Fall River Public Schools
Office of Special Education



Processes and Procedures

Updated 8/2026

Table of Contents

Introduction	3
Child Find and Referral for Special Education	5
General Education Responsibilities	6
Referral for Special Education	7
Evaluation Process	11
The Team Process	17
Determining Eligibility for Special Education	18
Facilitation of Team Meetings	24
IEP Development	26
Transportation	36
Extended School Year	38
Placement Determination	39
Parents Response to Proposed IEP	41
Progress Reports	43
IEP Amendments	44
Assistive Technology	44
Dispute Resolution	46
Discipline of Students in Special Education	48
Out of District Program Oversight	51
Special Education Services in Institutional Settings	52
Home and Hospital Instruction	53
Special Education Records	56
Classroom Observation and Visitation Procedures	58

Introduction

A primary result of the Massachusetts Education Reform Act of 2000 reinforces the belief that the general education curriculum is for each and every student. Therefore, special education support and services should not be viewed as a separate model. Special education is part of the continuum of supports, services, modifications, and accommodations created to ensure that the general education environment is responsive to the diverse learning needs of all students. Working together, general education staff and special education staff can ensure equal opportunity, full participation, and increased outcomes for all learners, including students with disabilities.

The Fall River Special Education Department is committed to supporting the district in providing high quality educational experiences for all students. Collectively, we strive to maximize the strengths and support the needs of students with disabilities to reach their full potential, gain independence, and contribute to their community. We value inclusiveness, relationships with families and staff, high expectations, and a positive learning environment.

The following set of Processes and Procedures serves as a comprehensive guide designed to support educators, administrators, parents, and other stakeholders in navigating the complexities of special education. Our goal is to ensure that every student with a disability receives a free and appropriate public education (FAPE) in the least restrictive environment (LRE), as mandated by the Individuals with Disabilities Education Act (IDEA) and other relevant laws and regulations.

This document outlines the systematic processes and best practices for identifying, evaluating, and providing individualized educational services to students with disabilities. By adhering to these procedures, we aim to ensure cohesion and coherence across Fall River Public Schools. This is a living document that will be continually updated to remain comprehensive and current, and to ensure fidelity with the laws and regulations.

Fall River Special Education Department
367 Ray Street
Fall River, Massachusetts
(508)-675-8421 x55262

Lori Obenchain, M.A., C.A.G.S
Assistant Superintendent of Special Education

James Sullivan, M.Ed. C.A.G.S, WDP
Chief Compliance Officer

Special Education Supervisor Team

Schools	Special Education Supervisor	Contact Information
Early Learning Center, Early Childhood Department	Kristen Farias, Director of EarlyChildhood	kfarias@fallriverschools.org (508) 675-8421 ext.55333
Greene Elementary School Silvia Elementary School Watson Elementary School	Cristina Michaud	cmichaud@fallriverschools.org (508) 675-8421 ext. 55261
Henry Lord Community School Fonseca Elementary School Tansey Elementary School	Paula Manchester	pmanchester@fallriverschools.org (508) 675-8421 ext. 55280
Doran Community School Kuss Middle School - Reach and Prep Programs	Danielle Murphy	dmmurphy@fallriverschools.org (508) 675-8421 ext. 45569
Talbot Middle School Morton Middle School Kuss Middle School	Carlin Danner	cdanner@fallriverschools.org (508) 675-8421 ext. 55300
Viveiros Elementary School Westall Elementary School	Leila Rosa	lrosa@fallriverschools.org (508) 675-8421 ext. 55234
Henry Lord Community School - Rise Program Morton Middle School Rise Program	Lindsay Best-Greenspan	lgreenspan@fallriverschools.org (508) 675-8421 ext 55285
B.M.C. Durfee High School	Rebecca Gray	rgray@fallriverschools.org 508-675-8100 x41402
B.M.C. Durfee High School Resiliency Preparatory Academy (RPA)	Lucy Charette	lcharette@fallriverschools.org 508-675-8100 x41498
Spencer Borden Elementary School Letourneau Elementary School	Sarah Medeiros	sarahmedeiros@fallriverschools.org 508-675-8142 X 82120
Out of District Schools Home School/Private School Stone Therapeutic Day School	Kim Bettencourt	kbettencourt@fallriverschools.org 508-675-8142 X55281

Child Find

"Child Find" is a legal obligation that requires the Fall River Public Schools (FRPS) to identify, locate, and evaluate all children ages three to twenty-one with disabilities residing in its district. This obligation extends to all students who attend private (including religious) schools, homeless students, students who are wards of the State, students with suspected disabilities even though they are advancing from grade to grade, and highly mobile children including migrant children.

The Child Find process is designed to identify children who have a disability, or are suspected of having a disability, and may need special education and/or related services. Child Find announcements are posted online on the Fall River Public Schools' website. FRPS works collaboratively with area pediatricians, child care centers, Early Intervention, and other community agencies to identify students who have a disability, or are suspected of having a disability, that may need special education and/or related services.

The Fall River Public School District (FRPS) engages in ongoing child find activities. These activities include but are not limited to:

1. FRPS Early Childhood Department has designated staff that acts as the liaison between the public schools, early intervention and community based childcare programs. This staff conducts developmental screenings and supports agencies in the process of referrals to special education.
2. FRPS Early Childhood Department facilitates an Interagency Transition Team with Early Intervention, Head Start/Early Head Start and surrounding public school districts in their referral boundaries. This Team meets 3-4 times per year to review, support and improve transition and referral procedures.
3. FRPS serves as lead agency for the Coordinated Family and Community Engagement grant. Through this grant the district has regular communication and outreach to community agencies to identify and support the needs of children and families within the community, including referrals to the public schools for developmental screenings and special education evaluations.
4. FRPS Early Childhood Department works collaboratively with the Director of Parent and Child Engagement who also serves as the district's McKinney-Vento Liaison.
5. FRPS Special Education Supervisors are administrators who work collaboratively with our local DCF agency to support foster care students enrolled in our district.
6. FRPS has a designated Team Chair, School Psychologist, and Special Education supervisor who are responsible for outreach to our private/parochial school.

7. Our child find notice is posted on our district special education webpage and is available in multiple languages. The notice also contains a link for additional Department of Elementary and Secondary Education (DESE) resources.
8. FRPS conducts annual screenings of incoming Preschool and Kindergarten children.

Below is a link to our child find notice which is also available our the FRPS Special Education webpage
FRPS Child Find Notice

General Education Responsibilities Prior to Considering a Referral for a Special Education Evaluation

Prior to referral of a school age child for a special education evaluation under the Massachusetts Special Education Regulations, ***the Principal of the child's school shall ensure that all efforts have been made to meet such child's needs within the general education program.***

The Principal of each school shall adopt and implement the District's Curriculum Accommodation Plan (MGL, Chapter 71 section 38Q ½) in developing strategies for serving children with diverse learning styles within the regular classroom. These efforts and their results shall be documented and placed in the child's school record but they shall not limit or condition the right to refer a school age child for a special education evaluation. Under the regulations, the Principal must also promote instructional practices to respond to struggling students and ensure that adequate instructional support is available to students and teachers to include but not be limited to:

- Intervention services
- Consultative services for teachers
- Reading instruction at the elementary level
- Instructional and behavioral accommodation
- The use of any other general education support services
- Other services consistent with effective educational practices
- Appropriate services for linguistic minority students

If the student is referred for an evaluation to determine special education eligibility, ***the Principal must also ensure that documentation on the use of instructional support services is provided as part of the referral to special education so that the information can be reviewed by the Team when determining eligibility.***

Referral for Special Education

Parent Referral

A parent/guardian or any other person in a caregiver or professional position concerned with a student's development can make a referral for an evaluation to determine eligibility for special education services. Throughout this document the term "parent" includes biological and adoptive parents, legal guardians, persons acting in the place of a parent, such as relatives and stepparents, foster parents, persons appointed as surrogate parents and adult students.

This referral may be made verbally or in writing. If a parent or person in a caregiving or professional position verbally requests an evaluation to school based personnel, **school staff must *immediately notify the Principal, Special Education Supervisor and building/program Team Chair.***

Upon receipt of the parent request, the Special Education Supervisor of the student's school will contact the parent to gather information and explain the special education process. The Special Education Supervisor will identify the necessary evaluations for referral requests on the Special Education Evaluation Form. Special Education Clerks will use the information to complete the evaluation consent form and send it to the parent/guardian for signature. School based MTSS Teams will also be notified of the parent referral and should complete the FRPS Special Education Evaluation School Referral Form **within 2 calendar weeks and emailed to the Team Chair, Psychologist, and Supervisor.**

The special education department will send a copy of the Parent Notice of Procedural Safeguards, Notice of Proposed Action, and an Evaluation Consent Form to parents, in their native language, ***within 5 school days.*** *Parental consent is required prior to conducting any evaluations.* ***Special education documents requiring a parent's signature will be sent using Docusign,*** *unless parents' request an alternative means of communication,* to ensure compliance with DESE timelines and efficiency with managing special education paperwork.

The Special Education Supervisor should also inform parents about the instructional support process (i.e.: MTSS / FRPS DCAP) available in their child's school and provide parents with an opportunity for this support process to take place as a first step. *Parents are encouraged, but are not obligated, to access the school based instructional support process for their child before having their child evaluated. If a parent is interested in learning about the general education supports available in their child's school, they should contact the school directly.* **A parent's right to refer their child for a special education evaluation 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.**

If a parent agrees to access the instructional support process as a first step before pursuing a special education evaluation, the Special Education Supervisor should document this agreement in a Notice of Proposed Action form. *A copy of the Notice of Proposed Action will be provided to the parents. Parents should be told of their right to pursue the special education evaluation referral at any time.*

School districts rarely will have occasion to refuse to conduct an initial evaluation for students referred for evaluation and may do so only if the parent or other individual making the referral has no suspicion of a disability and is not concerned about the child's development.

School Referral

When the Principal or designee determines that all efforts have been made to meet the needs of the student within the general education program, that these efforts have not been successful and *the student is not making adequate progress*; the Principal or designee may refer the student for an initial evaluation to determine eligibility for special education and/or related services.

