

Tantasqua/Union 61 School Districts

Supporting Diverse Learners  
Handbook

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# Supporting Diverse Learners Handbook

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Notes:

1. Forms referred to in this manual may be found on Esped or in the Student Services Forms folder. Copies of the forms may also be obtained from the Office of Student Services by those that do not have access to Esped and/or to the shared folders.
2. Required timelines for completing activities are printed in italics to highlight tasks that must be completed within specific timeframes.

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# Introduction

This *Supporting Diverse Learners Handbook* was written to support teachers and administrators throughout the process of studying and evaluating individual student learning difficulties, and applying appropriate and varied teaching strategies to reach each learner. The general education system is designed to support the majority of students; however, the goal of the Tantasqua/Union 61 School Districts is that all students, no matter what their learning style or abilities, will be successful. This goal requires additional support services built in to the general education system. This Handbook describes the processes and the procedures that classroom and special education teachers and administrators can use to ensure that every student in a diverse student population will be successful.

This Handbook is a compilation and adaptation of several successful curriculum accommodation plans and student services programs from other school districts and professional organizations. We have integrated their best thinking into this Handbook along with our own procedures. We appreciate and recognize their work.

Thank you to:

- The Council of Chief State School Officers: Accommodations Manual, August 2006
- Decatur Texas Independent School District: CARE Team Handbook, September 2006
- Needham Public Schools, Special Education Department: Policies and Procedures, 2004
- Plymouth Public Schools: District Curriculum Accommodation Plan, 2003
- Salem Public Schools: District Curriculum Accommodation Plan for Meeting Individual Student Needs, September 2003

This *Supporting Diverse Learners Handbook* is a resource and evolving reference. New chapters, appendices, and other additions and changes will be incorporated as our work develops and improves. We look forward to learning about how to revise this process, and ultimately improve the success of all learners.

# Chapter I: Tantasqua/Union 61 School Districts Curriculum Accommodation Plan in General Education

What is a District Curriculum Accommodation Plan?

Massachusetts General Laws, Chapter 71, Section 38Q ½ require the adoption and implementation of a District Curriculum Accommodation Plan (DCAP). Such plan is intended to guide principals and teachers in ensuring that all possible efforts are made to meet student needs in general education classrooms and to support teachers in analyzing and accommodating the wide range of student learning styles and needs that exist in any school. The statute also encourages teacher collaboration and parent involvement. Another statute, Chapter 71, Section 59C (Parent Councils), was amended to include involvement of the Parent Councils in the development, evaluation and continuing revision of the DCAP.

*Massachusetts General Laws*

*Section 38Q1/2 added to Chapter 71:*

*“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 regular 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 chapter 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement.”*

*Recent amendment made to Chapter 71, Section 59C*

*The school council, including the school principal, shall meet regularly and shall assist in the identification of the educational needs of the students attending the school, make recommendations to the principal for the development, implementation, and assessment of the curriculum accommodation plan required pursuant to Section 38Q1/2, shall assist in the review of the annual budget, and in the formulation of a school improvement plan, as provided below.*

Tantasqua/Union 61 School Districts Curriculum Accommodation Plan in General Education.

The plan includes a flow chart describing a process for moving from the identification of a concern through communications with parents, staff collaboration, articulation of strategies for accommodations or intervention, and periodic review and evaluation of student progress. The flow chart represents the pre-referral process that a General Education Team (GET) in each school follows before recommending special education services, when appropriate.

To assist in a clear understanding of appropriate accommodations for all kinds of learners, the District has compiled this extensive “Tantasqua/Union 61 School Districts Curriculum Accommodation Plan in General Education” for classroom teachers and specialists at all grade levels. It includes the following sections: General Education Team Flow Chart; General Education Team Process, Frequently Asked Questions, Common Accommodation Strategies, Accommodating Learning Differences, Accommodating Eligible Students, Parent Conference Tips, and Forms.



## A. The General Education Team Process

The General Education Team Process focuses on students struggling to be successful in the general education classroom. It includes the following components and processes.

### 1. The General Education Team Process:

Each school has a General Education Team process that is designed to help teachers and staff in using a problem solving approach to address students with academic difficulties. The purpose of the GET is to convene a knowledgeable group of professionals to assist the classroom teacher in analyzing and accommodating diverse learning styles within his or her classroom. Once teachers and staff have identified and referred a struggling student to the GET, members of the Team identify all the areas of difficulty and create an action plan to help address the student's needs within the general education classroom. The Team develops strategies to assist the student, which the general education teacher implements in collaboration with support staff and in consultation with the special education teacher. As part of the process teachers collect data on the effectiveness of the strategies to ensure that the assistance is helping students learn. Assistance may include changes in: the learning environment, assignments, pacing, materials, methodology, activities, format of instruction, and testing.

### 2. Referrals to the General Education Team:

Any teacher or parent may refer a student to the GET Team for consideration. Students who are experiencing difficulty learning and/or in taking part in school activities can be assisted by the General Education Team process.

Before referring a student to the GET process, teachers are encouraged to invite a colleague in to observe the student and discuss and try out some accommodations. Another set of eyes and experiences may stimulate some new ideas that are effective and preclude the need to initiate the GET process. Or they may help to document the problem and will provide a second perspective that can assist the GET process.

### 3. Composition of the Team/ Roles of Team Members:

Members of the General Education Team (GET) include but are not limited to the following roles: guidance counselor as chairperson, referring staff, general and special education teachers, Title 1, building administrator or designee, appropriate curriculum coordinators and other relevant support staff (i.e. nurse, speech language pathologist or reading specialist).

The staff member referring the student to the GET completes a referral form and gives it to the guidance counselor and/or GET Chair. The referral form includes the student's name / grade / teacher(s), the reason for referral, areas of concern, any support services the student is currently receiving, strategies/interventions that have been implemented and the results of those interventions. Teacher's are encouraged to bring other relevant data to the GET meeting that will assist the Team in understanding the student's learning style and level of academic performance.

The chair schedules the meeting and ensures that: the GET includes persons who are knowledgeable about the student being considered and asks members to bring copies of records and evaluation data which are available for the Team to review. The Team

considers all relevant information concerning the student which is available at the time. This may include health records, attendance records, counseling records, disciplinary records, grades, and information from outside sources which has been provided to the school (e.g., information provided by parents, schools previously attended, or professionals not employed by the school).

