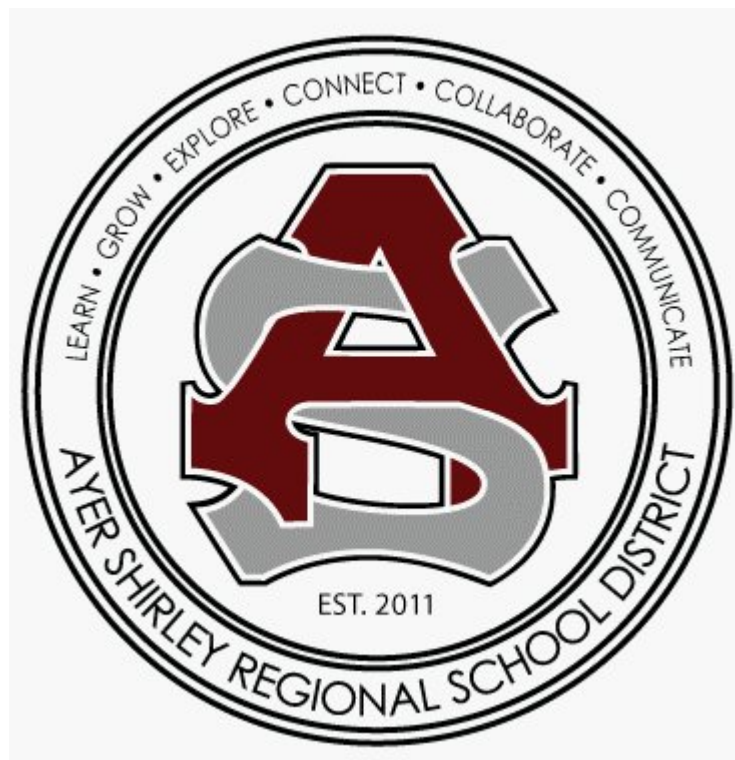


Ayer Shirley Regional School District
Department of Special Education
Procedural Manual
Process & Resource Guide
*update 01/2025



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1.0 **INTRODUCTION & PURPOSE**

1.1 **Special Education Process and Resource Guide**

The Ayer Shirley Regional School District **Special Education Process and Resource Guide** has been developed to ensure consistency and accuracy of special education practices across the district and provide staff with guidance on special education processes and procedures. Special education is a complex process and highly regulated by [Federal Laws](#) and [State Laws](#). In Massachusetts, state regulation for special education [603 CMR 28.00](#) provides mandates on how school districts are required to implement requirements of the law. The Ayer Shirley Regional School District is committed to fully implementing the regulations and providing services to eligible students with disabilities that are in compliance with laws and regulations. The guide is conveniently organized by chapter, with clickable links that take you directly to a topic, form, or resource.

All special education personnel responsible for the implementation or coordination of special education evaluation and services should become familiar with the practices and procedures in the guide, as well as use only the forms referenced within this guide. General educators and administrators will also benefit from information that will assist them in navigating the special education process.

This guide will be reviewed as needed, but at least annually, which may result in revisions to content and/or forms. Any changes or updating of forms will be done on the **Ayer Shirley Regional School District Special Education webpage** and staff will be notified by email whenever a change is made. If you have printed out this manual, please remove the old content, print out the new content and insert it in your hard copy. For any questions regarding processes or procedures, please contact:

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1.2 **Communication with Parent/Guardian**

Ayer Shirley Regional School District believes that effective family engagement begins with trusting relationships between schools and families. School leaders and educators must create a school culture that proactively seeks to involve all families and welcomes them as equal partners in their child's education. A holistic family engagement strategy incorporates actions that focus on student learning. Research shows that parent/guardian engagement in schools is closely linked to better student behavior, higher academic achievements, and enhanced social skills.

Effective special education teachers collaborate with a wide range of professionals, families and caregivers to assure that educational programs and related services are effectively designed and implemented to meet the needs of each student with a disability.

It is the district's expectation that staff have consistent and regular two-way engagement (email, phone, face-to-face contact) with families with a distinct emphasis on sharing students' accomplishments, achievements and maintaining open and transparent parent/guardian communication. Teachers collaborate with families about individual children's needs, goals, programs, and progress over time and ensure families are informed about their rights as well as about special education processes. Teachers should respectfully and effectively communicate considering the background, socioeconomic status, language, culture, and priorities of the family. Teachers advocate for resources to help students meet instructional, behavioral, social, and transition goals. In building positive relationships with students, teachers encourage students to self-advocate, with the goal of fostering self-determination and independence over time. Teachers also work with families to advocate and support their children's learning.

1.3 Communication With Non-English Speaking Parent/Guardian

When working with families whose primary language is not English, the district is required to provide translation services. These services may include providing interpreters at team meetings, as well as having documents translated. All special education documentation that is sent to the home should be translated for the family. This would include, for example, Notice of Proposed School District Action (N1), Evaluation Consent Form (N1A), Notice of School District Refusal to Act (N2), Meeting Attendance (N3), Attendance Sheet (N3A), assessments, IEPs.

Ayer Shirley Regional School District contracts with many different vendors in order to ensure that document translation is available for families as needed as well as qualified interpreters available to interpret for families.

Services offered:

Oral Interpretation: The primary purpose of the interpreter is to enable communication from one individual to another. An on-site interpreter allows providers and clients to communicate directly with each other in a language that is familiar and understood by the client. Using a face-to-face interpreter can guarantee accuracy, understand and respond to cultural nuances, and allow language barriers to disappear.

Written Translation: Translators translate a document or review/edit a document that has already been translated. All translations are completed and reviewed by human hand, not

machines.

When translation services are required, liaisons should ensure that the special education database correctly indicates the need for translation or interpretation. The liaison should next notify the ETL of the need and the language. The ETL alerts the administrative assistants to assign an evaluator and/or interpreter. If Parent/Guardian indicates they no longer need translation services and wish to waive those services, they will be issued a new Home Language Survey to complete and submit to the assigned school administrative assistant. The administrative assistant will enter the updated Home Language Survey into the student's cumulative folder, update this information in the student data management system and inform the appropriate ELE Coordinator.

When interpretation is required, liaisons should notify ETLs at least 30 days before the meeting date. ETLs will coordinate with the building administrative assistants to secure an interpreter.

2.0 REFERRAL PROCESS

2.1 Child Find

The [Individuals with Disabilities Education Act \(IDEA\)](#) and Massachusetts General Law [Chapter 71B](#) require public schools to proactively identify, locate, and evaluate all children ages three through twenty-one who are suspected of having a disability, including children who are highly mobile or [homeless](#), [English Learners](#), students attending non-public schools, and preschool children. Ayer Shirley Regional School District follows all regulations regarding

 [Child Find Letter](#)

2.2 Referral for Initial Evaluation

A student may be [referred for an evaluation](#) by a Parent/Guardian or any person in a caregiving or professional position concerned with the student's development. [Under the regulations](#), school districts must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case by case basis. A Parent/Guardian's right to refer their child for a special education evaluation, however, is not limited and should never be delayed because the school district has not fully explored and/or attempted some or all of the available instructional support programs or any other type of

interventions (i.e.: [https://www.asrsd.org/Page/243/Multi-Tiered System of Support \(MTSS\)/ Title I](https://www.asrsd.org/Page/243/Multi-Tiered%20System%20of%20Support%20(MTSS)/Title%20I)). In any case where the Parent/Guardian or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the team Chair/ETL will respond to the referring party promptly to consider the request and discuss the appropriate next steps. The school district has 5 school days to respond in writing to a Parent/Guardian request for evaluation.

The district must provide the Parent/Guardian with written notice when it proposes to evaluate or reevaluate a student. The district must provide the Evaluation Consent in the Parent/Guardian native/primary language or other mode of communication used by the Parent/Guardian, unless it is clearly not feasible to do so. If the Parent/Guardian native/primary language or other mode of communication is not a written language, or if they are unable to read in any language, the district must ensure that the notice is translated for the Parent/Guardian orally or by other means (e.g., interpreter, by sign language, Braille).

A school district will rarely have occasion to refuse to conduct an initial evaluation and may do so only if the Parent/Guardian or other individual making the referral has no suspicion of disability or is not concerned about the child's development. On the rare occasion that a district denies an evaluation request, it must notify the Parent/Guardian and/or student of its denial and the reason(s) using the form N2 "Notice of School District Refusal to Act". The N2 must comply with the notice requirements in state and federal law.

2.3 School Referral

School-based referrals typically come from Ayer Shirley's STAT process. When the Student Teacher Assistance team (STAT) determines that all efforts have been made to meet the needs of the student within the general education program, and Tier 2 interventions have been implemented unsuccessfully, a student should be referred for an evaluation to determine eligibility for special education. *The team will propose evaluations in the areas of suspected disability (areas of concern)*. The general education teacher must notify Parent/Guardian and team Chair of the STAT recommendation for an initial evaluation.

STAT must provide the team Chair with a completed pre-referral packet, including data on the attempted interventions, notes from STAT meetings, and any universal screening results.

The team Chair will notify Parent/Guardian(s) of the school district's proposal for an initial evaluation.

2.4 Early Intervention Referral

Children younger than three years of age may receive services through the [Early Intervention Program for Infants and Toddlers with Disabilities](#), which provides integrated, developmental

services to families of eligible children between birth and three years of age.

Families who receive Early Intervention services, with the support of their EI service providers, initiate the majority of preschool-aged special education evaluations. EI providers typically begin conversations with families about their possible special education eligibility around when the child turns two. With Parent/Guardian consent, the EI agency sends the team Chair a copy of the child's [Individualized Service Plan](#) and schedules a Transition Planning Conference (TPC), between 2 years 3 months and 2 years 9 months, with the family, service coordinator and team Chair. At this meeting, the team Chair shares information about the evaluation process and discusses what a comprehensive evaluation may include. Information about the child is shared by their Parent/Guardian(s) and EI providers.

Upon signed consent and within three months of a child's third birthday, an evaluation is initiated. The initial evaluation is conducted through a review of EI transition summaries and other EI assessments, formal observations, and evaluations. The team convenes as in any eligibility determination meeting. Should the child be eligible for special education and an IEP is created, the student is entitled to begin services on or after their third birthday. Once the IEP goals/objectives and services are identified by the team, a placement is proposed by school staff.

2.5 Parent/Guardian Referral

If a Parent/Guardian or caregiver explicitly requests an evaluation, the team Chair should be notified immediately. While a Parent/Guardian inquiry does not necessarily constitute a formal request, the team Chair should still be notified in writing (email) with the date of the request. The team Chair and/or building administration should contact the Parent/Guardian(s) to gather information regarding the concern(s) and suspected area of disability. They should inform Parent/Guardian(s) about the instructional support process (i.e.: District Curriculum Accommodation Plan (DCAP)/Multi-Tiered System of Support (MTSS)/ Title I) available in their child's school and provide them with the opportunity to utilize these resources first. Parent/Guardian(s) should be encouraged, *but are not obligated* to access the instructional support process for their child and should be told of their right to request a special education evaluation at any point. *Unless given Parent/Guardian permission, the instructional support process cannot delay a Parent/Guardian's request for a special education evaluation.* Parent/Guardian(s) are strongly encouraged to submit a written request for an evaluation before the referral process begins; however verbal confirmation of the Parent/Guardian's decision to pursue a special education evaluation also necessitates that the referral process begin. The school district has five school days to respond in writing to a Parent/Guardian verbal or written request for an evaluation.