School based referrals must be completed electronically using the FRPS Special Education Evaluation School Referral Form ***and submitted to the Special Education Clerk and Supervisor.*** The evaluation referral form will be part of the student's special education record and considered by the Team as part of the eligibility process. ***The information documented in the referral form should be comprehensive, data driven and should identify the area(s) of suspected disability.***

Once a referral form is submitted for a student, that student should continue to receive general education interventions during the evaluation process. ***The Principal or designee should also notify the parent/caregiver that a referral has been made and that they will be contacted by the special education department to discuss the referral.***

The special education supervisor will identify the necessary evaluations for each referral request on the Special Education Evaluation Form. The special education department will send a copy of the Parent Notice of Procedural Safeguards, Notice of Proposed Action, and an Evaluation Consent Form to parents/caregivers within 5 school days. **Parental consent is required prior to conducting any evaluations.** Special education documents requiring a parent's signature will be sent using Docusign*, unless parents' request an alternative means of communication,* to ensure compliance with DESE timelines and efficiency with managing special education paperwork.

Preschool-Age Students

The Fall River Public Schools must assess preschool-aged children beginning at age 2 years 6 months if they are referred by an Early Intervention (EI) program or if a parent requests an evaluation. When EI program staff determine that a child may be eligible for special education and/or related services as part of an Individualized Education Program (IEP) a referral is made to FRPS Early Childhood Department. Upon receipt of a referral, the Early Childhood Department, will follow the processes above for school or parent referrals. Once signed consent is received by the Early Childhood department, the Early Childhood Evaluation Team conducts an evaluation in time to ensure that if the child is found eligible for an IEP, IEP services begin promptly at age three, as required by law.

Students Attending Private School at Parent Expense

As a matter of Massachusetts law, *the school district where a student lives* is responsible for evaluating and determining whether a student is eligible for an IEP.

However, when a parent of a non-resident student attending a private school in the City of Fall River requests an evaluation, it is recommended that Fall River Public Schools consult with the district of residence, assuming parent consent to the exchange of information. *Parents can choose to have the district of residence or FRPS conduct the evaluation.*

If the private school the child attends makes the initial referral for evaluation, ***the Principal of the private school or designee should contact the Special Education Supervisor and Team Chair for private schools to initiate the referral process.*** The process described in the above School Referral section should be followed.

If the parent of a student attending private school initiates the referral for special education, the process described in the above Parent Referral section should be followed.

The private school staff will also be asked to submit information needed to complete the evaluation including but not limited to school history, data from attempted interventions, and current presentation in the school setting. This information will be part of the students special education record and considered by the Team as part of the eligibility process. The information should be comprehensive, data driven and should identify the area(s) of suspected disability.

Upon receipt of a signed consent, the district will move forward with the evaluation process ***(see page 12).***

If Parent's Response to the Evaluation Consent Form is not Received:

The district will make additional attempts to obtain a parent's response to an evaluation consent using multiple means of communication. All attempts will be documented in the Notice

of Proposed District Action including the date and mode of communication.

- The Special Education Clerk will contact the family via email and parent square after 10 school days.
- If the consent for evaluation is not returned after 15 school days, the special education clerk will notify the Special Education Supervisor who will then follow up with the family to inquire if there are any questions or if an additional copy is needed.
- If a parent does not return the initial evaluation consent form within 30 calendar days, On the 31st day, the special education clerk will send a second copy of the evaluation consent form, Notice of Proposed Action and Notice of Procedural Safeguards to the parent/guardian for signature via docusign and follow up with a phone call.
- If parental consent is not received within 30 calendar days after the 2nd attempt (60 days total), the special education clerk will notify the Special Education Supervisor. Additional efforts and means to obtain parental consent will be made and documented.

- **For initial referrals only,** after 90 days have passed and multiple attempts through multiple means have been made without a response to the proposed evaluation from the parent, ***the district will consider this lack of response as a refusal to consent to special education evaluation.*** The **Special Education Supervisor** will send a Notice of Proposed Action documenting the district's efforts to obtain consent and next steps should a parent wish to pursue an evaluation moving forward. *If the District determines that such action will deny the student a Free Appropriate Public Education (FAPE), the district may seek resolution through the Bureau of Special Education Appeals (BSEA).*

- **For re-evaluations** - The special education department will follow a similar procedure for re-evaluation consents. However, after 90 days have passed without a response to the proposed evaluation from the parent, given multiple attempts through multiple means, the **Special Education Supervisor** will attempt to seek resolution through the Bureau of Special Education Appeals (BSEA).

- ***All attempts to obtain consent must be documented in an Notice of Proposed Action including the date and mode of communication and placed in the student's special education file.***

Receipt of Consent at End of School Year

If a signed consent is received within 30 school days of the end of the school year, the district is required to complete the evaluation by the 30th school day so that a team meeting can be held to determine eligibility and allow for the proposed IEP or the written notice of the Finding of No Eligibility be provided to the parent(s)no later than fourteen (14) days after the end of the school year. *In the rare circumstance that a parent agrees to delay these timelines due to*

unforeseen circumstances or parent request, this agreement must be documented in the writing using a Notice of Proposed Action form.

For consents received with fewer than 30 school days remaining in the school year, the timeline for completion starts at receipt of consent, stops on the last day of school, and re-starts at the start of the following school year.

Evaluation Process

Initial Evaluation

Evaluations of the student must be conducted in all areas of suspected disability in order to determine eligibility for Special Education. Eligibility must not be based on a lack of reading or math instruction or on a student's Limited English Proficiency (LEP).

Evaluations should be tailored to the specific referral questions for the individual student and address whether or not the student has a disability, if the disability affects the student's ability to make effective progress, and if the student requires specially designed instruction. The evaluation must be administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

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

FRPS Required Assessments

- An assessment in all areas related to the suspected disability.
    - If a learning disability is suspected, an observation of the student by someone other than the classroom teacher is required (SLD 4 observation form must be completed. The SLD 4 observation form can be found in Aspen).
- An Educational Assessment (Educational Assessment Part A and B) by a representative of the school district, including:
    - 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;
    - an assessment of the student's attention skills, participation behaviors,

communication skills, memory, and social relations with groups, peers, and adults.

- Transition Assessment for students age 14 or older
- A Developmental History (initial referrals only)
- *Observation of Student in setting related to the area (s) of concern*

Additional Assessments Depending on Area of Suspected Disability

The Team may recommend or a parent may request one or more of the following if the student is suspected of a having a disability in the following areas:

- *Specialist Assessment(s)* - Speech/Language, Occupational Therapy, Physical Therapy, Social Skills, Continuous Supervision, Functional Behavioral Assessment
- *Psychological Evaluation* - may include cognitive assessment and behavior rating scales depending on the area of suspected disability
- *Academic Achievement Assessment* – these are not the same as "educational evaluation" and must be consented to separately. This assessment examines the child's academic skills and performance compared to same-age peers.
- *Home Assessment* - The Team should request this if there are significant concerns related to the home or family environment as they affect a student's school performance.
- *Health Assessment* - A comprehensive health assessment by a school nurse that identifies medical problems or constraints that may affect the student's education.

Re-Evaluations

A re-evaluation will be conducted for each student with a current IEP every three years, or more frequently if requested, (not typically more than once a year unless agreed upon by the District and parents) in all areas of suspected disability. The district may request that a parent waive particular types of assessment(s). The parent may consent to waive the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver. ***When there are school-based recommendations for waived assessments, the Special Education Supervisor or Team Chair should contact a parent/guardian directly to discuss the waiver process and rationale.***

If the District suspects that a student is no longer eligible for special education services based on observable and/or measurable progress, then a re-evaluation that includes formal testing in the area of need must occur to change the previous determination of eligibility. The student should continue to receive special education and/or related services until the evaluations are completed and a Team meeting is held with the exception of graduation with a regular diploma or aging out. For those students, the District must provide a summary of academic and functional performance, including recommendations on how to assist the child in meeting

postsecondary goals.

Once the District receives the signed evaluation consent form, the **Special Education Clerk** will notify all members of the Team that they may begin their evaluations.

- **Each member of the Team is responsible for scheduling and completing their assessment(s)according to the timelines required by law.**
- Evaluation reports must be available at least two school days prior to the Team meeting.
- A Team meeting will be held within **45 school days** of the received signed consent to review the results for the evaluations and determine eligibility for special education. ***Team meetings will be scheduled by the Team Chair or the facilitator of the meeting prior to the 45th school day after the signed consent was received and parents will be notified.***
- ***The District will send a meeting invitation and attendance sheet to parents at least 10 days prior to the scheduled meeting unless the parent agrees to waive the 10 day notification in writing.***

Evaluation Reports
All evaluation reports should be written in clear, concise and jargon-free language. ***If the primary language is not English, the reports shall be translated by the evaluator*** into the parent's native language.

Evaluation reports should summarize and interpret results, including educationally relevant recommendations to support the student's participation and progress in the general education curriculum. This information will help the Team determine eligibility and identify appropriate services based on the student's present level of performance and areas of need arising from the student's disability. The Team deciding on eligibility must rely on a variety of assessment measures, current performance, and parent input when determining whether the student is eligible for special education. ***Eligibility must not be based on lack of reading or math instruction or Limited English Proficiency.***

Parents can request special education evaluation reports by checking the appropriate box on the evaluation consent form or by calling the district's special education office. When requested, evaluation reports will be emailed to parents in their primary language.

District evaluators are responsible for uploading their reports, including translated copies, into Aspen under the documents section of the student's special education file.

Extended Evaluations (EE)

An Extended Evaluation should be used when evaluation information is not sufficient to develop an IEP and should not be used to deny programs or services determined necessary by the Team. ***In order to consider an Extended Evaluation (EE), the Team must have determined the student is eligible for special education services.***

The Team may recommend an Extended Evaluation under *the following circumstances:*

- The Team found the student eligible for special education and developed a partial or full IEP but recommended further assessment. (Once the parent accepts the partial or full IEP, services must be implemented immediately)

If the parent accepts the recommended extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to complete an IEP when the evaluation is complete (not to exceed 8 school weeks).