The student's general education teacher(s) is responsible for providing data on the student's level of academic performance and areas of difficulty at the time of referral. The student's general education teacher is also responsible for implementing the interventions recommended by the GET and collecting and reporting data on their effectiveness.

#### 4. Meetings / Timelines:

The General Education Team meetings are scheduled by the chair once the referral form is complete and parents have been informed of the referral and asked if they have any concerns. The initial meeting is typically held soon after the referral is made.

All teams reconvene no later than 6 to 8 weeks after the initial GET meeting to evaluate the data on the effectiveness of the accommodations in the general education classroom. If the student continues to struggle after 12 weeks of various interventions, and the data indicates the interventions have not been successful, the Team recommends that the student be referred for a formal evaluation to assess whether the student is eligible for special education or other specialized services. The GET chair completes a Referral for Evaluation and attaches the relevant findings from the GET process and sends the Referral to the Team Chair. This referral will result in the Team Chair (Special Education) informing the family that their child has been referred for an evaluation to assess if they are eligible for special education services. Parents are asked to sign an evaluation consent form stating that they consent and that the district may conduct a formal evaluation of their child to assess if their child has disabilities.

#### 5. Communication with Families:

When a student is initially referred to the General Education Team the guidance counselor and/or teacher has been in contact with the parents. The Parent may be asked to share any relevant information on their child that may assist the Team in planning. Decisions on next steps by the General Education Team at the end of the 12 week GET process are communicated to parents. If the Team decides to refer the student to an evaluation to determine eligibility for special education or other specialized services, parents receive a parental consent form from the Office of Student Service before any testing is conducted. Parents are required to sign a consent form before the formal evaluation process begins.

## TANTASQUA REGIONAL JUNIOR HIGH SCHOOL'S GENERAL EDUCATION TEAM (GET) PROCESS:

### 1. Identification at the Interdisciplinary Team level:

Teachers at the junior high work in Interdisciplinary Teams comprised of a Math, Science, Social Studies, English, and Special Education teacher. In addition, Guidance Counselors and Administrators attend the Team's meetings. At times, the School Social Worker, School Psychologist, Reading/Foreign Language/Exploratory teachers, specialists, and parents attend meetings, as well. When the Interdisciplinary Team or a parent identifies a student as at risk, the group assigns one teacher to research the student's previous grades, discipline and attendance records, MCAS scores, and special education or Section 504 referrals/services. The group then meets to discuss the student's history, current issues and strengths, and accommodations and/or interventions that will be utilized to attempt to address the problem. The DCAP (District Curriculum Accommodation Plan) Initial Student Tracking Form is completed at that time by the designated teacher. This form summarizes the meeting, including a list of accommodations/interventions to be tried, how data will be collected and by whom, and a date to review whether interventions are promoting increased performance in the classroom.

After a period of four to six weeks, the Interdisciplinary Team re-convenes to review the student's progress. A DCAP Student Tracking Review documents which accommodations have been found to be effective, those that have not been helpful, and other contributing factors to progress or lack thereof. The Interdisciplinary Team then decides if the student no longer needs to be tracked due to resolution of the difficulty, whether the student will continue to be tracked using the same or altered accommodations and/or interventions, or if the student's continued needs should be discussed by the **General Education Team (GET/GET)**. The Interdisciplinary Team chooses an GET Liaison, who will attend General Education Team meetings and report back to the Interdisciplinary Team.

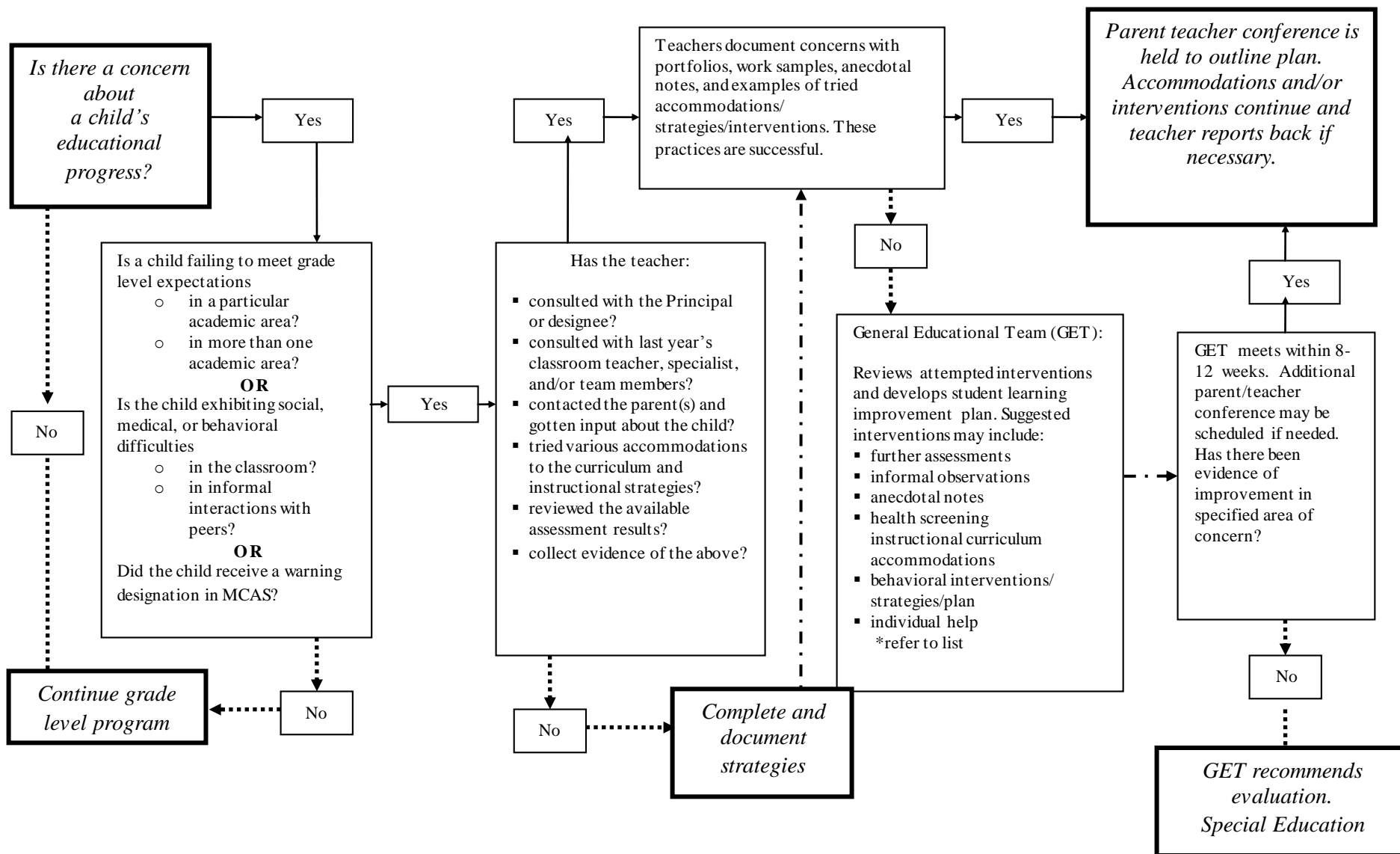
### 2. The General Education Team process:

