accommodation plan under Section 504 of the Rehabilitation Act of 1973. This plan, often referred to as a 504 Accommodation Plan, can be developed at a meeting chaired by the 504 building coordinator. Specific criteria for eligibility under Section 504 must be met in order for the student to be determined eligible under this law. The primary consideration is that the student *“must have or be considered to have a disability that substantially limits one or more major life activities”*

If a student is determined not to have a disability, the Team can make a recommendation for accommodations in the regular education setting based on findings in the evaluations.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT

If a student is found eligible for Special Education Services, the Team must discuss, identify and state the needs of the student in an Individualized Education Program (IEP). Input from parents, guardians, the student, general and special education personnel and other specialists, is necessary to complete this “services contract”. The IEP Team members determine the amount of services provided to the student.

The Team needs to make a determination of placement based on the IEP and therefore recommendations for placement cannot take place until eligibility is determined and the IEP is written. An IEP should not be written to “fit” a particular placement. The Team needs to remember that removal from the classroom solely because of needed program modifications is not permissible (34 CFR 300.50(b)(2)).

Key Points in IEP Development:

- The IEP must be developed upon determination of eligibility.
- The IEP needs to provide a “whole child” perspective.
- The IEP is a contract between the school District and the parents or guardians.
- The IEP identifies the student’s individual needs as determined by the evaluation process.
- The IEP must be tailored to the individual needs of the student.
- The IEP must provide a clear picture of the student’s abilities and needs.
- The IEP determines the services and supports necessary for the student to succeed.
- The IEP establishes clear goals and objectives that provide direction for the student’s learning needs during the IEP period.
- The IEP addresses only areas affected by the student’s disability.
- The IEP serves as a vehicle for improving the student’s ability to access the curriculum.

The following summary is taken directly from Massachusetts Department of Elementary and Secondary Education, June 2001.

IEP development is a student driven process

Once a student has been found eligible for special education services, an IEP must be developed. The IEP must address the unique needs of the student and, therefore, must be tailored to the individual student needs as determined through the evaluation process. Good IEPs will be responsive to parents concerns and the student’s vision and will assist the student as much as possible to move towards independence. The IEP is intended to be a useful document that helps educators and parents to understand the student and how best to work with that student. In other words, the IEP should describe how the student learns, how the student best demonstrates that learning and how the school staff and student will work together to help the student learn better.

The IEP is not intended to be a daily, weekly, or monthly lesson plan but should provide a clear picture of the student's current abilities and needs and should identify key goals and objectives that provide a direction and focus for the student's learning over the next IEP period. If carefully and thoughtfully written, the IEP will serve as a vehicle for improving the educational experience and results for a student with disabilities.

Although IEP development is a student driven, individualized process, there are some central concepts that should be adhered to during a well-managed Team meeting. A well-managed Team meeting will:

- Obtain parent/student input.
- Think about the student's future dreams and goals.
- Understand how the student's disability(ies) affect the student's learning.
- Know how the student performs presently.
- Address only the areas that are affected by the disability(ies).
- Provide a focus for the student's learning during the designated IEP period.
- Reflect high expectations for the student.
- Stay as close as appropriate to what the student's peers are learning and doing.
- Identify supports and services the student needs for success.

The IEP forms the basis for the placement decision. Therefore, the IEP must be developed in its entirety before placement is decided. The placement decision must be based on a careful reflection of the IEP, including the services that the Team has identified as necessary, and the impact of the disability on the student's learning. Finally, the Team must be mindful of the requirements related to placement in the least restrictive environment. Teams need to remember that removal from the classroom solely because of needed program modifications is not permissible (34 CFR 300.550(b)(2)). Only after the needs of the child and the types of services have been discussed by the Team and agreed to in an IEP can the placement be effectively chosen by the Team.

"The IEP is written to fit the student. The placement is chosen to fit the IEP."

The IEP under no circumstances should be written "to fit" a particular placement. Teams must remember this critical fact when moving through the Team process to ensure that the IEP is written to address the unique needs of the student.

Team meetings should be used as a communication vehicle.

During an IEP Meeting, Team members share information and discuss the needs of the student. All members should listen carefully and share information that brings about a better understanding of the student. The discussion should connect one IEP element to the next and ensure internal consistency within the produced document. A Team meeting works better if the meeting is small and focused on the student. A Team meeting works better if its members are knowledgeable about the District, special education law and the student. A Team meeting works better if parents are respected participants, giving and receiving information that will assist them in

making informed decisions.

All Team members should be treated as equal partners in the process. An atmosphere of mutual respect opens the lines of communication and builds a strong base for ongoing cooperation between parents, school District personnel and other Team members.

School systems that routinely send evaluation reports to parents in advance of a meeting find that the Team discussion is more focused and can immediately start with a common base of information rather than a lengthy recitation of evaluation results. This strategy allows for more time to brainstorm and to write the IEP itself. Parents then leave the meeting with a more solid understanding of their child and how the school system plans to help their child improve.

The IEP is a contract between the school District and the parent.

The IEP should reflect the decisions made at the Team meeting and should serve as a contract between the school system and parent(s). For that reason, the document must clearly communicate to parents the needs of their child, the steps the school District will take to address these needs and the progress their child is expected to make during the set IEP period. The IEP must also be written in generally understandable language and free of educational jargon. The IEP does not serve as a guarantee of progress. However, school Districts must be aware that IDEA-97 clearly states that a school District must make a good faith effort to assist the student in making progress towards the IEP goals.

Each Team meeting is unique.

A Team meeting is a group process and an individual inquiry process that makes no two Team meetings alike as each group considers what is best for each distinctive student. The Team process will be affected by the differences among the individuals attending each meeting, by the differences among schools and school Districts, by the differences among the types of evaluation data being considered and by multiple other factors. Each group will arrive at different answers, ideas and services to address a student's needs and will write the IEP in a unique manner. All of these differences should be expected and encouraged, as there is no single correct way to serve a student or to write an IEP. At times, Team members are hesitant to make a recommendation for fear of setting a precedent. However, this fear is ungrounded because no precedents can be set when the Team responds to the unique and individual needs of an eligible student.

The IEP should serve to focus the special education services.

The IEP will better serve the student if it focuses on what will make the biggest difference for that student and not on every aspect of every school day. The IEP should concentrate on offsetting or reducing the problems resulting from the student's disability that interfere with learning and educational performance. Therefore, Team members need to narrow their focus as they discuss the contents of the IEP. The IEP elements found within the initial pages of the document assist the Team in developing a focused IEP.

Parents and/or students need to give input into IEP development.

Parent and/or student input becomes the first indicator for defining the IEP focus. The placement of this item as the first order of business is deliberate and in keeping IEP 1 with the importance given to parent input in IDEA-97. Parents need to be asked to share their greatest concerns and their hopes for their child's accomplishments, as the a parent 's perspective is unique and important to the Team's work. Parents, without exception, have a view of the student that cannot be duplicated by even experienced evaluators.

Teams should keep a whole child perspective.

The Team must next review the student's strengths, interests, personal attributes and personal accomplishments as well as key evaluation results to enable Team members to keep a whole child perspective when writing the IEP. Teams should avoid a segmented look at the student where individual skills or problems are identified in isolation. The Team will want to keep the big picture in mind and plan to use the student's strengths to best advantage in planning steps for the next IEP period.

When developing an IEP for a student with an existing IEP, the Team should always review the content of the existing IEP as they begin developing a new IEP. The new IEP should be revised and updated as needed to shift goals and services and to demonstrate a progression of learning. Each year's measurable annual goals should clearly show a step by step increase in a student's learning outcomes. Also, if necessary, any lack of expected progress needs to be discussed and addressed.

The vision statement directs the Team's attention towards the future.

The vision statement focuses the Team on the future of the student. The Team steps back from the here and now to take a broader, long-range perspective as it looks to where this student is headed in the future. Developing the vision statement helps the Team balance between the immediate concerns and the hopes and dreams for the future. Knowing where the student is headed makes it easier for the Team to eventually determine what progress needs to be made this year. Teams must remember the ultimate goal for all students with disabilities is independence and productive lives.

Depending on the student's age, the Team needs to look one to five years in the future when writing the vision statement. As the student becomes older and more involved in transition planning, the vision statement becomes the hopes and dreams of the student and not the parent and Team. Also, the statement for older students must conform to Federal regulation and be based on the student's preference and interests and include desired outcomes in adult living and post-secondary and work environments.

For younger students, the Team might want to project over a shorter span of time and concentrate on times when the student might be transitioning from preschool to elementary school, elementary school to middle school or from a more restrictive environment to a less restrictive environment. For these younger students, the adults take the more active role in developing the vision statement.

Transition planning is integrated into the development of the IEP.

Transition planning is more effective when the planning is an integral part of the student's IEP and the student's program. Transition planning is required under Federal law and becomes a major Team focus when a student reaches fourteen years of age. The vision statement aids Team members in determining the student's transition needs, transition goals and transition services. As a student approaches graduation, the Team must also consider the student's graduation status, the possibility of a referral for Chapter 688 services (services from adult human service agencies) and the involvement of adult service agencies. When the student is sixteen years old, the Team must discuss the transfer of rights at age of majority.

The Team is required to write IEPs that prepare students with disabilities for independence and employment and other post-school activities. The commitment of students, parents, educators, adult agency staff and community members is required to help students reach their visions and be active participants and contributors to society.

Present Levels of Educational Performance must be clearly written.

The Team will also use the assessment information and their discussion of the student's present levels of educational performance (PLEP) to focus the direction of the IEP goals and services. The PLEPs must be based on current, relevant information about the student obtained from a variety of sources. The Team first clarifies the educational needs that result from the student's disability(ies). In other words, the Team describes the impact of the student's disability(ies) on student's participation in the general curriculum and the school. To keep the IEP focused, only areas affected by the disability should be described. Clear descriptions of how the disability(ies) impacts progress will better assist Teams in determining the most appropriate and individualized accommodations and special education services.

The general curriculum must be addressed in all students' IEPs.

The IEP should be considered a primary tool for enhancing a student's involvement and progress in the general curriculum. All students regardless of the nature or severity of the disability or their educational setting must have access to and progress in the general curriculum. As defined by Federal regulation, the general curriculum is the curriculum used with non-disabled children. Therefore, all students with disabilities whether they receive their education in general education classrooms, resource rooms, public day schools, private day schools, residential schools or institutional settings must have access to this curriculum. The general curriculum can no longer be viewed as a curriculum that is used only within general education classrooms. School Districts as well as other special education settings that receive public funds are responsible for aligning their school and classroom curriculums with the DESE Common Core provided by the Massachusetts Department of Elementary & Secondary Education.

Within Massachusetts, the general curriculum is defined by the Massachusetts DESE Common Core in the following areas: English Language Arts, Mathematics, History and Social Sciences and Science and Technology. Other curriculum areas can and should be discussed if the student's disability affects progress in those areas. School Districts must

maintain high standards for children with disabilities. These standards should be consistent with the expectations for all students in the educational system. Addressing a student's academic achievement is a primary aim of special education. General educators play a critical role in the Team process as the experts on the general curriculum and the general education environment. Their participation in the Team process is required under Federal regulation.

The IEP must also address areas of other educational need.

Student participation and progress in the general curriculum is a core concept of IDEA-97; however, it is not the only required purpose of special education. The Team must also take a broader look at the student's overall involvement within the school including participation in extracurricular and other nonacademic activities and, for preschool students, participation in appropriate activities to ascertain other areas of need. The Team may consider how students communicate with others, how the student's behavior affects their learning or the learning of others, how assistive technology could support effective progress or how the student's disabilities affect transition to post-secondary activities.

When discussing how a student's disability(ies) affects transition to postsecondary activities, the Team must ensure that its discussion relates to the Vision Statement based on the student's preferences and interests and considers vocational education options that include a full range of occupational and career development possibilities. A Team that concludes a student's IEP should include vocational education must ensure that the student's IEP addresses how the disability would impact vocational education and include measurable, annual goal(s) and the necessary special education, related services and supplementary aids and services needed for the student to reach the vocational goal. However, Teams must remember that IEP development is a consideration of service needs and is not a placement decision. A placement decision may be made only after the IEP is fully developed. Therefore, choosing to consider vocational education on the IEP does not constitute a placement decision to a vocational technical school and if such misunderstanding occurs during IEP development it should be corrected. Teams must consider the listed elements and rely on the evaluation material and their own judgment in determining what educational needs that result from the disability should be included in the IEP.

Some needs will be addressed through accommodations.

Accommodations are modifications that are typically provided by general educators within the general education environment. Preferential seating, pencil grip use or cooperative learning strategies are some examples of these kinds of typical accommodations. Accommodations do not involve modifying the material content but do allow students to receive information in a more effective manner. Not every student who is eligible for special education will require accommodations. The Team must reflect on the effect the disability(ies) has on educational progress and then identify accommodations, if any are needed, for the student to make effective progress. Some students with disabilities may require accommodations in only one curriculum or program area, others may require extensive accommodations, or none at all. The Team's attention at this point should be on what the school District can do to help the student.

Specially designed instruction addresses more complex needs.

Specially designed instruction addresses the unique needs of the student that result from the student's disability. Specially designed instruction is a modification not regularly provided for students in the general education program. Special education services will usually include specially designed instruction unless the students only require a related service(s) to access the general curriculum. However, not all students will need specially designed instruction in all areas of educational need and not all students will require all types of specially designed instruction. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning. This instruction is designed by or with an appropriately credentialed special education teacher or related service provider. For some students, teachers may need to present information through the use of manipulatives or may need to give oral rather than written quizzes. For other students, teachers may need to select and teach only important key concepts and then alter evaluation activities and criteria to match this content change. In each case, the Team must decide whether an instructional methodology should be included in a student's IEP. Generally, if the methodology is an essential part of what is required to meet the individualized needs of the student, the methodology should be included. For instance, if a student has a learning disability and has not learned to read using traditional methods, then another method may be required. When including such an IEP recommendation, the Team should describe the components of the appropriate type of methodology as opposed to naming a specific methodology. The Team should tailor their suggestions to the unique needs and circumstances of the student and keep their attention centered on what the school District can do to help the student. Educators will be better assisted in implementing the IEP and improving the education results for students with clear and specific recommendations.