If a Parent/Guardian agrees to access general education instructional support as a first step, the team Chair will work with building administration and will confirm and document this via written notice, shared with the STAT coordinator. The

STAT process may also run concurrently with an initial special education evaluation. Should a Parent/Guardian rescind their formal request for an evaluation, the team Chair will document this via an N2.

In the case of a request for an evaluation for the purpose of College Board or other college or private school admission testing, the district is not obligated to complete these evaluations.

2.6 Private School Referral

When private school personnel submit a referral for a special education evaluation, the team Chair must notify the Parent/Guardian immediately. The school district is obligated to conduct special education evaluations for Ayer and Shirley resident students who attend private school at no cost to the private school or Parent/Guardian. An evaluation cannot be conducted without receipt of signed Parent/Guardian consent.

When a Parent/Guardian of a private school student contacts the school district to request a special education evaluation, the same process as described above in Section 2.5, Parent/Guardian Referral, should be followed. The team Chair of the school the student would attend if in-district is responsible for responding to this type of Parent/Guardian referral.

2.7 Sending out Consent to Evaluate

When it is determined that an evaluation will be proposed, the school district will send the Parent/Guardian s the following:

- A proposal to conduct an Initial team Evaluation (N1)
- An Evaluation Consent form (N1A)
- [Parent/Guardian 's Notice of Procedural Safeguards](#)

The district must provide the written notice in the Parent/Guardian's native/primary language or other mode of communication used by the Parent/Guardian, unless it is clearly not feasible to do so. For example, if the Parent/Guardian native/primary language or other mode of communication is not a written language, or if they are unable to read in any language, the district must ensure that the notice is translated for the Parent/Guardian orally or by other means (e.g., interpreter, by sign language, Braille).

Parent/Guardian(s) have the right to consent or refuse to consent to assessment types proposed by the district, in part or as a whole. No assessment may be conducted until the district receives Parent/Guardian consent for that particular assessment. If the Parent/Guardian request additional assessments, the team Chair will review the request and make a determination.

2.8 What To Do If a Parent/Guardian Does Not Submit Signed Parent/Guardian Consent:

If receipt of the consent has not been received within two weeks, the team Chair will follow up with the Parent/Guardian to inquire if there are any questions or if an additional copy is needed. If a Parent/Guardian does not return the initial evaluation consent form within 30 calendar days of being mailed out, an Evaluation Packet will be mailed a second time, with the date documented.

If Parent/Guardian consent is not received within 30 calendar days for a re-evaluation, a second attempt, and if necessary, a third attempt will be made. If after three attempts there is no Parent/Guardian consent, the team Chair will notify the Director of Special Education.

Additional efforts to obtain Parent/Guardian consent will be made and documented by the team Chair. If the Parent/Guardian revokes consent or refuses any evaluation, and the District determines that such action will deny the student a free and appropriate education (FAPE), the district shall seek resolution through the [Bureau of Special Education Appeals \(BSEA\)](#). In situations where the student's Parent/Guardian may be separated, divorced, or, when there is shared educational decision-making rights, if the district is in receipt of signed consent to evaluate from either one of the Parent/Guardian, the district begins the evaluation process.

2.9 Receipt of Consent at End of School Year

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

3.0 EVALUATION PROCESS

3.1 Evaluation Planning

Evaluation planning helps lead to a student evaluation that:

- is non-discriminatory on racial or cultural bases;
- provides a holistic view of the student, incorporating both qualitative and quantitative data to assess the child in all areas related to the suspected

disability, including, as appropriate, social and emotional status, communicative status, motor abilities, health, vision, hearing, academic performance and cognitive profile;

- efficiently uses time and personnel;
- identifies the student's strengths;
- identifies the student's disability-related needs, whether or not they are commonly linked to a suspected disability category(ies);
- is provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
- positions a team to answer each of the questions in the eligibility determination flow chart; and
- is less likely to result in inappropriate identification or placement.

All assessments must be administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

3.2 Initial Evaluation

Upon receipt of signed consent by the Parent/Guardian, the school district shall provide or arrange for the evaluation of the student to be completed by a multidisciplinary team within 30 school days. A team meeting must be scheduled within 45 school days from receipt of consent. For children under the age of three in the evaluation process, their third birthday supersedes a 45th school day deadline as a due date. Once consent is received at the district office, team members will receive an email within 5 days notifying them of the testing timeline and that assessments can be scheduled. The team Chair will schedule the initial team meeting to occur within 45 school days from receipt of consent. The district will send the following documents to the Parent/Guardian (s):

- Invitation to team Meeting N3
- An Attendance Sheet N3A

3.3 Assessment(s)

The assessment(s) used shall be adapted to the age of the student. The school district shall ensure that appropriately credentialed and trained specialists administer all assessments. The

evaluation must include assessments in all areas related to the suspected disability, plus educational assessments Educational Assessment A and Educational Assessment B by a representative of the school district to include:

- A history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum (Educational Assessment Form A)
- An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults (Educational Assessment Form B)
- The school district shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential (i.e. psychological, academic, observation)
- An observation of the student conducted by the assigned qualified special education teacher using the special education database's observation forms. If appropriate, the SLD Observation form should be used.
- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination
- An academic/achievement assessment by a qualified special education teacher, psychologist or other qualified personnel
- Any other evaluation necessary to address referral questions or suspected areas of disability (assessments may include Speech/Language, Occupational Therapy, Physical Therapy, Adapted Physical Education, Home Assessment, Health Assessment that identifies medical problems or constraints that may affect the student's education)
- When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program may be considered
- For children who are receiving early intervention services, current and appropriate early intervention assessments may be used to inform team decisions

3.4 Assessments Required for Specific Learning Disabilities (SLD) Determination

When a specific learning disability is found to be the primary disability impacting a student's ability to access the general curriculum, a specific set of forms found in the special education database, must be used to aid in this determination. These forms consist of a historical review and educational assessment, identification of the specific area(s) of concern and evaluation methods, an analysis of certain exclusionary factors, a mandatory observation form, and,

a team determination of eligibility that all team members must sign.

3.5 Assessment Reports

Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impressions as well as specific recommendations. The evaluator shall define in detail, and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. *The evaluator should not determine eligibility in their evaluation*; however recommendations around strategies and accommodations based on the findings would be appropriate. Assessments shall be completed prior to discussion by the team and shall be made available to the Parent/Guardian at least 2 school days in advance of the team meeting. This includes Educational Assessment Form A and Educational Assessment Form B.

The evaluator will upload their signed report into the online system and will notify the Special Education Administrative Assistant via email that the report has been uploaded. The school counselor will be responsible for uploading Educational Assessment Form A (Ed Form A) and the liaison will be responsible for uploading the Educational Assessment Form B (Ed Form B) for reevaluations. Assessments must be completed by the 30th school day and reports uploaded by the 35th day, according to the "reports due" date. Please see assessment report guidelines [here](#). The evaluator will provide an original, signed version of the report to the department's Administrative Assistant to be added to the student's special education file.

3.6 Reevaluation Process

A team must consider a student's progress on IEP goal(s) as part of reevaluation planning. Assessment areas can and will change over time based on a student's growth, achievement, and participation in the general education curriculum and the life of the school. A reevaluation may address the same areas of suspected disability or include the same types of assessments as previous evaluations when this is appropriate to address the student's current needs.

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 is not required to propose additional assessment(s). In some cases, a student's age or circumstances will affect the focus of the reevaluation. For example:

- [The disability category](#) of [Developmental Delay](#) is only applicable for students ages 3 - 9. So, if a student was originally found eligible for special education with a "developmental delay" and the student is 9 years old, or will be 9 within the coming year, the reevaluation must provide data to help the team determine if the student has a disability other than "developmental delay."
- If a student's health, emotional, or physical circumstances have significantly

changed and as a result the team suspects that another disability may be present or that they no longer have a disability, the team must consider assessments that provide data around these new factors and their relationship to the student's lack of progress.

- For a reevaluation that approaches a student's graduation from high school or turning 22, it may be useful for the team to consider data collection and/or assessments that may inform the Summary of Student Performance.

A reevaluation will be conducted for each student with a current IEP every three years or more frequently if requested or recommended. Reevaluations may not occur more frequently than once a year unless both Parent/Guardian and Ayer Shirley Regional School District agree that evaluation is needed.

When a student is referred for a reevaluation, existing evaluation data should be reviewed first. The Parent/Guardian may consent to waive the assessment(s) or may choose to have the assessments completed. However, in the case of high school students where there are usually specific transitional needs, a psychological and an academic evaluation should be routinely conducted when due.

Evaluation is required **PRIOR** to ending an IEP direct service. The assessment that is used can be a combination of standardized assessment and curriculum or classroom based assessment data. A report must be drafted that contains relevant data as well as a written summary. Before any student is removed from a service, the Team Chair must be notified.

3.7 Dates for Annual Reviews and Reevaluations

Liaisons may move up the date of the reevaluation, with Parent/Guardian agreement, in order to align the date of the reevaluation and annual review. If the dates are not aligned, the team will have to hold two meetings. An amendment to extend dates of an active IEP is never permitted.

3.8 Psychological Evaluations as part of the Reevaluation Process

After the Team Chair reviews the existing evaluation data (from the last evaluation and any assessments that have been completed within the last three years), they may do the following:

1. Generate a list of referral questions for this student, gathering information from general and special education teachers, related service providers and Parent/Guardian(s);
2. Determine, in collaboration with the psychologist and/or evaluation team members, what testing is needed in order to answer referral questions. In rare circumstances, if

there has been no change in cognitive function, and no neurological or brain-based injury since the last evaluation, cognitive and psychological testing may not be needed. If projective tests are being conducted, these need to be explicitly stated on the evaluation consent form, which the Parent/Guardian(s) sign.

3. At least **75 school days prior** to the three year reevaluation date indicated on a student's IEP, the team Chair will send out an Evaluation Packet consisting of:
 - A proposal to conduct a reevaluation (N1)
 - An evaluation consent form (N1A)

Please refer to the Referral Initial Evaluation Section (3.2) for information pertaining to the process and procedure for an evaluation once consent is received.

3.9 Adding Evaluations after Consent has been Signed

An additional evaluation should not be added to a consent form after that consent has been signed and testing is underway. However, if during the process of evaluation the Team Chair or an evaluator discovers or uncovers the need for additional evaluations, or that an assessment should have been included on the original consent but was not, the Team Chair will need to generate a new consent to evaluate in the additional area. Parent/Guardian(s) must sign the new consent form and this establishes a new set of timelines for the additional evaluation only. The team will have to meet once to review the evaluations already underway and propose a new IEP, and then meet again to review the additional evaluation.

3.10 End of the School Year Evaluations

Ayer Shirley Regional School District is committed to processing all consents received within thirty (30) to forty-five (45) school working days before the end of the school year no later than fourteen (14) days after the school year has ended.

