

**Special Education - Procedure Manual:  
Referral, Evaluation, and Placement of  
School-Age  
Students with Disabilities**

**Hadley Public Schools**

### **Limitations on use of this manual and disclaimer**

**The purpose of this operating and procedural manual is to provide support and guidance to the management and staff of Hadley Public Schools.**

**Nothing in this manual is intended to create nor does it create any enforceable rights, remedies, entitlements or obligations. The Hadley Public Schools reserve its right to change or suspend any or all parts of this manual at the district's discretion to ensure full compliance with regulations of the Massachusetts Department of Elementary and Secondary Education and federal guidelines of the established within the reauthorization of Individuals with Disability Education Act of 2004.**

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## 1. Introduction

The Hadley Public Schools believes that every child deserves an engaging and effective education characterized by high-quality instruction, personalized learning, relevant curricula aligned to state standards, and experiences that prepare students for a range of post-secondary college and career opportunities. The faculty and staff at Hadley Public Schools believe diversity enhances and strengthens our learning community. Our district welcomes all children with disabilities and their families. The different ways of learning and communicating and the different skills and strengths they bring to the district, enrich the learning environment. We appreciate and value all of the ways in which students learn. We recognize the unique strengths, talents, and knowledge of every student; and we welcome everyone.

We believe special education support and services should not be viewed as a separate model, but instead as a 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.

This manual has been developed as a resource for the Hadley Public Schools faculty, staff, administration, and community. It references State and Federal regulations and the processes of the Hadley Public Schools. The following policies and procedures are aligned with:

The Massachusetts Department of Elementary and Secondary Education, Massachusetts General Laws ch.71 B, et seq., and Special Education Regulations 603 CMR 28.00 et. seq., Individuals with Disabilities Education Act 2004, and 34 CFR 300 et. seq.

Section 504 The Rehabilitation Act of 1973 (as amended).

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## **Definitions of Terms**

**Special Education**, shall mean specifically designed instruction to meet the unique needs of the eligible student or related services necessary to access the general education curriculum and shall include the programs and services set forth in State and Federal special education law. (603 CMR 28.02 (20))

**Progress effectively in the general education program** shall mean to make documented growth in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, according to chronological age and development expectations, the individual educational potential of the child, and the learning standards set forth in the Massachusetts Curriculum Frameworks, and the curriculum of the district. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the district, and vocational programs and activities. (603. CMR 28.02 (17))

**Specially designed instruction** means adapting, as appropriate to the needs of an eligible child the content, methodology, or delivery of instruction. (34 CFR 300.26)

**Free and Appropriate Public Education (FAPE)** As defined by Federal regulations, the general curriculum is the curriculum used with nondisabled children. All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum.

**Least Restrictive Environment (LRE)** Hadley Public Schools shall ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, and that special classes, separate schooling, or other removal of children with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **Communicating with Non-English-Speaking Families**

When working with families whose primary language is not English, the district is required to provide translation services. These services may include interpreters at team meetings, as well as having documents translated. When interpreting services are provided at a team meeting, care must be taken to ensure that the interpreter and parents or guardians understand any technical language used. All special education documentation that is sent to the home should be translated for the family in accordance with the student's home language survey. This would include, for example, N1s, Evaluation Consent Forms, Meeting Invitations, assessments, and IEPs. Copies of all translated documents should be sent to the Student Services Office to be maintained as part of the student's file. When translation services are required, please complete the Request for Translation Service and return the form to Student Services. If a parent or guardian chooses to

waive translation services, they should sign the Waiver for Translation Services. The signed form should be sent to Student Services to be maintained in the student's file. When an evaluation by a district staff member needs to be translated, a copy of the evaluation should be emailed to Melissa Steinbeck ([msteinbeck@hadleyschools.org](mailto:msteinbeck@hadleyschools.org)) in the Office of Student Services as a word document to facilitate the translation process.

## **2. District Curriculum Accommodation Plan**

Massachusetts General Laws require a District Curriculum Accommodation Plan in each school district. The intent of the provision is to assist administrators in planning and providing a general education program that is able to accommodate students' diverse learning needs and avoid unnecessary referrals to special education.

Chapter 71, Section 38Q ½ of the Massachusetts General Laws provides:

A school district shall adopt and implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet students' needs in regular education. The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services under Ch. 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement.

General educators are responsible for meeting the needs of students with diverse learning needs. When a student is experiencing difficulty, teachers must individualize instruction and implement learning accommodations that will enhance the student's ability to succeed. Ideally, with modifications and pedagogical changes, the teacher will observe improvement and additional assistance will not be warranted. There will be many occasions, however, when the teacher does not observe the student progressing and seeks input and support from the administration, teachers, and specialists. When additional assistance is necessary, the teacher begins the pre-referral process.

### *Pre-referral Process*

The process commences with the teacher discussing the student with the principal or designee and completing a pre-referral form. Forms include a description of area of concern, prior instructional practices; supports implemented in general education, and results of the stated interventions. It is the responsibility of the principal or designee to schedule a meeting with the pre-referral team. The team usually comprises the principal or administrator, general educators, a special education teacher, a counselor, a school psychologist, specialists and may include the parent(s) or guardian. The team is referred to by various names: Child Study Team, Student Assistance Team, or Building Based Team. Regardless of the name, the purpose is to provide collaborative problem solving assistance to general education teachers.

At the meeting, the principal or designee is the primary facilitator and leads the team through the various stages. The first stage is to identify the problem. To clarify the problem situation, the meeting facilitator might ask the following questions:

- What is the area of concern?
- What interventions were implemented prior to the pre-referral process?
- What are the student's strengths?
- How long has this problem been observed?
- What is the discrepancy between the student's actual performance and grade level expectancies?
- Is the student's performance variable?

During the discussion, members review student records, assessments, work samples, behavioral observations and other miscellaneous sources. The data provide valuable information for identifying the problem.

After the problem is identified, the team proceeds to the problem analysis stage. Why is the student experiencing difficulty? The specific skill or performance deficits need to be identified for the remediation plan to be effective.

As in the problem identification stage, asking problem analysis questions will assist with the plan development. The principal or designee may ask questions pertaining to the following:

- What is the student's current performance level?
- What factors are affecting the disparity between the student's achievement and expected performance?
- How does the identified problem impact the student's academic performance and perhaps behavior?
- What are the results of formal and informal assessments?

Team members should continue to review data and clearly define the problem before developing a plan.

Writing the intervention plan occurs after the team identifies the specific area(s) where improvement is needed. For intervention plans to be effective, the specific problem must be identified. A plan that describes poor performance in reading or mathematics is too general. A specific skill deficit must be stated. For instance, the plan might read, the student fluently reads grade level text but is unable to recall/comprehend the content in novels or textbooks. Additional information might include, the student can grasp the content when the information is presented orally. The plan may also include assessment data.

The Team collaboratively writes an action plan based on the specific area that needs to be addressed. The selection and implementation of interventions must specifically match the problem. The following questions may facilitate plan development:

- What is the specific goal(s) for the student?
- What specific interventions/instructions are necessary?
- Who is responsible for each intervention component?
- What setting is most conducive?
- When will the intervention plan begin?
- What will be the frequency and duration of the specific intervention and instruction?

- How long should the plan be in effect before the team reconvenes to discuss progress, plan revisions, and additional action necessary, such as a referral to special education?
- How will progress be measured?

Pre-referral plan interventions may include:

- Additional general education instruction with a teacher or a paraprofessional
- Short-term programming in a learning center or environment outside the general education classroom
- Behavior management programs
- Classroom observations by the school psychologist, speech/language pathologist, physical therapist, occupational therapist and special education teachers
- Teacher mentoring
- Informal screenings completed by teachers and specialists
- Increased communication between school and home
- Developing learning accommodations

[District Policy IHBA-E](#) provides several examples of classroom accommodations that may enhance student achievement. District staff should carefully review this policy.

The final stage, problem evaluation, occurs after plan implementation. It is essential that sufficient time be given before its effectiveness is evaluated. Data collection should be reviewed periodically to determine the student's progress toward goal attainment. The data collection will be discussed at the follow-up meeting scheduled 4 to 6 weeks after the plan is implemented.

At the reconvening meeting, the Team will determine if general education programming interventions are effective or if observations suggest a disability may be impeding progress. The results will be stated on *the Hadley School District Pre-referral Form*. If the strategies are effective, the plan continues or is somewhat modified. The Team may also conclude that the intervention plan is ineffective and recommend a referral for a special education evaluation.

The teacher(s) and/or specialist(s) will complete the special education referral form and submit to the building principal. The principal will review the referral request and forward to the special education office. The pre-referral form is submitted with the special education referral request for an evaluation.

***Pre-referral/instructional support strategies may not be used to delay a request for special education evaluation.*** This instructional support information, however, should be included in the student's record and considered by the Team when determining eligibility for special education.

**The law requires that no instructional support program or any other intervention limit the right of a parent to refer a student for a special education evaluation. However, if a referral for a special education evaluation has been made and the district has requested and received parental consent to evaluate, then evaluation information from instructional support interventions should be available for review by the special education Team when determining eligibility for special education.**

### **3. Massachusetts Tiered Systems of Support (MTSS) and [Systems for Student Success \(SfSS\)](#)**

Massachusetts has developed a blueprint outlining a single system of supports that is responsive to the academic and non-academic needs of all students. This blueprint, the Massachusetts Tiered System of Support (MTSS), provides a framework for school improvement that focuses on system structures and supports across the district, school, and classroom to meet the academic and non-academic needs of all students, including students with disabilities, English language learners, and students who are academically advanced. It guides both the provision of high-quality core educational experiences in a safe and supportive learning environment for all students and academic and/or non-academic targeted interventions/supports for students who experience difficulties and for students who have already demonstrated mastery of the concept and skills being taught.

All students receive academic instruction and behavioral supports that include differentiation and extension activities and are guided by the three [Universal Design for Learning](#) principles (multiple means of representation, multiple means of action and expressions, and multiple means of engagement).

The MTSS blueprint describes the flexible tiers, academic and non-academic core components, and school and district system of supports. The flexible tiers represent a robust and responsive educational environment that provides students with a continuum of multiple supports to meet their needs. The tiers represent increasing intensity of academic and non-academic support and interventions. There is flexibility of the system and the programming to allow movement between the tiers (to both a more or less intensive type of support/intervention). Within Tier 1, all students receive high-quality, scientifically-based instruction provided by qualified personnel to ensure that their difficulties are not due to inadequate instruction. All students are screened on a periodic basis to establish an academic and behavioral baseline and to identify struggling learners who need additional support. Students not making adequate progress in the regular classroom in Tier 1 are provided with increasingly intensive instruction in Tier 2. Interventions in Tier 2 may include research based curricula designed to address specific skill deficits. Examples of Tier 2 interventions include: Read Naturally, Read 180, check-in/check-out, Key Math, IExcel, etc. Tier 2 interventions are typically delivered in small groups, and often delivered by the classroom teacher in the general education classroom. At Tier 3, all students receive individualized, intensive interventions such as special education and Title I reading services. To ensure that students eligible for special education services are able to access fully the system of tiered support, relevant information from their Individualized Education Programs (IEPs) is to be incorporated into the design and implementation of instruction and assessments in all tiers.

The academic and non-academic core components of MTSS are:

- high-quality core curriculum and instruction implemented with fidelity;
- research-based academic interventions and assessment practices;
- research-based behavioral interventions and supports;
- universal screening and progress-monitoring;
- collaboration and communication between educators and parents.

The District Curriculum Accommodation Plan (see previous section) delineates several accommodations and interventions that can be used for Tier 2 interventions. In addition to the DCAP, Hadley Elementary School has implemented a tiered system of support in literacy using FAST (Formative Assessment System for Teachers) and individualized learning/skill building in mathematics using MAP (Measurement of Academic Progress) in conjunction with Kahn Academy. HES uses several evidence-based interventions and curricula to support behavior including PBIS (positive behavior interventions and

supports) and Responsive Classroom (RC). Tier 2 interventions in mathematics at HA included IExcel. Literacy interventions at HA include a reading support class. HA provides a number of Tier 2 behavioral interventions including Active Bystander Training, Peer Mentors, counseling support groups, and check-in/check-out.

#### **4. Referral Process**

##### **4a Initial Evaluation Referral**

A student may be referred for an evaluation by a parent, legal guardian or any person in a caregiving or professional position (including teachers) concerned with the student's development.