When the Interdisciplinary Team has implemented the District Curriculum Accommodation Plan, but the student continues to struggle, the GET Liaison will submit an GET Request Form to the GET Facilitator with DCAP Initial Student Tracking and Student Tracking Review forms attached. The General Education Team includes (but is not limited to) the following staff members, with roles described below:

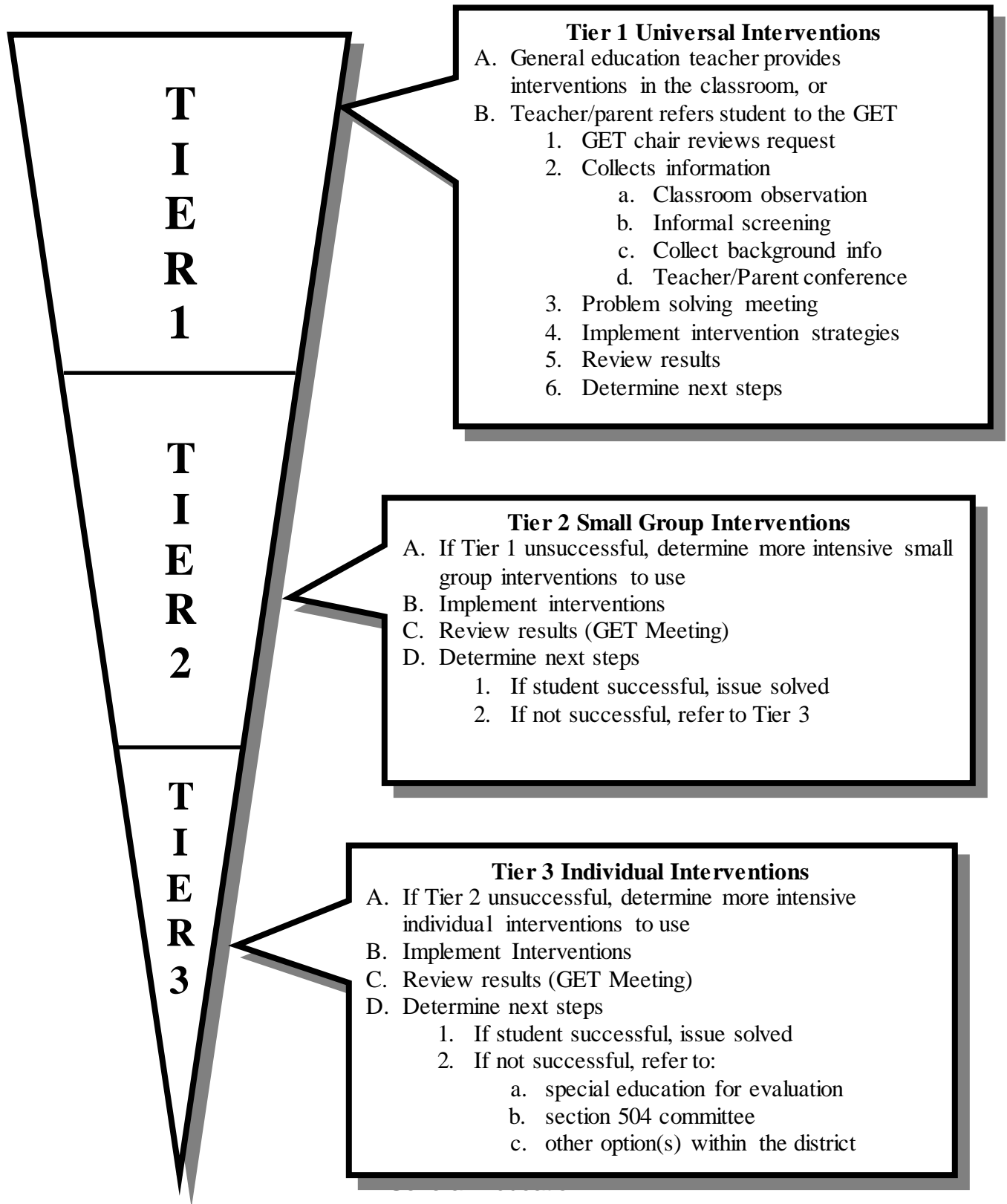
- School Social Worker: Reviews social-emotional supports, meets with student if necessary, reviews previous parent and student contact, checks for previous 504 Accommodation Plan.
- Guidance Counselor: Reviews social-emotional supports, meets with student if necessary, and reviews previous parent and student contact, contacts nurse regarding pertinent medical history.
- School Psychologist: Reviews prior referrals to special education, formal assessments, and specialized services.
- Assistant Principal: Facilitates meeting, reviews attendance and discipline.
- Special Educator: Documents meeting details.
- GET Liaison: Represents the Interdisciplinary Team by reporting on previous grades and MCAS scores and reporting to the group on the process to date on behalf of the student, including student's academic history, social skills, communication ability, etc.