Private/ Outside Evaluations at Parental Expense

<u>For Students Not Yet Eligible for Special Education:</u>
If a student has not already been identified as being eligible for special education services, Fall River Public Schools considers the outside evaluations completed at private expense as a referral for special education. **Upon receipt of a private evaluation report, the Special Education Supervisor or designee will contact the parent to discuss the evaluation process and their concerns. From there, the district will follow the process for a parent referral as outlined in the Parent Referral section of this document.**

Fall River maintains its right and responsibility to perform an evaluation, if necessary and appropriate. The results of the outside evaluation will be *<u>considered</u>* as part of Fall River's comprehensive review of all documents relevant to the student's educational performance. Consideration of an outside evaluation at any time does not replace the Fall River Public Schools' responsibility for conducting an evaluation to determine special education eligibility. All efforts will be made to avoid repeated use of assessment tools. If a decision is made to waive any assessment, the Special Education Supervisor will send a request for Waiver of Assessments form.

<u>For Students Currently Eligible for Special Education:</u>
Parents may at any time elect to have their child evaluated by an outside evaluator at parent expense. When parents present the school with an outside evaluation report for a student with an active IEP, the Team must reconvene to consider the outside testing within 10 school days of when the district receives the report. The parents must provide the Team with a complete copy

of the written report in order for the Team to consider the recommendations and hold a meeting. *Consideration of an outside evaluation at any time does not replace the Fall River Public Schools' responsibility for conducting an evaluation by district staff.*

Independent Educational Evaluations (IEE)

If a parent disagrees or rejects any or all evaluations conducted by Fall River Public Schools, the parents may request an Independent Education Evaluation (IEE) in any or all areas assessed by the District. ***If the parents/guardians choose to request an IEE, they should put their request in writing indicating what assessments they disagree with or reject.*** Upon receipt of an IEE Request, the Team Chair or school personnel should immediately notify the Special Education Supervisor and the Special Education Administrative Assistant. After the written request is submitted to the District, the District has 5 school days to respond to the parent's request. If these requests are made to school staff, they should immediately notify the Special Education Department to ensure compliance with timelines.

Parents receive an IEE at full or shared public expense if they meet income eligibility requirements. Students who are eligible for free or reduced-cost meals are entitled to an IEE at public expense. Other students are eligible for a shared cost IEE according to a sliding fee scale. Sharing financial information with the school district is completely voluntary on the parents' part. If they choose to share such information, Fall River must notify the parents in writing whether or not they are eligible for full or partial funding of an IEE and proceed to fund the IEE based on eligibility. ***Parents' right to a publicly funded IEE through Massachusetts' sliding fee scale mechanism extends for 16 months from the date of the school district's evaluation with which the parents disagree.***

If the parents do not meet income eligibility requirements or chooses not to disclose financial information, Fall River must consider the request for a publicly funded IEE under federal law. Within 5 school days of the parent's request, the district may either agree to provide an IEE at public expense or request a hearing at the Bureau of Special Education Appeals (BSEA) to demonstrate that the evaluation conducted by the district was comprehensive and appropriate.

If Fall River agrees to fund all or part of an IEE, the Special Education Administrative Assistant will contact the parent with a letter where they will be asked to identify which provider they have chosen. Once this information is received from the parent, Fall River will generate a contract and send to the parent's identified provider specifying how much Fall River will pay for the IEE. This letter also indicates that the IEE shall be conducted by a qualified person(s) who abides by the rates set by the Massachusetts Executive Office of Health and Human Services. The provider is to return the signed agreement to Fall River Public Schools prior to evaluation.

Within 10 school days of receipt of the IEE report, the Team must reconvene to consider the

findings of the IEE.

The Team Process

Team Members

The following required members of the IEP Team (individuals may serve in more than one role if they are qualified to do so):

- The student's parent(s)/ guardian (s);
- A district representative who has the authority to commit district resources;
- At least one general education teacher who is familiar with the student (if the student is, or may be participating in the regular education environment);
- The student if age 14 or older within the IEP period;
- At least one special education teacher or related service provider
- An individual who can interpret evaluation results

Additional members as needed include:

- A representative of any public agency who may be responsible for providing or paying for transition services.
- Other individuals who have knowledge or expertise regarding the student.
- Other individuals at the request of the student's parents/guardian.

Required Team members must attend the Team meeting in person unless:

- The parent(s) and the District agree in writing that the Team member's attendance is unnecessary because the member's area of curriculum or related services is not being modified or discussed or
- The parent(s) and the District agree in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the IEP Team prior to the meeting to the extent possible.
- The district and the parent agree to use an alternative means of participation, such as video conferencing and conference calls, to conduct the Team meeting.
- In the event that an excused team member is unable to provide written input into the development of the IEP prior to the meeting, the district will arrange a follow up discussion to discuss the appropriate sections of the IEP at a mutually agreed upon time.

Fall River Public Schools is committed to encouraging parent involvement throughout the Team process. The District values parent input and participation in all meetings related to Special Education eligibility and IEP development, and placement decisions. Every effort will be made to afford parents the opportunity for meaningful participation in these Team meetings, including but not limited to video or conference calling and providing interpreters for individuals who are Deaf or Hard of Hearing or whose primary language is not English.

With the help of various stakeholders including parents, staff and community partners, the Special Education Joint Labor Management Committee created a letter to support parent's participation in Team Meetings. The letter includes some guiding questions for parents to consider prior to meeting. The Parent Engagement in IEP meetings letter, which will be translated as needed, will be sent to families with meeting invitations.

IDEA Part B 300.322 (b) allows districts to conduct meetings without a parent in attendance. Given such permission, it is important to note that the district may proceed with the IEP or placement meeting ***if the parent/guardian does not attend on the 3rd scheduled attempt*** *to convene the IEP Team.* In this case, the district will document its prior attempts to arrange the meeting and include this documentation in the student's special education file. This documentation will include records of telephone calls and the results, copies of correspondence sent to the parent and/or other means used to contact the parent.

Team meetings are projected to last approximately 1-1 ½ hour(s). Staff should be mindful of all participants by being on time, remaining on topic, presenting information in a clear, concise manner, and allowing everyone the opportunity to participate in the discussion if they chose to. If the Team feels that they have not covered all necessary facets of eligibility, IEP development and placement, the TEAM may agree to extend the meeting or reconvene to continue the conversation.

Meeting Invitations:
When a meeting is scheduled parents will receive a Meeting Invitation and Attendance Form at least 10 school days prior to the meeting date. The invitation will state the purpose, time, and location of the meeting as well as who will be in attendance. Parents can waive the 10 school-day notice requirement and agree to have the meeting earlier.

Determining Eligibility for Special Education

The Special Education Eligibility Flowchart has been designed by the Massachusetts Department of Elementary and Secondary Education (DESE) to assist Teams in making eligibility determinations. It is necessary to complete this form as a collective group at the Team meeting. The eligibility flowchart is part of the student's special education record.

To be eligible for special education services,

- **A student must first be found to have a disability AND**
- **As a result of the disability, the student is unable to progress effectively in the general education programs without specially designed instruction and/or access the general curriculum without one or more related services.**

(all conditions must be met to determine eligibility)

Determining Disability:

Utilizing evaluation results, response to intervention, current performance, parent input, and any other relevant factors, Teams must determine if a student meets the criteria for one or more disabilities as defined by DESE under 603 CMR 28.0(2):

Disability categories and definitions include:

Autism
A developmental disability significantly affecting verbal and nonverbal communication and social interaction.

The term shall have the meaning given it in federal law at 34 CFR 300.7.
(i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.

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

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

Emotional Impairment
As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following

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

Health Impairment

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

Intellectual Impairment

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

Neurological Impairment

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

Physical Impairment

The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital

anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student's educational performance.

Sensory Impairment
The term shall include the following:

Hearing — The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorily-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

Vision — The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.

Deaf-Blind — Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

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

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

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

Additional Forms Required for Suspected Specific Learning Disabilities (SLD) Determination
When a specific learning disability is found to be the primary disability impacting a student's ability to access and progress in the general curriculum, a specific set of forms 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, finally, a team determination of eligibility that all Team members must sign.

Effective Progress

The Team must make a decision on whether the student is making effective progress in the general education program. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the districts and vocational programs and activities.

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

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

When considering if the student has made effective progress, the Team must specifically look at whether the disability(ies) is causal to an inability to make progress. Such a finding is pivotal in the eligibility determination. The law clearly states that students may not be determined eligible solely because of a need for reading or math instruction or because of limited English proficiency or social maladjustment.

Lack of Progress

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

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

Specially Designed Instruction

The IEP Team must determine if the student with a disability requires specially designed instruction to make effective progress in school.

Specially Designed Instruction consists of adapting content, methodology, or delivery of

instruction to support to meet a child's unique educational needs and to ensure that the child can access the general curriculum and meet grade level standards. Specially designed instruction is an absolute requirement for students found eligible for special education. Related services necessary to access the general curriculum are considered special education and may be provided alone, or in combination with specially designed instruction. *The need for accommodations in the school setting does not automatically mean a student is eligible for special education.*

Determinations include:

1. Eligible: The student is eligible, 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 the student is eligible. If the Team determines the student is an eligible student, the Team shall develop an individual education program (IEP) and determine placement in the least restrictive environment.

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.

2. Not Eligible:
    a. The student is not eligible after an initial evaluation. If the Team determines that the child is not eligible, the Team Chair shall provide written notice to the parent(s) of the team's finding of no eligibility in the form of an Notice of School District Refusal to Act (N2), and the parent/ guardian's rights in accordance with federal requirements within 10 days of the Team meeting.
    b. The student is not eligible after a reevaluation evaluation. If the Team determines that the child is not eligible, the Team Chair shall provide written notice to the parent (s) of the team's finding of no eligibility in the form of an Notice of Proposed Action (N1), and the parent's rights in accordance with federal requirements within 10 days of the Team meeting. If as a result of a re-evaluation a student is found no longer eligible by the Team, the end date of services must allow 30 days for the parent/ guardian to seek resolution or respond in the event of a disagreement with the finding of no eligibility.The end date of service may be adjusted to consider impact on schedules at the secondary level. The end date should be clearly identified in the Notice of Proposed Action form.

Decision making at Team meetings Team is based on consensus, not majority votes. The

Team should come to consensus regarding each component of the Eligibility Determination process, IEP development and placement decision. When disagreement arises, the Team must make a good faith effort to review available data, discuss differences and agree on the decision as a group. If the Team still has not reached consensus on a component of the IEP after a good faith effort to address differences, it is the sole responsibility of the Team Chair or meeting facilitator to make the decision and proposal for the Team.