- If Parent/Guardian Consent is received on or prior to the 30th school working day before the end of the school year, the assessments must be conducted, team meetings held and either the provision of a proposed IEP or the written notice of the finding that the student is not eligible, must be completed prior to the last day of school.
- If Parent/Guardian al Consent is received after the 30th school working day before the end of the school year, the evaluation timeline (30 school working days) may extend into the beginning of the next school year. Please note, however, that the 30-day timeline starts the date of receipt of the Consent. For example, if Consent is received with 10 days remaining in the school year, only 20 days remain available at the beginning of the school year in September to complete the process.
- It is in our best interest, and the expectation of DESE, to attempt to complete the evaluation, team meeting, and written IEP process before the school year ends.

Please make every effort to encourage referrals originating within the building prior to the end of the school year.

3.11 Private Evaluation at Parent/Guardian(s) Expense

When a Parent/Guardian submits to the school/school district an evaluation report for a student, the report must immediately be forwarded to the Team Chair who will contact the Parent/Guardian to discuss next steps. At the Team Chair's discretion, appropriate staff may be involved.

If the student is not currently receiving special education services, the focus of the discussion is to gather information about the Parent/Guardian's concerns, discuss available supports in place or available through general education, and determine any appropriate options. The Team Chair should determine whether a referral for a special education evaluation or Section 504 Accommodation Plan is being requested or would be appropriate.

For students already receiving special education services whose Parent/Guardian (s) submit private evaluations, the school district has 10 school days in which to schedule a team meeting to review and consider information and recommendations included in the report. The Team Chair should be notified immediately of the receipt of the private evaluation so that he/she can schedule the team meeting. The timeline for 10 school days begins on the first day of receipt of an outside evaluation.

If a Parent/Guardian is providing a private evaluation during the three-year evaluation process, the district is still obligated to conduct its own assessments. The Team Chair should consult with the Parent/Guardian(s) as to the details so that the district does not duplicate the testing, thereby invalidating results of the later evaluation.

3.12 Independent Educational Evaluation

If a Parent/Guardian disagrees with an initial evaluation or reevaluation completed by the school district, the Parent/Guardian may request an Independent Educational Evaluation (IEE). Parent/Guardian(s) may obtain a private education evaluation at private expense at any time. If the Parent/Guardian requests an IEE at public expense, the district must respond to the Parent/Guardian within 5 school days. In response, the district may either pay for the IEE at [MA approved rates for team evaluation services](#) or request a determination from the [BSEA](#) that the district's evaluation was comprehensive and appropriate. The Team Chair should immediately notify the Director of Special Education of any request for an IEE so that the appropriate response can be made and timelines followed. Once the report is completed, the team has 10 school days to convene the team and consider the findings.

Independent education evaluations. Upon receipt of evaluation results, if a parent disagrees with an initial evaluation or reevaluation completed by the school district, then the parent may request an independent education evaluation.

(a) All independent education evaluations shall be conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student may justify an individual assessment rate that is higher than that normally allowed.

(b) The parent may obtain an independent education evaluation at private expense at any time.

(c) Public funding of independent education evaluations - When the parent requests public funding for an independent education evaluation, the district shall abide by the following provisions for a sliding fee scale:

1. If the student is eligible for free or reduced cost lunch or is in the custody of a state agency with an Educational Surrogate Parent appointed in accordance with federal law, then the school district shall provide, at full public expense, an independent education evaluation that is equivalent to the types of assessments done by the school district. No additional documentation of family financial status is required from the parent.
2. If the family financial status is not known, the district shall offer the parent information about the sliding fee scale and the opportunity to provide family income information to determine if the family may be eligible for public funding of all or part of the costs of an independent education evaluation. Provision of financial information by the family is completely voluntary on the part of the family. The lack of financial information provided by the family will disqualify the family from such additional public funding of all or part of the costs of an independent education evaluation under 603 CMR 28.04(5)(c) but shall not limit the rights of parents to request public funding under 603 CMR 28.04(5)(d).
3. If the family agrees to provide financial information, such information shall include anticipated annual income of the family, including all sources of income and verifying documents. Financial information shall be reviewed by the district, shall be kept confidential during review by the district, shall not be copied or maintained in any form at the district except to note that information was provided and reviewed and met or did not meet sliding fee scale standards. Financial documents shall be promptly returned to the parent upon the district's determination of financial income status.
4. The district shall consider family size and family income information in relation to Federal Poverty Guidelines and shall contribute public funds to the costs of the independent education evaluation according to the following standards:
 1. If the family income is equal to or less than 400% of the federal poverty guidelines, the district shall pay 100% of the costs of an independent education evaluation.
 2. If the family income is between 400% and 500% of the federal poverty guidelines, the district shall pay 75% of the costs of an independent education evaluation.
 3. If the family income is between 500% and 600% of the federal poverty guidelines, the district shall pay 50% of the costs of an independent education evaluation.
 4. If the family income is over 600% of the federal poverty guidelines, the district shall have no obligation to cost-share with the parent.
5. When the parent seeks and receives public funding for an independent education

evaluation under these provisions, the parent may request independent assessments in one, more than one, or all of the areas assessed by the school district.

6. The right to this publicly funded independent education evaluation under 603 CMR 28.04(5)(c) continues for 16 months from the date of the evaluation with which the parent disagrees.

(d) If the parent is requesting an independent education evaluation in an area not assessed by the school district, the student does not meet income eligibility standards, or the family chooses not to provide financial documentation to the district establishing family income level, the school district shall respond in accordance with the requirements of federal law. Within five school days, the district shall either agree to pay for the independent education evaluation or proceed to the Bureau of Special Education Appeals to show that its evaluation was comprehensive and appropriate. If the Bureau of Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent education evaluation requested by the parent.

(e) Whenever possible, the independent education evaluation shall be completed and a written report sent no later than 30 days after the date the parent requests the independent education evaluation. If publicly funded, the report shall be sent to the parents and to the school district. The independent evaluator shall be requested to provide a report that summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator may recommend appropriate types of placements but shall not recommend specific classrooms or schools.

(f) Within ten school days from the time the school district receives the report of the independent education evaluation, the Team shall reconvene and consider the independent education evaluation and whether a new or amended IEP is appropriate.

Regulatory Authority:

M.G.L. c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3; c. 71, § 38G.

3.13 Extended Evaluation

In order to consider an [extended evaluation](#) (EE), the team must have determined the student **eligible** for special education services.

1. The team found the student eligible for special education and developed a partial or

full IEP but recommended further assessment (once the Parent/Guardian accepts the partial or full IEP, services must be implemented immediately).

2. The team found the student eligible for special education but recommended further assessment before developing an IEP.

The EE period shall not be used to allow additional time to complete the required assessments and should not exceed 40 school days (8 school weeks).

If the Parent/Guardian consents to or accepts the extended evaluation, the team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The team may decide to meet at intervals during the EE, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete. The EE shall not be considered a placement.

The EE1 form should be completed along with an N1 by the Team Chair and sent to the Administrative Assistant.

4.0 THE TEAM PROCESS

4.1 The team

The team consists of the following [members](#):

- The student's Parent/Guardian (s);
- At least one general education teacher familiar with the student*;
- At least one special education teacher familiar with the student*;
- A representative of the district who has the authority to commit resources;
- An individual who can interpret evaluation results;
- Other individual(s) who have knowledge or expertise regarding the student as determined by the Team Chair;

If appropriate, the student may be included; however after the student has turned 14, the student must be invited to his/her IEP team meeting. It is the responsibility of the liaison to confirm with Parent/Guardian(s) their intent to have their child participate, and then coordinate the logistics of attending and participating in the meeting with the student.

*For any student placed in a substantially separate placement who does not attend general education classes or specials/enrichment/essentials, a general education teacher is not required.

*For any student placed in a substantially separate placement who does participate in general education classes or specials/enrichment/essentials even if only for short opportunities, a general education teacher familiar with the student **must** attend the team meeting.

Team members may fill multiple roles, however, the Parent/Guardian need to be informed of this to ensure clarity.

When a student is over 16 the team must discuss transition services, with the consent of the Parent/Guardian (s) or student who has reached the age of majority, the District must invite a representative of any participating agency (i.e. Massachusetts Rehabilitation Commission, Department of Developmental Services) that is likely to be responsible for providing or paying for transition services. This is likely to occur as a student nears graduation or turning 22.

If the student attends a private school, the Team Chair/liaison should encourage the Parent/Guardian to include a representative from that student's school but the Parent/Guardian does not have to grant this. If a staff member will attend the meeting, a Release of Information Form should be included with the meeting invitation when it is mailed to the Parent/Guardian so that the team can freely discuss the student.

4.2 Legal Representation at a Team Meeting

The Parent/Guardian may bring advocates or attorneys, however, if bringing an attorney, they need to inform the Team Chair or liaison ahead of time and their names should not be listed on the invitation or the attendance sheet. The liaison must contact the Team Chair who will notify the Director of Special Education that a Parent/Guardian attorney will be present. The school district's attorney must be in attendance if a Parent/Guardian includes their attorney at any team meeting. If a Parent/Guardian brings an attorney to a team meeting without prior notice, the Team Chair/ liaison must stop the meeting, and contact the Director of Special Education. A new meeting date will then be determined based on the availability of the district's attorney. If the Parent/Guardian s wish to meet without their attorney, the meeting may proceed.

4.3 Custodial/Non-Custodial Rights

When a student does not reside with both Parent/Guardian, the district will request information regarding each Parent/Guardian custody status, including any applicable court documents or other relevant records. If a Parent/Guardian is non-custodial (the student does not reside with the Parent/Guardian for the majority of the time), the following procedures apply for the non-custodial Parent/Guardian to obtain access to student records and information derived from student records:

(a) A non-custodial Parent/Guardian is eligible to obtain access to the student record unless:

- the Parent/Guardian has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
- the Parent/Guardian has been denied visitation, or
- the Parent/Guardian's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or there is an order of a probate and family court judge which prohibits the distribution of student records to the Parent/Guardian .

(b) The school shall place in the student's record documents indicating that a non-custodial Parent/Guardian's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

(c) In order to obtain access, the non-custodial Parent/Guardian must submit a written request for the student record to the school principal.

(d) Upon receipt of the request the school must immediately notify the custodial Parent/Guardian by certified and first class mail, in English and the primary language of the custodial Parent/Guardian, that it will provide the non-custodial Parent/Guardian with access after 21 days, unless the custodial Parent/Guardian provides the principal with documentation that the non-custodial Parent/Guardian is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).

(e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial Parent/Guardian from student records provided to non-custodial Parent/Guardian(s). In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

(f) Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial Parent/Guardian that it shall cease to provide access to the student record to the non-custodial Parent/Guardian .

When Parent/Guardian(s) share educational decision-making rights, receipt of signed consent from one Parent/Guardian (e.g. for an evaluation, IEP, Placement, or Extended Evaluation) is sufficient for implementation of the relevant document. In certain situations, non-custodial Parent/Guardian who do not have access to student record information may continue to retain other rights in regard to the student's education. Team Chair should consult with the Director of Special Education regarding individual circumstances when communicating with and planning for team meetings when custodial questions arise.