All interventions, instructional practices, and accommodations should be documented in the Child Study Team/Student Assistance Team process if the referral for special education has been put forward by the school district. Tiered interventions (Response to Intervention/RTI) should be implemented in conjunction with a referral for evaluation. However, Child Study/Student Assistance/RTI **must not** delay any necessary referral. Once a formal referral for evaluation has been expressed either in writing or orally by a parent or other person in a care giving capacity, the school district **must not** delay the provision of said evaluation. The district must promptly and without delay send notice and seek permission to conduct an initial evaluation for special education eligibility. The **school district has five (5) school working days from receipt of referral to send the parent the evaluation consent form for their signature** and consent to provide the parents with the opportunity to express any concerns or provide information on the student's skills or abilities. Parent consent for evaluation must be obtained before initiating the evaluation (See 603 CMR 28.04(1)).

When the school team receives a parent's consent for evaluation, the appropriate evaluators will schedule their testing sessions so **all evaluations are completed within thirty school days of receiving the signed consent.** Please be aware that students will miss some classes in order to complete the testing in all suspected areas of disability. It is a time-consuming, comprehensive process. Although parents have the right to request an evaluation, they also have other options to consider when concerned about their child's performance in school:

- meeting with the student's teacher(s) to share concerns and to get current information on performance;
- request that the Child Study Team or Student Assistance Team meet to discuss the student's performance and come up with an action plan, if needed,
- meet with the student's guidance counselor to discuss other options for support including a Curriculum and Accommodation plan under the District Wide Curriculum Accommodation Plan (DCAP),
- request a 504 meeting;
- request a meeting with special education administrator
- request a meeting with the building Principal.

##### **4b District Referral**

When the School Principal or Child Study Team determines that all efforts have been made to meet the needs of the student within the general education program, and these efforts have not been

successful, a student should be referred by school personnel for an evaluation to determine eligibility for special education. *The team will propose evaluations in the areas of suspected disability (areas of concern).* The Director of Student Services shall ensure that documentation of the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility (ie DCAP). The Director of Student Services, the Principal, or other designee, will notify the parents of the school district's proposal for an initial evaluation. The Student Services office shall send notice and consent within a "consent packet" (including [Parent's Notice of Procedural Safeguards, N1, and Evaluation Consent](#)) and shall coordinate the evaluation process.

#### 4c Parent Referral

A parent (including foster parent, special education surrogate parent, or guardian, an individual with whom the child lives, or an individual legally responsible for the child's welfare) may refer a student at any time for an initial evaluation to determine eligibility for special education. This referral may be made either orally or in writing. Upon receipt of parent referral, ***the school district has five (5) school working days to provide the parent with an evaluation consent form.***

Referrals may be given to any school staff member. All submitted referrals will be given to the Director of Student Services to begin the evaluation process. The district Special Education Office will contact parents to clarify concerns and help develop the evaluation plan in all areas of suspected disability. ***When a student is referred for an evaluation to determine eligibility for special education, the school district shall send written notice to the student's parent(s) within five school days of receipt of the referral.***

Additionally, for students who are enrolled in a private school and for whom a request for an evaluation has been made, the HPS Special Education Office will assign the appropriate evaluator(s).

***Once the referral has been made, the district has an obligation to notify the parent in writing within five (5) school working days*** of the referral and provide them with an evaluation consent form. The following materials should be included in this mailing:

- An N1 (Notice of Proposal), answering all six questions
  - What action is the school district proposing to take?
  - Why is the school district proposing to act?
  - What rejected options were considered and why was each option rejected?
  - What evaluation procedure, test, record or report was used as a basis for the proposed action?
  - What other factors were relevant to the school district's decision?
  - What next steps, if any, are recommended?
- Evaluation Consent Form
- Procedural Safeguards

#### 4d Referral for New Students from Areas Outside of HPS

When a student moves into the district on an IEP from another town in Massachusetts, the school is required to continue the IEP goals and comparable services *and in a comparable setting without delay* from the student's IEP and convert the IEP into a HPS version as soon as possible. As with all students on IEPs, the school's special education team may want to amend portions of the IEP once they have more knowledge of the student's abilities.

If a student found eligible in another state moves to Massachusetts, the new Massachusetts district of residence shall provide the student with a free appropriate public education, including special education services comparable to those in the IEP from the former state, in consultation with the parents, until the Massachusetts district determines if it will accept the finding of eligibility and/or the current IEP developed for the student in the former state of residence. If the Massachusetts district determines that the finding of eligibility and the IEP developed for the student continues to accurately represent the needs of the student, then the Massachusetts district shall continue to implement the IEP. If the Massachusetts district determines that a new evaluation is necessary to determine continued eligibility or services, or a parent or another person concerned with the child's development requests an evaluation, the district shall immediately provide written notice to the parents as required under 603 CMR 28.03(1).

When a student moves into the district with the equivalent of an IEP from another country, this should be treated as an immediate referral, and an initial evaluation should occur with evaluations in all areas of concern based on documents received with enrollment. The eligibility process for an initial evaluation is followed in its entirety and an N2 would be written should a student not be found eligible. See, 603 CMR 28.03(1)(c) Change of Residence

#### **4e Timelines**

**NOTE:** No testing / evaluations can begin prior to receiving the evaluation consent form back with a check indicating consent and a parent signature. **Verbal consent is not acceptable.** The state laws and regulations have established timelines that all school districts must adhere to in the special education eligibility process.

***The district has thirty (30) school days, from receipt of parent consent, to conduct all required assessments, and an additional fifteen (15) school days to draft reports and convene an IEP Team meeting to determine student eligibility for special education services. Within 45 school working days after receipt of a parent's written consent to an initial evaluation or reevaluation, the school district shall: provide an evaluation; convene a Team meeting to review the evaluation data, determine whether the student requires special education and, if required, develop an IEP in accordance with state and federal laws; and provide the parents with two copies of the proposed IEP and proposed placement, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e); or, if the Team determines that the student is not eligible for special education, the school district shall send a written explanation of the finding that the student is not eligible. The evaluation assessments shall be completed within 30 school working days after receipt of parental consent for evaluation.***

***Summaries of such assessments shall be completed so as to ensure their availability to parents at least two days prior to the Team meeting. If consent is received within 30 to 45 school working days before the end of the school year, the school district shall ensure that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year. (603 CMR 28.05).***

Once a referral is made, in writing from a parent or by the school, it is necessary to follow the guidelines set out by state laws and regulations:

<b>Date Requirements</b>	<b>Necessary Forms</b>
<p>Within 5 school days of receipt of referral</p>	<p><a href="#">Notice of Proposal N1</a>  <a href="#">Evaluation Consent N1A</a>  <a href="#">Procedural Safeguards</a></p>
<p>Within 30 school days from receiving parental consent:</p> <ul style="list-style-type: none"> <li>• Evaluations must be completed</li> <li>• Parent's Release of Information (If independent evaluations have been completed)</li> <li>• Developmental History Form</li> </ul> <p>Within 45 school days of receiving parental consent:</p> <ul style="list-style-type: none"> <li>• Evaluation reports must be completed</li> <li>• Team meeting must be held and an IEP developed (if applicable)</li> </ul>	<p>Reports must be made available to all IEP Team members, including parents, 2 calendar days prior to the Team meeting</p> <p>Meeting</p> <p><a href="#">Invitation N3</a></p> <p>Attendance</p> <p><a href="#">Sheet N3A</a></p>
<p>At the Team meeting:</p> <ul style="list-style-type: none"> <li>• Required Attendance (Documented)</li> <li>• Eligibility Determination (use DESE <a href="#">flow chart</a>)</li> <li>• If appropriate, IEP Development</li> <li>• Summary of IEP proposal or copy of proposed IEP</li> <li>• Placement Determination</li> </ul>	<p>Attendance Sheet N3A</p> <p>Special Education Eligibility / Initial and Reevaluation determination ED 1 to include review of all relevant elements of the flow chart</p> <p>Documentation of a Specific Learning Disability (SLD) where appropriate</p> <p>Review of Admin. Data Page to ensure accuracy ADM 1</p> <p>Individual Education Program Summary or IEP 1-8 Summary of Services</p>

<p>Following a Team meeting where the student is found eligible, the parent is given 2 copies of the proposed IEP or summary sheet containing service delivery and goals. The district then has 2 calendar weeks to send formal IEP, as well as a placement page for parent signatures.</p>	<ul style="list-style-type: none"> <li>● Individual Education Plan IEP 1-8</li> <li>● Notice of Proposal <a href="#">N1</a></li> <li>● Team Determination of Placement <a href="#">PL1</a></li> <li>● Summary of Proposed Individualized Educational Program</li> </ul>
<p>In the case of a Team determination of no eligibility, the Notice of School District Refusal to Act needs to be submitted to the parent/guardian within 10 days. If, as a result of reevaluation, a student is found not eligible, Notice of School District Proposed Action is sent within 10 days noting the specific date, as agreed to by the Team, for special education services to end. Unless the parent is present at the IEP meeting and clearly agrees to an immediate cessation of services, the written notice should specify a service termination date at least thirty (30) days after the date of notice (DESE <i>Administrative Advisory SPED 2001-4</i>). Services continue for the student for 30 days absent a rejection of the finding of no eligibility from the Parent. If the Parent rejects the finding, stay put applies to the last accepted IEP.</p>	<ul style="list-style-type: none"> <li>● Notice of School District Proposed Action (N2)* for no eligibility for an initial evaluation</li> <li>● Notice of School District Proposed Action N1 stating the district's action is to no longer propose an IEP</li> </ul>
<p>If the parent requests an independent evaluation, the District must reply within 5 school days by either agreeing to the evaluation at the rate setting rates or sliding scale or file with the BSEA due to the fact that the District is asserting that the evaluations were comprehensive and appropriate. Team reconvenes within 10 school days after evaluation report (CMR 28.04)</p>	<p>Family income information letter is sent to parents where a child is not eligible for free or reduced lunch. For the latter, an independent evaluator must be offered and funded by the District.</p>

\*If a student is not found eligible for special education, the District will include information on recommended next steps, including recommended accommodations, in the N2 (see question 6 of N2). **An N2 is a legal document and the accommodations or interventions listed must be implemented.** Holding a 504 meeting is not required. The principal may wish to convene a child study to discuss the N2 and determine process for implementation and progress monitoring.

## 5. Family Education Rights and Privacy Act (FERPA)

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

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

### Privacy and Security [Student Records](#)

- The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school.
- The superintendent of schools or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.
- The principal and superintendent of schools shall insure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and that any computerized systems employed are electronically secure.
- All employees of the Hadley Public Schools will complete a mandatory training on FERPA annually.

## 6. Evaluation

Evaluations of the student will be made in all areas of suspected disability in order to determine eligibility for Special Education services.

Evaluation activities should be tailored to the specific referral questions for the individual student and need to address whether or not there is a disability, if the disability affects the student's learning, and if the student requires specialized instruction and/or related services in order to make effective progress.

Evaluations must provide information to determine present levels of academic achievement, social and emotional performance, and related educational needs.

No single evaluation tool may be used as the sole criterion for determining eligibility. Rather, a variety of assessments (both formal and informal assessments), including information provided by parents, classroom teachers, observations of the student classroom performance, work samples/portfolios, interviews, and review of the records used.

### 6a Evaluation Process

Once the Special Education Office receives the signed evaluation consent form, the Director of Student Services will notify all members of the Team that they may begin their evaluations.

Additionally, at this time the Team will mutually agree on a time and place that will be confirmed with the parents / guardian and the Team will be notified of the date.

1. Each member of the Team is responsible for scheduling and completing their evaluations according to the time parameters established.
2. Evaluation reports need to be available to all Team members at least two working school days prior to the Team meeting.
3. The Special Education Office sends out a meeting invitation and attendance sheet to parents or guardians. Please note that invitations and attendance sheets must be sent to parents and guardians who reside at different addresses. Students if eligible for transition services must be invited to attend the IEP meeting (CFR 300.332).

### **6a(i) Required Assessments**

Required Assessments for Initial Evaluation:

1. An assessment in all areas related to the suspected disability.
2. An educational assessment by a representative of/or designee of the school district, including
  - Educational Assessment (28R/1) (Part A) - Completed by school counselor
  - Teacher Assessment (28R/1) (Part B)
  - Specialist Assessment(s): All areas of suspected disability must be assessed. Functional behavioral assessments (FBA) must be conducted if the student's behavior interferes with learning.
  - Observation of the student by someone other than the classroom teacher
  - 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; and
  - An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
  - The school district shall also thoroughly evaluate and provide a narrative description of the student's educational developmental status.

When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged. For children who are receiving early intervention services, school districts are encouraged to use current and appropriate assessments from Early Intervention teams, whenever possible, to avoid duplicate testing.

### **6a(ii) Optional Assessments**

The school district may recommend, or a parent may request, one or more of the following:

1. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.