Facilitation of Team Meetings

The Chair of any team meeting will go through the following steps in facilitation:

1. Review the agenda including the purpose and flow of the meeting

2. Present the Attendance Form and ask Team members to initial next to their name and introduce themselves and their role on the Team. If any team members are participating virtually, the Team Chair will confirm parent's approval of their virtual participation and note the virtual participation on the Attendance Form.

3. If the parent(s) has agreed to waive the participation of any *required team member*, the chairperson will have the parent sign an Attendance Waiver Form to document this agreement.

4. Parents should be offered a copy of the Procedural Safeguards at the conclusion of all team meetings. Please note the parent response on the bottom of the attendance form.

Considerations for Initial or Re-evaluation Team Meetings:

- *Fall River Public Schools expects evaluation reports to be briefly summarized* by the individual who completed the assessment or someone who is able to interpret the report. These summaries should include an general overview of the student's performance on the assessment(s), the impact of the results on the student's ability to access and make progress in the general education curriculum, and educational relevant recommendations that were made as a result of the assessment.

- *Teams **will not** go through each page/section of all the assessments in detail since all members including parents can access the full report prior to the meeting or at any time in the students special education records. It is expected that each summary will take approximately 10 min or less to leave sufficient time for the Team to get through the remaining components of the meeting and develop a meaningful IEP, if needed.*

- The Team Chair or designee should document evaluation results on the Eligibility Flowchart.

- If a signed evaluation consent form is received within 30 days of the end of the school year, the district is required to complete the evaluation and hold a team meeting to determine eligibility and allow for the provisions of the proposed IEP or written notice of the Finding of No Eligibility to be to sent to the parent(s)no later than 14 days after the end of the school year.

Considerations for Annual IEP Review Meetings

- *IEP teams are required to review, revise, and propose a new IEP at least once annually* for each eligible student. **The Team must review/discuss all components of the IEP during the annual review meeting.**

- Fall River Public Schools encourages annual review meetings to be scheduled 30 days prior to the IEP expiration date. A meeting invitation with a proposed date and time for a meeting will be sent to the parent(s) at least 10 days before the scheduled team meeting, unless the parent(s) waive the required ten-day-notice time in order to schedule and attend a team meeting sooner.

- **For IEPs expiring in September of the following school year,** annual review meetings should be scheduled at least 30 days prior to the end of the current school year, giving enough time for completion of the annual review process and production of an IEP before the end of the school year. This allows the Team who knows the child best to develop the IEP for the coming school year.

- **Teams are encouraged to utilize a draft** of the proposed IEP in Aspen to support efficient meeting facilitation and flow. Through Team discussion and parent and student input, edits should be made on the draft IEP. To the greatest extent possible, drafts should be projected on the screen for the team to review. The district strongly recommends bulleting proposed changes directly in the draft during the team meeting. The meeting facilitator is responsible for taking notes on key information not contained in the IEP

- All printed copies of the draft IEP will be collected by the meeting facilitator at the end of the annual review team meeting.

IEP Development

Upon determining the student is eligible for special education, the Team shall develop an Individual Education Program (IEP). The IEP is a written document developed for each student who is eligible for special education. The IEP is created through Team collaboration and reviewed at least annually. It outlines the student's specific learning needs, the services the school will provide to meet those needs, and how progress will be measured. The IEP should always be written to align with the student's unique educational needs and enable the student to make appropriate progress in the general education setting in light of the student's circumstances.

A primary purpose of the IEP is to identify the disability related supports and services the student must have to access the general education curriculum and make effective progress in the classroom. The ultimate goal of our special education program is to prepare students with disabilities for independent adult life, post-secondary education and/or meaningful employment.

IEP Development is *a **student driven** process.*

- The IEP must be centered around the services and supports required due to the identified disability(ies).
- The IEP document helps educators and parents to understand how the student learns, how the student best demonstrates that learning,.
- The IEP should reflect coherence with each element connecting to the next.

When developing an IEP, the Team will:

- Include elevated student voice and parent input in support of student voice
- Take a strengths based approach
- Focus on the student's future goals and the services/supports needed to achieve them
- Consider how the student's disability(ies) affect the student's learning and participation in the life of the school
- Use data to discuss a student's current level of performance and develop appropriate goals
- Identify services and supports *based on only the areas that are affected by the student's disability(ies)*
- Identify attainable goals for the designated IEP period (usually 1 year)
- Maintain high expectations for the student that include increasing independence
- Stay as close as appropriate to what the student's peers are learning and doing
- Consider least restrictive environment (LRE) for all students
- Promote effective student and parent engagement through respectful and proactive conversations

The Team should collaborate to develop the IEP. The **Team Chair or Related Service Provider** will guide the development of the IEP and placement. The *Team Chair will support special education teachers and service providers in the development of the proposed IEP*. Special education teachers and related service providers are responsible for updating the draft IEP based on discussion during the IEP meeting and creating the Notice of Proposed Action for the annual meeting. Once reviewed and revised, the ***Team Chair will notify the Special Education Supervisor, who will review the proposed IEP and sign as the Local Education Agency (LEA) representative.*** *It is expected that the development, review, and revision of the IEP and required forms will be completed by the appropriate staff in accordance with special education regulations.*

Within 5 school days of the team meeting (day 1 is the school day after the meeting), the parent/ guardian must have the IEP, translated if necessary, a notice of proposed action (N1), and a placement page (except in the case of a proposed partial IEP and Extended Evaluation).

- Per 603 CMR 28.00: "Immediately following the development of the IEP, the district shall provide the parent(s) with two copies of the proposed IEP and Placement. Immediately following is defined as 5 school days. Day 1 is defined as the day following the IEP meeting."

In addition, in the case of an initial evaluation or reevaluation, the proposed IEP, placement, and notice of proposed action (N1), must also be provided to the parent/ guardian within 45 school days of the District's receipt of the parent/ guardian's signed consent to evaluate.

Components of the IEP

Title of IEP Section	*Brief Explanation*
Administrative Data Page	• Contains personal/contact information regarding the student and parent/guardian. • Should be updated at any meeting that produces an IEP, an IEP Amendment, or an Extended Evaluation Form.
Student and Parent Concerns	• Focus on the student's concerns and needs first • Include parent concerns too • *Related to the student's disability and impact the student's progress in education.*
Student and Team Vision	• Contains 2 sections broken down by age of the student

	• Student voice is important here - for younger students or those with communication difficulties pictures, choices, or other supports can be provided to obtain this information prior to the Team Meeting • Team vision is in response to and support of the student's vision • The development of the IEP should be guided by the student's vision
Student Profile	• Identifies the student's disability (ies) for which they require special education services • Identifies if the student is an English Learner (EL) • Identifies if the student requires an assistive technology device or services (IEP team should have evidence collected through assistive technology evaluations to support the decision to provide the student with assistive technology)
Present Levels of Academic and Functional Performance (as called Present Level pages)	• There are 4 Present Level pages each containing information related to a specific area (areas = Academics, Behavioral/Social/Emotional, Communication and Additional Areas) • Each Present Level page contains information about the student's strengths, areas of need, and the impact of their disability on the specific area. • Considerations related to skills and proficiencies respond or avoid bullying and those skills specific to Autism as well the need for augmentative and alternative communication devices are included within these pages as needed. • If the student's disability does not impact any of the four areas it should be listed as N/A rather than left blank • When including information from evaluations, the Team should include ***the key conclusions rather than repeating extensive details that can be easily found by reading those evaluations separately***. All evaluations reports are contained in the student's special education file and can be accessed by appropriate staff.

	• Additional Areas include other areas relevant to the student's disability, such as activities of daily living, health, hearing, motor, sensory and vision.
Postsecondary Transition Planning - This section is outlined by a dotted line and is only completed for students ages 14-22 (includes students turning 14 before the end of the IEP period) and includes: - Community and Interagency Connections - Transfer of Rights to the Student - Decision-Making Options for Students - Transition to Adult Service Agency or Agencies- 688 Referral	Transition Planning: • Transition planning is designed to help students with disabilities successfully transition from high school to postsecondary education, vocational training, employment, and independent living. • Transition needs are discussed annually at the Team meeting • For any student approaching graduation or the age of 22, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Special Education Supervisor or designee makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services • Students are actively involved in this transition planning and encouraged to attend their Team meetings beginning no later than age 14. • If the child requires services or courses necessary to reach the goals, IEPs must have measurable post-secondary goals related to training, education, employment, and as necessary, independent living.
	Community and Interagency Connections • The purpose of this section is to promote coordination and communication between the school and the community or agency providers. • Includes the agencies and community organizations the student is working with as part of their transition from secondary school. • if this section does not apply to the student, "Not applicable" should be noted Transfer of Rights to the Student • Under IDEA, rights and responsibilities related to special education transfer from the parents to the student once they reach the age of majority or become legally emancipated. The

	age of majority is 18 in Massachusetts. ● IEP Teams should use this section to document if and when the transfer of rights notice was provided to the student and parent(s). Decision Making Rights ● At the age of 18, Teams must identify the decision making option decided by the student or a court appointed legal guardian ● If no option is selected at the time of the meeting, leave this section blank ***Parents will continue to receive written notices but will no longer have decision making authority unless one of the following occurs:*** ● Parents receive guardianship of the student from the court. ○ A court has appointed a legal guardian for the student who will make educational decisions. The court appointed guardian will be identified on the IEP form. If the guardianship process is started but not completed by the student's 18th birthday, the student will be presented with the transfer of rights form to make a selection. *Once documentation is received, the student's decision-making selection will be changed to the identified court appointed guardian.* ● A student elects to share decision-making with the parents or other adults, including allowing them to co-sign the IEP; this choice must be made in the presence of the Team and documented in writing. ○ If a student elects to share decision-making with a parent, caregiver, or other adult and there is a disagreement between the parties, the school must honor the choice of the student. ● A student elects to delegate decision-making to the parents or other adult; this choice must be made in the presence of the Team and documented in writing. Transition to Adult Service Agency or Agencies- 688 Referral