4.4 When to Convene a team Meeting

At the request of school or Parent/Guardian, the team may reconvene at any time if there are concerns about a student's progress. Any discussion about progress toward IEP goals or objectives, or a service delivery change must be done within the IEP process with the entire team. For example, a discussion at Parent/Guardian -teacher conferences regarding any IEP change or class/schedule change is outside of the IEP process and must be discussed by the team. A liaison does not have the sole authority to make changes to the IEP in response to a Parent/Guardian request. Any changes to the proposed or accepted IEP must be made through the team process. When the team reconvenes to discuss concerns about progress or any changes, the disability-related needs of the student must first be discussed. Prior to convening, every effort must be made to ensure services are implemented with fidelity and the IEP is fully executed including accommodations and modifications. *The only exceptions to changes that may be made to an IEP without convening the entire team are discussed in Section 9.4 (Amendments) and 9.5 (Revisions) and may only be done for minor changes with the agreement of the Parent/Guardian and district.*

There are three primary types of team meetings and a number of additional types of team meetings. The three primary types of team meetings are:

- Initial Eligibility Meeting: This is the first team meeting to consider the findings of the initial evaluation. If eligible, an initial IEP will be written and placement determined.
- The annual IEP meeting is held once a year to review progress toward IEP goals and objectives, update the IEP, and determine placement. Dates for annual reviews should align with the eligibility date whenever possible.
- Reevaluation Meeting: The triennial IEP meeting or three-year re-evaluation meeting, is held every three years from the initial meeting. Federal law, the Individuals with Disabilities Education Act (IDEA), requires that students be evaluated every three years to see if they continue to qualify for special education services. An evaluation is completed, assessment reports are considered and eligibility determined. If eligible, an IEP is developed and placement decided. Ideally, the annual review will take place on the same schedule as the three year reevaluation.

There may be other circumstances when a team reconvenes.

- A continuation meeting is held when there isn't enough time to finish the IEP meeting.
- A placement meeting may be held if there wasn't a determination about placement and/or other individuals need to be in attendance who were not present at the IEP meeting.
- An amendment meeting may be held to discuss a particular concern or to make a minor revision to the IEP.

- A reconvene of the team may happen to consider a new assessment report from an in-district evaluator or an outside evaluator.
- Transition meetings may be held when a student is moving from one school to the next (such as 5th to 6th grade) and the IEP team deems it necessary. Liaisons are encouraged to invite a representative from the receiving school for a spring annual, re-evaluation, reconvene or if a transition meeting is needed. An interim IEP meeting may be held shortly after a student moves into a new school district. This gives the district time to review the current IEP, become familiar with and assess the needs of the child, and then hold a second meeting to develop an IEP that meets the child's needs in the new district.
- A Manifestation Determination meeting is held when a student on an IEP is facing disciplinary action such as a suspension, which could result in a change of placement.

Any team meeting must be properly noticed and scheduled following the same process outlined in section 4.5 below.

4.5 Scheduling the Team Meeting

The Building Administrative Assistant will schedule the team meetings, providing written notice at least 10 school days prior to the team meeting. Forms required for scheduling team meetings include:

- A Meeting Invitation, (N3)
- Meeting Attendance Sheet B, (N3A)

The Building Administrative Assistant will notify the Administrative Assistant of the meeting date who will then mail the invitation, excusal form, and any other required notices or paperwork.

The Team Chair/liaison must take steps to ensure that one or both of the Parent/Guardian are present at each IEP team meeting, or are afforded the opportunity to participate. In order to do this, it is good practice to schedule meetings collaboratively with the Parent/Guardian. Please remember that it is our obligation to ensure that **no IEP ever expires**. Following reasonable attempts to determine a mutually agreeable time, a meeting date and time must be proposed and a meeting invitation must be provided to Parent/Guardian(s) at least 10 school days prior to the team meeting. If a meeting is not set with 10 days notice, the team Chair or liaison must indicate in the N1 that the Parent/Guardian has agreed to waive the 10 day notice.

Ten days prior notice does not apply for meetings that need to be rescheduled or need to be held on an emergent basis, such as a Manifestation Determination. The school should work with the Parent/Guardian to find a mutually agreeable date to meet.

Once the meeting has taken place, the team Chair/liaison must send the attendance form to the Administrative Assistant.

4.6 Remote Team Meetings

Remote team meetings are offered as an option for Parent/Guardian(s). However, if a Parent/Guardian(s) does not wish to participate in a remote team meeting or is unable to participate, an in-person team meeting may be scheduled.

When scheduling a remote team meeting, the same steps as outlined in section 4.2 apply. In addition, the team Chair /liaison must create a Google Meet or Zoom invitation for the school team and provide the google meet link/zoom link to the Parent/Guardian separately by email.

Using the Attendance form N3A, the team Chair/liaison is responsible for noting who was in attendance and what format the meeting took place (by phone or by video). This should be documented directly on the attendance sheet. If a Team Member Excusal form is needed, the team Chair/liaison should complete that as well. The Team Meeting Summary form should be sent to Parent/Guardian /guardian by email attachment after the meeting, along with any other meeting documentation that you would provide a Parent/Guardian if the meeting was in person.

The N1 must also include the language that was read at the team meeting stating that the meeting was held remotely and attendance was checked off according to those that attended remotely. A Parent/Guardian participation in a remote team meeting signifies that the Parent/Guardian has opted to participate in a remote team meeting and agrees to abide by the District's expectations set forth below:

The laws that protect the privacy and confidentiality of a student's personally identifiable information apply to a remote meeting just as they do during an in-person team meeting. School and district staff must take steps to ensure that they are participating in the meeting in a quiet, private setting, and the expectation is that a Parent/Guardian and anyone the Parent/Guardian has invited to the meeting will do the same.

The Ayer Shirley Regional School District strictly prohibits screenshots, pictures, audio/video recording and distribution of any remote or in-person team meeting. Please note that in Massachusetts it is illegal to record another person through any medium without their knowledge. If a Parent/Guardian wishes to record a meeting, they must provide prior notice to the team Chair/liaison so the meeting can be recorded by the District as well. If no notice is given prior to the meeting, or the Parent/Guardian does not agree to proceed without recording, the team Chair/liaison must reschedule the meeting for a time

when both parties can record.

4.7 Team Member Attendance Excusal

If a required team member is unable to attend the team meeting, the team meeting can still be held as long as Parent/Guardian(s) have provided signed permission to excuse the team member and the absent team member has provided written information input if required (i.e.: assessment report, update on classroom performance/progress, draft accommodations, draft goals/objectives).

Parents/Guardian should be contacted as soon as the district is aware that a team member is unable to attend. The liaison or team Chair should fill in the name(s) of the absent members on the N3, Invitation to team Meeting. It must be signed by the Parent/Guardian and liaison or team Chair at the start of the team meeting in order for the meeting to be held. In the case of remote meetings, the team Chair must document in the team meeting notes and N1 which team members were excused and that the Parent/Guardian excused the team Member prior to the beginning of the meeting. The team Chair must state this at the team meeting and also document during the team meeting on form. It is the expectation of the Ayer Shirley Regional School District that all related service providers to include the school counseling department attend all meetings they are invited to.

4.8 Private School

In the case of a student previously eligible for an IEP who currently attends a private school (at private expense), the team chair/Director of Special Education will facilitate the IEP process. The service providers, if the child were to attend the district, are responsible for developing an IEP.

4.9 Meeting Date/Time Change

In the event that a meeting needs to be canceled and rescheduled by a Parent/Guardian or guardian, they should contact the liaison to reschedule. The team Chair/liaison should write on the first meeting attendance invitation the reason, for example "Meeting canceled by Parent/Guardian" and set the second date. A copy of the invitation for each canceled meeting must be included in the student's file and also to the Special Education Administrative Assistant. Cancellations must be added to Meeting History. The ten day requirement for [Prior Written Notice](#) does not apply to rescheduled meetings. The same process applies if the meeting(s) are canceled and rescheduled by the school.

This process continues until three attempts have been made and then the team may meet in the absence of the Parent/Guardian. Notice of rescheduled / canceled team meeting should be documented in Additional Information in the proposed IEP under "document efforts to obtain participation if a Parent/Guardian and/or student did not attend meeting" and in # 5 of the N1 of the proposed IEP.

If a meeting is canceled due to a no school day/snow day, the same process for rescheduling a meeting is followed. Ten day [Prior Written Notice](#) notice does not apply.

4.10 Team Responsibilities

The team is responsible for managing three important activities:

- Eligibility Determination/Initial and Reevaluations
 - Development of the IEP
 - Placement decision

4.11 Eligibility Determination

If the student has one or more of the disabilities defined at [603 CMR 28.00 02 \(7\)](#) (see list below) and if, as a result of the disability(ies) the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the team shall determine that the student is eligible. The team must ensure that the student's inability to progress is a result of the disability(ies) and **NOT** a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading and math.

Disabilities Categories:

- Autism
- Developmental Delay (ages 3-9 only)
- Intellectual Impairment
- Sensory Impairment
 - o Hearing
 - o Vision
 - o Deaf/Blind
- Neurological Impairment
- Emotional Impairment
- Communication Impairment
- Physical Impairment
- Specific Learning Disability
- Health Impairment

When determining eligibility for special education services, teams must judge whether a student is making effective progress in the general education program. To do so, the team should consider whether the student has:

- Made documented growth, with or without accommodations, in the acquisition of knowledge and skills, including social emotional development, the learning standards of the

Massachusetts Curriculum Frameworks and the curriculum of Ayer Shirley Regional School District.

- Made growth according to the chronological age, the developmental expectations and the education potential of the child.

4.12 Eligibility Considerations

Effective Progress

The team must specifically determine whether the student's identified disability is the reason why the student is not making effective progress. Teams analyze the evaluation findings to see whether the lack of progress is a result of a disability, or a result of other factors. Only if the team determines that the lack of progress is associated with a disability, may the team continue to discuss a possible finding of special education eligibility.

Specially Designed Instruction

Special education is defined as specially-designed instruction to meet the unique needs of the student or related services that are necessary to access the general education curriculum. Specially designed instruction means that there is a need to adapt the content, methodology, delivery of instruction and / or performance criteria in order for a student to make effective progress. Specially designed instruction is an absolute requirement for students found eligible for special education.

In Massachusetts, [related services](#) necessary to access the general curriculum are considered special education and may be provided alone or in combination with specially-designed instruction.

To be eligible for special education services, a student must first be found to have a disability and as a result of the disability, be unable to progress effectively in the general education setting without specially-designed instruction and /or access the general curriculum without one or more related services. All conditions must be met to determine eligibility.

4.13 What if a Student has a Disability but is Making Effective Progress in School

If a student is found to have a disability, but does not require specially designed instruction in order to make progress, the student is not eligible for special education. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and /or performance criteria and are necessary for the student to make effective progress. If the student only requires accommodations, then the student is not eligible for special education. Educators within the general education environment typically provide accommodations. Strategic seating, pencil grip use, extra time, 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 based on their individual needs. The District Curriculum Accommodation Plan (DCAP) is an important document to reference for additional information about general education supports and interventions including best practice accommodations.