2. A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
3. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on developmental history, pertinent family history and home situation and may include a home visit, with the agreement of a parent.
4. Other assessments as determined appropriate, including assessments in the areas of speech and language, hearing services, occupational therapy, physical therapy, adaptive physical education, and assistive technology.

### **6a(iii) Evaluation Procedures**

1. Team members will coordinate their assessments with the student's teacher(s) and other evaluators so that the child is not over-tested on any given day. The persons conducting the assessments should ensure that the teacher is notified in advance of any pullout from class.
2. The Special Education Office will inform the evaluators of the dates by which the assessments are to be completed, within 30 school working days of the parent's signed consent. If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the District ensures that a Team meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) *calendar* days after the end of the school year.
3. A Team meeting will be held within 45 school days to review the results of the evaluations and determine eligibility for special education.
4. Evaluation must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide and administer. If it is not feasible to conduct evaluations in the language most likely to yield accurate information regarding the child's skills, every effort should be made to arrange for interpreters to be present to provide translation during testing sessions.

### **6a(iv) Evaluation Reports**

All evaluation reports should be written in clear language that parents and guardians will be able to understand. Evaluation reports must also be translated into the primary language of the parent(s) or guardian(s), if the primary language is not English. Evaluators should interpret and summarize results and diagnostic impressions to help the Team determine eligibility including the student's present levels of educational performance and areas of need arising from the student's disability.

Educationally relevant recommendations, accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

An eligibility determination needs to be made by the Team of qualified professionals and parents. The Team deciding on eligibility must rely on a variety of assessment materials when determining whether the student is eligible for special education. The Team must be sure that

they have received parent input and have gathered sufficient data for making the eligibility determination. Information must be gathered in all areas of suspected disability.

Parents should be asked if they are satisfied with the evaluation (i.e. the quality of the evaluation reports, not the outcome of the meeting). Parent/response is documented on the N1.

Please see sections **Independent Educational Evaluations (IEE)** and **Extended Evaluations** for additional information.

### **6a(v) Provision of Outside Evaluation**

Parents may, at any time, elect to have their child evaluated by an outside evaluator at private expense. ***When parents present the school with an outside evaluation report, if the student is already on an IEP, the Team must reconvene to consider the outside testing within 10 working 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. If the student is not on an IEP, relevant school personnel (teachers, guidance, psychologist, etc.) should review the evaluation with the Parent and determine whether the student requires accommodations per the DCAP; should be referred to the 504 Team for further evaluation and eligibility determination or referred for an initial special education evaluation.

The Team is required to consider the results of the outside evaluation; however ***an outside evaluation does not exclusively determine special education eligibility and type of instructional programs and services.*** Consideration of an outside evaluation at any time does not replace the Hadley Public School's responsibility for conducting evaluation for determining special education eligibility. The Team will make recommendations, determine if additional testing is necessary and if possible determine eligibility for special education services. The Hadley Public Schools are dedicated to preventing any duplication of evaluations. However, if the evaluation Team does not propose and attempt to complete a Hadley Public School's evaluation, it places the district in the position of being preempted by outside testing in the future.

### **6a(vi) Reevaluation**

A reevaluation should be conducted every three years, or sooner if necessary. The school district, with parental consent, conducts a full three-year reevaluation consistent with the requirements of federal law. Reevaluations typically do not occur more frequently than once a year unless both parents and district agree that evaluation is needed. Conversely, the parent and district may agree that a reevaluation is not required due to a student's progress and/or IEP team feedback. When a student is referred for a reevaluation, existing evaluation data should be reviewed first. A reevaluation is also necessary prior to any significant change in placement.

If, in preparation for the three year reevaluation, the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine that the child continues to be a child with a disability, and to determine the child's educational needs, Hadley Public Schools will convey to the parents:

- that determination and the reasons for the determination; and
- Parents may exercise their right to waive the three year evaluation; however, if Parents do not agree to waive the reevaluation in part or in full, the District must propose the evaluation.

Teams are urged to carefully consider whether it makes sense to waive evaluations, as assessment data provides critically important information for making decisions regarding eligibility, services, and placement. Any individual assessment may be waived with the approval of the parents if in accordance with federal requirements, if recommended by the school district, parents may agree to waive some or all assessments when the three-year reevaluation is required.

If the district suspects that a student is no longer eligible for special education services, a reevaluation must occur prior to any substantial change in placement or eligibility. Services continue for 30 days after the finding of no eligibility unless (1) parents' consent to termination of services at the Team meeting or (2) Parents reject the finding of no eligibility and invoke stay put. This information must be reflected in the N1. For students who age out or graduate with a regular diploma, the district must provide a summary of academic and functional performance, including recommendations on how to assist the child to meet post-secondary goals.

NOTE: All requirements mandated for initial evaluations remain true for reevaluations. Assessments and assessment reports must focus on the suspected disability as well as the student's current level of performance. Furthermore, all assessment reports must include educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

Reports should summarize the procedures employed, the results, and the diagnostic impression and shall define, in detail and educationally relevant common terms, the student's needs, offering explicit means of meeting them. See 603 CMR 28.04(2)(c). Reports should not recommend a particular placement or type of placement as this decision is driven by the IEP, once it is developed.

### **6b Evaluations for English Language Learners**

Both over- and under-representation of students whose first language is not English in special education is a concern. Distinguishing language and cultural differences from disabilities is challenging. While there is the risk of inappropriately identifying students as having disabilities because of academic challenges they experience that are related to cultural and language differences, there is also the risk of inappropriately attributing a student's challenges to their language or cultural background.

Appendix A provides a matrix for determining if a learning behavior is the result of second language acquisition or indicative a possible learning disability. Child Study Teams and Student Assistance Teams should review the matrix when discussing any student who is referred to the team whose first language is not English, regardless of whether or not the student receives English Learner services.

If a student's parents or guardians are not proficient in English, arrangements must be made to ensure that an interpreter is present at special education meetings. Care must be taken to ensure that the interpreter and parents or guardians understand the technical language used.

## 7. IEP Team

Members of an IEP Team combine their knowledge and experience to design an educational program that will help a student to access and progress in the general education curriculum—that is, the same curriculum as for children without disabilities. The IEP guides the delivery of special education and related services and supplementary aids and supports for the child with a disability. Writing and implementing an effective IEP requires teamwork.

### 7a Required Team Membership

Per IDEA 2004, Section 1414(d)(1)(B), the IEP team includes:

- (i) the **parents** of a child with a disability;
- (ii) **not less than 1 regular education teacher** of such child (if the child is, or may be, participating in the regular education environment);
- (iii) **not less than 1 special education teacher**, or where appropriate, not less than 1 special education provider of such child;
- (iv) a representative of the local educational agency (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general education curriculum; and (iii) Is knowledgeable about the availability of resources of the public agency and the authority to commit the resources of the district. (Director of Student Services or Designee),
- (v) an individual who can interpret the instructional implications of evaluation results**
- (vi) at the discretion of the parent or the agency, other **individuals who have knowledge or special expertise regarding the child, including related services personnel** as appropriate; and,
- (vii) whenever appropriate **prior to the age of fourteen**, the **child** with a disability." (mandatory for students who are turning 14 years during the proposed IEP and thereafter).

Any person who is invited to the Team meeting by Hadley **must** be included on the invitation sheet. If a district administrator's participation is required as a contributing member or not of the IEP team, their name must be included on the meeting notification.

Additionally, members may include:

- if transition services, or vocational education is to be discussed a representative knowledgeable about these services must attend;
- other individuals at the request a Team member if they have knowledge or special expertise regarding the child.

The Team meeting is designed to incorporate school staff, parents and other invited personnel as a unified group to determine eligibility and/or develop an IEP for a particular child.

Hadley Public Schools are dedicated to ensuring parental involvement in the Team process. Every effort will be made to ensure this participation. If, despite multiple efforts, a parent is unable to attend the Team meeting, the district will provide the parent/guardian with the opportunity to participate via conference call.

At least two days prior to the Team meeting, evaluation reports will be made available to parents or guardians. Reports should convey the data clearly as well as the findings from the evaluation sessions. Nationally normed, standardized tests are necessary for determining eligibility for special education.

If the Team feels that they have not covered all necessary facets of eligibility, IEP development and placement in the designated amount of time, the Team must extend the meeting or reconvene to complete the process.

For an annual IEP, copies of the existing IEP may be brought forward as the foundation for creating the new IEP. **Note:** The word Draft must be written or stamped at the top of each page. The Director of Student Services or designated Team member, will mark up a copy of the current IEP reflecting Team input. At the end of the meeting, either the facilitator's draft is marked as the "proposed IEP" and 2 copies of it are made for the parent or a summary of services and goal areas is prepared and given to Team members. Parents may take their own "draft" home with them with their notes.

Parents must be given either a draft of the Proposed IEP or a Summary of Proposed IEP (which includes service delivery and goal areas) at the end of the meeting.

### **7b Responsibilities of Team Members**

Every Team member should come to the Team meeting prepared. Students and families deserve thoughtful and carefully prepared feedback on progress in order to make meaningful changes to a student's Individual Education Program. All Team members deserve to have their time respected. When every Team member brings relevant information and documentation to a meeting and is prepared to present the information clearly and concisely, the result is a productive meeting and effective IEP.

#### **7b(i) Responsibilities of LEA Representative/Team Chair**

- At least two days prior to the meeting, the Chair should disseminate all reports and data that will be discussed at the meeting to Team members including evaluation reports, Team meeting report forms, copies of student work samples, etc.
- The Team Chair should bring an attendance sheet, ensure all required members of the Team are present, and there is an excusal for any member who is absent or leaves the meeting prior to its conclusion.
- The Team Chair should be prepared to complete a draft IEP or IEP summary sheet to be given to parents/caregivers at the conclusion of the meeting.

#### **7b (ii) Responsibilities of Educators/Specialists/Education Support Professionals**

- District personnel invited to the Team meeting must complete the Team meeting reporting form at least 3 days in advance of the meeting and submit the form to the

Team Chair. This information will be distributed at the Team meeting; therefore, district personnel should carefully review all information provided for accuracy.

- Teachers should provide copies of student work samples demonstrating the student's progress on IEP goals related to the general curriculum.
- Specialists should bring data charts indicating student progress on IEP goals.

### **7b(iii) Responsibilities of Parent/Caregiver**

- Parent/Caregiver should review all reports provided by the district in advance of the meeting.
- Parent/caregiver should tell the Director of Student Services about any special guests they intend to invite to the meeting, the names of the guests, and their relationship to the child.
- If the parent/caregiver has a specific question regarding their child, parent/caregiver should email the question to the Director of Student Services in advance of the meeting so the Director can ensure the information is available at the meeting.
- Parent/Caregiver should consider their child's strengths, their vision for their child, any concerns they have, and their recommendations/vision for transition planning (if applicable) prior to the meeting.

### **7b(iv) Responsibilities of Student**

IDEA states that students should be included in IEP meetings "whenever appropriate."

Attending their own IEP meetings can help students learn self-advocacy. If a student is invited to his/her IEP meeting and chooses to attend, the student should:

- Have a discussion with his/her parent prior to the meeting in order to know what to expect at the meeting;
- Consider drafting notes to share at the meeting, Understood.org provides a useful [self-awareness worksheet](#) that can help students organize their ideas in advance of the meeting.

### **7c Team Member Excusal**

IDEA 2004 permits members being excused. If the member is a mandatory participant, they may be excused if they have provided input, in writing, prior to the Team meeting and if the parent/caregiver agrees in writing. A non-mandatory member (one who's area is not being discussed) may be excused with written consent from the parent/caregiver. The Team member excusal form must be signed by a parent or guardian **before** the Team meeting **begins**.

If the parent and district agree, IEP amendments and minor revisions can be made via written documentation. The **Notice of Proposed School District Action** (N-1 form) should be completed, and should document parent/guardian input and the role of team members in planning the amendment.

### **7d Alternatives to Physical Meetings**

Alternatives to "physical meetings" are explicitly allowed including video conferencing, telephone conferencing, or virtual meetings. If a meeting takes place that includes telephone or video conferencing, a meeting notice and attendance should be completed.

## 8 Eligibility Determination

Special education team members must use the Special Education Eligibility Flowchart that has been designed by the Massachusetts Department of Elementary and Secondary Education ([ED 1](#)) to assist Teams in making eligibility determinations if a student has one or more of the ten identified educational disabilities per 603 CMR 28.02, that the student is not making effective progress in school and that the lack of progress is a result of the disability, and that the student requires specially designed instruction and/or related services in order to access the general education curriculum. It is necessary to complete this form as a collective group at the Team meeting. A diagnosis alone is not sufficient to warrant special education services, and Team members should be aware of the exclusionary factors specifically identified and noted for specific disability categories.