	In Massachusetts, 688 referral refers to the process of transitioning qualifying students with disabilities from the K-12 educational system to an adult services agency. To complete this section, IEP Teams should: ● Determine if the student is within two years of exiting special education services. ● Determine if the student meets the criteria for a 688 referral. Eligibility criteria can be found on the Department's Chapter 688 webpage. ● Document when the 688 referral was or will be made or, if the student does not meet the criteria for a 688 referral. ● Finally, if a 688 referral has been submitted, identify the agency to which the referral was made. Other agencies that may support Fall River residents include but are not limited to (Department of Developmental Disabilities (DDS), Massachusetts Commission for the Blind, Department of Mental Health (DMH), Massachusetts Rehabilitation Commission (MRC), Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), Fall River Family Service Association (FRFSA), Community Autism Resources, and Community Behavioral Health Initiative (CBHI).
Accommodations: Are changes made to provide a student access to the general education curriculum by addressing barriers or challenges and level the playing field so students can fully participate in educational activities.	● Content and standards of the curriculum are NOT changed ● Accommodations are categorized according to ○ Presentation of instruction - how information is provided to a student (this is statistically the most frequent accommodation) ○ Student response - how a student will provide information to the teacher or others ○ Timing and/or scheduling - altering time allocations or the schedule for a student AND ○ Setting and/or environment - change in the environment for a student Considerations are made for the classroom, non academic settings, extracurricular activities (connected to the life of the school) and community/workplace (for transition and independence)

Modifications Are changes to the curriculum, instruction and/or assessment directly tailored to individual needs and match the student's abilities and learning goals. approaches, curriculum.	• Changes differ significantly in frequency, duration, and intensity from those provided to grade and age-level peers • Modifications are categorized according to ○ Content - "what" the student is learning. Content modifications moves students away from grade level standards and should NOT be used for most students ○ Instruction - "how" the student is receiving instruction. This section is the core of special education - it should never be blank AND ○ Student output - "How" the student demonstrates what has been learned (unique to that student) Considerations are made for the classroom, non academic settings, extracurricular activities (connected to the life of the school) and community/workplace (for transition and independence) *Both accommodations and modifications are individualized based on the student's specific needs resulting from their identified disability(ies).*
Assessments Alternate Assessments	• Students with disabilities may be eligible for accommodations during state or district-wide assessments if they meet requirements and are using the accommodations consistently in the school setting • Allowable assessment accommodations can be found on the DESE website. Team should utilize the DESE guidance to determine if a student is eligible to receive an accommodation on State and District assessments • A small number of students with the most significant disabilities who are unable to take the standard tests even with accommodations may be eligible to participate in alternate assessments, such as the MCAS Alternate Assessment (MCAS-Alt). • The determination of which students may be eligible to participate in the alternate assessments is done utilizing the

	DESE criteria for MCAS-Alt. MCAS Alt Form.pdf A DESE MCAS Participation Form must be completed and given to the principal to upload in the DESE portal. The IEP Team must explain why the student needs the specific alternate assessments and why the alternate assessment is appropriate for the student. DESE carefully monitors the use of the MCAS-Alt Assessments across the State. ***In considering whether the MCAS-Alt should be used with the student, it is important for the parent and/or the student to be informed of how participation in the MCAS-Alt may delay or otherwise impact the student's ability to complete the requirements for a high school diploma. Specifically, the MCAS-Alt assesses learning standards that are below the expectations needed to obtain a regular high school diploma in Massachusetts. Students who participate in the MCAS-Alt Assessment typically receive a Certificate of Completion rather than a high school diploma upon graduation or at the age of 22.***
Measurable Annual Goals	• The information contained in the Present Level pages of the IEP should be used to write annual goals that are directly related to the student's disability • Goal Area = the disability related skill not the class or content (Ex. reading comprehension not ELA) • Baseline refers to the student's current level of performance or skill in the targeted area. It serves as a starting point for measuring progress toward the annual goal and is determined through assessments, observations, or other data collection methods. • *Goals are written in a structured format of five columns identifying;* 1. Targeted Skill - what skills will the student be expected to attain by the end of this IEP? 2. Criterion/Criteria - What measurement will be used to determine if the goal is achieved? 3. Method - How will progress be measured? 4. Schedule - . How frequently will progress be measured? 5. Person(s) Responsible - Who will monitor progress? • Multiple people can responsible for a goal

	Ex. Given a teacher selected topic, student will write (skill) at least 5 complete sentences independently (criteria) in 7 out of 10 writing prompts (method) across a quarter (schedule). Person responsible Special Education Teacher and OT.
Short-Term Objectives or Benchmarks	• If baseline information are the starting points and the goals are the endpoints, then the objectives or benchmarks should be thought of as the steps between the starting and end points. • **Objectives** break skills within the annual goal into discrete components, and **benchmarks** describe the amount of progress a student is expected to make within a specified segment of the IEP period. • Benchmarks establish expected performance levels that allow for regular checks of progress that coincide with progress-reporting periods. • Both lay out sequential, logical steps towards reaching the annual measurable goal. Depending upon the needs of the student and the makeup of the goal, the IEP Team may break down the goal into objectives, benchmarks, or a combination of the two.
Service Delivery	• 3 sections for service delivery: 1. Grid A consultation - identifies collaboration between school staff, stakeholders, and parents related to the student progress in school 2. Grid B - identifies the frequency and duration that the student will receive direct services related to their IEP goals within the general education classroom. *Important: duration of services in grid B do not equate to total minutes of a class. With the general education classroom, students need time to collaborate with peers, practice taught concepts, and gain independence. If B grid services account for the total minutes in the classroom, the Team may be over disabling a student which is not the goal of special education. Instead* **Teams should consider how much time the student receives <u>specially designed instruction in the goal areas</u>** to determine frequency and duration of services in the classroom.

	3. Grid C - identifies the frequency and duration that the student will receive direct services outside of the general education setting. C grid services refer to services that can not be provided within the classroom setting and the Team must explain why the student will not participate in the general education setting given supplemental aides and supports. **C grid services are not used to provide more of the same instruction as the student receives in general education but just in a small group;** this type of service can and should happen in the general education setting.
Schedule Modification	● There must be a clear statement justifying why removal from the general education classroom or a modified day is required for a particular student. ● This decision must be reviewed by the IEP team at least once per year.

Transportation

The Team shall determine *whether the student requires transportation because of his or her disability in order to benefit from special education.*

How does DESE define transportation for IEP Teams?

(a) Regular transportation. ***If the student does not require transportation as a result of his or her disability, then transportation shall be provided in the same manner as it would be provided for a student without disabilities***. In such a case, the IEP shall note that the student receives regular transportation, and if the school district provides transportation to similarly situated students without disabilities, the eligible student shall also receive transportation.

1. If **regular transportation** is noted on the student's IEP and the ***student is placed by the school district in a program located at a school other than the school the student would have attended if not eligible for special education, the student is entitled to receive transportation services to the program.*** In this case, this is still considered regular transportation.

2. If regular transportation is noted on the student's IEP and the student is enrolled by his or her parents in a private school and receiving services the student is ***not*** entitled to transportation services unless the school district provides transportation to students without disabilities attending such private school.

Note: Transportation is available to all special education students attending Fall River Schools PreK programs regardless of disability based need. This transportation is specific to the preschool program and, as such, not guaranteed for Kindergarten. There are no stay put rights to transportation after the student leaves preschool. Transportation eligibility for Kindergarten - graduation/completion of high school, is determined yearly according to DESE regulations.

(b) **Special transportation:** If the Team determines that the student's disability *requires transportation or specialized transportation arrangements in order to benefit from special education*, the Team shall note on the student's IEP that the student requires special transportation. In such circumstances, transportation is a related service.

Note: <u>Corner to Corner transportation (formally door to door)</u> *is a stop defined as the student's home address. Please be reminded that this means that the bus will go to the street closest to the home address or the nearest accessible point by bus. Address stops are only granted to students eligible for special education based on accommodation in an IEP. A child who is authorized for an Address Stop is required, as is any other child, to be at the stop, out on*

the sidewalk, 10 minutes before the posted pickup time. Sounding of the Horn is prohibited by Massachusetts State Law.

When does a student qualify for specialized transportation?
Decisions on specialized transportation should be made ***using data or evidence consistent with the nature of the students' individual needs and due to their disability.*** *An IEP, age, parent preference, and distance from their neighborhood school does not automatically qualify a student for specialized transportation services through special education.*

The Team shall determine necessary modifications, special equipment, assistance needed on vehicles, and any other particular precautions required by the student and shall document such determinations in the student's IEP. ***If specialized arrangements can be provided on regular transportation vehicles, the school district shall make such arrangements since, as with other services, transportation should be provided in the least restrictive environment that is appropriate to meet a student's needs.***

Extended School Year

All children have the potential to regress or lose progress, forget or revert to previous behaviors to some extent between school years. *However,* ***only those who meet the following criteria qualify for ESY programs or services:***

1. The student has demonstrated or is likely to or demonstrate substantial regression in his or her learning skills and/or experiences substantial difficulty in relearning such skills if an extended program is not provided.

2. The student demonstrates significant regression/recoupment status over short-term vacation periods or other breaks in his/her education during the school year.

DESE interprets a child's difficulties with recoupment to be an aspect of significant regression. Regression and recoupment consist of the following:

1. Loss of performance levels that were attained before a break in service
2. The child's limited learning rate, which lengthens the amount of time the child requires to review and/or relearn previously obtained skills
3. The time it takes for the child to accomplish such recoupment is greater than the period of time the school district allows all other children for review and/or relearning.

Along with significant regression and limited recoupment, the Team may also consider if:

1. There is lack of progress in meeting short-term objectives over two marking periods, resulting in little or no progress made over the school year,
2. There are significant regression/recoupment problems over short-term vacation periods or other breaks in the school year, and /or
3. The unique nature of any specially designed instruction or related services due to the disability of the student requires such extended school year programming.

Extended School Year Transportation Services

After the IEP Team has determined that a student is eligible for ESY services, they must then determine if the student requires any transportation services for ESY based on the disability-related needs of the eligible student. IEP Teams should use the guidance from the previous transportation section of this document to determine if the student is eligible for ESY transportation.