Teams must connect current performance to measurable annual goals.

The IEP should be written with a direct connection between the current performance levels and the measurable annual goals. The current performance levels state what the student can currently do and identify key stumbling blocks. The goals state what the student will accomplish by the end of the IEP period. The current performance levels become the starting points for determining the goals and the goals become the end points for student accomplishment for the IEP period.

The Team now begins to shift their attention. The Team began by paying attention to how the student participates in the school and what the school District will do for the student. Now the Team members begin to pay attention to what the school District will expect the student to do and accomplish given the assistance the student will receive over the IEP period.

Therefore, Teams need to be prepared to identify how students perform today across the important and selected IEP focus areas. In well-written IEPs, these more specific statements of progress will directly reflect information found within the PLEPs written earlier within the Team meeting.

The IEP focus areas are determined, as previously mentioned, through parent and student input, through the vision statement and through how the disability(ies) affect progress in the general curriculum and other aspects of school life. The focus areas should be selected based on what will make the biggest difference in the student's educational experience. Greater specificity in the current performance statements will result in clearer and more helpful goals.

IEP goals are written to make the greatest difference for students.

Goals must be measurable and must specify the expected knowledge, skill, behavior or attitude to be achieved within the IEP period, typically one school year. Goal statements address priority needs and focus the instruction over the next year. The Team will have to make choices as to what can reasonably be accomplished in a single year's time. The Team must ensure the selected goals are the ones that matter to the parent, to the future of the student and in making the biggest difference for the student in the school.

Most IEPs should include only three to four direction-setting goals. However, the Team is responsible for making the final determination of the number and types of goals that are included in the IEP. Remember, though, an IEP is not a daily, weekly or monthly lesson plan but rather is a guide that supports the development of these other plans. Goals must be challenging to ensure that students with disabilities are being held to high standards and are being adequately prepared for independence and productive lives. Yet, they must also be measurable and attainable. If a goal is being repeated year after year, there is something wrong. Most likely, the goal is not an annual goal and is not written in measurable terms. If the same goal is being repeated year after year, the goal is too vague or too broad and, in reality, becomes meaningless to judging a student's progress.

Goals need to spell out how the Team will determine if the student has met the goal. If a goal does not include evaluation strategies and/or criteria, the Team can not see whether the student has accomplished what was intended. The evaluation procedures should specify how the student's performance, resulting from instruction, will be documented. With practice, Teams will be able to write clear and effective goals. Teams may want to ask themselves these questions to prompt the writing of more helpful goals:

- What components should be included in the goal?
- What does the skill look like when the student has achieved the goal?
- How might the student demonstrate that the goal has been achieved?
- How will this demonstration be assessed?

The key to writing good goals is to recognize them as a test at the end of the year and to write them so that someone else could understand, implement and evaluate them. Goals need not address areas that are not affected by the disability(ies). Nor should the goals clutter the IEP with specific details for each content standard. Rather the goals should focus on the strategies the student needs for making progress in the general curriculum and other areas of need. Goals must be individualized. Goals must be based on the student's past experience, current performance, rate of learning and educational needs, which rules out simply paraphrasing curricular content areas. For example, if a student is

not making progress across the curriculum due to a reading disability then a measurable, annual goal should be written for reading. However, if another student has sound reading skills but is not making progress across the curriculum due to a writing disability, then a reading goal should not be added to the IEP but a goal addressing the less well developed writing skills should be included.

Some goals may reflect the need to learn knowledge, skills, behaviors or attitudes that may be integrated across curriculum areas. Yet, some student needs will be best addressed by a single goal solely directed to that individual need. The Team will need to make that type of important judgment as they cooperatively work to develop the IEP.

Measurable Objectives and benchmarks further clarify goal statements.

If the current performance levels are the starting points and the goals are the endpoints, then measurable objectives and benchmarks should be thought of as the steps between the starting and end points. Depending upon the needs of the student and the makeup of the goal, the Team may choose to break down the goal into measurable objectives, benchmarks or a combination of the two. These statements restate the knowledge, skill, behavior or attitude to be achieved but in time periods of less than the length of the IEP period. Objectives, as defined by Federal regulation, break skills within the annual goal into discrete components. The benchmarks describe the amount of progress a student is expected to make within a specified segment of the IEP period. The benchmarks establish expected performance levels that allow for regular checks of progress that coincide with progress-reporting periods. Both lay out sequential, logical steps towards reaching the annual goal and help organize the instruction for the IEP period.

Measurable goals are the key to identifying progress.

Fewer goals make it more possible to see the changes in a student and to determine whether the student is really making the anticipated progress. Goals, then, can be used to measure student progress but can also be used to evaluate the effectiveness of aids and services. Therefore, well-written goals will help the Team more effectively consider how to adjust services and aids to prompt better results.

Progress reports reflect steps taken towards annual goals.

Progress reports must be sent to parents at least as often as parents are informed of their non-disabled children's progress. By Federal regulation, progress reports must answer the following two questions for each goal:

- *What is the student's progress toward the annual goal?*
- *Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?*

Team members should respond to the mandated questions by following these steps when writing their progress reports:

- Specify what the student has been working on.
- List what the student has achieved.
- Indicate any stumbling blocks to progress.

- Indicate whether or not the student will reach the annual goal if progress continues at its current pace.

Progress reports are tools that school Districts use to communicate with parents. When writing these reports, school personnel should use language that is generally understandable and should avoid using educational jargon. Meaningful progress reports not only depend on well-written goals but also depend on clearly written descriptions of the special education services and accurate and precise current performance levels. Teams must remember that the IEP process is cyclical and interdependent with student success and tied to the effective completion of each step in the process.

An exemplary progress report would not only include the description of student progress but also the refinements to existing in-class strategies required to address any lack of progress. If the lack of progress cannot be addressed through in-class refinements, the District must consider why progress is not being made, and, if appropriate, the District must reconvene the Team. The Team then will discuss the lack of expected progress and responsively revise the IEP.

Progress reports may prompt the Team to amend an IEP.

If a lack of expected progress continues past the first progress report and subsequent in-class refinements, the Team should make IEP adjustments and may want to consider rewriting a goal to set a different and more attainable standard. If a student is making more progress than projected, progress reports may make recommendations on next steps. Sometimes it may be appropriate to amend the IEP to add additional annual goals.

Progress reporting may coincide with an Annual Review Meeting.

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

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

Recommended services should assist students to succeed.

Services for each student must be individually considered and recommended and should not depend on known or existing services. Services within the IEP may assist the student with the following:

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

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

Supplemental aids and services should, to the maximum extent possible, allow the student to work within the general education environment along with non-disabled peers. The requirement for the student to work within the least restrictive environment is regardless of the nature and severity of the student's disability. When writing an IEP, Team members must ensure such aids and services are recommended to ensure consistency with IDEA-97 mandates.

Teams must justify nonparticipation in general education program.

To reinforce IDEA's strong preference for involvement in the general education environment, the law requires a clear statement justifying why removal is necessary when removal occurs. Teams no longer need to identify the steps for moving a student to a less restrictive environment. Rather Team members must clearly identify times when a student is removed from the general education classroom and justify the reason(s) for such removal.

Given reasons should focus on the benefit the student will receive from being outside of the general education environment. Teams will run counter to Federal mandates if their justification center on why the school District cannot provide the services within the general education environment. For instance, the general education classroom not being large enough for the speech therapist to provide specially designed instruction within the same room or the speech therapist's schedule only allows for small group, pullout services would be inappropriate justifications.

Teams provide their justification during IEP development before the placement decisions have been made. Therefore, the justification should refer to any special education and related services recommended to occur in other settings during the service delivery discussion and not to potential placements.

Teams must describe when a student's school day or year is modified.

Most students with disabilities will attend school on the same daily and yearly schedule as their non-disabled peers. However, in certain circumstances, a Team will recommend a schedule modification. The Team may decide the student requires a shortened school day, shortened school year, longer school day, longer school year or residential services. In each case, the IEP must describe the modification and the reasons for such modification. Typically a shortened day or school year may only be considered if a physician recommends such a change due to the student's health and consequent inability to participate in a full day program of instruction. Other reasons for a shortened day or year may exist but Teams should exercise extreme caution when making this type of recommendation as it may limit a student's ability to make effective

progress, to reach higher standards, to meet graduation requirements, and to receive FAPE.

Extended school day and year services must be considered and recommended on an individual basis and the school may not routinely deny such services nor establish policies that deny such services without a consideration of the needs of the individual student. Not all students will require extended services and not all students who require extended services will require the same extended services. Even though school Districts need not provide extended services to all students, school Districts must make sure that their policies or procedures do not limit the individual consideration and provision of such services.

The Team's consideration of extended school day and year services must be based on (1) the unique nature of any specially designed instruction or related services needed due to the disability of the student or (2) if the student has demonstrated, or is likely to demonstrate, substantial regression due to a break in service (such as a summer vacation period). In regard to regression, all students "regress"—lose progress, forget, revert to previous behavior—to some extent between school years. It must be determined whether a student's regression would likely be substantial, and whether the student would require a greater than usual time to "recoup"—to get back to the level the student had achieved before a break in service. These decisions as with earlier IEP decisions must be made by the Team based on the needs of the individual student and regardless of the nature and severity of the disability.

If residential services are recommended, they must be recommended based on a determination that the student essentially requires a 24-hour program in order to make educational progress. If so, the Team must include goals and services in the appropriate IEP sections that reflect that extended program need. Additionally, the Team must describe under Schedule Modifications how the day education services of the IEP will coordinate with the residential services of the IEP.

Transportation is a related service.

Transportation is considered a related service under the Federal statute and needs to be provided to ensure that students receive educational benefit from special education. A recommendation for a student to receive transportation, as with other IEP decisions, relates back to the effect of the student's disability(ies) on transportation. A Team must decide whether a student requires regular transportation or special transportation.

Regular transportation is the typical way students get to school.

Team members must ascertain whether the disability(ies) prevents the student from getting to the local school in the same manner as the student's non-disabled peers would get to the local school. If the non-disabled peers in the student's neighborhood walk to the school, then does the student's disability(ies) prevent the student from walking to school? If the non-disabled peers in that student's neighborhood ride a bus to the school, then does the student's disability(ies) prevent the student from riding the yellow school bus? If the Team answers no to these questions, then they recommend regular transportation.

As the exact placement for the student is not yet known and as IDEA's strong preference is for students to be educated in the general education environment in their neighborhood schools, the Team responds to the transportation questions based on the assumption that the student will attend the local school. If after a placement decision is made, the student is placed away from the local school, the school District will be required to provide transportation.

Special transportation is required as a result of the disability.

Special transportation includes riding on a regular transportation vehicle with prescribed modifications and/or specialized equipment and precautions and on a special transportation vehicle with prescribed modifications and/or specialized equipment and precautions. As with other services, transportation should be provided in the least restrictive environment. Therefore, the Team should always discuss first whether the student can be safely transported in a regular transportation vehicle with some accommodations or assistance due to the student's disability(ies). For instance, a student with cognitive impairment may be able to ride the yellow school bus to school along with the student's non-disabled peers if the bus stops at the student's home for pickup and drop off as opposed to the traditional bus stop which may require walking. Only if modified regular transportation is not a reasonable alternative should the Team move on to recommend a special transportation vehicle. Again, the Team must carefully review and include in the IEP any needed modifications, specialized equipment or precautions for this type of transportation. Furthermore, the Team has been given, under state regulation, specific transportation related issues to discuss and record within a student's IEP when special transportation is recommended. Team members should be prepared to specify the following:

- Whether a student who uses a wheelchair should regularly transfer in and out of a conventional vehicle to or from a wheelchair for therapeutic or for independence training;
- Whether the student requires assistance in or out of the home, on or off the vehicle, and in or out of school
- Whether the student has a particular need or problem that may cause difficulties during transportation.

Parents may be eligible for transportation cost reimbursement.

Teams decide only whether students will receive regular or special transportation. Parents, once they receive an IEP and a placement decision, may decide whether to transport their child to the school where the child is placed. If parents make such a decision, they may be entitled, under certain circumstances, to reimbursement at the state approved mileage rate. If the IEP recommends regular transportation and the student is placed at the neighborhood school, parents who choose to transport their child are not eligible for transportation reimbursement. If the IEP recommends regular transportation and the student is placed away from the neighborhood school, parents who choose to transport their child may be eligible for transportation reimbursement. If the IEP recommends special transportation regardless of the placement location and parents choose to transport their child, they may be eligible for transportation reimbursement.

Students will participate in state and District-wide assessments.

Eligible students must be included in state and District-wide assessment programs. IDEA-97 designates the Team as the group responsible for determining how a student will participate in these types of assessments. For each District or statewide assessment, the Team must first decide whether the student can take the on-demand test as given. If not, Team members must ascertain whether the student can take the on-demand test with accommodations. Team members should ensure that their accommodation recommendations in this IEP section coincide with their earlier recommendations included in the PLEPs. If the Team feels the student should not take any one of the on-demand assessments even with accommodations, then the Team must recommend and discuss why the student is being recommended to be assessed through an alternate assessment. Since Massachusetts has adopted state models for alternate assessments, after recording the reason for such assessment, Teams need only indicate that State alternate assessment models will be used. All students must be included in statewide assessments.