- Additional members may include the parent, school principal, nurse, appropriate curriculum coordinator, speech/language pathologist, occupational therapist, etc. GET members meet to discuss the student's presenting difficulties and to review history and data on strategies/accommodations that have been implemented. The group then determines the next step in addressing difficulties, which may include additional accommodations, targeted interventions, and/or a referral for a formal evaluation. Even if the GET Team decides to refer the student for a formal evaluation, the Interdisciplinary Team will continue to provide targeted interventions and accommodations, and to track progress. The General Education Team will review student progress after a period of 4-6 weeks and make adjustments to the student's program as necessary.

## B. The General Education Team Process ~ Flow Chart



# General Education Team (GET) ~ 3 Tiered Intervention Model\*



\*Adapted from Dectur ISD CARE Team Handbook, 9/2006

## **D. Frequently Asked Questions about Curriculum Accommodations**

Why use General Education Team process to provide instructional intervention strategies?

- Many of the intervention strategies are effective teaching strategies that benefit all students.
- Interventions often reflect the various learning styles of students, leading to success for all students.
- Interventions often lead to demonstrating application, therefore assessing at a higher level of understanding.
- Interventions are one of the “supplementary aids and services” which allow all students to be educated in the general education classroom.

When is a need to intervene indicated?

- A need to intervene is indicated when:
  - Frustration and anxiety are interfering with learning and assimilation of ideas
  - A student is unable to demonstrate his complete knowledge because of the format or modality of the assignment
  - A student’s basic reading, writing, and spelling skills are not automatic enough to be smoothly integrated with higher order thinking and organizational skills
  - The readability level of the material exceeds the reading level of the student although he can readily understand the concepts

What areas do you address when you intervene? (This list is not exhaustive)

- Attitudes
- Activities
- Daily Assignments
- Environment
- Expectations
- Format
- Interactions
- Materials
- Methodology
- Presentation
- Quantity
- Tests

What if we have collaborated, tried multiple interventions and documented all efforts, and the student continues to have difficulties?

- Refer the student to special education for evaluation, or section 504 committee for evaluation

## **E. Common Accommodation Strategies**

### **Environment**

- Preferential Seating
  - To minimize auditory distractions
  - To minimize visual distractions
  - To maximize auditory input for hearing difficulties

- To maximize visual input for vision difficulties
- To maintain focus and academic participation
- To minimize off-task behavior
- To address learning style needs
- Alter Physical Arrangement
  - Lighting
  - Temperature
  - Seating arrangements
  - Muffle/baffle noisy equipment
- Define Space
  - Teach positive rules for personal space
  - Allow for different groupings
  - Provide a properly fitting desk

### **Pacing**

- Extend time requirements
  - Oral response
  - Written response
  - Daily activities/assignments
  - Tests
- Allow breaks
- Vary activities
  - Intersperse written/oral
  - Intersperse passive/active
  - Intersperse listening/discussing
- Provide timelines (checklists, calendars)
- Assign tasks in workable chunks or segments
- Provide repetition of key concepts
- Provide drill and practice
- Provide test/reteach/retest

### **Materials**

- Supplementary materials (texts, worksheets, tests)
- Lower readability
- Large print
- More 'white space'
- Highlighted
- Color coded
- Audio-recordings
- Manipulatives
- Study aids
- Study guides
- Typed teacher materials
- Peer reader

### **Assignments**

- Provide study sheet
- Provide skeleton outline that includes main ideas (student completes supporting details while listening in class or reading assignment)
- Extra time for completing assignments - allow student to type assignment



- Reduce paper and pencil tasks
- Avoid penalizing for spelling errors
- Avoid penalizing for penmanship
- Allow student to sub-vocalize while reading
- Exemption from reading aloud in front of peers
- Lower difficulty level
- Task analysis of assignments
- List steps in process or activity so students know exactly what he is to do
- Emphasis on major points
- Opportunity to respond orally or dictate answers (to teacher, peer, tape recorder)
- Special projects in lieu of assignments.
- Shortened assignments provide necessary practice while allowing the student to complete work in a reasonable time period without undue pressure and frustration.
- Identify terminology, concepts, and skills that are most important and require that these items be completed first.
- Reduce the number of items to be done at one time. Shorter assignments made more frequently provide the same amount of practice.
- Cut a long worksheet (or test) into smaller segments and give the student one segment at a time. When one strip is completed, hand out the next.

### **Study- Sheets/Guides**

- Provide students with review outlines to help them focus on the important elements of information which is to be learned.
- List steps in math process or lab activity so the student knows exactly what to do.
- Have student write his own study questions after lectures, discussions, and reading assignments.
- Teach students to recognize signal words in lectures and written material to guide studying. Examples: “most of all,” “a key feature,” “a major event,” “above all,” “remember that”

### **Instruction**

- Shorten auditory/verbal instruction
- Provide visual aids (pictures, flash cards, maps, charts, photos, etc.)
- Provide auditory aids (cues, tapes, etc.)
- Provide an opportunity for student to write the instructions
- Provide an opportunity for student to verbalize the steps needed to complete task
- Provide adequate ‘wait time’ (extra time for oral response)
- Allow extra time for written response
- Provide modified reading level assignments
- Simplify vocabulary
- Use manipulatives
- Emphasize critical information
- Allow peer tutoring/paired working arrangements
- Allow oral exams, open book exams, open note exams, exams of reduced length

### **Note-taking Assistance**

- Provide skeleton outline (advance organizer) that includes main ideas
- Provide a copy of teacher or “reliable note-taker” notes
- Allow time at the end of class for students to compare notes with classmates

- Highlight important sections of class notes (at overhead or board)

### **Pre-Teach Content Vocabulary**

- Students need to learn:
  - Terms that are unique to content area
  - Specialized meanings of common words
  - Unique symbols and abbreviations
  - Word connotations
- Decide which words to teach:
  - List key concepts
  - Pick out the most crucial terms
  - Find out which words are known
  - Teach words that will lead to the learning of additional words
- Teach meaning
  - Avoid unrelated exercises
  - Teach strategies for learning new words
  - Use new words repeatedly in conversation
  - Teach ways to figure out new words
  - Context clues
  - Phonic analysis
  - Structural analysis combination