The flowchart is a worksheet and not a notice/form. This worksheet should become part of the student record but does not need to be mailed to parents and, if the student is determined eligible for services, it should not be attached to the IEP.

The Determination of Eligibility is based upon the examination of data including information provided from the parent.

Determinations include:

1. The student is eligible. If the student has one or more of the disabilities defined at 603 CMR 28.02 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 individualized special education program.

Please note that eligibility must not be based solely on a student's inability to meet the discipline code, lack of reading or math instruction, or on English language learning needs.

2. The student is not eligible. If the Team determines that the child is not eligible, the Team Chair shall record the reason for such finding, list the meeting participants, and provide written notice to the parents of their rights in accordance to federal requirements within **ten (10) calendar days of the Team meeting**.

As part of the Team process the form ED 1, a flowchart sheet, is used to answer the three questions of eligibility. Listed on this form are the disability categories as well as questions of effective progress and the need for specially designed instruction. If, as the result of a Team meeting, the child is not found to be eligible for special education services, Form N2, Notice of School District Refusal to Act needs to be completed unless the student has been receiving special education services. In this case, Form N1 will be used.

As required by law, when the existence of a specific learning disability (SLD) has been determined, it is necessary to document said disability. The Department of Elementary and Secondary Education has developed appropriate forms for the development of determination of [SLD](#)

### 8a Disability Categories (with definitions and diagnostic criteria)

**8ai Autism** - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. (refer to federal law 34 CFR Section 300.8(c)(1)).

Possible Assessments and Assessment Factors

- Autism-specific rating scales
- Assessment of social maturity and skills
- Communication sample including assessment of pragmatic language skills
- Assessment of student response to sensory experiences
- Assessment of student's emotional status
- Assessment in multiple environments with a variety of tasks
- Assessment of cognitive skills
- *Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools.*

**8aii 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.

Possible Assessments and Assessment Factors

- Developmental delay in receptive and/or expressive language, cognitive ability, physical functioning, social, emotional, or adaptive functioning and self-help skills will be defined as below average performance in these areas as assessed via formal testing, observations of the student and reports from parents/guardians and teacher (s).
- For students (3-9) developmental delay in the above listed areas is defined as significantly delayed functioning as measured by appropriate diagnostic instruments and/or procedures within each discipline. The developmental delay significantly impacts the functioning of the student.
- Adaptive functioning will be assessed through observation, teacher assessment, parental communication and/or formalized rating scales.
- In addition assessment of developmental performance in language, cognition, physical development and functioning and social and emotional functioning may include some or all of the following:
  - Classroom observations
  - Developmental history
  - Adaptive behavior rating scales
- A child cannot be identified as having a developmental delay during an initial evaluation or reevaluation during the year where the child would turn 9 years of age.

**8aiii 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.

The American Association on Intellectual and Developmental Disabilities offers the following definition: *Intellectual disability is a disability characterized by significant limitations in both in **intellectual functioning** (reasoning, learning, problem solving) and in **adaptive behavior**, which covers a range of everyday social and practical skills. This disability originates before the age of 18.*

Possible Assessments and Assessment Factors:

- Assessment of intellectual impairment will include some or all of the following:
  - Developmental and educational history-evidence of permanent limitations of capacity
  - Rate of learning, patterns of learning and understanding abstract concepts
  - Adaptive behavior rating scales
  - Standardized IQ tests as one measure for consideration
  - Assessments in different environments

**8aiv Sensory Impairment** - The term shall include the following:

1. *Hearing Impairment or Deaf* - 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 students who are deaf and students who are hard-of-hearing.

Possible Assessments and Assessment Factors:

- Audiological assessment including assessment of functional residual hearing capacity
  - Assessment of student's capacity to derive assistance from the use of assistive technology such as hearing aids, auditory trainers, FM systems, or cochlear implants
  - Review of student's educational and developmental history
  - Medical history and current medical assessment
  - Assessment of oral language development and communication abilities of student
  - Assessment of student in relation to school environment, and vice versa, including participation behaviors, social/communication behaviors, interaction with other students and with adults, and behaviors in relation to different learning environments
  - Assessment of student's auditory discrimination processing skills
  - *Note: This is a low incidence disability. Assessors should have experience and knowledge related to appropriate assessment tools for students whom may be deaf or hard of hearing.*
2. *Vision Impairment or Blind* - 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.

Possible Assessments and Assessment Factors:

- Visual acuity assessment, including assessment of functional residual vision after correction
  - Medical history and current medical record
  - Ophthalmological and clinical low vision assessment
  - Assessment of student's orientation and mobility skills
  - Review of student's educational and developmental history
3. *Deafblind* - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

Possible Assessments and Assessment Factors

- Visual and auditory acuity assessments

- Observational checklists
- Communication assessments, both expressive and receptive
- Review of student's educational, medical, and developmental history
- Observation of student in multiple settings
- Other assessments as listed in the two previous sections

**8av 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.

Possible Assessments and Assessment Factors

- Assessment by a qualified Neurologist or Neuropsychologist that does not repeat previously administered testing
- Developmental and educational history
- Medical history and current assessment including a medical screening for known neurological trauma
- Assessment of related areas such as: memory, cognitive functioning, sensory and motor skills, communication skills, information processing, social skills, behavior, flexibility/adaptability, attention, reasoning, abstract thinking, judgment, problem solving, mental health status

**8avi Emotional Impairment** - As defined under federal law at 34 CFR Section 300.0(c)(4), 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 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 (*a social maladjustment is a persistent pattern of violating social norms, such as multiple acts of truancy, or substance or sex abuse, and is marked by struggle with authority, low frustrations threshold, impulsivity, or manipulative behaviors*).

When determining if a student is eligible under Emotional Impairment, the following factors should be considered:

- Disability is pervasive across more than one setting (home, school, and community)
- Student may be in ongoing treatment for mental health
- DSM-V diagnosis and/or history of psychotropic medications are insufficient evidence of an emotional impairment (except schizophrenia)
- Prior psychiatric hospitalization(s) are insufficient evidence for an emotional impairment

Diagnostic Procedures

- The school identifies and implements appropriate interventions preceding the Team's determination of Emotional Impairment. This may include:
  - Functional behavioral assessment
  - Positive behavior intervention plan
  - Referral to social service agency
  - Referral to school counseling and/or clinical staff
  - Consultation with medically relevant treatment services
- The multi-disciplinary team will conduct psychological and educational evaluations including an assessment of the student's personal, social and emotional status all linked to the student's referral question(s). The determination of Emotional Impairment should be based on multiple, convergent sources of data collection. A period of observation and consultation with staff and parents is an integral part of the process as is examining the student's learning environment. A home visit may be part of the evaluation. Assessments may include some or all of the following:
  - Consultation with outside mental health service provider(s)
  - Behavior /diagnostic checklist and rating scales
  - Screening data and other observational data
  - Educational assessment that includes observations and data on the learning environment(s), curriculum, and task demands
  - Teacher assessments and interviews
  - Multiple observations of the student across educational settings
  - Parent interview
  - Student interview
  - Information about the student personal attributes, distinctive patterns of behavior which characterize the student personal feelings, attitudes, moods, perceptions and thoughts processes and significant personal traits
  - Developmental and social history
  - Behavioral data and incident reports in the school setting
  - Functional behavioral assessment
- The psychologists along with the Team makes this determination through clinical review of the observable behaviors combined with the collected information found within the evaluation and relevant factors in the home school environment.

**8avii 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.

Possible Assessments and Assessment Factors:

- Assessment of expressive and receptive language skills, including articulation, fluency, and voice
- Oral-peripheral exam
- Vocabulary assessment

- Assessments related to word retrieval, language and auditory processing skills, and semantic and syntactic skills
- Assessment of pragmatic language skills
- For younger children, analysis of play skills
- Observation of student
- Language sample - oral and written
- Teacher and parent interviews
- Developmental and educational history

**8viii Physical Impairment** - The capacity to move, coordinate actions, or perform physical disabilities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical or motor tasks; alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. 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.

Possible Assessments and Assessment Factors:

- Orthopedic or neuromuscular assessment
- Medical assessment
- Developmental history
- Assessment of school functioning across school environments
- Observation of student

**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 education environment. The term shall include all 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.

Possible Assessments and Assessment Factors:

- Medical assessment
- Developmental history
- Assessment of school functioning
- Observation of the student, over time, with different tasks
- Teacher and parent interviews
- Assessment of effects of medication or medical treatment, if appropriate
- Assessment of effects of chronic absences, including cumulative effect of absences over time, if appropriate
- Assessment of emotional and psychological impact of the impairment, if appropriate

**8ix Specific Learning Disability (SLD)**- 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 inability to listen, think, speak, read, write, spell, or to do mathematical calculations. Use of term shall meet all federal requirements given in federal law at 34 CFR Section 300.8.(c)(10) and 300.9.

### Determining Eligibility for SLD

Federal and state requirements delineate four necessary components for SLD eligibility. Forms for each component are included in the appendices of this document. For technical assistance in completing forms see [SLD TA 1](#).

- Component 1: Historical review and educational assessment documented on [SLD 1](#)
  - When evaluating a student for a Specific Learning Disability, the Team must ensure that the student's underachievement is not due to lack of appropriate instruction in reading or math. The Team must consider that:
    - The student has been provided appropriate instruction in general education settings and that instruction has been delivered by qualified personnel;
    - There is data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was provided to the student's parents.

If the components of the Historical Review have been met then the eligibility determination can continue. If some but not all of the requirements have been met, the Team must determine what additional information is needed and how they will obtain the information within the evaluation timeframe ([SLD TA 3](#)). If the requirements have not been met, the special education evaluation should not go forward until the school has sufficient information to determine that the student has been given appropriate opportunities to learn in the general education environment ([see SLD TA 4](#)). As part of the Historical Review/Component 1, the Team must review assessments of the student's participation skills, including attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults ([see Educational Assessment Part B](#)). The Team must also review the student's performance history, and medical information if applicable ([see Educational Assessment Part A](#)).

- Component 2: Area of concern and evaluation documented on [SLD 2](#)
  - The Team may use a scientific, research-based intervention as an eligibility determination procedure or the IQ/achievement discrepancy model
  - To determine the existence of a SLD a Team must establish that the student is not able to demonstrate the necessary processing skills to achieve adequately for his/her age or to meet ELA or Math Curriculum Framework standards when provided with appropriate learning experiences and instruction in one or more of the following areas:
    - Oral expression
    - Written Expression
    - Basic Reading Skills
    - Listening Comprehension
    - Mathematics Problem Solving
    - Mathematics Calculation
  - IDEA 2004 allows for a process of eligibility based on the student's response to scientific, research-based intervention. It does not require the completion of an IQ/achievement discrepancy model, although it can be used at the district's discretion.
    - Response to Scientific, Research-Based Intervention - Determine that the student is not making effective educational progress for his/her age

or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention. This could be established through a Response to Intervention or multi-tiered instruction process.

- IQ/Achievement Discrepancy Model - Using appropriate assessments, determine that the student exhibits a pattern of strengths and weaknesses in performance, or achievement, or both, relative to age, ELA or Math Curriculum Framework standards, or intellectual development.
- Component 3: Exclusionary Factors documented on [SLD 3](#)
  - No matter what evaluation method is used, the Team must ensure that the identified area of difficulty is not primarily the result of:
    - Cultural factors
    - Economic disadvantage
    - Limited English proficiency
    - A visual, hearing, or motor disability
    - Intellectual impairment
    - Emotional disturbance
- Component 4: Observation documented on [SLD 4, \(Preschool/ K\), Elementary, Middle, High School.](#)
  - The student must be observed in his/her natural learning environment to document academic performance and behavior in area(s) of difficulty.

### **8b Effective Progress ([see MA DESE IEP Process Guide](#))**

TEAMs judge whether a student is making effective progress in school. The TEAM must make a judgment 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 judge 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.*** TEAMs sometime struggle in trying to decide if a student is making effective progress and look for specific guidelines to assist in making this important decision. Effective progress, however, is not easily translated to test scores, academic achievement, social skills or other individual or specific variables, but rather is an interrelated measure. TEAMs, therefore, should carefully review evaluation data and make student-centered decisions on this important issue. TEAMs judge 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 deliberations, 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). If the TEAM determines that there is a disability, it must then ask a final question: Does the student require specially designed instruction in order to make progress?