Suggested Practices:

- Ensure that the Team has all the evaluation information needed to make the required IEP decisions.
- Routinely send evaluation reports to parent(s) and Team members before the meeting is convened.
- Set a meeting agenda for each Team meeting.
- Provide a reference set of IEP forms for each Team member.
- Eliminate educational jargon within IEPs.
- As the school District develops the technology to do so, we recommend at the end of a Team meeting that the parent is provided with a copy of the developed draft IEP. If a full, neat copy is unavailable at the end of the meeting, we recommend that parents receive the sections related to goals and objectives, and services, even if such information is provided in rough draft form. (*IEP Process Guide*)

Bullying:

The Team must consider the issue of Bullying in relation to the student and provide for accommodations and/or specially designed instruction if warranted for the individual who may be a potential victim of bullying or has the potential to engage in bullying behavior as a result of their disability. **(See DESE Technical Advisory 2011-2 in Appendix B).** For any student with a diagnosed disability on the Autism Spectrum, bullying must be addressed at the Team meeting regardless of the need. Staff should explain the implications of the Bullying Legislation (Chapter 92 of the Acts of 2010) at the Team meeting and consider whether the student would require assistance in identifying such behaviors and techniques to manage instances of such behavior.

Suggested Language for Staff to consider in documenting this need for students:

Under the Notice of Proposed School District Action (N1): #5. “Other factors considered by the Team were (insert other factors), as well as whether (insert student name) has a disability that affects social skills development, or may participate in or is vulnerable to bullying, harassment, or teasing because of their disability, and what should be included

in the IEP to develop (insert student name)'s skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. “

The liaisons would then indicate what was included in the IEP, e.g. social skills goal, or why nothing was included, e.g. the student is already participating in a social skills group as part of general education.

Under Additional Information can add: “At the Team meeting on, the Team reviewed’s needs in the area of social skills development, emotional resilience and the development of his/her self advocacy skills in order to avoid and respond to bullying and teasing. The Team agreed that is in need of further assistance in these areas. Thus, these skills are specifically addressed in goal objective”
OR “At the Team meeting on, the Team reviewed’s needs in the area of social skills development, emotional resilience and the development of his/her self advocacy skills in order to avoid and respond to bullying and teasing. The Team agreed that should be monitored for support in this area and that our regular education program is sufficient to support his/her needs at this time”. OR “At the Team meeting on, the Team reviewed’s needs in the area of social skills development, emotional resilience and the development of his/her self advocacy skills in order to avoid and respond to bullying and teasing. The Team agreed that demonstrates age appropriate skills in this area and that no further intervention or specific instruction is needed at this point in time. This will be revisited at’s next IEP meeting and/or on an ongoing basis”.

IEP AMENDMENTS

Amendments to the IEP can be made at any point during an IEP period. Amendments can address changes to services (additions, increases, deletions, etc.) or adjustments in goals/benchmarks as well as changes to accommodations or modifications.

Amendments are made through the Team meeting process or as a result of mediation. For minor changes to the IEP, IDEA 2004 stipulates that the District designee can discuss the change with the parent/guardian and, if in agreement, the amendment can be done without conducting a full Team meeting.

Amendments cannot be written to change a student's placement. However, if services are changed by way of an amendment and this significantly alters the delivery, to the extent that the current placement is no longer appropriate, the Team would need to make recommendations accordingly. In this case, a new Team Determination of Placement can be made. As with the IEP development, changes indicated in the amendment can not be implemented until the parent/guardian signs off on those changes.

Amendments cannot be written on IEP's that have been returned rejected or partially rejected by the parents/guardians. In the event the IEP has been rejected or partially

rejected, the Team should convene to discuss the concerns. A new IEP will be proposed to the parent once the Team has discussed the reasons for rejection.

IEP IMPLEMENTATION AND AVAILABILITY

The Webster Public School follows federal and state regulatory requirements to assure that each student's IEP is available to all service providers, teachers and administrators and implemented as written. Specifically, the District adheres to the following:

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.
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 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.

State Requirements

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

Federal Requirements

34 CFR 300.323

SUBMISSION OF IEPs - INTERNAL PROCESS

Within **1-3 school days** following the Team meeting, the final IEP is sent in hard copy to the special education office by the Team Chairperson. The Student Support Services Director conducts a final review of the IEP and a copy is forwarded, along with the placement page, to the child's parent/guardian for signature. Upon receipt of the parent/guardian signature, information regarding the signature date is recorded by the Special Education office in the electronic IEP program. The IEP is distributed to the student's special education liaison, who in turn distributes the plan (classroom summary) to all service providers/ teachers responsible for implementation of the plan.

All service providers and teachers have access to student's IEP in our electronic IEP software program. This ensures that all providers/teachers can access the IEP as necessary. IEP implementation is monitored within each building by the student's special education liaison. He/she is required to monitor implementation, progress reports, data as

appropriate, for students with behavioral programs, etc. At the onset of the new school year and as a new IEP is written during the school year the liaison meets with regular educators and related service providers to review IEP, the student's accommodations and modifications, and discuss any concerns or questions.

PARENT/GUARDIAN RESPONSE TO IEP

The IEP is forwarded to parents/guardians 3-5 school days after the Team meeting. The parent/guardian is given 30 calendar days to sign off on the plan. When a response is not received, a second notice is sent on the 30th day. If a response is still not received, the District will forward a third request via a certified mail after the 50th day along with notice to the BSEA that signature has not yet been received. The District is responsible for forwarding all unsigned IEP's to the BSEA after efforts have been exhausted to obtain signature. The District will also attempt to reach parents by phone to encourage them to respond to the IEP.

Once the parent/guardian signs off on the plan, services begin immediately. A copy of the signature page is distributed to the Team chairperson/liaison.. The liaison is responsible for notifying Team members that signature has been received. The IEP is also marked "Signed/Accepted by Parent" in the electronic IEP program. The parent/guardian has the option of accepting, partially rejecting or fully rejecting the IEP as well as the placement. The parent can opt to meet with the Director of Student Support Services or designee to discuss their concerns and reasons why they are rejecting the plan. They can also request that the Team reconvene or request an independent evaluation, if applicable. The District prefers to resolve any disagreements in the IEP at the Team level. This is generally the first option pursued when a plan is rejected in whole or in part. Therefore, the Team chairperson or liaison contacts the parent/guardian to discuss rejection/implement necessary changes.

The District is required to forward any partially or fully rejected IEPs to the Bureau of Special Education Appeals. The BSEA provides the parent and the District with the option of mediation in order to come to a resolution.

In cases where the IEP has been rejected in full or in part, the services most recently agreed to are considered "stay put" and the Team will work off of the most recently accepted IEP.

PROVISION OF SERVICES

Upon signature/consent to the IEP, services will be implemented by the Webster Public Schools without delay. If an IEP is partially rejected those parts of the IEP will not be implemented until parent consent is received. In the event of a fully rejected IEP, the last signed/accepted IEP will remain in "stay put" until the new IEP is accepted.

In the unlikely event that services are interrupted or missed, in accordance with 603 CMR 28.06 (2) (d) (2), “The school district shall not delay implementation of the IEP due to lack of classroom space or personnel, shall provide as many of the services on the accepted IEP as possible and shall immediately inform the parent 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 shall offer alternative methods to meet the goals on the accepted IEP. Upon agreement of a parent, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.”

PARENT REVOCATION OF CONSENT

A parent can revoke consent or authorization for special education services at any time (Administrative Advisory SPED 2010-1). Upon revocation of consent the District will provide the parent with acknowledgement of that decision. The parent can contact the Student Support Services office to discuss the revocation at any time. Additionally, if there is an interruption in services due to staffing/personnel changes, the Student Support Services office will endeavor to provide coverage as soon as possible with internal staff, or in the event that coverage cannot be found internally, will provide substitute coverage via long term substitutes or through contracted services.

MOVE-IN STUDENTS

When a student moves into the Webster Public School District from another town, the Office of Student Support Services will assure that the services identified in the IEP from the sending town are followed. The Webster Public Schools will contact the parent/guardian to set up a Team meeting and propose a new IEP from Webster and seek parent/guardian approval within thirty school days.

PROGRESS REPORTS

Special education students receive IEP progress reports on the same schedule as regular education report cards consistent with their grade level. Students in grades 1 through 12 will receive progress reports on a quarterly basis while pre-K and K students will receive them twice per year.

Service providers are required to document the student’s progress toward meeting their goals and report accordingly. Whenever a student is not making progress toward their goals, the service provider should request to meet and discuss any necessary modifications to the service. Progress reports should be written through data collection

that correlates directly with a goal and benchmarks. Progress reports are not to be a restatement of the report card.

Progress reports should be generated within the IEP software program utilizing the format required by the Massachusetts Department of Elementary and Secondary Education.

HOME SCHOOLED AND PRIVATE SCHOOLED STUDENTS

District special education staff are available to consult with private schools if requested, as part of the pre-referral process to offer suggestions and recommendations to the child's educational programming. Once a referral is received for either a private school student or a homeschooled student who resides in Webster, the evaluation procedure is identical to that of students enrolled in the Webster Public Schools.

Assessment sessions are scheduled by appointment at the school the student is attending or at the school where the child would attend if she/he were enrolled in the Webster Public Schools. When the assessment is complete, a Team meeting is held to determine eligibility. A representative of the private school is invited to attend the meeting. If the representative is unable to attend, participation is obtained either through writing or through alternative telecommunication. Home schooled students are evaluated at the school where they would have been attending if they were enrolled or in a neutral location, such as the public library.

If the student is found eligible, the Webster Public School District will develop an IEP for the eligible student. Parents are provided options for the child to receive those services consistent with the Special Education regulations listed below. The student is offered services which are designed to provide access to the general curriculum. This may include consultation to parents, private school staff, or direct service. Services may be provided in the private school setting using federal funds. The Director of Student Support Services, in coordination with the Business Manager, determines the proportional share of federal funds available to serve disabled students in private schools if necessary. The school district provides meaningful consultation to private schools, now required three times per year, around the determination and provision of funds and services. Additionally, home schooled students and private school students from other districts enrolled in a private school in Webster are part of the proportionate share determination. Students from other towns may be provided with a "Service Plan" if eligible, as opposed to an IEP, if found eligible for services.

Children in non-public schools shall be entitled to home and hospital services when deemed eligible under Chapter 71B, section 2 of Mass General Law. An expedited evaluation, based on the child's physician statement (unless there is clear indication of need or parents request additional evaluations), shall be conducted and services provided to eligible students by the District within 15 calendar days of the District's receipt of the

child's physician statement. The District follows in further detail procedures and guidelines as outlined in Administrative Advisory SPED 2003-1.

For eligible students who are enrolled at private expense in private schools in the district and whose parents reside in the district:

1. The District provides special education and/or related services designed to meet the needs of eligible students, who are attending private schools at private expense and whose parents reside in the district, and does so according to a properly developed IEP. The District provides to such students genuine opportunities to participate in a public school special education program consistent with state constitutional limitations.
2. In providing or arranging for the provision of the special education and/or related services described by the student's IEP, the District ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds. When the student attends a private school located outside of the district, the district makes reasonable efforts to provide or arrange for the provision of services for the student in the community where the school is located.
3. The District does not withdraw or withhold services from a student whose parents reside in the district solely because the district has met the spending requirements of federal law.
4. Special education services and/or related services for a private school student whose parents reside in the district are comparable in quality, scope, and opportunity for participation to those provided to public school students with needs of equal importance.

For eligible students who are enrolled at private expense in private schools in the district and whose parents reside out of state:

1. The district conducts student field activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.
2. For students enrolled at private expense in private schools in the district and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility in accordance with state and federal requirements.
3. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state.
4. If the district provides services to any eligible private school student from out of state, it does so using an individual services plan.

State Requirements:

603 CMR 28.02(7), 28.04, 28.05(2). See also Administrative Advisory SPED 2007-2: IDEA 2004 and Private School Students.

Federal Requirements (IDEA-97)

34 CFR 300.130-144, 300.301-311

STUDENT PARTICIPATION/AGE OF MAJORITY

Students have a right to begin participation in their Team meetings beginning at age 14. Participation is encouraged in order to create a student driven plan.

In the IEP year during which a student has turned 16 years of age, the Team must discuss the Age of Majority with the student and their family. This discussion should be documented within the Additional Information section of the student's IEP.

When a student turns age 18 and does not have a legally appointed guardian, he/she is considered to have reached the Age of Majority and becomes responsible for making their own decisions about their education. The student can determine whether to continue special education services as well as decide whether they want to have continued assistance by a parent or other party to make educational decisions. The District asks the student to sign an Age of Majority form indicating their decision to decline or accept shared decision making with someone of their choosing or to delegate decision making to another party.

PLACEMENT

LEAST RESTRICTIVE ENVIRONMENT AND FAPE

Per Massachusetts General Law 603 CMR 28.06, placement is made in the least restrictive environment that will meet the identified needs of the student. The Webster Public School District upholds this regulation and maintains the philosophy that students will receive Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). In keeping with this belief, the Educational Teams make placement decisions accordingly.

INVOLVEMENT IN THE GENERAL CURRICULUM

The District maintains the goal of every student participating in the general curriculum to the greatest extent possible. To that end, the Webster Public Schools implements the following procedures based on the guidance of the Department of Elementary and Secondary Education.

Involvement in the general curriculum

1. 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.
2. In the IEP the District documents the student's participation in the general curriculum.

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)

The participation of at least one Team member who is familiar with the general curriculum, typically a grade level regular education teacher, is documented on the Team meeting attendance sheet. The student's participation in all general education activities is reflected in the IEP on the Service Delivery Grid.

When at all possible, the Team must determine provision of services within the school and/or District. If this is not possible, programs within the Educational Collaborative Programs, local to the school District (Public Separate Day Schools), or other State Approved Special Education Programs will be considered.

When the student is recommended for services outside of the general education setting, the Team must provide a justification of why the student requires such services. This justification is outlined based on the individual student's needs in the Non-Participation Justification section of the student's IEP.

DETERMINATION OF PLACEMENT

The following summary is taken directly from Massachusetts Department of Elementary and Secondary Education - June 2001 guide for special education.

Making a placement decision is the third step in the process.

The Team decides the placement after the IEP is written. The school District must work cooperatively with the Team to implement the placement determination, and must ensure that final placement is made consistent with the IEP, least restrictive environment requirements and requirements related to giving preference to approved programs and programs in Massachusetts.

Placement is decided after the IEP is written.