Decisions about ESY and ESY Transportation eligibility are made yearly as part of the team process. **Data must be collected and presented to the Team to determine if a student is eligible for ESY.**

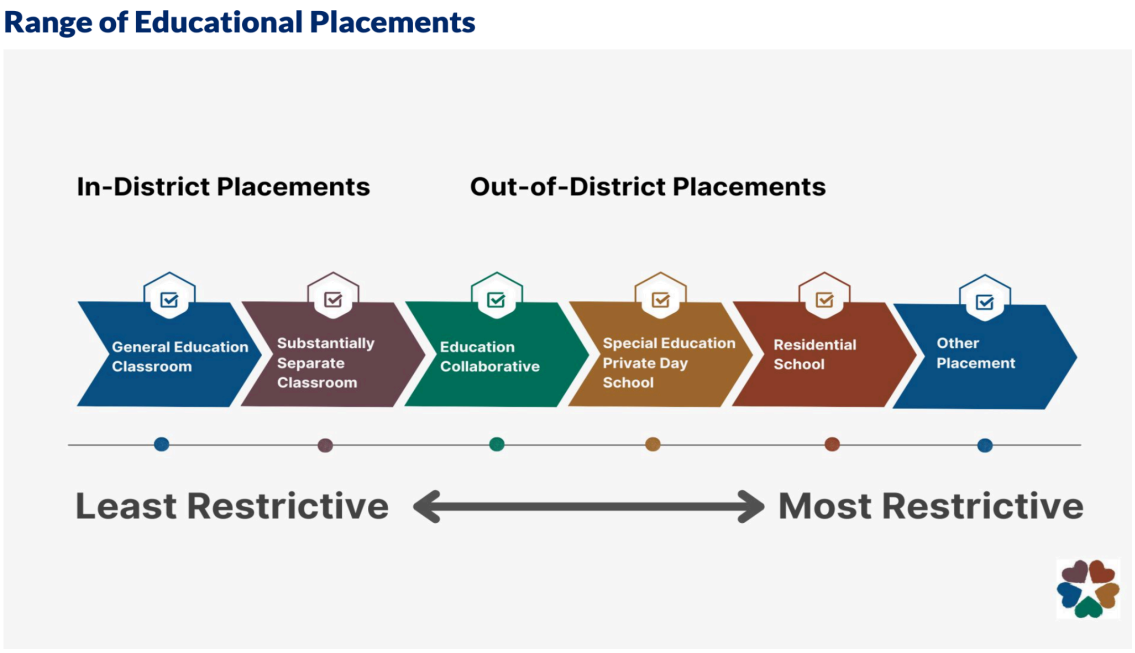
Placement Determinations

After the Team develops the IEP, they must determine the most appropriate setting in which the student can receive special education services and derive meaningful educational benefit.

The law requires that special education students participate in the general education setting alongside their non-disabled peers with supplementary aids and/or services, to the maximum extent appropriate. This requirement is commonly referred to as a mandate that students on IEPs are to be educated in the "least restrictive environment" (LRE). IDEA explicitly states that:

- *To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled.*
- *Special classes, separate schooling, or other removals of children with disabilities from the regular educational environment occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.*

The law also requires public schools to ensure that a "continuum of alternative placements" is available to meet the unique needs of children on IEPs. This continuum refers to the range of potential placements where a public school may implement a child's IEP, beginning with a general education classroom and progressively becoming more restrictive as one moves along the continuum and away from the general education classroom.



School districts are required to offer a range or continuum of school placements for children with disabilities in order to meet their individual needs.

"Range of Classroom & School Placements." *Federation for Children with Special Needs*, fcsn.org/rangle-of-placements/. Accessed 29 July 2024.

If a student requires an alternative placement (outside of the general education classroom), substantially separate classrooms within Fall River Public Schools will be considered first.

If the Team determines that an out-of-district placement is necessary to meet the student's unique needs (educational collaborative, private day school, residential program or other placement), *the Team must be mindful of the requirement to give preference to MA DESE approved programs. Districts must seek approval from DESE prior to placing students in unapproved programs.* Building based Team Chair and Special Education Supervisor must collaborate with the Out of District Team Chair and Supervisor.

In most cases, the IEP Team will decide placement immediately after the IEP is developed. However, if the student's needs and corresponding services are complex and the Team is considering an initial out-of-district program or a different setting for a student currently in an out-of-district placement, a subsequent meeting might be scheduled within 10 school days of the initial meeting to finalize the placement decision.

Student Summary of Performance

A summary of performance is a document completed by the district for students whose special education eligibility terminates due to graduation or exceeding the age eligibility requirements. This document will include a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting their desired postsecondary goals.

Parent Response to the Proposed IEP and Placement

No later than 30 days after receipt of the proposed IEP and proposed placement, the parents will accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal; and accept or reject the proposed placement.

Parent/Guardian Accepts the IEP in Full:
Upon receipt of parent response to a proposed IEP and placement, Special Education clerks will notify all team members of the response. The accepted services identified in the IEP must begin immediately in the proposed and accepted placement.

Parent/Guardian Partially Rejects the IEP:
To reject an IEP in part, a parent/guardian should respond to the IEP proposal by checking off that they are rejecting portions of the IEP and then listing what those rejected portions are. Any part of the IEP that is not rejected is to be considered accepted and implemented without delay.

When a partially rejected IEP is received, the partially rejected IEP's response page and the administrative data page will be sent to the Bureau of Special Education Appeals (BSEA) by the Special Education Clerk within 5 days of receipt. Any additional documents (i.e. letters of rejection) will also be included with the IEP response page.

The Team Chair will send the partially rejected plan to the IEP Team so they are aware of the rejections and accepted portions of the IEP can be implemented in full immediately. The Team Chair will reach out to the parent/guardian within 10 days of receiving a partially rejected IEP to schedule a resolution meeting. The purpose of the resolution meeting is to discuss the rejected items with the IEP Team.

Parent/Guardian Fully Rejects IEP:
To reject an IEP in full, a parent/guardian should respond to the IEP proposal by checking off that they are rejecting the IEP as developed.

Upon receipt of a fully rejected IEP, the fully rejected IEP's response page and the administrative data page will be sent to the BSEA by the Special Education Clerk within 5 days of receipt. Any additional documents (i.e. letters of rejection) will also be included with the IEP response page. At that time the district will continue to implement the most recent active and accepted IEP in the most recent placement consented to by the parent/ guardian.

The Team Chair will notify the team members of the fully rejected IEP. The Team Chair will then

reach out to the parent/guardian within 10 days of receipt of the fully rejected IEP to schedule a resolution meeting. The purpose of the resolution meeting is to discuss the rejected items with the IEP Team.

Upon receipt of a fully rejected initial IEP, please note that the IEP cannot be implemented as the parent has not consented to the special education accommodations, modifications, goals, and services detailed in the proposed IEP. As a result, all special education and/ or related services will not be delivered until the Fall River Public Schools has obtained parent consent to do so.

No response to proposed IEP and/or placement:
Parents should return their response to the proposed IEP and placement within 30 calendar days following the IEP meeting. On the 31st day, the District will mail a second copy of the IEP, placement, Notice of Proposed Action and Notice of Procedural Safeguards to the parent(s) for signature. They will also follow up with a phone call in an effort to engage the parent(s) in the IEP process.

If a parent's response is not received within **60 calendar days** following the IEP meeting, the District will make additional efforts to engage the parent in the IEP process. This can include sending a third copy of the IEP home for signature, following up with phone calls and emails, and home visits from attendance officers or other school staff if needed.

If parental response is not received within **90 calendar days** following the IEP meeting, the District will follow procedures set forth by the Bureau of Special Education Appeals (BSEA)

Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay.

IEP Progress Reports

Written progress reports are a component of ongoing communication between school districts and parents and ***must be submitted to parents at least as often as report cards are issued for students without disabilities.*** 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?

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

- Specify what the student has been working on in relation to the annual goal.
- State specific progress on objectives and/or benchmarks including any the student has achieved by analyzing data.
- Indicate any challenges to progress.
- Project whether the student is anticipated to reach the annual goal

Progress reports should contain language that is generally understandable and avoid educational jargon. If the student is at risk for not meeting their annual goal(s), IEP Team members must consider why progress is not being made, and, if appropriate, reconvene an IEP Team meeting. The IEP Team will then discuss the lack of expected progress and responsively revise the IEP.

It is the responsibility of the IEP service providers (Special education teachers, School Adjustment Counselors, Related Service Providers etc.) to collect ongoing data to monitor progress on IEP goals *as outlined by the IEP objectives or benchmarks. If the district is waiting for parent response to a proposed IEP at the same time as progress reports are due, Service providers must report on progress on the current ACTIVE IEP and not the proposed draft IEP.* ***If the proposed IEP is accepted by the parent/guardian prior to the report card distribution, progress must be reported on the newly accepted IEP.***

Each recording period, progress reports will be collected in the school based Team Chair's office and submitted to the Office of Special Education. Copies of student progress reports are kept in the students' special education records.

IEP Amendments

An IEP Amendment form can be used anytime the Team decides to change the content of an existing IEP. The completed amendment always should be attached to the IEP that it is intended to amend. ***The amendment form should be used for minor IEP adjustments only and should not be used if IEP service changes also result in a change in educational placement.***

The **Team Chair or designee** should complete the IEP amendment form to clearly explain the proposed change(s) to the current IEP and the rationale behind the proposed change(s). The IEP sections that are impacted by the amendment should be changed according to the proposed amendment. **The proposed amendment, corresponding IEP page(s), Administrative Data Sheet, and Notice of Proposed Action will be sent to parents via docusign for approval.**

Amending an IEP does not alter the annual review date of the IEP. Unless specifically amended, the *annual review date remains the date indicated on the existing IEP.*

Parents can agree to waive the Team meeting to discuss the proposed amendment. The district must obtain parental consent to waive the Team Meeting using the appropriate waiver form.

Assistive Technology

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

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

The term includes:

1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment,
2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities,
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices,
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs,

5. Training or technical assistance for a student with a disability or, if appropriate, that family,
6. Training or technical assistance for professionals or other individuals who provide services or are otherwise substantially involved in the major life functions of that child.

If assistive technology is required, the district provides the assistive technology at no cost to the parent. IEP Teams will review assistive technology annually to ensure the device continues to meet the student's needs.