### **8c Specially Designed Instruction**

Specially designed instruction addresses the unique needs of the student that result from the student's disability. Specially designed instruction is a IEP 2 modification not regularly provided for students in the general education IEP 3 program. Special education services will usually include "specially designed instruction unless the students only require a related service(s) to access the general curriculum." However, not all students will need specially designed instruction in all areas of educational need and not all students will require all types of specially designed instruction. **Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning.** This instruction is designed by or with an appropriately credentialed special education teacher or related service provider. For some students, teachers may need to present information through the use of manipulatives or may need to give oral rather than written quizzes. For other students, teachers may need to select and teach only important key concepts and then alter evaluation activities and criteria to match this content change. In each case, the Team must decide whether an instructional methodology should be included in a student's IEP. Generally, if the methodology is an essential part of what is required to meet the individualized needs of the student, the methodology should be included. For instance, if a student has a learning disability and has not learned to read using traditional methods, then another method may be required. When including such an IEP recommendation, **the Team should describe the components of the appropriate type of methodology as opposed to naming a specific methodology.** The Team should tailor their suggestions to the unique needs and circumstances of the student and keep their attention centered on what the school district can do to help the student. Educators will be better assisted in implementing the IEP and improving the education results for students with clear and specific recommendations.

### **8d Related Services**

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health

services and school nurse services, social work services in schools, and parent counseling and training.

## **8e Transportation**

Transportation is considered a related service under the Federal statute. A recommendation for a student to receive transportation, as with other IEP decisions, relates back to the effect of the student's disability(ies) on transportation. A Team must decide whether a student requires regular transportation or special transportation. Regular transportation is the typical way students get to school. Team members must ascertain whether the disability(ies) prevents the student from getting to the local school in the same manner as the student's nondisabled peers would get to the local school. If the nondisabled peers in the student's neighborhood walk to the school, then does the student's disability(ies) prevent the student from walking to school? If the nondisabled peers in that student's neighborhood ride a bus to the school, then does the student's disability(ies) prevent the student from riding the yellow school bus? If the Team answers no to these questions, then they recommend regular transportation. As the exact placement for the student is not yet known and as IDEA's strong preference is for students to be educated in the general education environment in their neighborhood schools, the Team responds to the transportation questions based on the assumption that the student will attend the local school. If after a placement decision is made, the student is placed away from the local school, the school district will be required to provide transportation.

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

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

Parents may be eligible for transportation cost reimbursement. Teams decide only whether students will receive regular or special transportation. Parents, once they receive an IEP and a placement decision, may decide whether to transport their child to the school where the child is placed. If parents make such a decision, they are entitled, under certain circumstances, to

reimbursement at the state approved mileage rate. If the IEP recommends regular transportation and the student is placed at the neighborhood school, parents who choose to transport their child are not eligible for transportation reimbursement. If the IEP recommends regular transportation and the student is placed away from the neighborhood school, parents who choose to transport their child are eligible for transportation reimbursement. If the IEP recommends special transportation regardless of the placement location and parents choose to transport their child, they are eligible for transportation reimbursement.

### **8f Extended School Year Services**

Most students with disabilities will attend school on the same daily and yearly schedule as their nondisabled peers. However, in certain circumstances, a Team will recommend a schedule modification. The Team may decide the student requires a shortened school day, shortened school year, longer school day, longer school year or residential services. In each case, the IEP must describe the modification and the reasons for such modification. Typically a shortened day or school year may only be considered if a physician recommends such a change due to the student's health and consequent inability to participate in a full day program of instruction. Other reasons for a shortened day or year may exist but Teams should exercise extreme caution when making this type of recommendation as it may limit a student's ability to make effective progress, to reach higher standards, to meet graduation requirements, and to receive FAPE. Extended school day and year services must be considered and recommended on an individual basis and the school may not routinely deny such services nor establish policies that deny such services without a consideration of the needs of the individual student. Not all students will require extended services and not all students who require extended services will require the same extended services. The Team's consideration of extended school day and year services must be based on (1) the unique nature of any specially designed instruction or related services needed due to the disability of the student or (2) if the student has demonstrated, or is likely to demonstrate, substantial regression due to a break in service (such as a summer vacation period). In regard to regression, all students "regress"—lose progress, forget, revert to previous behavior—to some extent between school years. It must be determined whether a student's regression would likely be substantial, and whether the student would require a greater than usual time to "recoup"—to get back to the level the student had achieved before a break in service. These decisions as with earlier IEP decisions must be made by the Team based on the needs of the individual student and regardless of the nature and severity of the disability. If residential services are recommended, they must be recommended based on a determination that the student essentially requires a 24-hour program in order to make educational progress. If so, the Team must include goals and services in the appropriate IEP sections that reflect that extended program need. Additionally, the Team must describe under Schedule Modifications how the day education services of the IEP will coordinate with the residential services of the IEP.

### **9. IEP Development**

Once a student has been found eligible for special education services, an IEP must be developed. The IEP must address the unique needs of the student and, therefore, must be tailored to the individual student needs as determined through the evaluation process. Good IEPs will be responsive to parents concerns and the student's vision and will assist the student

as much as possible to move towards independence. The IEP is intended to be a useful document that helps educators and parents to understand the student and how best to work with that student. In other words, the IEP should describe how the student learns, how the student best demonstrates that learning and how the school staff and student will work together to help the student learn better. The IEP is not intended to be a daily, weekly, or monthly lesson plan but should provide a clear picture of the student's current abilities and needs and should identify key goals and objectives that provide a direction and focus for the student's learning over the next IEP period. If carefully and thoughtfully written, the IEP will serve as a vehicle for improving the educational experience and results for a student with disabilities. Although IEP development is a student driven, individualized process, there are some central concepts that should be adhered to during a well-managed Team meeting.

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

When developing the IEP, the TEAM addresses all elements of the [DESE IEP format](#). IEPs may not be changed outside of a TEAM meeting. In between annual IEP meetings the district and parent may agree to amend an IEP and document the agreed to amendments in writing without convening a meeting of the Team. Upon request, parents must be provided with a revised copy of the IEP with the amendments incorporated.

Immediately following the development of the IEP, and within 45 school working days after receipt of the parent's written consent to an initial evaluation or reevaluation, the district shall provide the parents with two copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.

No later than 30 days after receipt of the proposed IEP and proposed placement, the parents shall:

1. 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
2. accept or reject the proposed placement.

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

Annually, the IEP must be reviewed and updated to reflect the growth the student has made, and new goals need to be developed. Input from general educators, special educators, parents and related service providers needs to be included. Input from the student is required if the student is over 14 years old. The IEP should be considered a primary tool for supporting a student's involvement and progress in the general curriculum, identifying the supports and services necessary to mitigate the impact of their disability allowing the student to access a

Free and Appropriate Public Education (FAPE). As defined by Federal regulation, the general curriculum is the curriculum used with non-disabled children. ***All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum. School districts must maintain high standards for children with disabilities. These standards should be consistent with the expectations for all students in the educational system.***

### **9a. IEP components**

Upon determining that the student requires special education and based upon the evaluative data, the Team shall write an IEP for the student and decide the student's placement. The IEP shall describe the special education and related services that the student requires and shall include all elements required under federal and state law.

(a) The IEP shall include specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or may consist solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements.

(b) The Team shall carefully consider the general curriculum, the learning standards of the Massachusetts Curriculum Frameworks, the curriculum of the district, and shall include specially designed instruction or related services in the IEP designed to enable the student to progress effectively in the content areas of the general curriculum.

(c) For any student approaching graduation or the age of twenty-two, the Team shall determine whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education shall make a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, § 12A through C (known as Chapter 688).

(d) The daily duration of the student's program shall be equal to that of the regular school day, unless the Team states that a different duration is necessary to provide a free appropriate public education to the student. In such case, the Team shall specify the daily duration of the program, and the Team shall state on the IEP the reason for such different duration.

1. An extended year program may be identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.
2. If residential services are required, the IEP must clearly specify the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the goals and services on the student's IEP must reflect the comprehensive nature of the educational program required.
3. If a longer program is required, the student's IEP must specify why a longer program is necessary.

Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction shall not be considered extended year programs.

## 9b Special Requirements for Students on the Autism Spectrum

Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhetts Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the IEP Team shall consider and shall specifically address the following:

- the verbal and nonverbal communication needs of the child including
  - the student's current level of communication,
  - the system of communication most effective for the student,
  - the functions for which the student uses and understands language,
  - the student's ability to use and understand non-verbal communication (e.g., eye gaze, facial expression, gesture), and
  - any emerging communication skills reported by the family or other Team members.

The IEP must include information about the student's current strengths with communication modalities, skills that need further development and the specific supports and interventions necessary to increase the student's ability to effectively communicate and understand others.

- the need to develop social interaction skills and proficiencies including
  - the student's ability to respond appropriately to the social approach of others,
  - the types of social interactions the student is capable of initiating,
  - the student's pragmatic language skills, and
  - anecdotal information about the student's abilities within small and large group settings and in typical activities for students of that age.

For students with ASD, social interaction skills are largely associated with the ability to communicate within a situation. The IEP Team should determine if a social impairment is the result of a language deficit. Impairments in social interaction may be mistaken for behavior problems in students with ASD. A functional assessment is useful for identifying factors that affect the student's social proficiencies. Where behavior plans are warranted, they should include the teaching of new social skills to prevent the occurrence of inappropriate behaviors serving a similar function.

- the needs resulting from the child's unusual responses to sensory experiences including
  - **Tactile:** *does the student with ASD demonstrate a lack of awareness to his/her body in space, and/or a need for a higher level of input in tactile experiences?*
  - **Visual:** *Is the student's eye gaze avoidant of, or fixated on, particular sights?*
  - **Sound:** *How does the student with ASD respond to auditory events?*
  - **Smell/Taste:** *does the student with ASD respond in an atypical fashion to olfactory events or tastes?*
- the needs resulting from resistance to environmental change or change in daily routines;
- the needs resulting from engagement in repetitive activities and stereotyped movements;
- the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
- and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

### **9c. Assistive Technology**

The Individuals with Disabilities Education Act (IDEA) requires schools to consider a student's possible need for assistive technology devices and services whenever an Individualized Education Program (IEP) is developed. In addition, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act require schools to provide assistive technology for students with disabilities, if needed to assure equal access to the school's programs and services. Both of these laws also require that schools provide instructional materials in accessible formats to students who need them. The principal reason for providing assistive technology in school is to enable students to meet the instructional goals set forth for them. Hadley uses the framework outlined in the SETT Scaffold when considering the AT needs of a student. This process includes reviewing the areas listed below and identifying any concerns about a student's ability to function as independently as possible in a given area due to a disability.

- Physical (health, motor abilities, seating, positioning)
- Sensory (vision, hearing, sensitivity to/of touch)
- Communication (speech, receptive and expressive language, voice, fluency, augmentative and alternative communication)
- Cognitive
- Academic Performance
- Environmental Control
- Social Competence
- Vocational Performance
- Recreation/Leisure

If an area of concern is identified, the district may conduct a functional evaluation of the student in his/her customary environment. The Team may determine that an AT resources (e.g. Google Extensions) will increase accessibility and independence for a student without conducting a formal evaluation. In other cases, the TEAM may recommend a functional evaluation of the student in their customary environment before making AT recommendations. If the TEAM recommends AT as part of a student's IEP, the district will provide the equipment at no cost to the student or family. The district will utilize specialists (OT, AT, PT, etc.) to select, fit, design, customize, maintain, repair, and replace equipment as needed. AT devices and tools are used in coordination with instructional and related services, interventions, and therapies. The district will provide training in AT to a student's family when needed. The district will provide training to service providers in the use of AT equipment and tools. AT needs and equipment are documented in PLEP B and/or additional information in the Individual Education Plan.

### **9d. Free and Appropriate Public Education**

A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d). An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling, and medical diagnostic services necessary to the child's education.

An appropriate education will include:

- education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;
- the education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;
- evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and
- establishment of due process procedures that enable parents and guardians to:
  - receive required notices;
  - review their child's records; and
  - challenge identification, evaluation and placement decisions.

Due process procedures must also provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure. The quality of education services provided to students with disabilities must equal the quality of services provided to nondisabled students. Teachers of students with disabilities must be trained in the instruction of individuals with disabilities. Facilities must be comparable, and appropriate materials and equipment must be available.

***Students with disabilities may not be excluded from participating in nonacademic services and extracurricular activities on the basis of disability. Persons with disabilities must be provided an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include physical education and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, and referrals to***

**agencies that provide assistance to persons with disabilities and employment of students.**

**9e. Least Restrictive Environment**

A child with a disability who is eligible to receive special education and related services is entitled to all the rights and protections granted under Part B of the IDEA and its implementing regulations in 34 CFR Part 300. One of these granted rights is the right to be educated in the least restrictive environment. The LRE requirements under Part B of the IDEA state a *strong preference for educating children with disabilities in regular classes alongside their peers without disabilities*. The IEP must include an explanation of the extent, if any, to which a child will not participate with nondisabled children in the regular class.