The IEP forms the basis for the placement decision. Once the Team has decided on the student's needs and required services, the Team decides which placement is required to implement the IEP. The placement should be chosen individually for each student from a full continuum of placement options based on the most appropriate placement to provide the services on the student's IEP.

A placement in the general education environment is presumed.

IDEA-2004 presumes the first placement option considered for all eligible students will be the general education classroom with the use of supplemental aids and services. Students may not be denied education in age-appropriate general education classrooms solely because the students' education requires modification to the general curriculum. Teams must first consider if the eligible student may be served in the school and classroom the student would attend if not disabled. Other options should be considered only when the nature and severity of the disability would prevent satisfactory achievement within the general education environment.

An in-district placement should always be considered and recommended before an out-of-district placement is considered. If the Team determines that an out-of-district placement is necessary, the Team must be mindful of the requirement to give preference to approved programs located in Massachusetts. It is worth noting that if the Team determines an out-of-district placement is required, such programs are not within the jurisdiction of the District and specific program locations cannot be guaranteed. In such cases, the public school District must work cooperatively with the Team to implement the placement determination, and may have to consider referrals to multiple program locations. In most cases, the Team who wrote the IEP will decide the type of placement immediately after the IEP is developed. If the student's needs and corresponding services are complex and the Team is considering an initial out-of-district program or a different setting for a student currently in an out-of-district placement, a subsequent placement meeting might be scheduled, within 10 school days of the development of the IEP, to finalize the placement decision. In all cases, the parent continues to be an equal participant in the Team process.

School Districts must notify parents about graduation plans.

Graduation, under IDEA-97, is considered a change of placement. Parents must be notified when a Team recommends this placement change. Parents may be notified at the

same time the IEP is written. However, if a school District chooses to notify separately from the proposed final IEP, the District must ensure that parents are notified in a reasonable amount of time before the proposed graduation date. The special education department would recommend that this notification occurs no later than the fall preceding the proposed graduation. *(End: IEP Process Guide)*

PLACEMENT DECISION/AUTHORIZATION

Upon recommendation by the Team, the educational Team chairperson/liaison or Student Support Services Director has the authority to designate District resources for placements and related services. No other party shall authorize the use of funds unless designated to do so by the Student Support Services Director. The District is required to have a Team member who is authorized to commit District resources available at each Team meeting.

If a student is recommended for placement outside of the District, the Student Support Services Director or his/her designee will evaluate school programs and provide an offer of placement to the parent/guardian. The parent/guardian will work with the Director/designee to review the proposed placement.

PLACEMENT CONTINUUM

Placements range from least to most restrictive range as follows: Services provided...

- in the general education classroom 80 -100% of the time (full inclusion)
- in the general education classroom with pull-out/support services 60-80% of the time (partial inclusion)
- in a special education classroom for greater than 60% of the day (substantially separate)
- in an out of District school setting (public/private day school placement)
- at home or in a hospital setting (home/hospital placement) in a 24-hour school setting (residential placement)

PROCEDURES FOR APPROVED AND UNAPPROVED OUT-OF-DISTRICT PLACEMENTS

Webster Public Schools abide by state and federal guidance regarding the placement of students outside of the District schools, as stated below.

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. Records of monitoring plans and all actual monitoring documents are filed in the record of every eligible student who has been placed out-of-district. Monitoring procedures include observations during announced or unannounced visits; documentation of telephone

calls and emails; consultation with program staff and parents; communications with outside agencies or representatives; and other related matters. 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 placement.

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 placement.
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 also 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 28.06(3)(f)(1-5).
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 children 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 additionally 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 parents 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 local school committee under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.
 - d. 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.

- e. 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 ESE 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.
- f. 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

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

Federal Requirements

34 CFR 300.2(c)

See also Administrative Advisories SPED 2002-5: Special Education Contracts Between School Districts and Out-of-District Programs; 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; 2008 ESE Memo regarding Revised Procedures to Use When Seeking ESE Approval for Individual Student Program and revised 28M3 Form.

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:

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

603 CMR 28.06(9)

Federal Requirements

Procedures used to provide services to eligible students enrolled in private schools at private expense whose parents reside in the District

1. The District conducts child find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the District.
2. For students enrolled at private expense in private schools in the District and whose parents reside out of state, the District consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility in accordance with state and federal requirements.
3. The District calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the District whether their parents reside in the District, in another Massachusetts District, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the District whose parents reside in the District or out of state.
4. If the District provides services to any eligible private school student from out of state, it does so using an individual services plan.
5. The District consults with private schools in accordance with federal requirements.
6. The District provides or arranges for the provision of an evaluation for any private school child whose parent resides in the District who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility; as part of its consultation with the private school, the District ensures that a representative of the child's private school is invited to participate as a member of the Team pursuant to §28.05. The District provides an IEP for any such private school child who is found eligible for special education and/or related services.
7. The District provides special education and/or related services designed to meet the needs of eligible children who are attending private schools at private expense and whose parents reside in the District, and does so according to a properly developed IEP. The District provides to such children genuine opportunities to participate in a public school special education program consistent with state constitutional limitations.
8. In providing or arranging for the provision of the special education and/or related services described by the child's IEP, the District ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds. When the child attends a private school located outside of the District, the District makes reasonable efforts to provide or arrange for the provision of services for the child in the community where the school is located.

9. The District does not withdraw or withhold services from a child whose parents reside in the District solely because the District has met the spending requirements of federal law.
10. Special education services and/or related services for a private school child whose parents reside in the District are comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equal importance.
11. An expedited special education evaluation, which is limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluation, is conducted and services provided to eligible students whose parents reside in the District within 15 calendar days of the District's receipt of the child's physician statement.
12. The District calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the District whether their parents reside in the District, in another Massachusetts District, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the District whose parents reside in the District or out of state.

State Requirements

M.G.L. c. 71B, section 2
603 CMR 28.03(1)(e)

See also Administrative Advisory SPED 2007-2: IDEA 2004 and Private School Students.

Federal Requirements

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

State Requirements

603 CMR 28.02(7); 28.04; 28.05(2)

See also Administrative Advisory SPED 2007-2: IDEA 2004 and Private School Students.

Federal Requirements

34 CFR 300.130-144; 300.301-311

EQUAL OPPORTUNITY TO PARTICIPATE

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. These services include, but are not limited to art and music; vocational education, industrial arts, and consumer and homemaking education; work study and employment opportunities; counseling services available at all levels in the district; health services; transportation; recess and physical education, including adapted PE; athletics and recreational activities; school-sponsored groups or clubs; meals.

State Requirements

603 CMR 28.06(5); State Performance Plan Indicator 5

See also Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities

Federal Requirements

34 CFR 300.101-113

PROGRAMS AND SERVICES

In-District Programs

The Webster Public School District is committed to assisting students found eligible for special education by providing educational services in the least restrictive setting possible. Special education intervention is individually designed based on the child's specific needs as identified by the educational Team.

Through the District Curriculum Accommodation Plan (DCAP), a comprehensive range of interventions and accommodations is available through general education to all students. For those found eligible for special education, the District offers a full range of appropriate services within each school building, preschool through grade 12 and a community-based vocational program for students up to age 22. Commitment to inclusive education requires the strong, collaborative effort between administration and staff, as evidenced at all levels within the District.

Integrated Public Preschool Program

At the early childhood level, the District maintains commitment to the practice of early intervening. Webster's preschool program is an integrated model where children with special needs are enrolled with typically developing children. A child who is eligible to receive special education will be provided services through the preschool program at the recommendation of the educational Team. Within the integrated preschool program, the District provides related services such as ABA, vision, occupational and physical therapies, speech-language services, and nursing according to the child's needs. Students may receive extended day/year services at the recommendation of the educational Team to address intensive special needs.

A balanced ratio of special needs students and typical peers needs to be maintained to meet regulatory requirements. The special education department maintains a lottery for students who would like to be considered as typical peers for the integrated preschool program if the number of applicants exceeds the slots available. The District will conduct a screening during the month of March to determine a child's ability to serve as a typically developing peer. Should the child be exhibiting possible delay in any of the developmental areas observed, the child may be rescreened or referred for a special education evaluation. The District will notify families of their child's acceptance to the preschool program during the month of April, preceding the next school year. Parents of typical peers will receive a preschool program packet including a description of the program along with information about the session their child will be attending.

Registration forms will be provided and must be returned to the school. The procedure for securing placement includes provision of medical and dental forms, birth certificate, and completing a supplementary pupil information sheet. Students receiving special education services will attend free of charge if they are admitted to the preschool program based on their IEP. Special needs students are required to submit the same supporting documentation in order to register for school.

Consultation

Consultation services are provided on an as-needed basis to all students. For many students, regular consultation services are identified in their IEPs. Some children require substantial consultation by a wide variety of professionals. These needs are variable and determined by the student's educational Team. Our commitment to educating children with complex needs is reflected in the time that our professionals dedicate to plan effectively for these students. Some examples of consultation services (in addition to related service consultation) provided to students in Webster include educational audiology and assistive technology.

Inclusion

It is our belief that, whenever possible, students should be educated in a general classroom. To that end, the Webster Public Schools employs special education teachers and paraprofessionals to support students in the regular education environment. These individuals provide support in all programs, preschool through grade 12 and beyond. Inclusion is supported by special education staff working collaboratively with regular education teachers to support student success in the general classroom as well as through consultation. Strong communication and regular collaboration/consultation amongst staff ensures that support is targeted to student needs as identified in the child's Individualized Education Program (IEP).

Pull Out/Resource Room Support

Students requiring more intensive services are recommended for academic instruction in small group "pull out" classrooms in Grades K through 12. This is provided for students who have difficulty accessing the general curriculum in one or more areas and whose IEP indicates a need for instruction in a separate setting. In some circumstances, students attend inclusion classes and receive pull out services to reinforce skills learned in the inclusion setting. This is referred to as academic support and this service is available in each building in the District. These programs address the needs of children who have moderate to severe disabilities whose needs cannot be met in a more inclusive setting. These settings allow for the student to be included with his/her peers to the greatest extent possible, depending on the student's progress and needs. All students are actively involved in the life of the school.

Therapeutic Programs: STAR and Quest

Each school offers a supportive therapeutic program to address the needs of children who have mild to significant emotional or therapeutic needs that cannot be met in a more inclusive setting. The model is established on an inclusive practice where students will receive services depending on their needs each day. All students have a regular schedule of classes and may receive support in inclusion or in a pull-out within the therapeutic classroom, depending on the daily individual student's needs and progress. All students are actively involved in the life of the school.

STAR

At both Park Avenue Elementary and Webster Middle School, therapeutic programs are provided to students with social, emotional, and behavior regulation concerns.

Quest

During the 2012-2013 school year, the District designed a new program for at-risk high school students with and without special needs. This program, referred to as Quest, is an substantially separate and inclusive program offering academic and therapeutic support to students who may be at risk for academic failure or dropping out, as well as those with significant emotional or therapeutic needs. The program includes a special needs teacher, instructional assistants and school adjustment counselor. Student participation is determined by the educational Team for special education students. Regular education students are recommended through the SARs Team at the high school. Students may be in a small classroom for most of their day or they may attend regular or resource room classes, or academic support block where services are provided. In addition, students receive after school support and participate in community service projects. All students are actively involved in the life of the school.

ABA Programs and Support Services

The Webster Public School District has responded to the growth of low-incidence populations, such as Autism Spectrum Disorders, and has created a broad, diverse continuum of services, allowing for the provision of special education services in the least restrictive setting. For students with ASD, services which include Applied Behavioral Analysis (ABA) intervention, services are individualized based on the child's needs Preschool through grade 12. Due to the growing population of students with Autism, highly trained staff, including special education teachers and ABA therapists and BCBAs (Board Certified Behavioral Analysts), utilize research-based techniques for improving outcomes for students with Autism and related disabilities. Such interventions are employed in substantially separate (language-based), partial inclusion and full inclusion settings.

Life Skills

Life Skills programs are available at both Webster Middle School as well as Bartlett High School. These programs provide services to students with moderate to severe disabilities who require small group instruction that cannot be met in an inclusive setting. Specialized instruction including ABA support services, are provided to address the unique needs of the individual student as well as to prepare students in their transition from school to post-secondary life. These programs allow for varying levels of inclusion depending on the individual student's needs and progress. All students are actively involved in the life of the school and surrounding communities.

18-22 Services

Transition support services are provided at BHS for students who have completed their high school course of study and are recommended through the special education process to continue to receive services to address post-secondary transition needs through a targeted transition plan with goals focused on employment; independent living, including community integration; training and education.

RELATED SERVICES

Many of our students require related services to access a Free and Appropriate Public Education as described in the student's IEP. The District employs or seeks contracted services for Speech/Language Pathologists, Physical Therapists, Occupational Therapists, School Adjustment Counselors, School Psychologists, Nurses, and when the need arises, Teacher of the Visually Impaired, Teacher of the Deaf and Hearing Impaired, Orientation and Mobility, etc., who provided related services to our students. Related services may be provided through inclusion or as pull out sessions depending on the need determined by the Team

Other related services may include health related services, interpretation and sign language interpretation, orientation and mobility training, or other services as deemed necessary by the Team. Should a student who is classified as deaf or hard of hearing be attending school in the district and in need of American Sign Language interpretation, the district will contract with interpreters who are duly registered with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH). For deaf and hard of hearing students who are placed at private schools or public collaboratives, the district will ensure that ASL interpreters at such placements are also registered with MCDHH.

Services for low incidence populations, such as sensory disabilities, are provided through the District on a case by case basis utilizing the services of specialists such as a Teacher of the Deaf, Teacher of the Visually Impaired, and Orientation & Mobility.

Related Services Only

Some students qualify for Special Education receiving related services only. In these cases, students may receive their service, such as Speech/Language, Counseling, Occupational Therapy or Physical Therapy on a walk-in basis or will be pulled from class to receive services. At times the student may receive these services within the general education setting. It all depends on the student's needs and recommendation by the therapist for level of service.