### **Tests**

- Preview language of test questions
  - Vocabulary
  - Context
  - Syntax
- Short answer rather than essay
  - Mark key questions you want answered and have the student go back and answer the others if time permits
  - Word banks or a list of correctly spelled responses for the test
  - Typed tests
  - Larger print
  - More white space
- Don't penalize for spelling/grammar (unless it is a spelling or grammar test!)
- Allow extended time
- Substitute an assignment for a test
- Test Adaptations
  - Change the format
  - Short answer instead of essay.
  - Multiple choice instead of short answer
  - Matching instead of fill-in-the-blank
  - Fill-in-the-blank: put blank at the end of the sentence - use synonyms or shorter sentences for low readers
- Look at the visual design
  - Primary type
  - Spacing
  - Bold lines to divide sections
  - Place multiple choice alternatives vertically
- Divide long matching

- Ten or fewer consecutive matching
- Type the definition on the left side of the page and the term or ‘match’ on the right side
- Provide visual cues
  - Word banks for fill-in-the-blank questions and for labeling items
  - Use mnemonics for difficult total retrieval questions
- Add Variety
  - Use more than one mode of questioning

### **Social/Behavioral**

- Add Strategies, adjust classroom management
  - Remove distractions
  - Incorporate energizers and stress release activities
  - Develop student/teacher contracts
  - Develop behavior plans
  - Include positive reinforcement/incentives/rewards
  - Utilize charts and graphs to monitor expectations
  - Provide frequent feedback and coaching
  - Provide a mentor
  - Arrange physical space/materials to minimize disruptive movements
  - Consult with School psychologist, social worker, BCBA, special needs staff

### **F. If a student has difficulty...**

### **try this..**

Becoming interested...

- .. tell stories which relate to people’s lives
- .. establish relevancy
- .. provide concrete experiences
- .. read aloud a story/article to grow interest
- .. seat student near the teacher

Getting started...

- .. give cue to begin work
- .. give work in smaller amounts (“chunks”)
- .. provide immediate feedback
- .. sequence work
- .. provide time suggestions (egg timer helps)
- .. check on progress
- .. peer tutor

Paying attention to the spoken word...

- .. give explanations in small, distinct steps
- .. provide written backup to oral directions
- .. have student repeat directions
- .. use buddies, tape recorder
- .. shorten the listening time
- .. alternate spoken with written tasks
- .. look directly at student
- .. place hand on student’s shoulder

Following directions...

- .. use fewer words
- .. provide examples
- .. repeat
- .. have student repeat
- .. provide checklist

	.. use auditory and visual direction
Keeping track of materials...	<ul style="list-style-type: none"> <li>.. use a notebook</li> <li>.. use large envelope for each subject</li> <li>.. keep extra supplies on hand</li> <li>.. provide assignment sheets to parents, coaches, club sponsors, special teachers</li> <li>.. write assignment on board</li> <li>.. give rewards for bringing supplies</li> </ul>
Paying attention to printed word...	<ul style="list-style-type: none"> <li>.. highlight</li> <li>.. underline</li> <li>.. number</li> <li>.. keep desk clear of extraneous materials</li> <li>.. face desk to wall or use a carrel</li> <li>.. use overhead projector</li> </ul>
Reading textbooks...	<ul style="list-style-type: none"> <li>.. use lower level or adapted text</li> <li>.. use books on tape</li> <li>.. shorten amount of required reading</li> <li>.. have students read aloud in small groups</li> <li>.. allow extra time for reading</li> <li>.. omit some/all reading requirements</li> <li>.. put main ideas on index cards</li> <li>.. administer oral tests</li> <li>.. use a buddy or allow group work</li> <li>.. pre-teach vocabulary</li> <li>.. give take-home tests</li> <li>.. use larger print</li> </ul>
Completing tasks on time...	<ul style="list-style-type: none"> <li>.. reduce amount to be accomplished</li> <li>.. allow more time</li> <li>.. write schedules, timelines, and calendars</li> <li>.. provide checklists</li> <li>.. provide closure at points along the way (“chunking”)</li> </ul>
Staying on task...	<ul style="list-style-type: none"> <li>.. reduce distractions (all senses)</li> <li>.. increase reinforcements</li> <li>.. provide checklist</li> <li>.. give time out/specified ‘make up’ time</li> <li>.. use a time to set short periods of work</li> </ul>
Expressing him/herself verbally...	<ul style="list-style-type: none"> <li>.. ask questions requiring short answers</li> <li>.. provide prompts/cues</li> <li>.. give rules for class discussion</li> <li>.. allow taped (audio/video) reports</li> <li>.. accept alternate forms of information; written report, bulletin board, art work, exhibit, chart/graph, photos</li> </ul>
Learning by listening...	<ul style="list-style-type: none"> <li>.. provide visuals (maps, photos, flash cards)</li> </ul>

	<ul style="list-style-type: none"> <li>.. have student close eyes and visualize info</li> <li>.. spell by visualizing the whole word</li> <li>.. teach the use of acronyms</li> <li>.. give explanations in small, distinct steps</li> <li>.. remove extra words</li> <li>.. provide study guide (note taking assistance)</li> </ul>
Working in groups...	<ul style="list-style-type: none"> <li>.. provide a partner</li> <li>.. assign responsibility or position of leadership</li> <li>.. provide structure by defining the roles within the group, the tasks to be performed</li> </ul>
Working independently...	<ul style="list-style-type: none"> <li>.. assign task at the student's academic level</li> <li>.. help student see an end to the task</li> <li>.. give precise directions</li> <li>.. reinforce often</li> <li>.. provide variety of work within assignment</li> </ul>
Understanding what is read...	<ul style="list-style-type: none"> <li>.. reduce reading level</li> <li>.. become more concrete</li> <li>.. reduce number of new ideas</li> <li>.. provide experiences for a frame of reference</li> <li>.. provide study guide (guided reading)</li> <li>.. provide organizational help</li> <li>.. provide alternate media (i.e., books on tape)</li> </ul>
Writing legibly...	<ul style="list-style-type: none"> <li>.. use formats low on writing (multiple choice, fill in the blank, matching, programmed)</li> <li>.. use graph paper</li> <li>.. allow use of tape recorder</li> <li>.. save papers for 2 weeks and have student read what he wrote</li> <li>.. teach handwriting/penmanship</li> </ul>
Understanding cause/effect or anticipating consequences...	<ul style="list-style-type: none"> <li>.. use concrete examples</li> <li>.. use real life situations</li> <li>.. use brainstorming, role playing, simulation</li> </ul>
Expressing him/herself in writing...	<ul style="list-style-type: none"> <li>.. accept alternate forms of reporting oral reports, taped reports, maps, photo essay, and panel discussion</li> <li>.. have student dictate work to someone else</li> </ul>