**10. Processing IEPs**

When parent(s) receive a Team Meeting Summary at the conclusion of a Team meeting, the school district has two calendar weeks to send the Proposed IEP and Placement.

When parent(s) do not receive a Team Meeting Summary at the conclusion of the Team meeting, the school district must provide the parents with a proposed IEP and Placement as soon as possible and not more than 3 to 5 school days after the Team meeting has been held. If, in the unusual situation where a parent requests the completed IEP within three to five days of the Team meeting, the district must comply, regardless of whether it has provided a Team Meeting Summary.

Once the IEP is completed, the Special Education Director will review and sign the IEP. It is the Team's responsibility to submit the IEP packet in a timely manner in order for the school district to meet the required IEP timelines.

**10a. Parent Response to IEP**

No later than 30 calendar days after receipt of the proposed IEP and proposed placement, the parents shall:

- 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 a revised proposal; and,
  - Accept or reject the proposed placement

If parents have not responded to the IEP within thirty days, a letter is sent home with a copy of the IEP as well as the signature pages. This will be done through the Student Services Department. If the parents have not responded to the second request letter after thirty days, a third notice will be sent out from Student Services. If parents do not respond after the third attempt, the IEP is filed as rejected with the BSEA by Student Services.

**10b. Receipts of signed IEP**

Parents are provided a self-addressed envelope along with 2 copies of the proposed IEP to sign and return to Student Services. The Student Services Administrative Assistant immediately date stamps the signature and placement pages and promptly notifies all members of the student's team. The Student Services Administrative Assistant will change the IEP status in School Brains. If an IEP is rejected, in

whole, or in part, the signature and placement pages will be immediately date stamped and the Special Education Director will be notified. This must be submitted to the BSEA within 5 calendar days of receipt by the district.

### **10c. Receipt of Rejected of Partially rejected IEPs**

When an IEP has been rejected in full, it will appear in School Brains as Rejected. When it is rejected in part it will read as Active. The Student Services Department will immediately provide the Team with a copy of the parent's response. This enables Team members to know which parts of the IEP have been accepted and can be implemented. Should Team members have questions regarding implementation, they should IMMEDIATELY contact the Special Education Director for clarification. The IEP must be implemented immediately upon signed response from parents.

Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay. The school district cannot delay implementation of the IEP due to lack of classroom space or personnel. Teams must provide as many of the services on the accepted IEP as possible and shall immediately inform the parent in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offer alternative methods to meet the goals on the accepted IEP. Upon agreement from a parent, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

### **10d. Amendments to IEP**

At times it is necessary to amend an IEP. An amendment can be conducted via phone contact or email with the parent(s). An unsigned, rejected, and partially rejected IEP cannot be amended – any changes made to an unsigned IEP are considered “Revisions” to a proposed IEP and should be marked accordingly. An N1 is always included with an amendment.

### **10e IEP Revisions**

Once a Team meeting has been held and a proposed IEP has been sent to parents for response, a Team may revise or further develop the proposed IEP with parent agreement and input. The type of meeting and dates on the administrative page would not change. The N1 should clearly state that the IEP has been revised with the date of the Team meeting or parent contact as well as who precipitated the revision. Details of why and how the IEP was revised should be noted in the N1. Once the parents respond to the proposed revised IEP, the entire IEP packet will be sent to Student Services.

### **10f. Progress Monitoring and Progress Reports**

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

Progress reports should reflect, in measurable terms, the student's progress toward the annual goal and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period. Progress reports must be sent to the parents at least as often as parents of nondisabled children are informed of their children's progress (in conjunction with report cards).

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

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

Progress reports may prompt the Team to amend an IEP. If a lack of expected progress continues past the first progress report and subsequent in-class refinements, the Team should make IEP adjustments and may want to consider rewriting a goal to set a different and more attainable standard.

If a student is making more progress than projected, progress reports may make recommendations on next steps. Sometimes it may be appropriate to amend the IEP to add additional annual goals or adjust the expectations.

### **10g. Declining Special Education Services**

If, after accepting IEP services, a parent chooses to decline those services, the parents should be provided with a Confirmation to Decline Special Education Services form, as well as the Procedural Safeguards Manual. Once this form is signed and received, it should be sent to Student Services.

### **10h. Updating Student Status**

When a student's status has changed (e.g. graduated, moved, no longer eligible) and they will no longer be receiving special education services, the student's status will be updated in School Brains and within the Student Services file.

## **11. Bullying Prevention of Students with Disabilities**

IEP Teams must determine whether the sections 7 and 8 provisions of the Massachusetts bullying prevention and intervention law apply to eligible students. The provisions apply if the student's disability (a) is on the autism spectrum, or (b) affects social skills development, or (c) makes the student vulnerable to bullying, harassment, or teasing. For students on the autism spectrum, protection under the law will be automatic. For students in the other two categories, the Team must make a determination as to whether the student's disability affects social skills development or renders the student vulnerable to bullying, harassment, or teasing. Teams

should be aware that students with emotional impairments, developmental delays, health impairments, communication disorders, and neurological impairments are likely to have a disability that affects their social skills development. However, Teams should carefully evaluate whether students with any type of impairment have delays in social skills development or are otherwise vulnerable to bullying, harassment, or teasing because of their disability.

The questions below are designed to help the Team to determine whether the student has a disability that renders him/her vulnerable to bullying, harassment, or teasing.

*Questions to Consider:*

- Does the student feel safe at school? If not, why not?
- Is the school aware of the student being a target of bullying? Do educators believe the student could potentially become a target? Why?
- Are parents aware of any incidents of bullying against the student? When? Where? What was the nature of the bullying? Did the bullying occur in school (if so, where? e.g., hallway, cafeteria), out of school, on a transportation vehicle, or was it cyberbullying? When the parent addressed the question with the student, did the student understand that bullying had taken place?
- Does the student have a clear understanding of what bullying is and is he or she able to identify bullying attempts (as well as teasing and harassment)?
- Does the student display particular verbal or nonverbal behavior that makes him/her more vulnerable to bullying?
- Does the student engage in behavior that might be identified as bullying? Is there concern that any new or emerging behavior might be identified in this way?
- Given the specific nature and extent of the student's disability, is the student able to conform to the school's code of conduct relative to bullying prevention and intervention?
- Is the student able to access the general education curriculum, including the bullying prevention and intervention curriculum?
- Does the student have sufficient self-advocacy skills to obtain help/know what to do if he/she is bullied?
- What particular skills does the student need to develop to guard against becoming a target or to stop aggressive behaviors directed toward him/her?
- Does the student have friends at school/in the community who would report bullying or defend the student if the student is subjected to bullying?
- Is the student socially isolated? Does the student spend time physically removed from his or her peers? What has been done to integrate the student into the social life of the school during the school day and during extracurricular activities?
- Does the student have someone she/he trusts at school to whom she/he may report bullying?
- Does the student have an aide? If so, is this aide present during high-risk time periods (e.g., recess, lunch)?
- Are there times of day with less adult supervision and less structure where bullying is more likely to occur? Are there places in the building where bullying is more likely to occur?
- Is there a Behavioral Intervention Plan for the student and, if so, is it being followed? Does it need to be amended to include new information regarding bullying prevention and intervention strategies?

## **12. Transition Services**

For all students with IEPs aged 14-22, secondary transition services are a coordinated set of activities based on what a student needs, what they are good at, what they like, and what they

want to do. These activities are designed to help them achieve their vision for adult life. Secondary transition services should start at age 14 and should be:

- thoughtfully planned and documented every year at the IEP Team meeting by the school, the student, the family, and partners such as adult agencies or employers;
- implemented every year to build the student's skills and move them closer towards success in postsecondary education or training, competitive employment, independent living, and community participation.

IEP Teams should complete the [Transition Planning Form](#) and [Indicator 13 Checklist](#).

### **12a. Age of Majority**

Massachusetts has established 18 as the age of majority. At that age, all students are considered adults and competent to make their own decisions. This right extends to every student with a disability who is receiving special education services. At least one year before a student's 18th birthday, Hadley Public Schools must inform the student and the parents of the transfer of rights at age 18 in writing. The district must include a statement in the IEP that the student and parents have been informed of this transfer of rights. Parents will continue to receive written notices but will no longer have decision-making authority unless one of the following occurs:

- 1) Parents receive guardianship of the student from the court.
- 2) Student chooses to share decision-making with the parents or other adult, including allowing them to co-sign the IEP; this choice must be made in the presence of the TEAM and documented in writing.

### **12b. Voluntary Termination from School Prior to Age 22**

Students, eligible for special education services, who withdraw from Hadley Public Schools prior to graduation or reaching age 22, must be given the opportunity to access special education services in pursuit of their diploma. If at any time prior to their 22nd birthday, the student is interested in receiving special education services and working towards their diploma, they may contact the Hadley Special Education Department and request their file be activated. This information must be conveyed to eligible students at the time they withdraw from school, ideally through direct conversation. A letter confirming this information is mailed to the student with a copy placed in the Special Education Office file at the time they leave Hadley Public Schools.

### **12c. Graduation Requirements for Students with Disabilities**

In accordance with M.G.L. c.71, s.1, a student with a disability who requires special education is entitled to receive publicly funded special education until s/he turns twenty-two or "attains a high school diploma or its equivalent," whichever comes first. To receive a diploma, all Hadley students, including those receiving special education services, must meet the graduation requirements as outlined in the Hopkins Academy Program of Studies book. Furthermore, the students must either earn a scaled score of at least 240 on the grade 10 MCAS English Language Arts and Mathematics tests, or earn a scaled score between 220 and 238 on these tests and fulfill the requirements of an Educational Proficiency Plan (EPP). Students must also earn a scaled score of at least 220 on one of the high school MCAS Science and Technology/Engineering (STE) tests: Biology, Chemistry, Introductory Physics, or Technology/Engineering.

### **12d. Summary of Performance Reports**

Districts must provide a student who is no longer eligible for special education because of graduation or exceeding the age of eligibility, with a summary of his or her academic and functional performance, and recommendations on how to meet the student's postsecondary goals. Please refer to the DESE template for [Summary of Student Performance](#)

### **13. Placement**

At the Team meeting, after the IEP has been developed, the Team shall consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services or in a separate classroom or school. The Team shall consider all aspects of the student's proposed special education program as specified in the student's IEP and determine the appropriate placement to provide the services. The Team shall determine if the student shall be served in an in-district placement or an out-of-district placement and shall determine the specific placement according to the following requirements:

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

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

(c) Least restrictive environment (LRE). The school district shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(d) In-district placement. The placement decision made by the Team shall indicate the specific program setting in which services will be provided. The Team shall first consider in-district settings such as a general education classroom, a resource setting, a separate classroom, a work setting, a vocational school program, and/or another type of setting identified by the Team as appropriate and able to provide the services on the IEP in a natural or less restrictive environment. If an in-district setting is able to deliver the services on the IEP, the Team shall identify such placement and include such determination with the proposed IEP.

1. The school district shall determine specific instructional personnel and shall work jointly with the Team to arrange the specific classroom or school, in order to implement the placement decision and to assure that services begin promptly when parental consent to the IEP and placement has been received.
2. The school district shall not delay implementation of the IEP due to lack of classroom space or personnel, shall provide as many of the services on the accepted IEP as possible and shall immediately inform the parent in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and shall offer alternative

methods to meet the goals on the accepted IEP. Upon agreement of a parent, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

(e) Placement meeting. Upon developing the IEP, if the needs of the student and the services identified by the Team are complex, and the Team is considering an initial placement out-of-district or a different setting for a student who has been served in an out-of-district program, the school district may schedule a separate Team meeting to determine placement. The placement meeting shall meet the participant requirements of federal special education law as outlined at 34 CFR §300.116(a)(1) and shall be held within ten school days following the meeting at which the Team developed the IEP. At the request of the parent, the placement meeting may be held at a later date.

1. Any other school district that may be financially or programmatically responsible for the student shall be invited to participate in the placement meeting and shall receive notice of such meeting at least five school days prior to the meeting. The Department or other state agency involved with the student may designate a representative to participate in the placement meeting.
2. Prior to the placement meeting, the school district and parent shall investigate in-district and out-of-district placement options in light of the student's needs and identified services required.
3. At the placement meeting, the district and the parent shall report on the investigation of in-district and out-of-district options. If an in-district program can provide the services on the IEP, such program shall be identified at the placement meeting and provided by the district; if not, the placement Team shall identify an out-of-district placement.