Assistive Technology Services

Per Federal regulations, "Assistive Technology devices and services must be made available to a child if required as part of the child's IEP". Students in need of devices, AAC (Augmentative and Alternative Communication) and/or assistive technology services are identified through the IEP Team process in consideration of their communication and/or functional needs in order to ensure they can access the curriculum, meet their educational goals and/or increase, maintain or improve functional capabilities. If the Team recommends an assistive technology evaluation, professionals knowledgeable about assistive technology devices will conduct the assessment with the student and family being included in the evaluation process. The evaluation of the student should include an assessment of the student in their customary environment. Should assistive technology devices and/or services be identified as required, the Team will 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 special education department utilizes in-district and contracted resources for provision of Assistive Technology services. These resources meet with special education teachers, regular education classroom teachers and related services providers, as well as the parent and child, to assess and monitor the needs of the individual student. Additionally, these resources are utilized to assess the needs of the District in taking a proactive approach in developing goals and objectives to improve services to students. Assistive technology services can include coordinating and using other therapies; interventions, or services with assistive technology devices; consultations, ongoing training or technical assistance for student, family, and educational staff, and other professionals involved in the major life functions of that student.

Transportation Services

The Webster Public Schools understands and implements its responsibility of providing transportation services to special needs students who require transportation as part of their Individual Education Program plan. Transportation services are determined as per need based on the Team determination of services.

If the IEP specifies that the student's disability requires transportation arrangements in order to benefit from special education, the District implements these provisions of the student's IEP. The Team determines necessary modifications, special equipment, assistance, need for qualified attendants on the vehicles and any particular precaution required by the student and documents such determination in the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school District makes such arrangements. The District arranges for eligible students who use wheelchairs transported in vehicles that do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however that this requirement is not applicable where a Team or student's physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons. The Team specifies whether the student requires assistance in or out of the home or off of the vehicle, and in and out of the school. If such assistance is specified, the District ensures it is provided. The Team specifies if the student has a particular need or problems that may cause difficulty during transportation, such as seizures, a tendency for motion sickness, behavioral concerns or communication disabilities. The District does not allow transportation considerations to influence, modify or determine the educational program, including length of the school day required by any student.

The Webster Public Schools maintains contracts with external vendors for special education students. The District has established a practice to provide the recommendations from the Team regarding transportation, which are specified in the IEP under the Transportation Section, to the transportation vendor. Transportation vendors provide annual training to their drivers and monitors in the area of working with students with various disabilities. When a specialized need is identified, the Team chairperson will provide notice to the Student Support Services Director on the unique needs of the student and the Student Support Services Director will coordinate any specialized training needs with the Director of Transportation for the vendor. This will be documented in terms of a training agenda and sign offs. The District will provide support for the training through the use of Related Service providers or outside resources as appropriate.

PARTICIPATION IN STATE AND DISTRICT ASSESSMENTS

MCAS

1. General Requirements

The 1993 Education Reform Law mandated that **all students in the tested grades** who are educated with Massachusetts public funds participate in MCAS, including

- students enrolled in public schools
- students enrolled in charter schools
- students enrolled in educational collaborative programs
- students enrolled in private schools receiving special education that is publicly funded by the Commonwealth, including approved and unapproved private special education schools within and outside Massachusetts
- students enrolled in institutional settings receiving educational services
- students in mobile military families
- students in the custody of either the Department of Social Services (DCF) or the Department of Youth Services (DYS)
- students with disabilities
- students with limited English proficiency
- students enrolled in public schools

Students with disabilities must participate in grade-level tests that correspond with the grade in which they are enrolled as reported to the Department's Student Information Management System (SIMS).

The Webster Public Schools follows federal and state regulatory requirements for the participation of students with disabilities in state assessments, as indicated below.

1. All students with disabilities whose placements are funded by the District 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—
 - 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

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

Federal Requirements

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

2. Participation of Students with Disabilities in MCAS

For the purposes of MCAS, a student with a disability has either an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Improvement Act of 2004 and Massachusetts General Law, Chapter 71B, or a plan provided under Section 504 of the Rehabilitation Act of 1973. There are limited exceptions to this. All students with disabilities must be engaged in an instructional program guided by the standards in the Massachusetts Curriculum Frameworks.

3. Limited English Proficient (LEP) Students with Disabilities

All LEP students with disabilities must participate in all MCAS tests given at their grade level, regardless of the number of years they have been enrolled in U.S. schools. An exception to this requirement will be made for LEP students who are in their **first year of enrollment** in a U.S. school (i.e., students who first enrolled in a U.S. school after the March 1st SIMS). Schools have the option of assessing first-year LEP students on the English Language Arts tests and, for Spring 2008 only, the History and Social Science tests. All other tests are required for these students.

Additional information on the participation of LEP students with disabilities in MCAS can be found in *Requirements for the Participation of Students with Limited English Proficiency in MCAS and MEPA*. This document is available on the Department's Web site at www.doe.mass.edu/mcas.

4. Determining How Students with Disabilities Will Participate in MCAS

During its annual or re-evaluation Team meeting, a student's IEP or 504 Team must determine how the student will participate in MCAS for each subject scheduled for assessment. This information, including any accommodations that a student will use, **must be documented** in the student's IEP or 504 plan. Guidelines for making participation decisions for individual students have been provided by the Massachusetts Department of Elementary and Secondary Education. This guidance is summarized as follows:

The following guidelines are intended to assist IEP and 504 Teams in deciding how each student with a disability will participate in MCAS. The student's IEP or 504 Team should begin by asking the following questions and considering options 1, 2, and 3 in the chart that follows:

- Can the student take the standard MCAS test under routine conditions?
- Can the student take the standard MCAS test with accommodations? If so, which accommodations are absolutely necessary in order for the student to participate?
- Does the student require an alternate assessment? (Alternate assessments are intended for a very small number of students with significant disabilities who are unable to take standard MCAS tests, even with accommodations.)

A separate decision must be made for **each subject** scheduled for testing, and may be revised each time the Team convenes. A student may take the standard test in one subject and the alternate assessment in another.

OPTION 1

<i>If the student is</i> a) generally able to demonstrate knowledge and skills on a paper-and-pencil test, either with or without test accommodations <i>and</i> is b) working on learning standards at or near grade-level expectations, <i>or</i> is c) working on learning standards that have been modified and are somewhat below grade-level expectations due to the nature of the student's disability	Then The student should take the standard MCAS test, either with or without accommodations that are consistent with the instructional accommodation(s) used in the student's instructional program and that are documented in the approved IEP or 504 plan prior to testing.
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OPTION 2

If the student is a) generally unable to demonstrate knowledge and skills on a paper-and-pencil test, even with accommodations <i>and</i> is b) working on learning standards that have been substantially modified due to the nature and severity of his or her disability <i>and</i> is c) receiving intensive, individualized instruction in order to acquire, generalize, and demonstrate knowledge and skills	Then The student should take the MCAS Alternate Assessment in this subject.
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OPTION 3 If the student is a) working on learning standards at or near grade-level expectations <i>and</i> is b) sometimes able to take a paper-and-pencil test, either without or with one or more test accommodation(s), <i>but</i> is c) presented with unique and significant challenges in demonstrating knowledge and skills on a test of this format and duration	Then The student should take the standard MCAS test, if possible, with necessary accommodations that are consistent with the instructional accommodation(s) used in the student’s instructional program and that are documented in the approved IEP or 504 plan prior to testing. However: The Team may recommend the MCAS Alternate Assessment when the nature and complexity of the disability prevent the student from fully demonstrating knowledge and skills on the standard test, even with accommodations.
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5. MCAS Alternate Assessment (MCAS-Alt)

The MCAS Alternate Assessment (MCAS-Alt) is intended for the relatively small number of students with significant disabilities who are unable to participate in regular statewide assessments even when accommodations are provided. The MCAS-Alt measures the student’s performance and achievement of the academic learning standards in the Massachusetts *Curriculum Frameworks*. For each student scheduled to take the MCAS-Alt in one or more subjects, the student, the student’s teacher, and other adults who work with the student will develop a portfolio over the course of the school year. The student’s portfolio must include data and other evidence of the student’s performance in the subject being assessed. Since the MCAS-Alt portfolio includes data and samples of student work collected during the school year, it is advisable to start this process early in the school year. The special education department will monitor the use of alternate assessments statewide to ensure that they are being conducted appropriately and that participation decisions are made in accordance with the law.

The Department of Elementary and Secondary Education has created the *Resource Guide to the Massachusetts Curriculum Frameworks for Students with Disabilities as well as, the 2008 Educator’s Manual for MCAS-Alt* to provide guidance in the participation and submission, as well as important forms and information on the requirements of the MCAS-Alt. (To view, visit www.doe.mass.edu/mcas/alt.)

ANNUAL REVIEW AND RE-EVALUATION MEETINGS

ANNUAL REVIEW MEETINGS

Each year the IEP of every child served by the District under special education needs to be reviewed. The focus of the review is to examine a student's progress toward his/her goals. If a child's eligibility is in question, additional testing may be needed to determine the status. Service providers should contact the special services office to ask that consent be forwarded to the parent for this reason. A child's eligibility cannot be judged solely on the completion of IEP goals or report card grades. Questions regarding how to address the student's eligibility during an annual review can be directed to the Team chairperson.

The Team reviews the student's progress toward goals established at the prior annual review meeting. Adjustments are made to the IEP to ensure that information is accurate and current. Updated or revised goals are added to the IEP at the annual review meeting. Each year's measurable goals should clearly show a step by step increase towards a student's learning outcomes.

Placement is determined by the Team at the end of the Annual Review meeting after the IEP is developed. Placement and/or services cannot be changed or implemented until the IEP signature is received.

RE-EVALUATION MEETINGS

A reevaluation will be conducted for each student with a current IEP at least once every three years or more frequently if requested or recommended by the Team. Per IDEA 2004 Reevaluations should not occur more frequently than once a year unless both parents and LEA agree that evaluation is needed. When a student is referred for a reevaluation, existing evaluation data should be reviewed first. If no additional information is needed to determine whether the student continues to be eligible, the District may request that a parent waive particular types of assessments. The parent may either consent to waive particular types of assessments or may choose to have the assessment completed regardless of the recommendation for waiver. Evaluations are required prior to a finding that a student is no longer eligible, except for graduation with a regular diploma or aging out. For those children, the LEA must provide a summary of academic and functional performance, including recommendations on how to assist the child to meet post secondary goals.

Required Assessments for Reevaluation:

- Educational Status Assessment Report (*Form Educational Assessment A Completed by the Classroom Teacher and/or Guidance Staff.*)
- Teacher Assessment (*Form Educational Assessment B*)
- Specialist Assessment(s) (Should include assessments in all areas of the child's suspected disability. Functional Behavioral Assessments can be recommended if the student's behavior interferes with learning.
- Developmental/Family History (typically for initial assessments only)

Optional Assessments

The following assessments can be recommended by the Team or requested by parents)

- Psychological
- Home Assessments (*The Team should request this only if there are significant concerns related to the home or family environment as they affect a student's school performance.*)
- Health Assessment

Reevaluation activities should be tailored to the specific questions for the individual student in order to help the Team determine whether the student would continue to make progress in the general education curriculum without the continued provision of special education services. Evaluations must provide information to determine present levels of academic achievement and related developmental needs. No single test should be used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews and review of the record should be used. An observation of the student must be made by at least one Team member other than the student's teacher in the determination of a specific learning disability.

Evaluations must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide and administer.

RE-EVALUATION PROCEDURES

1. The special education department will send out a **Parent Consent Packet** consisting of:
 - Proposal to Conduct a Reevaluation
 - Evaluation Consent Form
 - Waiver of Assessment Form (if applicable)The Parent must complete and return these forms.

2. If the parent does not return the Evaluation Consent Form within two weeks a second notice will be sent. If there is no response, the Team Chairperson will call the parent to discuss any concerns. If after an additional 10 days, the parent still does not respond, the secretary will send the parent an Evaluation Consent Form/Second Notice. If parental consent is not received within 30 days of the second attempt, the Chairperson will notify the Student Support Services Director. Efforts to obtain parental consent will be made and documented. If the parent revokes consent or refuses to consent to any reevaluation and the District determines that such action will deny the student a Free and Appropriate Public Education (FAPE), the District shall seek resolution through the Bureau of Special Education Appeals.
 3. Upon **receipt of the signed Evaluation Consent Form**, the special education department will notify the Evaluation Team members that they may begin to assess the student. The Chairperson will schedule the Team meeting and send to parent(s) the following:
 - A Meeting Invitation Notice of Team meeting
 - Attendance Sheet
- In the event that the parent calls to change the meeting time/date, the Chairperson must send out the Notice of Team meeting Date/Change. If the student is 14 years of age or older the student will be invited to the Team meeting. In the case of a student attending a private or parochial school, the special education department shall invite a representative from the student's school to the Team meeting.
4. The **special education department will ensure that the assessments are completed within 30 school working days** of the parent's signed consent. If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the District ensures that a Team meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year. Team members should coordinate their assessments with the student's teacher(s) and other evaluators so that the child is not over-tested on any given day.
 5. Reevaluation Team members must give the Team Chairperson an original, signed copy of their evaluation report three (3-5) days prior to the Team meeting. This allows the Chairperson to review reports and prepare for the Team meeting. It also allows the Chairperson to collate a set of reports for the parents to pick up two (2) days prior to the Team meeting, if requested.

Re-evaluation Reports

All evaluation reports should be written in clear, jargon-free language. Assessors should interpret and summarize results and diagnostic impressions to help the Team determine eligibility including the student's present levels of educational performance and areas of

need arising from the student's disability. Educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

External evaluation reports submitted by parents/providers:

If a parent submits an evaluation conducted by an independent evaluator, the Team Chairperson notifies the Director of Student Support Services and schedules a meeting with the parent(s) to review the report within ten (10) school days of receipt of the report. The results of the outside evaluation will be considered by the Team in determining if changes to the IEP are warranted. In that case, an Amendment to the IEP can be offered. If the District has not yet conducted a reevaluation of the student, the Team will determine if a District evaluation is necessary. In cases where the district and parent are in agreement, an outside evaluation can be used in lieu of the outside provider's evaluation. All efforts will be made to avoid duplication of assessments. If a decision is made to waive any assessment, the Team Chairperson will send a request for Waiver of Assessment to the parent for signature with the Evaluation Consent Form.