The following is a list of assistive technology within the Fall River Public Schools (but not limited to):

Low Tech	*Medium/High Tech:*
● Small whiteboards ● Pencil grips ● Sensory tools ● Timers ● Seat cushions ● Communication books ● Graphic Organizers ● Adaptive Keyboard ● Slant boards	● Audio books ● Amplification Systems ● IPads ● Chromebooks ● Word prediction software ● Text to Speech and Speech to Text ● Calculator

Augmentative and Alternative Communication (AAC)

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

Dispute Resolution

Fall River Public School Special Education Department strives to work collaboratively to resolve any parental concerns. ***Parents are encouraged to contact the Special Education Supervisor for their child's school/program to resolve any concerns that may arise with their child's special education program or services. A list of special education supervisors and their contact information can be found on page 4 of this document.***

MA DESE Problem Resolution System

MA DESE's Problem Resolution System (PRS) is charged with investigating complaints that allege non-compliance with federal and state special education laws and as well as other statutes and regulations relating to the provision of publicly funded education. Anyone, including parents, students, educators, community members, and agency representatives, may contact the PRS office for assistance. PRS specialists respond directly to questions and concerns. PRS staff members also consult with others in DESE and in other agencies, if necessary, to answer questions. When an individual contacts PRS, the individual may ask questions about the individual's situation, request clarification of legal and regulatory requirements, take steps to begin the process of filing a complaint with DESE, or all of the above. DESE encourages parents and school districts to continue to work together to resolve problems, before or after a complaint has been filed.

The Chief Officer for Special Education Compliance in the Fall River Public Schools oversees all PRS-related matters involving special education processes and procedures. Should parents/ guardians have concerns about their child's special education programming or placement, they are encouraged to contact the Chief Officer of Special Education Compliance directly to report their concerns and seek resolution.

Additional information about PRS is available at: doe.mass.edu/prs/, including a Problem Resolution Systems Office Procedures Guide. Also, PRS Specialist staff are available between 8:45 a.m. and 5:00 p.m. every business day. The contact information for PRS is:

135 Santilli Highway, Everett, MA 02149
Main Telephone: 781-338-3700
Email: DESECompliance@mass.gov

Bureau of Special Education Appeals (BSEA)

The Bureau of Special Education Appeals is a Massachusetts administrative agency that derives its authority from both federal and Massachusetts statutes and regulations (the Individuals with Disabilities Education Act; "IDEA"; MGL ch.71B; Section 504 of the Rehabilitation Act of 1973) and that conducts mediations and hearings to resolve disputes concerning eligibility, evaluation,

placement, Individualized Education Programs (IEPs), provision of special education, and procedural protections for students with disabilities. The BSEA also hears hearing requests filed by a parent of a student with a disability on any issue involving a denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973.

Within the Fall River Public Schools, the Chief Officer for Special Education Compliance and Assistant Superintendent of Special Education oversee all matters before the BSEA. Should parents/ guardians have concerns about their child's special education programming or placement, they are encouraged to contact the Chief Officer of Special Education Compliance or the Assistant Superintendent of Special Education directly to report their concerns and seek resolution.

Facilitated Team Meetings

If teams are struggling to communicate effectively during an IEP or Section 504 Team meeting, either a parent or school may request that a BSEA facilitator attend the meeting, with the understanding that both parties must agree for the BSEA to facilitate the meeting. The facilitator is an impartial, trained mediator provided by the BSEA to support the process of the team meeting. The facilitator helps keep the team members focused on developing the IEP or 504 Plan while supporting a positive and collaborative tone for communication. The facilitator will work to create an environment in which the IEP or 504 team members can listen to one another's points of view and work together to develop an IEP or 504 Plan.

Mediation

Mediation is an informal, voluntary and confidential dispute resolution process available at no cost through the BSEA. When school personnel and parents disagree about the educational needs of a student with disabilities, either party may request mediation. In mediation, an impartial mediator helps parents and school staff clarify the issues and underlying concerns, explore interests, discuss options and collaborate to reach mutually satisfactory agreements that address the needs of the student. The mediator does not decide how to resolve the dispute. When the parties resolve all or some of the issues, they work together with the mediator to put their agreement(s) in writing.

Due Process Hearing

A due process hearing is a formal administrative adjudicatory proceeding at which parties present evidence (testimony and documents) to a BSEA hearing officer regarding disputed issue(s). The hearing officer then renders a binding written decision based on the record presented. The decision of the BSEA hearing officer is a final agency decision and is not subject to reconsideration by the BSEA or the Department of Elementary and Secondary Education. The decision may be appealed to state or federal court within 90 days from the date of the decision.

Disciplining of Students in Special Education

All students are expected to meet the requirements for behavior set forth in the student handbook. However students with disabilities are provided additional procedural safeguards in regards to discipline under federal and state law. These rights are in addition to the due process rights applicable to all students which are outlined in 603 CMR 53.00.

Students eligible for special education who violate school rules may be disciplined in the same manner as students without disabilities for *up to 10 cumulative school days in a school year*.

Anytime school personnel seek to remove a special education student from their current educational placement for **more than 10 cumulative school days in a school year, *this constitutes a "change of placement" and invokes certain procedural rights including but not limited to a review by the IEP Team of the relationship between the student's disability and the behavior subject to the disciplinary action, which is referred to as a Manifestation Determination***

Manifestation Determination Review Meeting

The law requires that a Manifestation Determination Review Meeting be held prior to issuing a disciplinary action that constitutes a change in placement.

A “change in placement” occurs when:

- A disciplinary action will result in the removal of a special education student for more than 10 consecutive days in a school year; *or*
- A disciplinary action will result in removal of a special education student for a series of shorter intervals that amount to more than 10 cumulative days.

At the Manifestation Determination Review Meeting, The IEP Team, which includes the parents/guardians, must review all relevant information in the student’s file, including the student’s IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine if the conduct that is subject to disciplinary action was a manifestation of the student’s disability.

The IEP Team must answer 2 questions to determine if the conduct that is subject to disciplinary action was a manifestation of the student’s disability:

1. Was the student’s conduct caused by, or did it have a direct and substantial relationship to, the student’s disability?
2. Was the student’s conduct a direct result of the school’s failure to implement the student’s IEP?

If the answer to both questions is “no,” then the conduct was not a manifestation of the student’s disability and the student may be disciplined in the same way as students without disabilities.

If the answer to *either question* is “yes,” then the conduct was a manifestation of the student’s disability, the district will conduct a Functional Behavior Assessment and develop a Behavior Support Plan, provided that such an assessment was not already conducted before the behavior occurred. *In the situation where an assessment was already conducted and a Behavior Support Plan is already in place*, the Team will review the plan and revise it accordingly. The student must also be returned to his educational placement unless the parent and the school agree otherwise.

There are certain situations in which school personnel may order a change in placement of a special education student without regard to whether the student’s behavior is determined to be a manifestation of the student’s disability. The “special circumstances” are if the student, while at school, on school premises, or a school function

1. possesses a weapon (if a knife, blade must be at least 2 ½ inches long to meet the federal definition) or
2. possesses or uses illegal drugs or
3. sells or solicits the sale of a controlled substance or
4. inflicts serious bodily injury on another person

If any of these “special circumstances” apply, regardless of the Team’s determination about manifestation, school personnel may remove a student to an Interim Alternative Educational Setting (IAES) for not more than 45 school days. The IEP Team is responsible for determining which educational services are necessary to enable the student to continue to participate in the general education curriculum (although in another setting) and to progress towards meeting the IEP goals as well as the interim alternative educational setting (IAES) where the student will receive such services.

Following a Manifestation Determination Review meeting, The Special Education Team Chair or meeting facilitator will issue a Notice of Proposed Action detailing the outcome and any proposed actions resulting from the meeting. Parents will also be provided with a copy of the meeting notes from the Manifestation Determination Review meeting and a copy of the Parents Notice of Procedural Safeguards.

If parents do not agree with the manifestation determination or the alternative placement, they have the right to file for an expedited hearing at the BSEA. The student’s placement while the BSEA hearing is pending is the student’s alternate placement as determined by the IEP Team.

Protections for Students Not Yet Eligible for An IEP

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for special education students ***if the school had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.***

The school district may be considered to have prior knowledge if, before the behavior that resulted in the disciplinary action occurred:

1. the child's parent had expressed concern in writing to school district administrative personnel/child's teacher that the child needs special education and related services,
2. the child's parent had requested an evaluation of the child to determine eligibility for special education services, or
3. the child's teacher or other school district personnel had expressed specific concerns about a pattern of behavior of the child to the building **Principal and Special Education Supervisor.**

A school district is not "deemed to have knowledge" if the parent refused to consent to an evaluation by the school district or refused special education services or if the child had been evaluated and determined to be ineligible for an IEP.

Request for Evaluation While Student Subject to Discipline

If there is a request for an evaluation while the student is subject to discipline, then the school must expedite the evaluation. Until the evaluation is completed, the student remains in the educational placement determined by the district, which can include suspension or expulsion without educational services. If, after the evaluation, the student is determined to be eligible the district must provide special education and related services in accordance with the IDEA.

Out-of-District Program Oversight

The Fall River Public Schools' Office of Special Education conducts annual site visits to all out of district placements in which students are enrolled. The designees who conduct site visits on behalf of the Assistant Superintendent are the Out of District Team Chair, the Special Education Supervisor for Out of District Programs, the Chief Officer of Special Education Compliance, Out of District School Psychologist, or Out of District BCBA.

Site Visits include the following:

- Review of programming to ensure that the student's IEP is being appropriately implemented and that service delivery in the out-of-district setting is aimed at assisting the student to meet the goals identified on the student's IEP.
- Monitoring the provision of services to and the programs of individual students.
- Completion of the Out of District Placement Monitoring Form at each site. Monitoring forms are completed for each student and placed in all individual student's files for students placed out of district.

The Out of District Placement Monitoring form includes the following information:

- Student's demographic information
- School/ Program Placement and dates of enrollment
- Teacher to student staffing ratios
- Curriculum: that the student's curriculum follows age-appropriate MA Curriculum Frameworks
- Provision of any 1:1 aide or nurse and details of how that person is engaged in the students programming during the school year
- that the school site is well-maintained to promote the student's health and safety
- the student's academic, discipline, and attendance records
- the school's discipline policy, and that it conforms to special education requirements
- any disciplinary action taken or student conduct infractions (e.g. suspension notices, documented incident reports, transportation write-ups/ reports).
- Documented opportunities for parent involvement and outreach from and with the Out-of-District program
- Any areas of concern identified in the review or additional comments

Special Education Services in Institutional Settings

DESE provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health. DESE retains the discretion to determine based upon resources, the type and amount of special education and related services that it provides in such facilities. The Collaborative for Educational Services (CES) is the Contracted Provider for Special Education in Institutional Settings (SEIS).