4.14 The Special Education Eligibility Flowchart

The Eligibility Flow Chart has been designed to assist teams in making eligibility determinations. The flowchart is a worksheet and is not a notice or/form. This worksheet should be completed and attached to the Team Meeting Summary Notes and provided to Parent/Guardian(s) at the conclusion of the Team Meeting. The worksheet becomes part of the student record and is mailed to Parent/Guardian(s) with the proposed IEP. Parents/Guardians must be asked if they are satisfied with the evaluations the school team completed. The team Chair/liaison must indicate the response on the eligibility flowchart and initial next to their response. The team Chair sends home N1 or N2 and other documentation.

4.15 Finding the Student Eligible

If the team determines the student is eligible for special education services, the team must identify those services and an IEP must be developed to reflect those services. In most cases an IEP is developed within the same meeting, after the determination of eligibility has been made. A draft IEP may NOT be created and brought to an eligibility meeting as eligibility has not yet been determined.

The final step in the IEP process is determining the appropriate placement for the student. The decision of the type of placement should be made by the team immediately after the IEP is developed. If this does not happen for a specific reason, the placement meeting must be held within 10 school days of the initial IEP meeting. The placement must reflect the IEP goals and services that the team has identified as necessary in order for the student to make affected progress. The same process outlined in section 4.2 and 4.3 apply. Ten day [Prior Written Notice](#) does not apply.

4.16 Finding the Student Not Eligible

If the team determines that the student is not eligible, the Team Chair shall record the reason for such finding on the Team Meeting Summary. If it is an initial evaluation, this should also be documented on the N2. This form is used to state that the district is refusing to provide special education services and will continue to serve the student in the general education program.

The form should include recommendations of possible instructional support services that may

be otherwise available to respond to the student's needs such as general education accommodations found in the District Curriculum Accommodation Plan (DCAP) , other services including additional reading and math instruction, [Title I](#), Services for Multi language learners, etc. At the conclusion of the meeting, Parent/Guardian s should be given a copy of the team Meeting Summary notes and the N2 must be sent to the Parent/Guardian within 10 school days of the team meeting.

If the meeting is a reevaluation, ineligibility should be documented on the N2. This form is used to state that the district is proposing changing the identification status of a student from eligible to not eligible. Included in the N2 should also be the specific date for special education services to end. Unless the Parent/Guardian(s) is present at the team meeting and clearly agrees to an immediate cessation of services, the written notice should specify a service termination date, generally at least 30 days after the date of the notice. By doing this Parent/Guardian(s) are provided with time to respond if they should determine they wish to appeal the finding of no eligibility. At the conclusion of the meeting, Parent/Guardian(s) should be given a copy of the team Meeting Summary notes and the N2 Must be sent to the Parent/Guardian within 10 school days of the team meeting.

If a student has been found ineligible, a 504 plan may be appropriate, see section 4.18.

4.17 What if a Parent/Guardian Disagrees with the Eligibility Finding?

Parent/Guardian(s) have the right to appeal any eligibility determination to the [Bureau of Special Education Appeals \(BSEA\)](#), including a finding of no eligibility. Parent/Guardian(s) may contact the BSEA directly.

Information regarding how to contact BSEA is included in the [Parent/Guardian 's Notice of Procedural Safeguards](#) sent to Parent/Guardian(s) with the Evaluation Packet or at the start of the school year. If Parent/Guardian(s) disagree with the district's evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the Parent/Guardian(s) request an IEE at public expense, the district must either pay for the IEE at [MA approved rates for team evaluation services](#) or, within 5 school days, request a determination from the BSEA that the district's evaluation was comprehensive and appropriate. If a Parent/Guardian notifies a liaison that they are requesting an IEE, the team Chair should be notified immediately and will take appropriate action.

4.18 Section 504

If a student has been found ineligible, a 504 plan may be appropriate.

[Section 504 of the Rehabilitation Act of 1973](#) is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or

more major life activities. Major life activities include learning. Determination of eligibility for a 504 Accommodation Plan is a separate process from the special education eligibility process and is coordinated through the 504 coordinator at each school. If a Parent/Guardian or school member wishes to pursue a 504 eligibility process, they should be directed to contact the 504 coordinator at their school.

5.0 DEVELOPMENT OF THE IEP

5.1 General Guidelines

Upon determining that the student is eligible for special education, the team should work together to develop the IEP. The Team Chair/liaison will facilitate the process. The IEP shall be completed using the standard [IEP format](#) provided by the [Department of Elementary and Secondary Education](#) (DESE). The IEP should be developed using the evaluation data and current school performance data to guide the development of goals and objectives for the student.

It is the responsibility of the liaison to ensure that all components of the IEP have been addressed and completed prior to submission to the Team Chair for review. Key components of the IEP include:

- Student and Parent Concerns
- Vision Statement: The character of the statement will change based on the age of the student. The statement must reflect Federal requirements for transition aged youth. The intent is to look forward to future goals, usually one to five years in the future. For younger students, periods of transition from one grade to the next or from elementary to middle school may provide a time focus for these statements. Vision statements should represent high expectations and dreams. The Vision Statement reflects the entire team's vision for the Student and should include input from both school staff and Parent/Guardian(s).
 - High school example: While I am in high school, I want to... After I finish high school, my education or training plans are... After I finish high school, my employment plans are... After I finish high school, my independent living plans are...
 - In response to the student's vision, this year...
 - In response to the student's, in five years...
- Present Levels of Academic Achievement and Functional Performance (PLAAFP): teams must consider for each student how the student's disability(ies) affects

performance in curriculum areas(s).

- There are 4 PLAAFP tables:
 - ○ Academic
 - ○ Behavioral/Social/Emotional
 - ○ Communication
 - ○ Additional Areas (such as activities of daily living, health, hearing, motor, sensory, and vision)
- Each PLAAFP is divided into 3 columns:
 - Current Performance
 - Strengths, interest areas, and preferences
 - Impact of student's disability [in this area]
- Some sections have “special factor” questions in checkbox format (ex: AAC use, Braille use, O&M instruction)
- Accommodations: Accommodations are included in the IEP and are typically implemented by classroom staff to help the student fully access the general education curriculum. Accommodations provide the student equal access to learning, and equal opportunity to demonstrate their knowledge. Accommodations do not substantially change the content of what is being taught. The new IEP specifies accommodations in four categories:
 - Presentation of Instruction
 - Response
 - Timing and/or Scheduling
 - Setting and/or Environment

The categories of accommodations are split into four areas:

- Classroom Accommodations
 - Non-Academic Settings
 - Extracurricular Activities
 - Community/Workplace
- Modifications: Specially designed instruction includes modifications that alter the material being taught and or the expectations of the student's ability to master it. There are three areas of modification in the new IEP:
 - Content
 - Instruction
 - Student Output

The categories of modifications are split into four areas:

- Classroom Accommodations
- Non-Academic Settings
- Extracurricular Activities
- Community/Workplace

- Measurable Annual Goals: Goals should be numbered sequentially. Multiple copies of this page should be used as needed to describe all recommended goals. Goals should relate directly to those areas where the student's disability affects performance and should reflect a focus on those areas that make the biggest difference in the student's performance. Goals should not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan. Current performance levels and goals should relate directly to the previously written Present Levels of Academic Achievement and Functional Performance.
- Participation in general Education Setting: Can the student's needs be met in the general education setting, with or without the use of supplementary aids and services? The answer to this guides the amount of time and services that the student received outside the general education classroom setting.
- Service Delivery; The chart should clearly indicate to the Parent/Guardian(s) the school district's intentions in regard to the provision of services. There is no single correct way to complete the chart; however, the chart should be written with Parent/Guardian s in mind. Indirect services represent services that are provided to someone other than the student. Consultation or training for school staff and/or Parent/Guardian s should be listed in Section A. Direct services to students should be listed in Section B if the service(s) will occur in the general education environment and in Section C if the service(s) will occur in any other type of setting. Although teams are identifying service needs that they believe should take place outside of the general education classroom, teams are not, at this point, determining the student's final placement. The final educational placement is determined after the entire IEP is developed. In all cases, if extended educational services are required, the goals and objectives developed for the student should reflect the comprehensive nature of the student's program. Start dates and end dates should be included for all services. A service may end before the IEP period ends. For example, if speech therapy is recommended for four months and not for the entire IEP period then a start and end date should be entered or if a team recommends extended school year services then a start and end date should be entered. In some cases the IEP will span school years and may reflect a change in services from one school year to the next.
- Transportation: If the team determines that the student's disability requires transportation or specialized transportation arrangements in order to access special education services, the team shall note on the student's IEP that the student requires such services. In such circumstances, transportation is a related service and the determination for need should be made as a data-driven decision to the student's identified area of disability with respect and consideration of the least restrictive environment for the student. This must occur at each type of team meeting, which includes a team determination of special transportation or renewal of special transportation.
- State and District-Wide Assessment Accommodations: teams continue to be

responsible for deciding how all students will participate in state and district-wide assessments. However, if no assessments are planned during a particular IEP period, the team should note that no testing would occur and leave the remainder of the page blank.

- Schedule Modification: Does the student require a different duration to their school program including the length of their day or year so that they can receive a free and appropriate education? This would include a longer or shorter school day and extended school year.
- Placement

A Team Meeting Summary should be used to document the decisions made at the team meeting. School districts cannot come to a team meeting with a completed IEP. The team, including Parent/Guardian(s), must work together to develop the IEP for the student. Parent/Guardian(s) must leave the meeting with the team Meeting Summary. When developing an IEP, the team must develop appropriate services that meet the needs of the student based upon the area(s) of identified disability. All service determinations are to stem from the current performance levels of the student as originated in the disability area(s). The addition of a service that a student is not currently receiving should not be made in the absence of an evaluation that presents disability-linked data to support the implementation.

Related service providers may determine the specific evaluations to assess a possible area of need as determined by the team. The related service provider should be invited to attend the meeting. In the case where a specialist is absent, the team may not propose specific related services. If assessments are recommended, the team may request an assessment addressing the area of concern but should not identify a specific test. For example, the team could agree to a behavioral assessment rather than an FBA. Conversely, if a related service provider believes that direct services are no longer necessary, an evaluation must be proposed and completed prior to the removal of services.

Please note, for initial and reevaluation meetings, each evaluator will be responsible for providing a summary of their evaluation and entering it into the Key Evaluation Results section of the IEP. In addition the liaison is responsible for entering the MCAS results (or note not applicable) as well as the disability category.

5.2 Duration of team Meetings

Team meetings should be run efficiently so that the team is able to address the agenda and accomplish the goal of the meeting. To ensure teams work together effectively and efficiently, the following recommendations are provided:

- Assessment Reports must be made available to Parent/Guardian(s) no later than 48 hours ahead of time for review (two school days prior to the team meeting);
- Team members have reports submitted and uploaded by due date on consent form;
- Evaluators provide a summary of their evaluation rather than a detailed review;
- If an annual review, draft goals & objectives ahead of time for consideration at the team meeting;

- If an evaluation meeting, do not come with any pre-written IEP or goals and objectives;
- Team members should be prepared to present current performance levels with data and proposed goals & objectives. Additional goals/objectives may be added during the meeting as part of the team process.
- Discuss **ONLY** the goal focus rather than a detailed review of goals *and* objectives; Refrain from using the team meeting as a consult meeting – table discussions that can be held in follow-up conferences or consult meetings in order to remain on task.