POST-SECONDARY TRANSITION SERVICES

TRANSITION FROM SCHOOL TO ADULT LIFE

Transition Planning

When a student reaches age 14, efforts must be made to plan a student's transition from school to adult life. This plan should be based on the student's needs, taking into account the student's preferences and interests. The Transition Plan should identify the student's potential ability to live independently and to be effectively employed. Plans may include recommendations for vocational training, community experiences, development of post-secondary education, adult living objectives and acquisition of independent living skills. The Transition Plan must be updated at least annually with the IEP.

A Transition Planning Form (TPF) must be completed by the Team for any student who will be turning age 14 during the current IEP year. For example, if the student is age 13.6 when the annual meeting is held, a TPF must be completed for that child so it is on record as of the student's 14th birthday. The TPF considers the Team's vision (based on the student input) student (IEP vision statement), the implications of the student's disability as it applies to his/her transition to adult life, as well as identify the post-secondary services that will support the vision.

Transition Assessments

The Team must complete an assessment of the student's transitional needs in order to complete a plan for the student as part of the assessment process as the student moves through the post-secondary planning years.

Age of Majority

At the age of 18, the transfer of parental rights is relinquished to the student, regardless of the severity of the student's disability, unless there is a court appointed guardian or the student decides to share decision making with his/her parent(s) or guardian(s). A student must sign all consent forms and is responsible for all of his or her medical and educational decisions. Parent(s), guardian(s), and the student must be made aware of this

transfer of rights at least one year before the student turns 18. This discussion should be summarized in the Additional Information section of the IEP. Students are asked to sign the “Age of Majority” form as of their 18th birthday. The student has three options: 1. To make their own educational decisions; 2. To share educational decision-making with their parent or other trusted adult of their choosing; or 3. to delegate educational decision-making to their parent, guardian or other designated individual.

Chapter 688

Students with disabilities may be eligible for a Chapter 688 Referral. These referrals are for students that will need ongoing supports and services as an adult from one or more of the public human service agencies. Chapter 688 referrals must be made at a year before the student is expected to graduate or leave school or at least two (2) years before the student is expected to turn twenty-two (22) years old. Eligibility for supports and services is defined by each human service agency. Special education services are provided while the student is in school and are entitlements mandated by federal and state law. Chapter 688 is not a continuation of special education services and is not an entitlement to services.

If a student is eligible for services through a Chapter 688 referral, an Individualized Transition Plan (ITP) is created by a collaboration of parent(s) or guardian(s), school personnel, specialists, and designated agencies. Because adult services are not “mandated”, the delivery of services identified in the ITP is not guaranteed to the individual. Service availability is contingent upon the priorities of, and public funding provided to, the various human services agencies.

As required under IDEA 2004, a Transition Plan will be developed for students at the age of 14. This plan will be attached to the student’s IEP and updated annually according to the student’s needs. The plan should include interagency efforts to support the student through the transition period.

Student Performance Summary

A summary guide is used to assist districts in meeting IDEA 2004 requirements for students whose special education eligibility terminates due to graduation or exceeding the age eligibility requirements. Under these provisions, the district will provide the student with a summary of his/her academic achievement and functional performance, which includes recommendations on how to assist the student in meeting her/his desired postsecondary outcomes.

DISCONTINUATION OF SPECIAL EDUCATION SERVICES

EXIT FROM SERVICES

A parent can request termination of services at any time. The District cannot contest this decision even if they feel it is not in the best interest of the child to discontinue services. The District can file for a hearing with the BSEA if the revocation of consent prevents the child from receiving a Free and Appropriate Public Education.

If the results of a Team meeting indicate a student no longer meets the criteria for special education services, and a parent disagrees with the decision of the District to discontinue services, then the parent can request mediation and/or a hearing to contest the decision.

If the Team and parent is in agreement that the child has achieved their goals and objectives and no longer qualifies for or requires special education services, the Team must provide this notification to the special education office and provide a Declines to Act Notice (N2) to the parent that services are no longer required. Services will be terminated upon this decision; however the Team can agree to a graduate fading of services over a short period of time (i.e. 2-4 weeks) if that is in the child's best interest and with the parent's approval. The parent has the right to contest the decision with notification to the special education office. In this case, the last signed IEP will be considered under "stay-put" and services will continue until the district and parent reconvene to discuss concerns. In some cases, Mediation or other alternative dispute resolution process can be considered in order for the Team to come to agreement.

DISCIPLINE AND PHYSICAL RESTRAINT

DISCIPLINE

OVERVIEW: Manifestation Determination

Formulating and implementing discipline measures for students with special needs must be carefully considered. The key issue involved when determining discipline for students with special needs, is whether the negative or inappropriate behavior is a manifestation of the student's disability. That is, the negative or inappropriate behaviors are not willfully or consciously acted out by the student, rather the behavior is displayed due to or as a function of the disability. The determination of whether the behavior was a function of the student's disability is called a ***Manifestation Determination***. A Manifestation Determination requires the input of the child's full education Team. All Team members provide input in the process and participate in the decision. A Functional Behavioral Assessment can be considered when students with special needs demonstrate chronic aberrant behaviors. Functional behavioral assessments must be provided if a student is suspended for more than ten (10) consecutive days.

The following guidance is implemented by the Webster Public Schools when considering discipline in the case of a special education student or a student protected under special education regulations. This information is taken from the Department of Elementary and Secondary Education.

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, 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 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:
 - 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. 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
 - 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 placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.

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.
5. If district personnel, the parent, 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 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.
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.

State Requirements:

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

2. 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 had expressed concern in writing; or
 - b. The parent 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 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.
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.
3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

State Requirements:

This criterion is related to State Performance Plan Indicator 4. (See <http://www.doe.mass.edu/sped/spp/>.) **Federal Requirements (IDEA-97)**
34 CFR 300.534

SUSPENSION GUIDELINES

The Webster Public Schools clearly outlines student codes of conduct in each Parent/Student Handbook. All students are required to abide by the code of conduct. In some cases, due to the nature of the student's disability, the Team may recommend alternative measures of discipline. However, this is done on a case-by-case basis.

Suspensions of up to ten school days:

Special education students, as well as students who have been referred for an evaluation, may be suspended for up to ten (10) school days for any offense using the same standards and procedures that apply to all students. No special rules or considerations apply, unless otherwise noted in the student's IEP.

Suspensions beyond 10 consecutive days:

Whenever the suspension of a special education student exceeds ten (10) consecutive school days, the student's Team must convene to make a determination as to whether or not the behavior for which the student is being suspended is a *“manifestation”* of the student's handicapping condition. If it is, the Team must go on to answer the following questions *as outlined in IDEA-97 300.523*.

- Was the student's IEP implemented as written? If it has not been implemented as written, the discipline record cannot be imposed unless parent or student 18 or over agrees.
- If it is implemented as written, is the behavior a manifestation of the handicapping condition? Input from teachers, evaluation reports, grades, and discipline reports must be reviewed in order to make this decision. If yes, the discipline cannot be imposed since that is prima facie evidence of an ineffective IEP, therefore the student's IEP must be revised. If the answer is no, then the student may be disciplined; however an alternative plan for the delivery of services must be implemented. The findings of the manifestation meeting must be documented and sent to the parent/guardian and also placed in the student special education files. The person chairing the meeting will be responsible for creating such documentation.

Suspensions exceeding ten cumulative days:

Whenever a student has been suspended for more than ten (10) cumulative days in any one school year, the school must:

- Conduct a Functional Behavioral Assessment
- Analyze the nature of such offenses involved and determine whether or not the offenses, their frequency and/or proximity in time to one another indicate that the IEP is not adequate in which case the IEP will need to be modified and will not be able to discipline the student.

- Special education services must be provided to the student (through a tutor or specialist) to prevent substantial regression of skills and provide continued access to the curriculum.
- School principals must provide written notice of any suspension of a special needs student immediately to the special education department.

SPECIAL CIRCUMSTANCES

Law regarding the discipline of students with special needs is fairly complex. It is recommended that principals and the Student Support Services Director work together to determine the most appropriate response to severe student misbehavior.

For students that may be suspected to be at risk to themselves or others may be referred for a “risk assessment”. The referral would go through the special education department and conducted by a trained school psychologist. Please note that a school cannot remove a student for more than ten school days in any school year without considering an interim alternative placement. Special education services must continue to be delivered after the 10 day period has passed.

For offenses involving weapons and controlled substances, IDEA-97 is clear about the fact that the student may be removed by a school administrator from the school to and placed in an interim alternative educational setting in the same manner in which a general education student would be disciplined. However, if the parents/guardian of the special education student or the student aged 18 or older object, the school may need to maintain the last agreed upon placement called for in the IEP unless you seek an order from a hearing officer or a court changing the student’s placement pending a full blown evidentiary hearing.

In seeking to change a placement unilaterally, the school will have the burden of proving that:

- There is “substantial evidence” demonstrating that remaining in the current placement is substantially likely to result in injury to students or others;
- The existing IEP is appropriate.
- The school District has made reasonable efforts to minimize the risk of harm.
- The proposed alternative placement must allow continued participation in the general curriculum with Special Education services and modifications to reduce the likelihood that behavior will recur.

Interim placements can only be for 45 calendar days and the school District will have to seek an extension of an order to continue beyond 45 calendar days.

(OSEP) SPECIAL EDUCATION & REHABILITATIVE SERVICES

Discipline Procedures -- Changes from Proposed Rules -- Topic Brief

March 1999

Introduction

Prior to enactment of the IDEA Amendments of 1997, the statute only specifically addressed the issue of discipline in a provision that allowed school personnel to remove a child to an interim alternative educational placement for up to 45 days if the child brought a gun to school or to a school function. The 1997 Amendments incorporated prior court decisions and Department policy that had held that –

1. schools could remove a child for up to 10 school days at a time for any violation of school rules as long as there was not a pattern of removals;
2. a child with a disability could not be long-term suspended or expelled from school for behavior that was a manifestation of his or her disability; and
3. services must continue for children with disabilities who are suspended or expelled from school.

In addition, the 1997 Amendments

1. expanded the authority of school personnel regarding the removal of a child who brings a gun to school, to also apply to all dangerous weapons and to the knowing possession of illegal drugs or the sale or solicitation of the sale of controlled substances; and
2. added a new ability of schools to request a hearing officer to remove a child for up to 45 days if keeping the child in his or her current placement is substantially likely to result in injury to the child or to others.

The Amendments also added new provisions that require schools to assess a child's troubling behavior and develop positive behavioral interventions to address that behavior, and that describe how to determine whether the behavior was a manifestation of the child's disability.

The final regulations incorporate the statutory provisions described above, and provide additional specificity on a number of key issues:

Removals of Up to Ten School Days at a Time

- The regulations clarify that school personnel may remove a child with a disability for up to 10 school days, and for additional removals of up to 10 school days for separate acts of misconduct, as long as the removals do not constitute a pattern.

Providing Services During Periods of Disciplinary Removal

- Schools do not need to provide services during the first 10 school days in a school year that a child is removed.
- During any subsequent removal that is for 10 school days or less, schools provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP. In cases involving removals for 10 school days or less, school personnel, in consultation with the child's special education teacher, make the service determination.
- During any long-term removal for behavior that is not a manifestation of a child's disability, schools provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP. In cases involving removals for behavior that is not a manifestation of the child's disability, the child's IEP Team makes the service determination.

Conducting Behavioral Assessments and Developing Behavioral Interventions

- Meetings of a child's IEP Team to develop a behavioral assessment plan, or (if the child has one) to review the child's behavioral intervention plan, are only required when the child has first been removed from his or her current placement for more than 10 school days in a school year, and when commencing a removal that constitutes a change in placement.
- If other subsequent removals occur, the IEP Team members review the child's behavioral intervention plan and its implementation to determine if modifications are necessary, and only meet if one or more team members believe that modifications are necessary.

Change of Placement; Manifestation Determinations

- The regulations provide that a change of placement occurs if a child is removed for more than 10 consecutive school days or is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total

amount of time the child is removed, and the proximity of the removals to one another.

- Manifestation determinations are only required if a school is implementing a removal that constitutes a change of placement.

* On October 22, 1997, a Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** to amend the regulations under Part B of the Individuals with Disabilities Education Act (IDEA). The purposes of the NPRM were to implement changes made by the IDEA Amendments of 1997, and make other changes that facilitate the implementation of Part B. The changes made since the NPRM are based mainly on public comments received.



PHYSICAL RESTRAINT BEHAVIOR AND SUPPORT POLICY AND PROCEDURES

PHYSICAL RESTRAINT PREVENTION AND BEHAVIOR SUPPORT POLICY AND PROCEDURES

I. GENERAL INFORMATION (46.01)

Webster Public Schools shall abide by the provisions of 603 CMR [46.00](#), which regulates the use of physical restraint on students in publicly funded elementary and secondary education programs. Webster Public Schools has developed restraint prevention and behavior support procedures, in compliance with 603 CMR 46.04, which shall be annually reviewed, provided to school staff, and made available to parents.

Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

603 C.M.R. [46.01](#)(3)(a) & (b).

Further nothing in 603 C.M.R. [46.00](#), Webster Public Schools Physical Restraint Policy and/or Administrative Procedures and Guidelines shall be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, nothing in 603 C.M.R. [46.00](#) Webster Public Schools Policy and/or Administrative Procedures and Guidelines precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm. 603C.M.R. [46.01](#)(4).

In addition, each staff member will be trained annually regarding the school's physical restraint policy and accompanying procedures. The Principal or designee will arrange training to occur each school year, or for staff hired after the beginning of the school year, within a month of their employment.

II. DEFINITIONS (46.02)

As used in 603 CMR 46.00, the following terms shall have the following meanings:

Commissioner shall mean the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c.15, §1F, or his or her designee.