- .. have student prepare only notes or outline
- .. shorten amount/length required
  
- Drawing conclusions and making inferences...
  - .. teach thinking skills
  - .. draw a parallel to a situation that the student might have experienced in problem solving
  
- Seeing relationship. . .
  - .. directly point out relationships
  - .. draw arrows on worksheets or test to show that the ideas are related
  - .. class discussion
  - .. teach directly, relations of: function, category, opposition, sequence
  - .. provide headings or a partially filled in chart for an example
  
- Remembering...
  - .. provide a checklist
  - .. provide cues
  - .. have students make notes to self
  - .. Teach memory skills
  - .. Teach use of acronyms and mnemonics

## Chapter II: Special Education Services

### A. Evaluation Referrals

Any person concerned about a student's progress in school may make a referral for an evaluation to determine eligibility for special education services. Once a referral is made the formal evaluation process begins.

The Tantasqua/Union 61 School Districts District Curriculum Accommodation Plan is designed to be implemented before students are referred for a special education evaluation. Ideally the district would have first convened a General Education Team (GET) and developed, implemented, and documented the effectiveness of accommodations to support the student learning within the regular education setting. In an ideal world only if those accommodations are not successful, would a student be referred for a special education evaluation? However, the evaluation process can not be delayed because a school district has not fully explored accommodations in regular education.

#### **Initiating a Referral for Special Education Eligibility**

**School Referral** – If the interventions of the General Education Team (GET) were documented as unsuccessful, a student is referred by the GET for an evaluation to determine eligibility for special education.

The GET chair completes the Referral for Evaluation (Student Support Forms), attaching relevant findings from the GET process. The completed form is sent to the Office of Student Services in each building, for review and for the compilation and mailing of the Parent Consent Package (see below for contents of package).

**Non-School Referral** – When a parent or person making a referral has concerns about the student's development or a suspicion that the student may have a disability, the Team Chairperson promptly contacts parent by phone and sends **Information Letter** (Student Support Forms) with the Evaluation Consent Form (esped)

The Chairperson is the contact person for the entire evaluation process. The parents are contacted by the Chairperson and/or School Psychologist to discuss the reasons for referral and the nature of the proposed evaluation.

#### **Acting on the Referral for an Evaluation to Determine Special Education Eligibility**

*Within 5 working school days* of receiving the completed Referral for Evaluation, the Office of Student Services sends out a Parent Consent Packet consisting of the following:

- N1 — Notice of Proposed School District Action (Esped)
- Notice of Procedural Safeguards (Brochure)
- N1A — Evaluation Consent (Esped)\*

\*Parent must complete and return this form before the evaluation can begin.

*If the parent does not return the Evaluation Consent Form within 30 days*, the Chairperson calls the parent to discuss any concerns. If after 10 additional days, the parent does not respond, the

secretary sends the parent an N1A — Evaluation Consent Form/Second Notice (Esped). If parental consent is not received within 30 days of the second attempt, the Chairperson reports this to the Special Education Director.

Additional efforts to obtain parental consent are made and documented. If the parent revokes consent or refuses to agree to an initial evaluation, and/or initial provision of services the District will respond promptly in writing regarding revocation of consent (page 37).

Upon Receipt of the signed N1A — Evaluation Consent Form, the timeline for the evaluation process begins. *The evaluation must be completed within 30 days. The Team Meeting must be scheduled and held within 45 days and a proposed IEP presented.* The Chairperson immediately notifies the Evaluation Team members that they may begin to assess the student. Simultaneously, the Chairperson schedules the Team meeting and sends the following written notification to parents and all other participants:

- N3 — Team Meeting Invitation (Esped)
- N3A — Attendance Sheet (Esped)

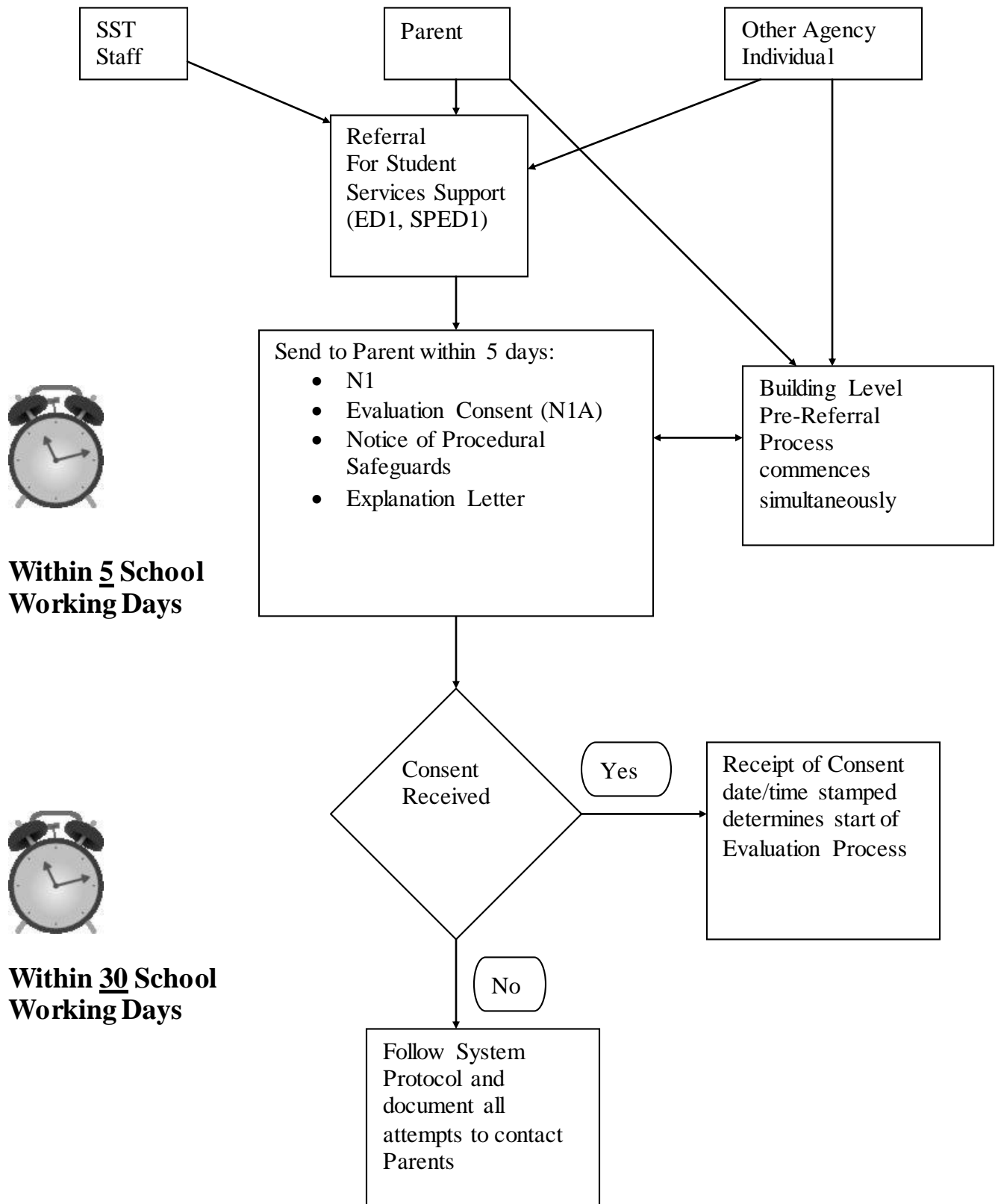
In the event that the parent calls to change the meeting time/date, the Chairperson sends out the N3 — Notice of Team Meeting Date/Change. In the case of a student attending a private or parochial school, the Chairperson invites a representative from the student's school to the Team meeting.