(f) Out-of-district placement. If an out-of-district placement is designated by the Team, the Team shall state the basis for its conclusion that education of the student in a less restrictive environment with the use of supplementary aids and services could not be achieved satisfactorily.

1. Students in out-of-district placements shall be entitled to the full protections of state and federal special education law and regulation. Out-of-district options include, but are not limited to, special education schools approved under 603 CMR 28.09.
2. When an out-of-district placement is identified by the Team, the determination shall ensure that the student's placement is as close as possible to the student's home. The Team shall not recommend a day or residential school program outside of the city, town, or school district in which the student resides unless there is no suitable program within the city, town, or school district. The school district shall implement the placement decision of the Team and shall include consulting with personnel of the school contemplated to provide the program for the student to determine that the school is able to provide the services on the student's IEP. The Team shall not recommend a specific program unless it is assured that the adequacy of said program has been evaluated and the program can provide the services required by the student's IEP. Team identification of specific schools, however, shall not supersede LRE considerations, IEP considerations, or requirements to give preference to approved programs as provided in 603 CMR 28.06(3)(d).

(3) General requirements for out-of-district placements. For the duration of any student's placement in an out-of-district setting in Massachusetts, the Administrator of Special Education shall make a good faith effort, 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.

(a) Program oversight: The Department shall determine that programs approved under 603 CMR 28.09 have appropriate policies, procedures, and appropriately credentialed staff as may be necessary to provide special education services to publicly funded students. The Department shall investigate and resolve concerns raised through the Problem Resolution System of the Department. The approval activities and oversight of the Department for the approved programs does not relieve school districts of their responsibility to monitor the programs of individual students enrolled in the approved programs by the school districts. The approval activities and oversight of the Department for the approved programs does not make the Department a guarantor or insurer for services or programs provided to individual students.

(b) Individual student program oversight: The school district is required to monitor the provision of services to and the programs of individual students placed out-of-district. Documentation of monitoring plans and all actual monitoring shall be placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits shall be documented and placed in the students' files for review. The duty to monitor out-of-district placements cannot be delegated to parents or their agents, to the Department, or to the out-of-district placement. The school district may, however, contract directly with a person to conduct such monitoring.

(c) Student right to full procedural protections: School districts that place eligible students in out-of-district programs retain full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation, including but not limited to those specified in 603 CMR 28.09. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program shall be initiated by the school district in coordination with the out-of-district placement.

(d) Preference to approved programs: The school district shall, in all circumstances, first seek to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference shall also be given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and choice of such program complies with LRE requirements. No student in an out-of-state placement as of June 1, 2000 shall be required to transfer to a facility in Massachusetts unless such transfer is consistent with the student's IEP and the LRE requirements of the law. When an approved program is available to provide the services on the IEP, the district shall make such placement in the approved program in preference to any program not approved by the Department.

(e) Use of unapproved programs: If the Team is unable to identify an appropriate placement in an approved school, the Administrator of Special Education may request assistance from the Department. Such request shall be in writing and shall contain copies of all assessments from the evaluation or reevaluation, the complete referral package that had been sent to approved schools, a listing of all approved schools that had been considered, and the decision given by such schools to refuse admission. A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 must ensure that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs shall be entitled to the full protections of state and federal special education law and regulation, including but not limited to those protections specified in 603 CMR 28.09 and in 603 CMR 18.00. The following documentation is required and may be reviewed by the Department of Elementary and Secondary Education at any time:

1. Search: The Administrator of Special Education shall document the search for and unavailability of a program approved by the Department under 603 CMR 28.09. The Administrator shall place such documentation in the student record.
2. Evaluation of facility: The Administrator of Special Education or his/her designee shall thoroughly evaluate the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation shall determine whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluation shall additionally determine whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation shall be documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits shall be documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility cannot be delegated to the parents or their agents or the proposed unapproved facility. The school district may, however, contract directly with a person to conduct such evaluation activities.
3. School district approval to operate a private school in Massachusetts: If services in an unapproved program are provided in a school setting, the Administrator of Special Education must ensure that such school has received approval from the local school committee under M.G.L. c.76, § 1 and that a copy of such approval is retained in the student record.
4. Notification to the Department: Prior to placement, the Administrator shall notify the Department of the intent to place the student and the name and location of the proposed placement.
  - Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Administrator shall obtain pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms shall be completed by the proposed placement and shall document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program.
  - The Administrator shall forward the notice of proposed placement and completed pricing forms to the Department along with the information on the proposed terms of the contract that will govern such placement. The Department shall notify the district within ten days if there are any objections to such placement, and if none, shall forward the pricing forms to the state agency responsible for setting program prices. Such agency shall, according to its procedures, set an approved price for publicly funded students and shall forward such information to the school district making the placement.
  - The Department reserves the right to request any additional documentation or information regarding student placements in educational settings not approved under 603 CMR 28.09, including but not limited to documentation of a monitoring plan pursuant to 603 CMR 28.06(3)(b) and a plan detailing the time and resources necessary to establish or locate a program able to meet the student's needs in the city, town or school district where the student resides or in an approved program.
5. Out-of-state: If such services are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education must ensure that such school has received approval from the host state. No placements of Massachusetts students may be made in out-of-state programs without approval of the program by the host state or, if the host state does not have an approval process, then the

program must provide documentation of reputable accreditation. The requirements of 603 CMR 28.06(3)(b through e), apply to all such placements.

6. Department review: The Department shall periodically, and at its discretion, review all required documentation and if such documentation is not available or is not appropriate, the Department may take action pursuant to 603 CMR 28.03(7). Such a review, however, does not make the Department a guarantor or insurer for services or programs provided to individual students.

(f) Written contracts: School districts shall enter into written contracts with all out-of-district placements. Each such contract shall include, but not be limited to, the following terms:

1. The out-of-district placement shall comply with all elements of the IEP for the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports.
2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and the Department in accordance with 603 CMR 23.00: Student Records.
3. The out-of-district placement shall allow the placing school district and/or the Department to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense.
4. The out-of-district placement shall afford publicly-funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by the Department.
5. No school district shall contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, or national origin, or that discriminates against qualified persons with disabilities.

### **13a. Privately Placed at Parent Expense**

Parents may choose to enroll a child in a private school at their own expense at any time.

Massachusetts' special education law applies to all Hadley residents regardless of where they attend school. The school district must provide or arrange for evaluation, determine eligibility, propose an Individualized Education Program (IEP), and make services available to all eligible students who reside in the district, regardless of where they attend school. Eligible students must be offered an IEP as developed by a Hadley IEP TEAM. Parents may decline special education services of the proposed IEP. The District has the responsibility to reconvene the TEAM to consider the IEP on an annual basis, even if services have been declined. The TEAM must review appropriate educational information and propose an IEP based upon student needs or propose to re-evaluate to determine eligibility for services.

### **14. Independent Education Evaluations (IEE)**

When a student has been referred for a special education evaluation and the school district has obtained consent from the student's parent, the district must assess the student in all areas related to the suspected disability as well as conduct a comprehensive educational

assessment. "Parents may obtain an independent educational evaluation of their child by appropriate professionals at their own expense at any time. In addition, federal and state law provides parents with a procedure for obtaining public funding of an IEE if they disagree with the school district's evaluation. This IEE is to be conducted by a qualified examiner who is not employed by the responsible school district." In accordance with Massachusetts General Law C. 71B, s.3 and the regulations implementing that law, 603 CMR 28.04(5), parents are entitled to receive a publicly funded IEE under the following circumstances:

The requested evaluation must be in an area that was assessed by the school district, and the request must be within sixteen (16) months from the date of that evaluation with which the parent disagrees.

Parents may opt to have fewer assessments done if they are satisfied with some of the assessments already completed. 603 CMR 28.04(5)(d) states: "If the parent is requesting an evaluation in an area not assessed by the school district...the school district shall respond in accordance with the requirements of federal law." The federal law premises the right to a publicly funded IEE on the parent's disagreement with the school district's evaluation. While one could view this situation as a disagreement between the parent and the school district about the evaluation, it is also an opportunity for the district and the parent to work together to identify and address the student's needs. Under these circumstances, DESE recommends the school district to review its evaluation and determine whether the requested assessment(s) would provide needed additional or new information about the student's disability and if so, offer to conduct the additional assessment(s) itself with the parent's consent. Once the district has completed the additional assessment(s), the Team may develop or modify the student's IEP based on the expanded evaluation and the dispute may be resolved. If, however, the parent disagrees with the district's proposal to conduct the evaluation or with the now-expanded evaluation, then the parent still has the right to request an IEE, and the district's obligations with respect to payment for the IEE are as set forth in the regulations.

When a parent has requested an IEE at the district's expense, they must provide in writing:

- what evaluation(s) they are dissatisfied with
- a list of the specific evaluations that are being requested
- the name, address, and telephone number of the agency or individual chosen to complete the evaluation
- the application for financial contribution from the school district
- a completed Release of Information form, if the parent wants the district to forward a copy of the student's relevant educational records to the evaluator.

In order to determine whether or not a family is eligible for public funding for an IEE, the family's financial status must be determined. If the child is eligible for free or reduced lunch, the district must fund the evaluation in full. If the family is not eligible, the district is required to fund the evaluation on a sliding fee scale, according to the family income. The district uses a standard letter, outlining the requirements for requesting an IEE. Included with this letter should be a copy of:

- Free or Reduced price lunch form
- an evaluation consent form recommending a school based evaluation (if applicable).

If the family is either not eligible for public funding, refuses to provide the information to

the district, or requests a publicly funded independent evaluation in an area not yet assessed by the district, a response must be provided to the parent within five school days whether or not the district will fund the evaluation. Should the district decide to not fund the evaluation, the district must proceed directly to the BSEA. Any requests by a parent for a publicly funded independent evaluation must be given to the Special Education office immediately.

Once the independent evaluation for a child already on an IEP is received, the TEAM must reconvene within ten school days to consider the results and make any necessary changes to the IEP. If a parent presents an independent private evaluation for a child prior to the initiation of an initial evaluation by the district, the district will convene a meeting to review the report and develop a proposal for evaluation. This will begin the initial referral and evaluation process. The outside evaluation will be considered by the TEAM along with the district's evaluation.

### **15. Extended Evaluations**

If the Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, may agree to an extended evaluation period.

1. The extended evaluation period shall not be used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a partial IEP that, if accepted by the parent, shall be immediately implemented by the district while the extended evaluation is occurring.
2. The extended evaluation period shall not be used to allow additional time to complete the required assessments under 603 CMR 28.04(2)(a).
3. If the parent consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.
4. The extended evaluation may extend longer than one week, but shall not exceed eight school weeks.
5. The extended evaluation shall not be considered a placement.

### **16. Discipline of Students with Disabilities**

DESE has created a [chart](#) to assist school administrators and districts when making disciplinary decisions affecting students protected under IDEA. Protections in IDEA apply to students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability. Federal law has determined a student for whom the district is deemed to have knowledge of a disability is defined as a child who has not yet been determined to be eligible for special education and related services may assert the disciplinary protections under IDEA if the school had a basis of knowledge that the child is a child with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge if: (1) the child's parent expressed concern in writing to administrative or supervisory personnel of the school or district that the child is in need of special education and related services; (2) the parent of the child had requested a special education evaluation; or (3) the child's teacher or other school or district personnel expressed

specific concerns to the director of special education or to other supervisory personnel about a pattern of behavior demonstrated by the child. The school or district is not deemed to have knowledge of a disability if (1) the parent has not allowed an evaluation or has refused special education or related services, or (2) the child has been evaluated and determined not to be a child with a disability.

Beginning on the 11th day of a student's disciplinary removal during the school year, and if removal is a change in placement, the student must be provided FAPE services during the period of removal to allow him/her to continue to participate in the general education curriculum and progress towards IEP goals, even in a different setting. A change in placement because of a disciplinary removal occurs if a child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because: (1) the removals total more than 10 school days in a school year; (2) the child's behavior is substantially similar to previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern.

If the conduct that the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination. Serious bodily injury is defined as is defined in federal law as bodily injury which involves (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty. The IEP Team must determine IAES. A school district and parent can agree to a change in placement for disciplinary reasons. Agreements must be in writing and signed by the Director of Student Services and the parent.

#### **16a. Manifestation Determination Hearing**

The district must conduct a manifestation determination if the student will be removed for more than 10 consecutive school days, or if the removal is a change in placement. The manifestation determination must determine if the conduct in question was "caused by, or had a direct and substantial relationship to, the child's disability...or was a direct result of the LEA's failure to implement the IEP."