Consent shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent understands and agrees in writing to carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

Department shall mean the Department of Elementary and Secondary Education.

Mechanical restraint shall mean the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Parent shall mean a student's father, mother, or legal guardian or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

Physical escort shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Principal shall mean the instructional leader or headmaster of a public education school program or his or her designee. The board of directors of a charter school or virtual school, or special education school or program approved under 603 CMR 28.09, shall designate in the restraint prevention and behavior support policy who will serve as principal for purposes of 603 CMR 46.00.

Prone restraint shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

Public education programs shall mean public schools, including charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09, as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs. The term "programs" may be used in 603 CMR 46.00 to refer to "public education programs." For purposes of 603 CMR 46.00, public education programs shall not include the educational services provided within Department of Youth Services, Department of Mental Health, Department of Public Health, and County Houses of Correction operated or contracted facilities.

School Working Day shall mean a day or partial day that students are in attendance at the public education program for instructional purposes.

Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

Time-out shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

III. USE OF RESTRAINT (46.03)

(1) Prohibition.

(a) Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

(b) Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;

5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
 6. The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.
- (c) Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.
 - (d) All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.
- (2) Physical restraint shall not be used:
- (a) As a means of discipline or punishment;
 - (b) When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
 - (c) As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
 - (d) As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.
- (3) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
- (4) Referral to law enforcement or other state agencies. Nothing in these regulations prohibits:
- (a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
 - (b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or

(c) The exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

IV. USE OF RESTRAINT (46.04)

(1) Procedures

A. METHODS FOR PREVENTING STUDENT VIOLENCE, SELF-INJURIOUS BEHAVIOR, AND SUICIDE, INCLUDING INDIVIDUAL CRISIS PLANNING AND DE-ESCALATION OF POTENTIALLY DANGEROUS BEHAVIOR OCCURRING AMONG GROUPS OF STUDENTS OR WITH AN INDIVIDUAL STUDENT.

School-Level Supports

The school will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. In addition, the school-level crisis team will participate in professional development focused on preventative measures to prevent student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis team along with teachers and other school personnel will identify students who are potentially at-risk and review student social, emotional and behavior progress monthly at the Student Support Team Meeting (SST) and/or leadership team meeting to plan interventions and supports for students. The monthly meetings will include school counselors, school nurse, administration and if necessary the school psychologist as a resource to plan appropriate interventions and supports for the students.

Each school has a crisis team, which includes the administrative team, school counselors, nurse(s) and school psychologist when necessary. All members of the school's crisis team are trained in Safety Care.

For any student with a history of significant emotional/ behavior including at risk behavior (harm to self and/or others) and/or a student who required a physical restraint, the Team should develop a safety behavior intervention plan or crisis plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings (at least 2x monthly), etc. for the purpose of assessing progress and making necessary adjustments. Teams can request a functional behavioral assessment (FBA) or Safety Assessment and can refer to outside agencies if needed. Each school has a functioning student support team, which meets monthly (or more as needed) to discuss individual students and/or groups of students demonstrating problem behavior and mental health concerns. The team should include an administrator, teachers, school counselor, school psychologist, and, if necessary, may include an outside agency representative.

School staff should utilize the school district's various tools to help students who are exhibiting aggressive behavior.

General De-Escalation Guidelines

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

1. Remain calm -To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
 2. Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
 3. One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
 4. Remove Student If Possible - The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered.
 5. Remove Other Students - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.
- B. METHODS FOR ENGAGING PARENTS/GUARDIANS AND YOUTH IN DISCUSSIONS ABOUT RESTRAINT PREVENTION AND USE OF RESTRAINT SOLELY AS AN EMERGENCY PROCEDURE.**

The Principal should provide all families and students with information about behavioral supports and restraint prevention efforts that are utilized within their school annually. Additionally, the Principal is expected to follow these administrative procedures with respect to identifying students who may be at risk of restraint and work with the student and their family along with the school counselor to identify and work on behavioral supports to prevent restraint from occurring. If a student is restrained, the Principal is expected to follow these administrative procedures with respect to engaging the student and their family about the use of the restraint, the report regarding the restraint, any disciplinary sanctions that may be imposed and/or any other related matters. Additionally, the school counselor also should follow up with the student and their family regarding behavioral supports.

C. DESCRIPTION AND EXPLANATION OF THE PROGRAM'S ALTERNATIVES TO PHYSICAL RESTRAINT AND METHOD OF RESTRAINT IN EMERGENCY SITUATIONS.

There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints only should be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint include but are not limited to, the following:

1. Active listening
2. Use of a low non-threatening voice
3. Limiting the number of adults providing direction to the student
4. Offering the student a choice
5. Not blocking the student's access to an escape route
6. Suggesting possible resolutions to the student
7. Avoiding dramatic gestures (waiving arms, pointing, blocking motions, etc.)
8. Verbal prompt - A verbal prompt is communicating what is expected behavior by clearly stating instructions and expectations.
9. Full or partial physical cue - A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force. These are used at increasing levels as needed to return a student safely back to task. See Physical Redirection and Physical Escort below.
10. Physical Escort - A physical escort is a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder or back, for the purpose of inducing a student who is agitated to walk to a safe location.
11. Physical Redirection -A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student to the learning activity, classroom or safe location.
12. Time-Out - A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming. During time-out a staff member must continuously observe a student. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary and appropriate for the purpose of calming. Time-out shall cease as soon as the student is calmed.

- D. STATEMENT PROHIBITING: MEDICATION RESTRAINT, MECHANICAL RESTRAINT, PRONE RESTRAINT UNLESS PERMITTED PURSUANT OT 603 CMR 46.03 (1)(B), SECLUSION, AND THE USE ON PHYSICAL RESTRAINT IN A MANNER INCONSISTENT WITH 603 CMR 46.00.
 - a. See page 94, section III “Use of Restraint”, part one: “Prohibition”
- E. DISTRICT TRAINING REQUIREMENTS, REPORTING REQUIREMENTS, AND FOLLOW-UP PROCEDURES
 - a. For Training Requirements: see page 101, section IV “Use of Restraint,” part two: “Required training for all staff”
 - b. For Reporting Requirements: see page 104, Section VI “Reporting Requirements”
- F. A PROCEDURE FOR RECEIVING AND INVESTIGATING COMPLAINTS REGARDING RESTRAINT PRACTICES
 - a. See page 106, Section VII “Complaint Procedures”
- G. A PROCEDURE FOR CONDUCTING PERIODIC REVIEW OF DATA AND DOCUMENTATION ON THE USE OF PHYSICAL RESTRAINTS AS DESCRIBED IN 603 CMR 46.06(5) AND (6).
 - a. See page 105, Section VI “Reporting Requirements,” part five: “Individual Student review,” part six: “Administrative Review”
- H. A PROCEDURE FOR IMPLEMENTING THE REPORTING REQUIREMENTS AS DESCRIBED IN 603 CMR 46.06.
 - a. See page 104, Section VI “Reporting Requirements”
- I. A PROCEDURE FOR MAKING REASONABLE EFFORTS TO ORALLY NOTIFY A PARENT ON THE USE OF RESTRAINT ON A STUDENT WITHIN 24 HOURS OF THE RESTRAINT AND FOR SENDING WRITTEN NOTIFICATION TO THE PARENT WITHIN THREE SCHOOL WORKING DAYS FOLLOWING THE USE OF RESTRAINT TO AN EMAIL ADDRESS PROVIDED BY THE PARENT FOR THE PURPOSE OF COMMUNICATING ABOUT THE STUDENT, OR BY REGULAR MAIL TO THE PARENT POSTMARKED WITHIN THREE WORKING DAYS OF THE RESTRAINT.
 - a. See page 104, Section VI “Reporting Requirements, part 3: “Informing Parents.”
- J. IF THE PROGRAM USES TIME OUT AS A BEHAVIORAL SUPPORT STRATEGY, A PROCEDURE FOR THE USE OF TIME-OUT THAT INCLUDES A PROCESS FOR OBTAINING PRINCIPAL APPROVAL FOR A TIME-OUT OF

MORE THAN 30 MINUTES BASED ON THE INDIVIDUAL STUDENT'S CONTINUED AGITATION.

Time out is a behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

1. The use of inclusionary time-out as a behavioral support strategy

The definition of time-out includes the practice of inclusionary time-out, i.e., when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom, and exclusionary time-out (see #2 below), i.e., the separation of students from the rest of the class either through complete visual separation or from actual physical separation. The use of inclusionary time-out functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom. Inclusionary time-out includes practices used by teachers as part of their classroom behavior support tools, such as "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom; use of those is considered to be an exclusionary time-out -see #2 below). These strategies, used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

2. The use of exclusionary time-out in educational settings

Exclusionary time-out as a staff-directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff-directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.

During an exclusionary time-out:

- The student must be continuously observed by a staff member;
- Staff must be with the student or immediately available to the student at all times;
- The space used for exclusionary time-out must be clean, safe, sanitary, and appropriate for the purpose of calming;

Exclusionary time-out must cease as soon as the student has calmed.

When a student is separated from the learning environment in an exclusionary time-out, s/he must be in a safe and calming environment. For any exclusionary time-out that may last longer than 30 minutes, programs must seek approval from the principal for the

continued use of time-out. The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. If it appears that the use of exclusionary time-out exacerbates the student's behavior, or the continuation of the exclusionary time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.

Exclusionary time-out is an intervention that should be reserved for use only when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. In such circumstances, the student may either ask to leave the classroom, or the student may be directed to a separate setting for the purpose of helping the student to calm. Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time-out setting. If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed. Students must never be locked in a room. For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student. Exclusionary time-out must end when the student has calmed.

3. Seclusion

603 CMR 46.02 defines seclusion as: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

The key elements of this definition are two factors considered together, (1) the student is alone with no staff present or immediately available; and (2) the student is prevented from leaving the area. The use of seclusion is prohibited in Massachusetts.

(2) Required training for all staff.

Required training is described in this section. For Reporting Requirements (46.06), see Follow-Up Procedures, Required training for all staff. 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. Training shall include information on the following:

- (a) The role of the student, family, and staff in preventing restraint;
- (b) The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;

- (c) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
 - (d) When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
 - (e) Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
 - (f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.
- (3) In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal of each public education program or his or 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 participate in in-depth training in the use of physical restraint. The Department recommends that such training be competency-based and be at least sixteen (16) hours in length with at least one refresher training occurring annually thereafter.
- (4) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:
- (a) Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
 - (b) A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
 - (c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - (d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
 - (e) Demonstration by participants of proficiency in administering physical restraint; and,

(f) Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

V. PROPER ADMINISTRATION OF PHYSICAL RESTRAINT

All physical restraints, including prone restraint, where permitted, shall be administered in compliance with 603 CMR 46.05.

(1) Trained personnel. Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

(2) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.

(3) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.043(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

(4) Duration of restraint. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

(5) Safety requirements. Additional requirements for the use of physical restraint:

(a) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration.

(b) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.

(d) Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

(e) After the release of a student from a restraint, the public education program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

VI. REPORTING REQUIREMENTS

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2).

(2) Informing the principal. The program staff member who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent or board of trustees for review. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.

(3) Informing parents. The principal or director of the program or his/her designee shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(5)(c).

- (b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
 - (c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
 - (d) Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
 - (e) Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.
- (5) Individual student review. The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least the following:
- (a) review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of the restraints;
 - (b) analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
 - (c) consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
 - (d) agreement on a written plan of action by the program.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees shall lead the review team's discussion. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

- (6) Administrative review. The principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of

physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

(7) Report all restraint-related injuries to the Department. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report required by 603 CMR 46.06(4) to the Department postmarked no later than three school working days of the administration of the restraint. The program shall also send the Department a copy of the record of physical restraints maintained by the principal pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint. The Department shall determine if additional action by the program is warranted and, if so, shall notify the program of any required actions within 30 calendar days of receipt of the required written report(s).

(8) Report all physical restraints to the Department. Every program shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.

VII. COMPLAINT PROCEDURES

A. Informal Resolution of Concern about Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above in Section IV (F)(2). The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below in Section VI (B).

B. Formal Resolution of Concern about Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above in Section IV (F)(2). The written complaint shall include (a) the name of the student; (b) the name of the school where the physical

restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

C. Other Complaint Processes also Available

It should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the districts Anti-Harassment and Sexual Harassment Policies to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, gender, ancestry, national origin, ethnicity, religion, age, disability, marital status, sexual orientation, homelessness, gender identity or genetic information. It also should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the Webster Public Schools Student Handbooks to seek resolution of any complaints regarding a student's deprivation of rights set forth in the school handbook.

GUIDELINES FOR DROPOUTS

The Webster School District adopts the following process regarding special education students who are dropping out of school.

1. Set up a meeting with student and parents.

MGL c. 76 §18 says that no student is to be considered formally withdrawn from school until the school has provided a notice to the parents and an opportunity to meet with the student and the parents to discuss the student's withdrawal. Pursuant to MGL c. 76 §18, the meeting notice should be written in the parent's native language and in English. The notice should be sent no more than 10 days after the student has acquired 15 consecutive unexcused absences. The notice should offer a meeting between the parents, student, school personnel and school administrators.

The meeting should take place within 10 days after the notice is sent. The parents/student may request a later date to meet; however, the meeting should take place no more than 14 days after the notice is sent.

2. Content of the meeting.

The statutory purpose of the meeting is to discuss the reasons behind the withdrawal as well as to discuss alternative education options.

In addition, school officials should explain the student's rights with respect to student records. The student's transcript should be maintained for 60 years after the student has withdrawn under 603 CMR 23.06(a). Also, the temporary record should be destroyed no later than 7 years after the student has withdrawn. 603 CMR 23.06(b) requires the school to provide "written notice to the eligible student and his/her parent of the approximate date of destruction of the record and their right to receive the information in whole or in part," at the time of the withdrawal. Such notice is in addition to the annual letter to parents and students regarding student records required by 603 CMR 23.10.