*Evaluators make all testing reports available to the Team Chairperson at least 4 working days prior to the meeting. The reports are sent home in a packet, with a cover letter, at least 2 days before the meeting.* Team members distribute testing reports to Team members with a cover sheet on regulations pertaining to student confidentiality.



# Initial Referral Process / Timelines

This is the initial referral process to initiate an evaluation to determine eligibility for Special Education. Requirements for a referral are made by one of the following sources (staff, parent, other agency/individual):



## **B. Evaluation Guidelines**

Evaluations of the student are made in all areas of suspected disability in order to determine eligibility for special education. Eligibility cannot be based on lack of reading or math instruction or on limited English proficiency. Evaluation activities are tailored to the specific referral questions for the individual student and address whether or not there is a disability, and if the disability affects the student's learning. Evaluations must provide information to determine present levels of academic achievement and related development needs. No single test is used as the sole criterion for determining eligibility. In Tantasqua/Union 61 School Districts a variety of techniques (both formal validated assessments and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record are used.

An observation of the student is made by at least one member of the IEP Team other than the student's teacher to determine a specific learning disability. The Team Chairperson is responsible for the observation or assigning another staff member to do and report on the observation.

Consent for an initial evaluation for wards of the state is not required if the Tantasqua/Union 61 School Districts Public Schools cannot, after reasonable efforts, locate the parent or the parent's rights have been terminated under state law or a judge has subrogated the parent's rights to make educational decisions. Tantasqua/Union 61 School Districts is obligated to seek a surrogate parent, through the DOE, for wards of the state. A ward of the state includes foster children (except if child has a foster parent) and a child in the custody of a public child welfare agency.

Evaluations are required prior to a finding that a student is no longer eligible, except for graduation with a regular diploma or aging out. For those children, the Tantasqua/Union 61 School Districts Public Schools provides a summary of academic and functional performance, including recommendations on how to assist the child to meet post secondary goals.

Evaluations are 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. Evaluations are administered and interpreted by trained individuals.

### **Required Assessments for an Evaluation:**

- Educational Assessment: Part A — to be completed by the principal or guidance counselor (esped forms 28R/1)
- Educational Assessment: Part B: - to be completed by teacher (esped forms /1 or equivalent document created by the District)
- Specific Learning Disabilities Forms, SLD 1, 2, 3, 4, and 28M/ 10 -when student suspected of having a specific learning disability (esped forms)
- Specialists Assessment(s) — to be completed by specialists in all areas of the child's suspected disability
- Functional Behavioral Assessment (FBA) must be conducted if the student's behavior interferes with learning. – process and forms (Students Services Forms)

### **Optional Assessments:**

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

## **Evaluation Process**

A Process and Flow Chart (Student Support Forms) is initiated, indicating timelines, and staff providing assessments.

Members of the Evaluation Team 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 ensure that the child is notified in advance of any pullout from class.

*The Chairperson ensures that the assessments are completed within 30 school working days of the parent's signed consent. One week before the Team meeting the Chairperson contacts those conducting the evaluations to ensure reports will be completed and delivered to the Team Chairperson 4 working days before the Team meeting. The assessment reports and cover letter are sent to parents 2 days before meeting. Each evaluator will copy their reports and disseminate to other Team members at least 4 days before the scheduled meeting.*

## **Timelines for Referrals received at the end of the School Year**

*If consent is received within thirty to forty-five school working days before the end of the school year, the District ensures that a Team meeting is scheduled no later than fourteen days after the end of the school year.*

Evaluation Team members give the parents a copy of their final, "word processed" evaluation report 2 working days prior to the Team meeting, sent home in a packet with a cover letter. The team members will distribute evaluation reports to other Team members as necessary.

## **Waiver of Assessment**

If a decision is made to waive any assessment, the Chairperson sends a Request for Waiver of Assessment (Esped) to the parent (or to students who have reached the age of majority -18) for signature with the Evaluation Consent Form. It is important to note any time Tantasqua/Union 61 School Districts Public Schools waives its rights of assessment; it places the District in the position of accepting any recommendation(s) made by the independent evaluator(s).

## **District Generated and Independent Evaluation Reports**

All evaluation reports are written in clear, jargon-free language. Assessors interpret and summarize results and diagnostic impressions to **help the Team determine eligibility**. The following information is included in an Evaluation Report:

- the student's present levels of educational performance
- areas of need arising from the student's disability
- Educationally relevant accommodations and modifications are identified to ensure the student's involvement and progress in the general education curriculum
- Date(s) assessment(s) where conducted and date report was generated

## **Scheduling Evaluations**

The District completes special education assessments in all areas of suspected disability. The District's Lead Psychologist works with Team Chairpersons to develop a schedule of evaluations to ensure each one can be completed within the mandated 30 day timeline.