#### **16b. Appeals Process for Disciplinary Placement Decisions for Students with Disabilities**

A parent of a child with a disability who disagrees with any decision regarding the child's disciplinary placement, or the manifestation determination, may appeal the decision by requesting a hearing at the Bureau of Special Education Appeals (BSEA). Reasons for appeal may include but are not limited to disagreement with the student's removal to an IAES, disagreement regarding the manifestation determination hearing, disagreement regarding whether the removal is a change of placement, disagreement regarding the educational services the student receives during the period of removal, and disagreement regarding the functional behavioral assessment and/or implementation of a behavioral intervention plan. A school district that believes that maintaining the student's current placement is substantially likely to result in injury to the child or others may file a request for hearing at the BSEA. When a parent or district files a request for hearing at the BSEA, the student remains in his/her disciplinary placement while the appeal is pending unless the parent and district agree to

another placement while the appeal is pending or the time period for disciplinary placement expires while the appeal is pending and child is returned to original placement. The BSEA will schedule an expedited due process hearing to occur within 20 school days of the date the hearing request is filed. Parties may agree to use a voluntary mediation process, proceed with a resolution meeting, or agree in writing to waive a resolution meeting and continue with a due process hearing.

### **17. Parents' Rights and Due Process**

Under IDEA 2004 school districts must give the Parent Notice of Procedural Safeguards ([PNPS](#)) once per year to all parents of eligible students with disabilities. The Department recommends that school districts identify a specific date each school year when the parents of every eligible student enrolled in the district, including those in out-of-district placements, will be sent a copy of the PNPS. Districts may distribute the PNPS by mail or, if the district makes information available electronically, the parent may choose that option.

In addition to the annual distribution of the PNPS, school districts must give the PNPS to parents when an initial evaluation of a student is requested by the parent or another person; upon the parent's request for a copy; and when a student with a disability is removed from his or her placement to an interim alternative education setting as a result of discipline.

Hadley is committed to resolving disputes quickly and fairly. We believe it is important to listen to parent concerns and address concerns in accordance with applicable laws, statutes, and regulations while honoring the voices of parents and students. When a dispute cannot be resolved satisfactorily at the local level, the BSEA can resolve differences of opinion among stakeholders.

A parent or a school district, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with disabilities. A parent of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.

No later than five days after receipt of a request for hearing or notice that an IEP, or proposed placement, or finding of no eligibility for special education has been rejected by the parent, the school district shall send a copy of such request or notice to the Bureau of Special Education Appeals. The Bureau of Special Education Appeals shall then give notice in writing to the parties of the rights of the parents and school district to request mediation and a hearing.

A school district may not request a hearing on a parent's failure or refusal to consent to initial evaluation or initial placement of a student in a special education program, or on a parent's decision to revoke consent to the continued provision of all special education and related services to his or her child under 603 CMR 28.07(1)(a)(4).

A school district may request a hearing to appeal the Department's assignment of school district responsibility under 603 CMR 28.10 according to the procedures in 603 CMR 28.10(9).

### **17a. Mediation**

A voluntary dispute resolution procedure, called mediation, shall be provided by mediators employed by the Bureau of Special Education Appeals and may be used by parents and school districts to seek resolution of their dispute. Mediations shall be provided at no cost to the parties. No parent shall be required to participate in mediation.

Within 30 days of receipt of a request for mediation, the mediator shall schedule a mediation session at a time and place convenient to the parties. The mediation shall include the parents, any representative of the parents' choosing, and a representative(s) of the school district, with one representative who is authorized to resolve the dispute on behalf of the school district. When the parties reach agreement, it shall be set forth in written form. Concurrent with a request for mediation or if no agreement is reached, the parents or school district may request a hearing. All discussions that occur during mediation are confidential and may not be used as evidence in a hearing. Parents and school districts may request a hearing without participating in mediation.

### **17b. Due Process Hearing**

Five (5) days after receipt of a written request for hearing, the Bureau of Special Education Appeals shall notify the parties in writing of the name of the assigned hearing officer and, as appropriate, shall provide either a date for the hearing or a statement of federally required procedures to be followed before a hearing date can be assigned.

The decision of the hearing officer of the Bureau of Special Education Appeals shall be implemented immediately and shall not be subject to reconsideration by the Bureau of Special Education Appeals or the Department, but may be appealed to a court of competent jurisdiction.

The written findings of fact and decision of the hearing officer along with notification of the procedures to be followed with respect to appeal and enforcement of the decision shall be sent to the parties and their representatives.

A party contending that a Bureau of Special Education Appeals decision is not being implemented may file a motion with the Bureau of Special Education Appeals contending that the decision is not being implemented and setting out the areas of non-compliance. The hearing officer may convene a hearing at which the scope of the inquiry shall be limited to the facts on the issue of compliance, facts of such a nature as to excuse performance, and facts bearing on a remedy. Upon a finding of non-compliance, the hearing officer may fashion appropriate relief, including referral of the matter to the Legal Office of the Department or other office for appropriate enforcement action. The possibility of enforcement action does not make the Department a necessary party in matters pending before the Bureau of Special Education Appeals.

In accordance with state and federal law, during the pendency of any dispute regarding placement or services, the eligible student shall remain in his or her then current education program and placement unless the parents and the school district agree otherwise.

DESE has published detailed information on [BSEA Hearing Rules](#)

### **18. Special Education Parents' Advisory Council**

The Massachusetts special education law requires a district to establish a Parent Advisory Council and assigns both an advisory and participatory function to the PAC.

The following is the excerpt from Section 3 of Chapter 71B that pertains to PACs: "... The school committee of any city, town, or school district shall establish a parent advisory council on special education. Membership shall be offered to all parents of children with disabilities and other interested parties. The parent advisory council duties shall include but not be limited to: advising the school committee on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school committee's special education programs. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. ..."

The Hadley Special Education Parent Advisory Council meets regularly throughout the school year. Information regarding meetings are posted in the Superintendent's Weekly Email and are available by contacting the Director of Student Services. The Hadley SEPAC participates in at least one meeting of the Hadley School Committee annually.

DESE has published information on [Special Education Parent Advisory Councils](#).

### **19. Equal Opportunity**

All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive and remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school. Annually, the Superintendent will survey families regarding access to educational and extra-curricular programs. The Superintendent will ensure surveys are available in a student's home language.

### **20. Special Education Program Evaluation**

The Superintendent and Director of Student Services shall present an annual evaluation of special education programs and services to the Hadley School Committee. The evaluation will include data on the academic achievement and growth of students in special education, social-emotional growth of students in special education, feedback from parents of children receiving special education services, compliance with state special education compliance criteria, and impact of special education programs and services on student learning and development.

### **21. Section 504**

A student with a disability may be found not eligible for special education. However this child might be eligible for a Section 504 accommodation plan under the Americans with Disabilities Act. This is a general education responsibility; therefore this is a separate referral and consideration process and is not directly linked to special education.

Please contact the building principal or building 504 Coordinator for information regarding Section 504.

**APPENDIX A**  
**Comparison of Language Differences Versus Disabilities**

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference Due to Additional Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
<b>Oral Comprehension / Listening</b>		
1. Student does not respond to verbal directions	1. Student lacks understanding of vocabulary in English but demonstrates understanding in L1	1. Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition
2. Student needs frequent repetition of oral directions and input	2. Student is able to understand verbal directions in L1 but not L2	2. Student often forgets directions or needs further explanation in L1 and L2 {home & school}; may be due to an auditory memory difficulty or low cognition
3. Student delays responses to questions	3. Student may be translating question in mind before responding in L2; gradual improvement seen over time	3. Student consistently takes a longer time period to respond in L1 & L2, and it does not change over time; may be due to a processing speed deficit
<b>Speaking / Oral Fluency</b>		
1. Student lacks verbal fluency	1. Student lacks vocabulary, sentence structure, and/or self- confidence	1. Speech lacks clarity in L1 and L2; may be due to hearing or speech impairment
2. Student is unable to orally retell a story	2. Student does not comprehend story due to a lack of understanding and background knowledge in English	2. Student has difficulty retelling a story or event in L1 and L2; may have memory or sequencing deficits

<p>3. Does not orally respond to questions or does not speak much</p>	<p>3. Lacks expressive language skills in English; it may be the silent period in 2<sup>nd</sup> language acquisition</p>	<p>3. Student speaks little in L1 or L2; student may have a hearing impairment or processing deficit</p>
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<p><b>Phonemic Awareness / Reading</b></p>		
<p>1. Student does not remember letter sounds from one day to the next</p>	<p>1. Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress</p>	<p>1. Student doesn't remember letters and sounds after initial and follow-up instruction (even if they are common between L1/L2); may be due to a visual/auditory memory or low cognition</p>
<p>2. Student is unable to blend letter sounds in order to decode words in reading</p>	<p>2. The letter sound errors may be related to L1 (for example, L1 may not have long and short vowel sounds); with direct instruction, student will make progress over time</p>	<p>2. Student makes letter or sound substitutions when decoding not related to L1; student cannot remember vowel sounds; student may be able to decode sounds in isolation, but is unable to blend the sounds to decode whole word; may be due to a processing or memory deficit</p>
<p>3. Student is unable to decode words correctly</p>	<p>3. Sound not in L1, so unable to pronounce word once decoded</p>	<p>3. Student consistently confuses letters/words that look alike; makes letter reversals, substitutions, etc. that are not related to L1; may be processing or memory deficit</p>

<b>Reading Comprehension &amp; Vocabulary</b>		
1. Student does not understand passage read, although may be able to read w/ fluency and accuracy	1. Lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	1. Student doesn't remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; this may be due to a memory or processing deficit
2. Does not understand key words/phrases; poor comprehension	2. Lacks understanding of vocabulary and meaning in English	2. The student's difficulty with comprehension and vocabulary is seen in L1 and L2
<b>Writing</b>		
1. Errors made with punctuation/capitalization	1. The error patterns seen are consistent with the punctuation and capitalization rules for L1; student's work tends to improve with appropriate instruction in English	1. Student consistently makes capitalization and punctuation errors even after instruction is provided; this may be due to deficits in organization, memory or processing

<b>Handwriting</b>		
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1. Student is unable to copy words correctly	1. Lack of experience with writing the English alphabet	1. Student demonstrates difficulty copying visual material to include shapes, letters, etc. This may be due to a visual/motor or visual memory deficit
2. Student has difficulty writing grammatically correct sentences	2. Student's syntax is reflective of writing patterns in L1; typical error patterns seen in 2 <sup>nd</sup> language learners (verb tense, use of adverbs or adjectives); improves over time	2. The student makes more random errors such as word omissions, missing punctuation; grammar errors are not correct in L1 or L2; this may be due to a processing or memory deficit
3. Student has difficulty generating a paragraph or writing essays but is able to express his or her ideas orally	3. Student is not yet proficient in writing English even though they may have developed verbal skills; student makes progress over time, and error patterns are similar to other 2 <sup>nd</sup> language learners	3. The student seems to have difficulty paying attention or remembering previously learned information; the student may seem to have motor difficulties and avoids writing; student may have attention or memory deficits
<b>Spelling</b>		
1. Student misspells words	1. Student "borrows" sounds from L1; progress seen over time as L2 proficiency increases	1. Student makes errors such as writing the correct beginning sound of words and then random letters or correct beginning or ending sounds; may be due to a visual memory or processing deficit
2. Student spells words incorrectly; letters are sequenced incorrectly	2. Writing of words is reflective of English fluency level or cultural thought patterns; words may align to letter sounds or patterns of L1 (sight words may be spelled phonetically based on L1)	2. Student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit

<b>Mathematics</b>		
1. Student manifests difficulty learning math facts and/or math operations	1. Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instructions in L1	1. Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; may have visual memory or processing deficits
2. Student has difficulty completing multiple-step math computations	2. Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instructions in L1	2. Student forgets the steps required to complete problems from one day to the next even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit
3. Student is unable to complete word problems	3. Student does not understand mathematical terms in L2 due to English reading proficiency; student shows marked improvement in L1 or with visuals	3. Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit/reading disability
<b>Behavior</b>		
1. Student appears inattentive and/or easily distracted	1. Student does not understand instructions in English due to level of proficiency	1. Student is inattentive across environments even when language is comprehensible; may have attention deficits
2. Student appears unmotivated and/or angry; may manifest internalizing or externalizing behavior	2. Student does not understand instruction due to limited English and does not feel successful; student has anger or low self-esteem related to 2 <sup>nd</sup> language acquisition	2. Student does not understand instruction in L1 or L2 or across contexts; may be frustrated due to a possible learning disability

3. Student does not turn in homework	3. Student may not understand directions or how to complete the homework due to lack of English proficiency; student may not have access to homework support at home	3. Student seems unable to complete homework consistently even when offered time and assistance with homework during school; this may be due to a memory or processing deficit
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