3. Consider special education implications

School officials should be aware of potential special education implications as a result of a student withdrawing from school. A student who is receiving Special Education services should be made aware that as a result of their withdrawal, they surrender the right to educational services under state and federal law. Certainly, if there is an indication from the parents or the student that the services provided pursuant to an IEP were insufficient, the school District should offer to reconvene the Team and review the IEP and progress reports of the student to make sure that the student was receiving FAPE. If a student withdraws in spite of an appropriate IEP, the school District should attempt to

secure a written acknowledgement from the student indicating that the student understands that he/she is surrendering educational rights if he/she chooses to withdraw. A letter from the Student Support Services office will be sent to a student delineating their rights under special education law.

School officials should discuss the possibility that the student has a disability at the meeting to determine if steps should be taken to evaluate the student for eligibility purposes before the student formally withdraws. Also, the school should provide the Notice of Procedural Safeguards brochure to the parents and student to explain their rights under special education law.

4. Document the meeting

The meeting should be documented by school officials and entered into the student's record.

5. Report the withdrawal to DESE

After the meeting is held, the student may be considered formally withdrawn from school. The number of students who have withdrawn from school must be reported to the Department of Elementary and Secondary Education in the schools Attendance and Dropout Report. For the purposes of Massachusetts reporting laws, a student has dropped out if the student:

1. Was enrolled in school at some point during the current school year;
2. Is not enrolled on the reporting date;
3. Has not graduated from high school or completed a state- or District-approved educational program; and
4. Does not meet any of the following exclusionary conditions:
 - Transfer to another public school District, private school, or state- or District-approved education program;
 - Temporary school-approved absence due to suspension or illness
 - Or death.

In addition, if the student was a special education student, then the withdrawal of that student should be reported on the Special Education Exit Data Report.

SPECIAL EDUCATION PARENT ADVISORY COUNCIL (SEPAC)

The Webster Public Schools special education department supports the efforts of a parent-lead advisory council. SEPAC provides information and support to parents through regular meetings and programs designed for the overall special education population. SEPAC also advises the special education department on the planning, development and evaluation of special education programs.

According to the Massachusetts General Laws:

603 CMR 28.07 (4), the special education regulations specify: "Each school District shall create a District-wide parent advisory council offering membership to all parents of eligible students and other interested parties. The parent advisory council duties shall include but not be limited to: advising the District on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school District's special education programs. The parent advisory council shall establish by-laws regarding officers and operational procedures, and, in the course of its duties, the parent advisory council shall receive assistance from the District without charge, upon reasonable notice, and subject to the availability of staff and resources. The District shall conduct, in cooperation with the parent advisory council, at least one workshop annually within the school District on the rights of students and their parents and guardian under state and federal special education laws."

In Webster, the Parent Advisory Council will be instrumental in providing feedback to the Director of Student Support Services as well as providing meaningful programs to support parent needs. All parents of special education students are encouraged to attend the regularly scheduled meetings (8 times per year), attend programs and trainings sponsored by the SEPAC, and to become a voice in the needs of the District.

HELPFUL RESOURCES

Please see the Special Education Page on the Webster Public School's Website for copies of pertinent documents as well as links to the DESE and other resources. contact the Special Education

APPENDIX A

DESE/DISTRICT FORMS

TEAM PROPOSAL

Student Name: _____

Meeting Date: _____

School: _____

Liaison: _____

I. Services Proposed:

The IEP developed at this Team meeting will be finalized and forwarded to you. A brief summary of services and goals, as discussed at the Team meeting, are listed below. Thank you for your participation in this process. Your input is very important in determining your child's needs.

Services: *Please list below or refer to the attached "draft" service delivery grid.*

General Goal Areas/Area of Focus:

II. Other Team Recommendations

- _____ The student was not found eligible for services/continued services and will be discharged from special education.
- _____ The student will be referred for consideration of a regular education student support

III. Check the statements that apply and sign below:

- _____ I have reviewed the above proposed services and goals.
- _____ I have been made aware of that I need to respond to the IEP and return it within 30 days of receipt to the Special Education Department. Any new services cannot begin until an IEP is signed and accepted by a parent/guardian.

Parent/Guardian Signature: _____ Date: _____

MANIFESTATION DETERMINATION REVIEW

Name of Student: _____ Date of Birth: _____
School: _____
Disability: _____
Date of Review: _____
Date of Incident: _____

SECTION I:

1. Does the student have a current Individual Service Plan? _____ Yes _____ No
2. Date of last re-evaluation/diagnostic evaluation: _____
3. Description of Disciplinary Offense: _____

4. Has a Functional Behavioral Assessment been conducted? _____ Yes _____ No
When? _____
5. Is there a current Behavior Intervention Plan? _____ Yes _____ No
6. Was the plan in effect prior to the occurrence or disciplinary offense?
_____ Yes _____ No

SECTION II

Based on the consideration of assessment and diagnostic evaluation results, observation of the student, and a review of the student's current IEP and educational placement, the following findings are made by the Team:

1. In relationship to the disciplinary offense in question, the student's IEP and placement are appropriate. _____ Yes _____ No
2. Special education service including supplementary aids and services are being provided as described in the IEP. _____ Yes _____ No
3. Behavior intervention strategies are being implemented consistent with the student's IEP and Placement. _____ Yes _____ No
4. The student's disability does not impair his or her ability to understand the impact and consequences of the behavior that is subject to disciplinary action. _____ Yes _____ No

5. The student's disability does not impair his or her ability to control behavior that is subject to the disciplinary action. _____ Yes _____ No

SECTION III

If the Team can respond **Yes** to each of the statements in Section II, then the finding of this Team is that the behavior in question is **NOT** a manifestation of the student's disability and the student may be subject to the same disciplinary procedures as a student without a disability.

If the Team answered **No** to one or more of the statements in Section II, then the finding of this Team must be that the behavior in question **IS** a manifestation of the student's disability and the student cannot be subject to the same disciplinary procedures as a student without a disability.

Based on the above information, is the disciplinary offense (behavior) in question determined to be a manifestation of the student's disability? _____ Yes _____ No

TEAM MEMBERS

_____	Agree _____	Disagree _____
Name and Position		
_____	Agree _____	Disagree _____
Name and Position		
_____	Agree _____	Disagree _____
Name and Position		
_____	Agree _____	Disagree _____
Name and Position		
_____	Agree _____	Disagree _____
Name and Position		
_____	Agree _____	Disagree _____
Building Principal		

As parent/legal guardian of the student in question, I agree _____ or disagree _____ with the findings of this committee.

_____ Date: _____

Age of Majority Decision Form

A year prior to the student's 18th birthday, the district must discuss the "Age of Majority" with the student and their family. When a student turns age 18, and does not have a legally appointed guardian, he/she is considered to have reached the "Age of Majority" and becomes responsible for making their own decisions regarding their education. They can determine whether to continue special education services, as well as decide whether they want to have continued assistance by a parent or other party to make educational decisions. The district asks the student to sign an Age of Majority form indicating their decision to decline or accept shared decision making with someone of their choosing or to delegate decision making to another party.

Date: _____

Student's Name: _____

Current Grade: _____

Date of Birth: _____

My rights under Massachusetts Special Education Regulations regarding the age of majority were explained during my Team meeting on _____. I understand my right to make my own decisions regarding my education, share decision making with another party or to delegate the decision making to another party.

I have made the following decision regarding my rights in reaching this age of consent:

1. _____ I wish to retain decision making authority myself.
2. _____ I wish to share decision making authority with :
 - a. _____ My parent(s)
 - b. _____ Another adult (name and role) _____
3. _____ I wish to delegate decision-making authority to:
 - a. _____ My parent(s)
 - b. _____ Another adult (name and role) _____

Student Signature: _____ Date: _____

Team Chairperson Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Copy to: ***Student***
 Student File – Central Office

Documentation for Student's Need of Extended School Year (Summer Programming)

At least annually, the child's Special Education Team must consider the need for an Extended School Year Program (ESY). Students qualify for extended school year programs if the Team can document the need related to substantial regression, and or substantial recoupment. The need must be reviewed annually and does not automatically carry over from year to year.

Complete ALL information below and return a copy of this form to the Special Education Team Chair within five days of the Team meeting.

Student Name: _____ Grade: _____

Address: _____ Telephone: _____

School Currently Attending: _____ Program: _____

Date of Team meeting: _____

What observed skill/skills have been noted to have regressed? Over what observed time period?

What period of time did it take for the student to "recoup" skills that were lost?

**What are the specific needs of the student in the Extended School Year program?
(be specific):**

Certified Staff Signature: _____ Date: _____

Student Name: _____ **School:** _____
Grade/Program: _____

Extended School Year Services Data Log

Please answer the questions below in making a determination of student eligibility for ESY programming. It is suggested that you complete this form at the end of vacation periods (Thanksgiving-4 days, Christmas-10 days, February-9 days, April-9 days) for students whom you are considering for ESY. It will be required that you present this documentation at the time of the Team meeting to make the determination according to the ESY Guidelines. Following the determination of ESY services at the Team meeting complete the Summer Programming documentation form in addition to the data log and send these to the Special Education Team Chair.

Each Team member must list the reasons for an ESY program in their domain:

List the specific skills that were not retained with concrete examples:

What strategies were used to teach these skills in a different way to augment retention of those skills:

What successes were noted in teaching the skills in a different manner:

List the type of ESY program and services that are required to meet the guidelines:

List the recommended time and length of service (please note the purpose of the service is to prevent regression, therefore time should be reflective of this, not for new skill development):

Certified Staff Signature: _____ Date: _____

Team Meeting Agenda

Student: _____ Date: _____

- ___ Introductions & Purpose of the Meeting
- ___ Review of Parent Concerns
- ___ Review of New Information: Summary/Review of Reports Initials/Reevals
- ___ Eligibility Determination: Initial/Reevaluation Meetings
- ___ Educational Team Input - Progress toward Goals
- ___ Team Vision
- ___ Accommodations (Pleps A and B)
- ___ Assistive Technology Needs (Plep B)
- ___ Discussion of Proposed Goals
- ___ Summary of Services - Service Delivery Grid
- ___ Discussion of LRE/justification for services outside of regular ed.
- ___ Discussion of ESY and Transportation Needs
- ___ MCAS Accommodations - link to PLEP A and B
- ___ Age of Majority (BHS)
- ___ Transition Plan (BHS)
- ___ Chapter 688 Referral Process (BHS)
- ___ Bullying legislation - Identify Needs/Services, if necessary
 - ___ ASD Checklist (if applicable) ___ SLD Forms (if applicable)
- ___ Specialized Transportation (Training Memo Required)
 - ___ Additional Information - Check all boxes that apply/provide explanation.
- ___ Provision of Proposal to Parent
- ___ Discussion of Need for Consent for Services
- ___ Review Options for Accepting/Rejecting IEP and Due Process
- ___ Conclusion

WEBSTER PUBLIC SCHOOLS

EDUCATION SERVICE PLAN

In accordance with the Massachusetts General Laws Chapter 71, Sections 37H, 37H $\frac{1}{2}$, and 37H $\frac{3}{4}$, the Webster School District must provide opportunities for students to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school.

Any student who is expelled or long-term suspended from school, for more than ten (10) consecutive days, may select one of the following education service options for the duration of the school suspension:

☐ **Access to education services through online instruction:**

Students choosing this option are expected to participate in online instruction consistent with the academic standards and curriculum frameworks established for all students under G.L. c. 69 §§1D and 1F. Students' daily schedule will be self-directed.

☐ **Access to tutoring services:**

Students choosing this option are expected to attend tutoring sessions at a designated site where a certified teacher will assist students with their self-directed academic work. The academic work will be consistent with the academic standards and curriculum frameworks established for all students under G.L. c. 69 §§1D and 1F. Students' tutoring schedule is by appointment and prepared weekly.

Period of Expulsion or Suspension: From _____ To _____

Student Signature: _____ Date: _____

Parent Signature: _____ Date: _____

PLEASE MAKE YOUR SELECTION AND RETURN THIS FORM TO THE PRINCIPAL OF YOUR SCHOOL, WHO WILL ARRANGE FOR THE SERVICES. IF YOU HAVE ANY QUESTIONS PLEASE CONTACT _____ AT _____.

IF YOUR CHILD IS RECEIVING EDUCATIONAL SERVICES PURSUANT TO AN IEP, THE IEP TEAM WILL CONVENE TO DETERMINE APPROPRIATE EDUCATIONAL SERVICES.

APPENDIX B

DISABILITY DEFINITIONS

Disability Definitions and Related Links

[Global Special Education and Disability Sites](#)

Autism

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

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.

- [Autism and PDD](#)

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.

- [Speech and Language](#)

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](#)

Emotional Impairment

As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by

intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

- [Emotional/ Mental Health Disabilities](#)

Health Impairment

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

- [Assistive Technology](#)
- <http://www.doe.mass.edu/sped/links/brain.html>

Intellectual Impairment

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

- [Global Special Education and Disabilities Sites](#)

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.

- [Assistive Technology](#)

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 auditorily-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.
 - [Blind and Visually Impaired](#)
 - [Deaf and Hearing Impaired](#)
 - [Assistive Technology](#)

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

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

- [Learning Disability Attention Deficit Disorder](#)
- [Attention Deficit Hyperactivity Disorder](#)

APPENDIX C

Related Services

Webster Public Schools Related Services

The Webster Public School District employs or seeks contractual arrangements for the following related services. These supportive services are available for identified students in order to effectively access the curriculum or benefit from special education. In addition, the District provides for transportation services, parent training and counseling, and identification and assessment of disabilities in children.

1. Speech/Language Pathologists
2. Physical Therapists
3. Occupational Therapists
4. School Adjustment and Rehabilitation Counselors
5. School Psychologists
6. Nurses
7. Assistive Technology Specialists
8. Teachers of the Visually Impaired
9. Teachers of the Deaf and Hearing
10. Orientation and Mobility Specialists
11. Educational audiologists
12. Health Related Services
13. Therapeutic Recreation Therapists (e.g. Adaptive PE)
14. Interpretation and Sign Language Interpretation
15. Other services as deemed necessary by the Team.