5.3 Special Transportation

If the team determines that the student's disability requires transportation or specialized transportation arrangements in order to access special education services, the team shall note on the student's IEP that the student requires such services. In such circumstances, transportation is a related service and the determination for need should be made as a data driven decision linked to the student's identified area of disability with respect and consideration of the least restrictive environment for the student. This must occur at each type of Team Meeting, which includes a team determination of special transportation or renewal of special transportation. Once the team has determined the need for transportation, the Team Chair/liaison will alert the Administrative Assistant that handles transportation.

If a program is not offered as part of a student's home school, the student will be provided transportation to the appropriate school but it is not considered special transportation.

5.4 Extended School Year (ESY)

ESY refers to special education and related services beyond the normal school year for students with disabilities. 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. ESY must be considered and recommended on an individual basis. Not all students require ESY and not all students who do require ESY will need the same level of services. Eligibility for ESY is determined by examining two global criteria: whether the student demonstrates substantial regression in his or her learning skills in the absence of services, or has substantial difficulty relearning such skills if an extended program is not provided. These are referred to as regression/recoupment and non-regression. These criteria should be considered for every student using the following factors:

- The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students. (regression/recoupment)
- The nature of severity of the student's disability. (non-regression)
- The student's progress in the areas of learning is crucial to attaining self-sufficiency and independence from caretakers. (non-regression)
- The student's stereotypic, ritualistic, aggressive or self injurious interfering behaviors prevent the student from receiving some educational benefits from

his/her program during the school year (non-regression)

- Other special circumstances identified by the IEP team such as: the ability of the student to interact with nondisabled students; the areas of the student's curriculum that need continuous attention; the student's vocational needs; and/or the availability of alternative resources (non-regression).

ESY is officially discussed and determined at each child's annual IEP meeting. School staff will complete screenings and/or collect data to help make individual recommendations. If ESY is likely to be considered and the student's annual review is not due until the spring, it is recommended that the team convene earlier in the school year to discuss.

Early in the school year, a team may not be able to make a determination for ESY services if the student is new to the staff. In that event, the team may wish to delay this decision until later in the year. In most cases ESY determination should be made no later than March (post Thanksgiving, December, and February school breaks); however, in cases where there is a question regarding regression, the team may use April vacation to document regression. In the circumstances of the "non-regression" criteria, ESY decisions should be made no matter how early in the school year an annual review meeting is held. When there is no previous record of a child's substantial regression after significant break and services, the team should still consider the need for ESY.

ESY services will vary in intensity, location, inclusion of related services, and length of time, depending upon the student's needs. ESY services are provided at no cost to the Parent/Guardian(s) as part of a [FAPE](#) in accordance with the IEP, for students exhibiting the need for special education, related services, or both, beyond the regular school year.

After consideration of the factors applicable for the student with a disability, the team must decide whether or not the benefits a student receives from his or her educational program during the regular school year will be significantly jeopardized if the student is not provided ESY. None of these factors in isolation, or in some combination, necessarily entitles a student to ESY services. Rather the [regulations](#) mandate the team to consider if any of the factors will prevent a student from receiving some benefit from the student's educational program during the regular school year if a student does not receive extended school year services.

When recommending ESY Services, it is important to remember that a maintenance program to minimize or avoid regression such as ESY is not the same as a school year program designed to help the student make effective progress towards their IEP goals. Services for ESY should be recommended based upon what the student will require for instruction and/ or [related services](#) to maintain current performance. Services will typically be less than during the school year.

5.5 State/District Wide Assessment Accommodations

All identified students with disabilities, both in-district students and students who are funded by the district in out-of-district placements participate in the [Massachusetts Comprehensive](#)

[Assessment System \(MCAS\)](#). Teams continue to be responsible for deciding how all students will participate in state and district wide assessments. However, if no assessments are planned during a particular IEP period, the team should note that no testing would occur and leave the remainder of the page blank. All students participate in state and district wide assessments with accommodations outlined in the IEP. Testing accommodations must be consistent with accommodations students generally receive in their curriculum as listed in the student's IEP and utilized by the student the majority of the time. Students who require alternative assessments will continue to be evaluated through the [MCAS Alternate Assessment \(MCAS-Alt\)](#) until otherwise advised by the [Department of Elementary and Secondary Education](#) (DESE).

Teachers must refer to the Accessibility and Accommodations Manual published annually by DESE to determine whether a student meets the criteria to access any proposed MCAS accommodation. The state has stringent requirements for the use of non-standard accommodations. Teams must confirm that the student is eligible to receive non-standard accommodations before they are proposed. When writing IEPs, liaisons should be sure that the accommodations are not for Multi Language Learners (ML) unless appropriate.

Home/Hospital Instruction and Other Settings:

For the small number of students who are enrolled in a school but are unable to physically attend school, and therefore receive tutoring services from the district, every effort must be made to administer MCAS to the students in school. The student's liaison should work with the Team Chair and building principal to coordinate testing. If this is not possible, school principals must submit a request to test the student in an alternate setting off site by using the form in the Principal's Administration Manual.

DYS and 45-Day Placements:

For the small number of students who are enrolled in a school and are in the temporary custody of the [Department of Youth Services](#) (DYS) or are attending a temporary 45-day placement, every effort must be made to administer the test at the student's placement. The principal at the sending school is responsible for following the steps outlined in the Principal's Administration Manual.

5.6 Students with Disabilities and Bullying

School districts have several responsibilities regarding students with social skills disabilities. We have an obligation to teach all of our students the skills that are needed to avoid and respond to bullying, harassment and teasing. Additionally, those students who have disabilities that result in poorly developed social skills require special attention.

For students with Autism and other disabilities affecting social skills development, this

obligation requires a thoughtful, considered approach at team meetings because these students are more vulnerable to teasing and are not skilled in responding. The Massachusetts New IEP has Autism and responds to bullying embedded throughout. The state law requires specific steps in order to ensure that students with autism and social skills disabilities are taught the skills they need, at their level, to learn to respond to bullying effectively. How the IEP team addresses this requirement is based on understanding the social and communication skill levels of the student and ensuring that the student will:

- benefit from the general education bullying prevention curriculum as is,
- benefit from accommodations or a modified curriculum to insure he/she can access the curriculum, or
- benefit from separate goals and objectives within the IEP to address the skill deficits.

5.7 What the Legislation Says

M.G.L. c. 71B §3 states:

- ... Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing...
- ...[w]henever an evaluation indicates that a child has a disability on the autism spectrum... the Individualized Education Program (IEP) team, as defined by regulations of the department, shall consider and shall specifically address the following: ... the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

5.8 Required Documentation

When a student is identified with a disability that affects social skills development or [Autism](#), the development of an initial or revised IEP should include focus on accommodations and skill instruction to develop social and/or language skills.

Bullying is addressed through the curriculum differently at every grade level. If the student requires a separately delivered curriculum in social skills associated with recognizing, avoiding and responding to bullying, that should be addressed in the social pragmatics, communication or self advocacy goal areas.

The discussion about social skills, recognizing, avoiding and responding to teasing and bullying should be an integrated part of a team meeting, if the student has social skills deficits. It should not be an add-on. Most meetings will not require the explicit use of the term “bullying,” but rather will naturally focus on social skills, peer relationships, social pragmatics, communication

or self advocacy.

The team should document the discussion within the IEP of how it will address a student's social skills development in order to avoid or respond to bullying if a student lacks effective strategies.

5.9 Students with Autism Spectrum Disorder: What the Legislation Says

Whenever an evaluation indicates that a child has as a disability of [Autism](#), the IEP team shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; the needs resulting from the child's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from [Autism](#); and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

5.10 Required Documentation

For students with a disability on the autism spectrum, once the team chair checks off Autism the autism checklist questions are embedded through the new IEP.

5.11 Assistive Technology and Accessibility - Special Education

The Ayer Shirley Regional School District adheres to all regulations and requirements to consider the assistive technology needs of children with disabilities. Assistive technology devices and services will be considered in order to maximize accessibility for children with disabilities.

Assistive Technology is any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. Assistive Technology service is any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:

- the evaluation
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices
- selecting, staffing, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing

- coordinating and using other therapies, interventions, or services with assistive technology devices
- training or technical assistance for such child, or the family of such child
- training or technical assistance for professionals

The team will consider the need for assistive technology devices and or services as part of the child's IEP team meeting for all students receiving special education services, regardless of placement. teams must consider the unique needs of the child when determining assistive technology devices and service options including the child's ability to:

- access the curriculum and gained academic skills
- learn with non-disabled peers
- address behavior challenges
- participate in all aspects of the education program

Recommendations for assistive technology will be embedded within the New IEP. If you answer Yes to the first question about assistive technology there are follow up questions in other sections.

5.12 Students New to the District

When an eligible student or student's family changes residence from one Massachusetts school district to another, the new district of residence must provide the student with a free appropriate public education (FAPE), including services comparable to those described in the last IEP written by the former school district and accepted by the Parent/Guardian, provided in a comparable setting without delay until a new IEP is developed and accepted.

If a student found eligible in another state moves to Massachusetts, the new Massachusetts district of residence shall provide the student with a free appropriate public education, including special education services comparable to those in the IEP from the former state, in consultation with the Parent/Guardian, until the Massachusetts district develops and implements a new IEP, if appropriate, or until the Massachusetts district determines it is necessary to conduct an evaluation to determine the student's continued eligibility for special education, and if found eligible, develops and implements a new IEP . If the Massachusetts district determines that a new evaluation is necessary to determine continued eligibility or services, or a Parent/Guardian or another person concerned with the child's development requests an evaluation, the district shall immediately provide written notice to the Parent/Guardian as required.

It is the responsibility of the assigned liaison to input a transferred IEP into the online system. Within the first six weeks of their enrollment, the Team Chair will convene a team meeting to discuss the transition to the district and make any needed updates.

6.0 PLACEMENT DETERMINATION

6.1 Determining Placement Needs

At the team meeting, after the IEP has been fully developed, the team shall consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services or in a separate classroom or school. Placement must be proposed at each meeting, even if the student is staying in their current placement. The IEP Placement Page must also be completed for each proposed IEP even if the placement is not changing. The team shall consider all aspects of the student's proposed special education program as specified in the student's IEP and determine the appropriate placement to provide the services.

The decision regarding placement shall be based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.

The placement selected by the team shall be the [least restrictive environment](#) consistent with the needs of the student. In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that the student needs.

The decision to enact a change in placement must come following an evaluation so that updated data may be used as a basis for the team determination.

6.2 Least Restrictive Environment (LRE)

The school district shall ensure that, to the maximum extent appropriate, students with

disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The removal of a student from the general education setting is supported in the Participation in General Education section of the IEP, which quotes the regulation describing the district's responsibility outlined above.