Decisions about admission to and discharge from institutional facilities are within the authority of institution administrators, not the school district. Students in instructional settings have the same rights for referral, evaluation, and the provision of special education in accordance with state and federal law as students in public schools.

(a) Non-educational services such as residential, medical and clinical services are provided by the state agency that controls the facility.
(b) Where a student's IEP requires a type or amount of service that the facility does not provide, it shall remain the responsibility of the school district where the father, mother or legal guardian resides, except as provided in 603 CMR 28.10(3)(c)1 and 2, to implement the student's IEP by arranging and paying for the provision of such services.
(c) Fall River Public Schools will coordinate with the Department to ensure that the student receives special education services as identified by the Team. FRPS will ensure annual review(s) and/ or reevaluation(s) for eligible students are conducted in the appropriate time frame as required by state regulations. A DESE representative will participate in Team meetings for any student receiving special education services in an institutional setting. To the extent that special education services are provided by the Department in such facilities, the Department will make every effort to provide services consistent with the student's IEP and available resources.

It is important to note that entrance into a host agency facility is not synonymous with a change in educational placement under federal and state special education laws. Entrance into a host agency facility is documented as "Other Authority Required Placements" on the student's Placement Page (PL1 form) under one of the following categories:

- The Department of Youth Services has placed the student in a facility for committed or detained youth.
- The Department of Mental Health has placed the student in a hospital psychiatric unit or residential treatment program.
- The Department of Public Health has placed the student in the Pappas Rehabilitation Hospital for Children.
- The student is incarcerated in the county house of corrections or in a department of corrections facility.

Home & Hospital Instruction

Home and Hospital Instruction for students enrolled in Fall River Public Schools

A public school student who, due to documented medical reasons, has been, or is expected to be, confined to a home or hospital for a **minimum of 14 school days during any school year** is eligible to receive educational services in the home or hospital. Although the regulation on home/hospital instruction is included in the Massachusetts Special Education Regulations, home/hospital instruction is not considered "special education" unless the student has been found eligible for special education.

"Public School Students" also includes students being educated with public funds in a collaborative or an approved private day or residential school. For students attending such schools at Fall River Public Schools' expense, the collaborative or private school is responsible for providing home/hospital instruction as long as the student continues to remain enrolled at such collaborative or private school.

Parentally-Placed Private School Students residing in Fall River

A student enrolled in a private school at private expense is entitled to publicly-funded home/hospital instruction as a special education service if the student is eligible for an IEP. If the parent of a private school student requests an evaluation to determine the student's eligibility for an IEP and presents a physician's statement, then the school district must immediately review the physician's statement to determine if there is sufficient information to consider that the student has a "health impairment" under the Massachusetts special education regulations. If there is sufficient information in the physician's statement, then the school district should convene the Team within 15 days to make an expedited determination of eligibility and begin provision of home/hospital instruction.

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

Accessing Home/Hospital Instruction

Once the student's personal physician (e.g. pediatrician, internist, medical specialist, psychiatrist) or nurse practitioner determines that a student's medical condition will require either hospitalization or home care for not less than 14 school days, the physician must notify the school district responsible for the student in order to begin the home/hospital instruction process. The student's physician must complete a DESE Form 28R/3 and submit it to the student's building principal or other appropriate program administrator. At a minimum the physician's signed notice must include information regarding:

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

Home/hospital educational services must begin without undue delay after the school district receives written notice from the student's physician that such services are necessary. There is no required 14-day waiting period before home or hospital instruction can commence if it is likely that the student will be absent from the school-based program for 14 school days or more in the school year. Whenever a student is likely to miss 14 school days or more for health-related reasons, the school district should expedite the delivery of educational services as well as any evaluation or Team meetings that may be necessary, in order to minimize the negative impact on the student's educational progress.

Delivery of Home/Hospital Services

School districts may provide home/hospital services in a number of ways, including:
● providing the services directly to the student using district employees;
● contracting with the hospital to provide the needed services;
● contracting with another school district to provide the services;
● contracting with another agency to provide the services; or
● providing the services via live streaming and/or remote instruction.

The educational services will be provided with sufficient frequency to allow the student to continue his or her educational program, as long as the services do not interfere with the medical needs of the student. School districts may not preset the number of instructional hours per week since the decision must be individualized. Service delivery, including the time of the day the services are to be delivered, should take into consideration the medical circumstances of the student.

While teacher certification requirements apply to the teachers who are providing home/hospital instruction, the teachers do not have to be certified in all subject areas. However, in all cases the school district must be able to demonstrate that the assigned staff member effectively provides the necessary instruction to the student. Teachers who provide home/hospital instruction to public school students must coordinate the instructional content, approach and student progress with the student's teachers at school. For both public school students and private school students on IEPs, special education and/or related services that

are provided in a home or hospital setting under this provision must be delivered (or closely supervised) by staff certified or appropriately licensed to deliver such services.

Students Likely to be Confined for More Than 60 School Days

If, in the judgment of the student's physician or nurse practitioner, a student with an IEP is likely to remain at home, in a hospital, or in a pediatric nursing home for medical reasons and for more than sixty (60) school days in any school year, the student's physician must complete 603cmr28.04-4-form and submit it to the student's building principal or other appropriate program administrator.

Upon receipt, the Administrator of Special Education or designee is required, *without undue delay*, to convene a Team meeting to consider evaluation needs and, if appropriate, to amend the existing IEP or develop a new IEP suited to the student's unique circumstances. DESE recommends that the Administrator of Special Education or designee convene the Team meeting within 10 school days after the school district is notified that the student is likely to remain at home or in the hospital for more than sixty days. This provision applies to all students on IEPs, including private school students.

Special Education Records

The Fall River Public Schools is required to keep and maintain confidential student records while students are enrolled within the district and for at least seven years following their departure or graduation from the district. The Fall River Public Schools Office of Special Education maintains special education records for all students who are eligible for special education, students who were previously eligible for special education but are no longer eligible, students within the evaluation process used to determine special education eligibility, and eligible students who have exited the district. Special Education clerks are responsible for record keeping, and filing within the office of Special Education.

Each staff member working with students is expected to maintain a high level of confidentiality regarding information received from reviewing student records, attending Team meetings, or discussing a student's strengths and weaknesses with teaching staff. Parents entrust the Fall River Public Schools staff with personal information about their child, their family history, and their fears and hopes for their child's future. We are expected to respect this confidential information and guard it carefully.

Confidentiality extends to all staff, professional and non-professional, and must be maintained in all places both in and out of school. General Information about the Student Record Under Massachusetts law, the "student record" includes the transcript and the temporary record which is "all information … that is organized on the basis of the student's name or in a way that such student may be individually identified and that it is kept by the public schools."

Under Massachusetts law, the following individuals are entitled to access the student record:

- Student upon reaching age 14 or entering grade 9;
- Parents who have physical custody of their child;
- Eligible non-custodial parents;
- Authorized school personnel i.e. personnel with a legitimate educational interest in accessing the record (those with a "need to know"), including professional, administrative and clerical staff and outside contractors providing services to the student.

Log of Access

A log of access will be maintained at the front of each student record file, stapled to the inside cover, to document all who have accessed the student record. *All Fall River Public Schools Special Education Department Staff are required to fill out and sign the log of access for each student when reviewing a file.*

Student's Right of Access Students who are fourteen (14) years old or in the ninth grade have all the rights that parents have under the Massachusetts student record regulations (603 CMR

23.00 et seq.). If a student is age fourteen (14) through seventeen (17) years old, or has entered ninth grade, both the student and his/her parents/guardians, acting alone or together, may exercise these rights. Once the student turns eighteen (18), the rights accorded to parents/guardians under student record regulations, become those of the student.

Parent's Right of Access

A parent/ guardian shall have access to the student record. *Access shall be provided as soon as practicable and within 10 days after the request, except in the case of non-custodial parents.* Upon request for access, the entire student record regardless of the physical location of its parts shall be made available. In addition, copies of any information contained in the student record shall be furnished to the eligible student or the parent upon request. The parent (or eligible student) has the right to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted. The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such a third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

Non-Custodial Parent's Right of Access

A non-custodial parent is a parent who, by court order, does not have physical custody of their child. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions. A non-custodial parent is eligible to obtain access to the student record unless the District has been made aware of the following:

1. The parent 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
2. The parent has been denied visitation, or
3. The parent'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
4. There is an order of a probate and family court judge which prohibits the distribution of student records to the parent. The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted.

In order to obtain access, the non-custodial parent must submit a written request for the student record to the Office of Special Education or the student's school building principal. Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it

will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth above.

The school must redact all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

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 that it shall cease to provide access to the student record to the non-custodial parent.

Access by Third Parties

As a general rule, third parties do not have access to the student record without the prior informed, written consent of the eligible parent/student. Exceptions to that rule included the following:

- In response to requests from the Department of Children and Families (DCF), a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, §§ 51B, 57, 69 and 69A respectively;
- Upon a lawfully issued subpoena, provided notice of the subpoena was given to the eligible parent before complying;
- Disclosure to appropriate parties regarding a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and DCF under the provisions of M.G.L. c. 71, § 37L and M.G.L. c. 119, § 51A.

Court orders or subpoenas should be sent to the Chief Officer of Special Education Compliance and Special Education Supervisor, and the FRPS Keeper of Records for handling. A school district may not release information from the student record to participating agencies without parental consent. This includes, but is not limited to, the Department of Developmental Services (DDS), the Department of Mental Health (DMH), the Massachusetts Rehabilitation Commission (MRC), advocates, and physicians.

<u>Classroom Observation and Visitation Procedures</u>

In response to requests, Fall River Public Schools permits classroom observations by and others who have written consent from parents to conduct observations. Parents and any observers must fill out and sign the Classroom Observation and Visitation Procedures form for the Fall River Public Schools prior to completing observations.