6.3 Placement Meeting

In the development of the IEP, if the needs of the student and the services identified by the team are complex, and the team is considering an initial placement out-of-district or in a different setting for a student who has been served in an out-of-district program, the school district may schedule a separate team meeting to determine placement. This separate placement meeting must occur within **10 school days** following the meeting at which the team developed the IEP. At the request of the Parent/Guardian, the placement meeting may be held at a later date. The Team Chair should coordinate this meeting.

6.4 Post Secondary Transition Planning

Massachusetts requires that beginning when the eligible student is or will turn 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually in the Post-Secondary Transition Planning section, which should be completed at the outset of any IEP meeting for a student 14 or older during the IEP's dates as it guides all of the supports and services therein, stemming from the student's own post-secondary vision. This ideally will be completed with the support of the student's liaison prior to the IEP meeting. This section will be reviewed and revised at every annual IEP meeting for the student. It should be used as a tool to develop the student's post-secondary vision statement which should include the student's preferences and interests, and the desired outcomes for post-secondary education/training, employment, and community experiences. This should include the student's strengths, interest areas, and preferences, as well as the impact of the student's disability on the involvement in the general education curriculum and/or specific area of post-secondary transition.

6.5 Students ages 18 through 22 years

The school district shall ensure that options are available for students ages 18 through 22 years. Such options shall include pre-vocational skills, continuing education, developing skills to access community services, developing independent living skills, developing skills for self-management of medical needs, and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus and shall be considered an in-district program if the program is operated by the public school and offers the student ongoing opportunities to interact with students or young adults without disabilities. Activities that take place outside of the school

building may require a schedule adjustment as needed for additional flexibility.

6.6 Chapter 688 Referral

A Chapter 688 referral is filed to assist the student in receiving adult services after graduation from high school or the termination of special education services at age 22. The referral for adult services should be completed two (2) years before the student plans to graduate or leave school (turning 22) and documents a need for services. Adult services may be provided by the Massachusetts Rehabilitation Commission (MRC), Department of Developmental Services (DDS), Department of Mental Health (DMH), MA Commission for the Blind, MA Commission for the Deaf and Hard of Hearing, or the Department of Children and Families (DCF) if the student is in DCF custody. If a student is scheduled to graduate at age 18 and if applying to the [Massachusetts Rehabilitation Commission](#) (MRC), then the referral must be done by age 16. For students who will receive services until age 22, and if applying to other adult agencies such as the [Department of Developmental Services](#) (DDS), the referral must be done prior to a student's 18th birthday.

Students who may be eligible for adult services are those who:

- Receive services in accordance with an IEP and receive SSI / SSDI
- Are on registry at the [Massachusetts Commission for the Blind](#)
- Are unable to work more than 20 hours in competitive, non-sheltered, unsupported employment at the time they are ready to leave school

At the appropriate Team Meeting, the Chapter 688 Referral Form must be filled out by the student's liaison then printed out and signed by the Parent/Guardian, or if the student is 18 or over and his/her own legal decision maker, the student should sign the form. The liaison must submit the form to the Team Chair along with the meeting attendance sheet and any other meeting documentation. The Chapter 688 referral form requires the student's social security number to be processed. All Chapter 688 referrals are submitted by the Director of Special Education using the new T22/Chapter 688 referral application through the [EOHHS Virtual Gateway](#). Services are determined by that agency and are tied to the State Legislature and appropriated funds. Only one chapter 688 referral per student can be sent to an adult agency. A Chapter 688 Referral is not an official application for adult services; a separate application needs to be completed by the Parent/Guardian /adult student.

The [Bureau of Transition Planning](#) (BTP) is responsible for the administration of Chapter 688. The BTP provides information and technical assistance to schools, agencies, families, and advocacy groups. If the IEP team is unsure which adult agency would be best to support the student, the referral may be submitted to the Bureau of Transition Planning.

6.7 Age of Majority

In Massachusetts, regardless of the severity of their disability, students are considered adults and competent to make their own decisions at age 18 ([Age of Majority](#)). Unless there is a court

appointed guardian or the student has chosen to share decision making with his or her Parent/Guardian, the school district must seek the consent of the student to continue the special education program.

Students at age 18 have the right to make their own educational and medical decisions and must sign all consent forms. Parent/Guardian and students must be notified about the transfer of Parent/Guardian rights to the student at least one year before the student turns 18.

The student and family are informed about the transfer of rights when the student is 17. The student is provided with options for decision-making; the selected option begins when the student turns 18.

- I wish to retain decision making authority myself.
- I wish to share decision making authority with My parent/parents/guardian
- I wish to share decision making authority with another adult: Name and role:
- I wish to delegate decision making authority to:
- My parent/parents/guardian:
- I wish to delegate decision making authority to: Another adult: Name and role:

Students can revoke delegation of or sharing of decision-making at any time. If there are any disagreements related to special education decision-making, the choice of the student shall prevail.

For students who are 17 years in age, [Age of Majority](#) must be discussed at the annual IEP meeting. The team Chair/liaison must provide the student with a copy of the [Parent/Guardian 's Notice of Procedural Safeguards](#) (PNPS). A discussion must take place regarding the Age of Majority and the student's rights. It may be helpful to refer to the Age of Majority letter for purposes of this discussion. The Team Chair/liaison will also make each student and Parent/Guardian aware that Age of Majority Rights will occur **ON** the student's 18th birthday, and that the student will be asked to sign the Age of Majority letter indicating their decision (if they choose to make all educational decisions themselves, share in the decision making process with their Parent/Guardian s, or continue to have Parent/Guardian s make educational decisions).

The Team Chair/liaison will check the box under additional information that this matter was discussed at the IEP meeting. The notice of proposed school district action (N1) must clearly state that the [Parent/Guardian 's Notice of Procedural Safeguards](#) has been provided to the student and that the Age of Majority and student's rights have been discussed one year prior to the student's eighteenth birthday.

The liaison will ensure that on the student's 18th birthday the student will be provided with and sign the Age of Majority letter. In instances of a non school day this will occur upon return to school.

If the student wishes to take the document home to review with the Parent/Guardian , it is the responsibility of the Team Chair/liaison to follow up with the student and schedule a meeting

to discuss any concerns upon the student's request.

The original signed Age of Majority letter will be sent by the Team Chair/liaison to the Special Education office for placement in the student's special education file.

All meeting notices and special education documentation must be sent to the student if the Age of Majority rights are solely with the student. If the rights are being shared with the Parent/Guardian then the Parent/Guardian and student will both receive the required documents and must co-sign all documents.

7.0 PROCESSING THE PROPOSED IEP FOR DISTRIBUTION TO Parent/Guardian

7.1 When to Send the Proposed IEP and Placement

When Parent/Guardian receives a team Meeting Summary at the conclusion of a team meeting, the school district has two calendar weeks or ten (10) school days to send the Proposed IEP and Placement.

When Parent/Guardian do not receive a team Meeting Summary at the conclusion of the team meeting, the school district must provide the Parent/Guardian s with a proposed IEP and Placement as soon as possible and not more than three-to-five days after the team meeting has been held. If, in the unusual situation where a Parent/Guardian *requests* the completed IEP within three to five days of the team meeting, the district must comply, regardless of whether it has provided a team Meeting Summary.

7.2 IEP Special Education Tracking Form

An IEP special education tracking form has been created to guide the team Chair/liaison on the compilation of the IEP. Once the IEP is completed the liaison's are responsible for printing them out and bringing them to the building administrator for signature. Upon signature they are sent to the special education office where the team Chair will review.

7.3 Distribution of New IEP for Students Transferring into the District

When a student with a disability moves into the district the IEP is sent immediately to the special education department. The team Chair/ETL will identify which school and liaison for this student and alert them as well as any related service providers. The team Chair/ETL will also alert the building administration to ensure that they are aware of this student and scheduling of the services in the IEP.

8.0 Parent/Guardian RESPONSE TO THE PROPOSED IEP and PLACEMENT

8.1 Acceptance, Rejection, or Partial Rejection

No later than of the proposed IEP and proposed placement, the Parent/Guardian s shall:

- I accept this IEP as developed.
- I reject the following portions of the IEP with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately.
Rejected portions are as follows:
- I reject this IEP as developed.
- Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP will not be implemented unless the IEP is amended

8.2 No Response

A proposed IEP may not be implemented until it is signed and accepted by the family/guardian. If Parent/Guardian have not responded to the IEP within twenty days, a letter is sent home with a copy of the IEP as well as the signature pages. The Team Chair will notify the Director of Special Education Administrative Assistant when a 2nd Request Notice needs to be sent out. If the Parent/Guardian(s) have not responded to the second request letter after thirty days, a phone call to the Parent/Guardian will be made by the Team Chair or Director of Special Education. If Parent/Guardian(s) do not respond after the third attempt, BSEA is notified by the Team Chair/Director of Special Education.

9.0 IMPLEMENTATION OF THE IEP

9.1 Receipt of Signed IEPs

Parent/Guardian(s) will receive the proposed IEP via email to electronically sign (Adobe sign). Parent/Guardian(s) may request they receive via hard mail if they prefer. The Special

Education Administrative Assistants immediately date stamps the signature and placement pages and notifies the Team Chair, liaisons, and other related service providers as appropriate. The Special Education Administrative Assistant will change the IEP status in the software system. If an IEP is rejected, in whole, or in part, the signature and placement pages along with the Administrative Data Sheet, will be submitted to the [Bureau of Special Education Appeals \(BSEA\) within 5 calendar days](#) of receipt by the district only if the rejected parts cannot be worked out.

9.2 Receipt of Partially Rejected and Rejected IEPs

When an IEP has been rejected in full, it will appear as Rejected. When it is rejected in part it will read as Rejected Portions. The Team Chair will immediately provide the team with a copy of the Parent/Guardian response. This enables team members to know which parts of the IEP have been accepted and can be implemented. Should team members have questions regarding implementation, they should contact the Team Chair. The Team Chair will notify the team to schedule a reconvene to address the rejected portions. If the Parent/Guardian response requires clarification to determine rejected or accepted portions, the Team Chair will contact the Parent/Guardian(s) and document the conversation in writing.

Upon Parent/Guardian response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay. The school district cannot delay implementation of the IEP due to lack of classroom space or personnel. Teams must provide as many of the services on the accepted IEP as possible and shall immediately inform the Parent/Guardian 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 offer alternative methods to meet the goals on the accepted IEP. Upon agreement from a Parent/Guardian, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

9.3 Responsibilities of the Liaison Once and IEP is Accepted or Partially Accepted

Once a student's IEP is signed and accepted or partially accepted, the liaison must immediately disseminate the IEP summary to all general educators who teach the student. In addition, at the middle and high school, the liaison must notify the school counselor when the IEP is signed so any course changes necessary can be made based on the new service delivery grid.

Implementation of the fully accepted IEP or only accepted portions of the IEP, begins immediately once the liaison sends out notifications.

9.4 Amendments

At times it is necessary to amend an IEP. An amendment can be conducted at a team meeting or via phone contact or email with the Parent/Guardian. The IEP amendment is a two page document that may be used in conjunction with other IEP pages. A notice of proposed school district action (N1) is always included with an amendment along with all amended portions of the IEP to be sent home to the Parent/Guardian(s). An amendment cannot extend the length of the IEP, nor can an amendment change placement. An amendment, always done in the

ACTIVE IEP, should be used for minor IEP adjustments only and may not be used if IEP service changes will also require a change in education placement. The explanation of a proposed change should include the IEP sections that the change will affect. Every change to the existing IEP must be indicated and explained separately on the amendment form. Each change must explicitly and clearly state why it is being proposed. The completed amendment should always be attached to the pages of the IEP that it is intended to alter. For example, if an IEP goal is being altered, that goal page with the reworded goal should be included in the amendment packet to be sent to Parent/Guardian or guardian. If the service delivery grid is being altered, end the current service (the date of the amendment meeting) and start a new line on the grid for the adjusted service with a start date of the meeting date and the end date the end date of the IEPs. An unsigned, rejected, and partially rejected IEP cannot be amended – any changes made to an unsigned IEP are considered “Revisions” to a proposed IEP and should be marked accordingly.

9.5 IEP Revisions

Once a team meeting has been held and a proposed IEP has been sent to Parent/Guardian for response, a team may revise or further develop the proposed IEP with Parent/Guardian agreement and input. The type of meeting and dates on the administrative page would not change. The notice of proposed school district action (N1) should **clearly state** that the IEP has been revised with the date of the team meeting and Parent/Guardian contact as well as who precipitated the revision. Details of why and how the IEP was revised should be noted in the N1. Once the Parent/Guardian responds to the proposed revised IEP, the entire IEP packet will be sent to the Special Education Department.

9.6 Progress Monitoring/Progress Reports

Developing well written and meaningful Progress Reports starts with well written goals that include a statement of current performance, a goal statement, and objectives or benchmarks. Teams should use the current performance section as the starting point, based on what the student is currently able to do. The goals are the end points and the objectives or benchmarks are the steps between the starting and end points. Data should be included in the current performance so progress can be clearly measured between the current performance and the benchmarks.

Progress reports should reflect, in measurable terms, the student’s progress toward the annual goal and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period.

Progress reports must be sent to the Parent/Guardian at least as often as Parent/Guardian of nondisabled children are informed of their children’s progress (in conjunction with report cards).

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
- Use measurable language where appropriate (i.e., John is greeting his peers upon arrival to school in 90% of measured opportunities)
- Indicate any stumbling blocks to progress and how the team is responding (i.e., what refinements are or will be used to support the student's progress)
- Project whether the student will reach the annual goal if progress continues at its current pace

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 or adjust the expectations.

9.7 Declining Special Education Services

If, after accepting IEP services, a Parent/Guardian chooses to decline those services by alerting the special education department in writing, the Parent/Guardian should be provided with a Confirmation to Decline Special Education Services form, as well as the [Parent/Guardian's Notice of Procedural Safeguards](#). Once this form is signed and received, it should be sent to the special education office.

9.8 Updating Student Status

When a student's status has changed (e.g. graduated, moved, no longer eligible) and they will no longer be receiving special education services, the Team Chair will notify the special education administrative assistants as well as the building administrators and the student's team.

10.0 DISCIPLINE FOR STUDENTS WITH SPECIAL NEEDS

10.1 Provisions

Students identified as receiving special education and/or or related services are expected to meet the requirements for behavior as set forth in the [Student Handbook](#). Additionally, there are specific safeguards provided by the IDEA and Section 504 that apply to students with disabilities in certain circumstances beyond the due process protections provided to all students. To assist the District in remaining current on a student's days of suspension, the Principal must notify the Team Chair of the behavior subject to suspension within one school working day. The Team Chair will notify the Director of Special Education.

The procedural safeguards provided by federal law for students with disabilities apply to:

- Students who currently receive special education services through an IEP.
- Students who currently receive accommodations through a Section 504 Plan.
- Students whom the District knows, or has reason to know, prior to the incident giving rise to disciplinary action, might be eligible for special education.
 - o This may include: Students who have been referred for an evaluation prior to the incident
 - o Students whose Parent/Guardian has expressed concern in writing that the child is in need of special education and related services prior to the incident.
 - o Students about whom staff have expressed specific concerns of a pattern of behavior directly to the Principal, Team Chair, or the Director of Special Education.

These protections do not apply to students whose Parent/Guardian have refused an evaluation or special education services or for students who have been evaluated and have been found ineligible.

10.2 Change of Placement

In [Honig v. Doe, 559 IDELR 231 \(EHLR 559:231\) \(U.S. 1988\)](#), the U. S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and related services under the [Individuals with Disabilities Education Act \(IDEA\)](#)). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if their misconduct was caused by, or was directly and substantially related to, their disability. A disciplinary change in placement occurs when a

student is suspended in or out of school, in excess of ten (10) consecutive school days or subjected to a pattern of short term suspensions in excess of ten school days which constitute a pattern of removal. For suspensions that will extend beyond 10 school days, the team must determine if the behavior that warranted the disciplinary act was caused by or had a direct and substantial relationship to the disability or was a direct result of the school district's failure to implement the IEP. This meeting is called a Manifestation Determination meeting.

The team Chair in conjunction with the school principals, carefully monitors and documents all student suspensions in order to determine when the team needs to meet.

The Ayer Shirley Regional School District is responsible for providing a Free and Appropriate Public Education (FAPE) to all students. A special education student may not be suspended without the provision of [FAPE](#). Schools are responsible for ensuring that students receive educational services that allow access to the general education curriculum and progress toward goals within the IEP. Students must be provided access to their educational program regardless of the length of the removal. When a special education student is subjected to a long term suspension of more than ten school (10) days, the IEP team must determine the services necessary to provide the Student with FAPE as of the 11th day of removal.

10.3 Manifestation Determination

A Manifestation Determination meeting **must** be conducted prior to any removal constituting a disciplinary change of placement. A Manifestation Determination **must** be held within 10 school days of any decision to impose discipline that would result in a **change of placement (removal from school)** to determine whether the conduct giving rise to discipline was a manifestation of the student's disability. The Manifestation Determination should be held prior to the student's 11th day of removal from school. The Manifestation Determination meeting process form can be found

 [Manifestation Determination Form.docx](#) .

At the Manifestation Determination meeting, relevant members of the Student's IEP/504 team meet to consider whether the student's behavior giving rise to the disciplinary incident is a manifestation of the student's disability. To make this decision, the team considers 1) whether the conduct is directly and substantially related to the Student's disability and 2) whether the conduct is the direct result of the District's failure to implement the IEP.

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

- The principal **may** impose sanctions applicable to all students.
- The principal **must** provide FAPE, as determined by IEP team, for students on IEPs as

of the 11th day of removal.

- There is **no** obligation to provide FAPE for 504 students although they have the right to an opportunity to make academic progress during the period of exclusion in accordance with M.G.L. c. 76, § 21.
- The team may consider a Functional Behavior Assessment or review of an existing behavior intervention plan, but it is not required.

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

A Functional Behavioral Assessment is required **only** after determining that the conduct was a manifestation of the student's disability or when found to be appropriate by the team.

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

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

for:

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

The 45 day IAES **must**:

- Enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the IEP.

- Provide services and modifications designed to address the behavior that gave rise to the removal and to prevent the behavior from recurring.
- **End** at the conclusion of the 45 school day period **and** the student shall be returned to his/her previous placement **unless** the Parent/Guardian/student consents to an extension of the IAES **or** an Order is obtained authorizing the student's continued removal.

When Parent/Guardian disagree with the Manifestation TEAM's decision on the "manifestation determination" or with a decision regarding placement, the Parent/Guardian has a right to request an expedited due process hearing from the Bureau of Special Education Appeals (BSEA). The student will remain in the disciplinary placement imposed by school authorities pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

The district will comply with all state and federal statutes regarding the discipline of students with special needs. For more detailed information regarding these laws and regulations see the Parent/Guardian s' Notice of Procedural Safeguards, the Individuals with Disabilities Education Improvement Act of 2004. (IDEA) , and Section 504 of the Rehabilitation Act of 1973.

11.0 PHYSICAL RESTRAINT and SECLUSION

11.1 De-Escalation

The Ayer Shirley Regional School District is currently using Safety-Care as the de-escalation and crisis intervention program. Safety-Care is a training program for staff working with children, adolescents, or adults who may exhibit challenging or dangerous behavior. The focus in Safety-Care is on prevention, safety, and humane, supportive, evidence-based interventions. Staff trained in Safety-Care are taught how to prevent many behavioral crises and how to respond if a crisis does happen. Safety-Care is designed to be part of an interdisciplinary approach. Professionals from a variety of disciplines, working with direct care staff, participate and collaborate in the assessment, treatment, and evaluation of an individual's overall status and intervention plan. Interdisciplinary treatment strategies create a comprehensive, whole person approach to providing a humane, respectful, and supportive environment. Staff are trained using least to most restrictive measures. Physical intervention is used as a final intervention, only if a student poses an imminent risk of harm to themselves or others. More information can be found at [Prevention of Physical Restraint and Requirements If Used](#).

12.0 CONSIDERATIONS FOR PRE-SCHOOL

12.1 The primary role of preschool special educators and related service providers is to provide and support high quality services in collaboration with families, teachers, and caregivers to promote positive outcomes for children and families. In order to ensure a smooth transition for children exiting Part C/Early Intervention of IDEA, Ayer Shirley Regional School District has created a robust and comprehensive evaluation process. The school's evaluation may include formal observations (at Ayer Shirley Early Childhood Center, and at the child's private preschool/daycare, if applicable), Parent/Guardian input provided through unstructured interview and the completion of rating scales, etc.

13.0 COVID-19 INFORMATION

13.1 [DESE COVID-19 Information and Resources](#)

14.0 REQUESTS FOR OBSERVATIONS

14.1 The Ayer Shirley Regional School District will collaborate with Parent/Guardian to provide a timely response to requests received for observation of their student's current or proposed special education programs. The Parent/Guardian or his/her designated private evaluator or educational consultant may conduct observations. Ayer Shirley will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress. The following guidelines apply to arranging for such observations:

- Prior to the observation occurring, Parent/Guardian(s) must complete a Student Observation Confidentiality Agreement providing consent for an observation to be conducted as well as a Consent for Release of Information. The observer (if different from the Parent/Guardian) must also sign the confidentiality agreement prior to the observation taking place.
- In order to assist in timely scheduling, Ayer Shirley staff will contact the identified observer directly within a week of Parent/Guardian request for observation with potential dates and times for the observation.
- A designated school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to limit the impact on instruction and operation of the classroom.

The district does not generally schedule observations for certain portions of the year such as during state testing or during the first few weeks of school. In addition, because it may not be possible to accommodate all requests during the last few weeks of school, parents/Guardians are urged to submit any observation request as early as practicable in the school year. In addition, school staff retain their right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of the program. The District also expects all observers to not disclose any personally identifiable or confidential information they might obtain during the course of an observation (except about students being observed, in which case it will be used consistent with the Parent/Guardian's authority and direction).