## **Parental Request for an Independent Evaluation**

If parents disagree with an evaluation done by the school district they may request an independent educational evaluation for up to 16 months from the date of the evaluation with which the parent disagrees. The Special Education Director responds to these requests by ensuring that independent evaluations are completed by qualified personnel who are registered, certified, or otherwise approved and abide by the rates set by Medicaid. Higher rates may be paid

under unique circumstances, which are reviewed and considered on an individual basis. The District shall also abide by the provisions for a sliding fee scale for income eligible families. The district works with parents who have been dissatisfied with district evaluations of their child, by providing the option of updated or more comprehensive evaluations specific to the area of concern. Whenever possible independent evaluations are completed and a written report sent no later than 30 days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and the school district.

If a parent requests an IEE at public expense, the District is obligated to pay for the IEE or, within 5 days request a determination from the Bureau of Special Education Appeals (BSEA)

A parent may also obtain an IEE at their own expense at any time.

Parents may also share an outside evaluation, which has been privately funded, at any time.

The SE Team will reconvene within 10 days of receipt to review and consider the IEE reports. The outside evaluation does not supersede or replace the evaluations completed by the school. Team will follow IEE process chart (Student Support Forms). The goal of evaluation is to provide the Team with “relevant functional and developmental information about the child, and information relating to enabling the child to be involved in and progress in the general education curriculum”.

### **Extended Evaluations**

If the SE Team finds a student eligible for special education, but the evaluation information is insufficient to develop an IEP the Team, with the parents’ signed consent (Extended Evaluation Form (Esped) may agree to an extended evaluation period. The extended period can not be used to deny services. The Team documents their findings and determines what evaluation time period is necessary, and the types of information which is needed to develop an IEP. Specific questions are written, once written consent is received, data and information is collected throughout the evaluation period. The extended evaluation period may be longer than one week but no longer than eight weeks.

## **C. The Reevaluation Process**

A reevaluation is conducted for each student with a current IEP, every three years or more frequently if requested or recommended. Reevaluations occur not more frequently than once a year unless both parents and the Tantasqua/Union 61 School Districts Public schools agree that evaluation is needed.

Evaluations are required prior to a finding that a student is no longer eligible, except for graduation with a regular diploma or aging out. For those children, Tantasqua/Union 61 School Districts provides a summary of academic and functional performance, including recommendations on how to assist the child to meet post secondary goals.

### **Initiating the Reevaluation Process**

The Psychologist and Team Chairs develop a schedule of reevaluations at the beginning of each year to facilitate reevaluations being completed within required timelines.

The Chairperson orchestrates the reevaluation process. They initiate the process in each building, by having the student’s teacher(s) complete a Referral for Evaluation Form (Student Support

Forms) and send it to each Team member. The information on the Referral for Evaluation Form provides evaluators with information on student strengths, areas of difficulty, interventions that have been successful, and significant events in the student's history since the last evaluation. This information is used to develop questions the evaluator's address during the evaluation process. Reevaluation activities are tailored to the specific questions for the individual student in order to help the Team determine whether special education services are needed, and if needed what specific services are to be provided.

If no additional information is needed to determine whether the student continues to be eligible, the District may request that a parent waive particular types of assessments(s). The parent Gether consents to waive the assessment(s) or chooses to have the assessment completed regardless of the recommendation for waiver.

### **Implementing the Reevaluation Process**

The Lead Psychologist reviews the Referral and determines which types of assessment should be completed. The Team Chair will send out a N1A — Evaluation Consent Form (Esped) to the parent, which is completed before the reevaluation process begins.

*If the parent does not return the Evaluation Consent Form (N1A) within 30 days, a N1A – Evaluation Consent Form/Second Notice. If there is no response to the second letter, the Secretary for Student Services or Team Chair calls the parent to discuss any concerns and documents the call. If parental consent is not received within 30 days, additional efforts to obtain parental consent are made and documented. If the parent revokes consent or refuses to consent to any reevaluation and the District determines that such action denies the student an appropriate education, the District seeks resolution through the Bureau of Special Education Appeals.*

Upon receipt of the signed Evaluation Consent Form (N1A), the Secretary for Student Services emails the Team Chair and Lead Psychologist that the Evaluation Team may begin to assess the student. The Secretary for Student Services also inputs dates of the signed consent form into Esped for members of the Evaluation Team to access. Simultaneously, the Chairperson schedules the Team meeting and sends to parent(s) and all other participants *10 days in advance of the Team meeting* the following:

- N3 – SE Team Meeting Invitation (Esped)
- N3A — Attendance Sheet (Esped)

In the event that the parent calls to change the meeting time/date, the Chairperson sends out the N3 — Notice of Team Meeting Date Change. If the student is 14 years of age or older, the Chairperson reviews the evaluation process, gives the student an invitation to the Team meeting and obtains a signature on the N3 — Notice of Team meeting. In the case of a student attending a private or parochial school, the Chairperson invites a representative from the student's school to the Team meeting.

The rest of the reevaluation process follows the same process as initial evaluation process. Please refer to the section Guidelines for the Evaluation Process.

## D. Special Education Team Meetings

The Special Education (SE) Team meeting process is designed to bring together parents, teachers, and specialists to review the data gathered in the evaluation process and determine if a student is eligible for special education services or not. If a child is found eligible for special education services the Team develops an Individualized Educational Program (IEP) for the student.

### Special Education Team Membership

The SE Team consists of the following members:

- the student's parent(s)
- at least one regular education teacher who has taught the student
- at least one special education teacher familiar with the student
- a representative of the District who has the authority to commit resources (i.e. Special Education Director, Principals, and Team Chairpersons)

### Team Chair Responsibilities

- Review all testing materials
- Consult/Collaborate with all other providers and educators (*This is not a decision making process*)
- Prepare all relevant documents for all team members
  - Any relevant testing or evaluations
  - Correspondence
  - Relevant reports
  - Prior IEPs or related documents
- Evaluate resources with administration when needed
- Create and manage compliance monitoring systems for related school
- Insure all SPED referrals are completed within appropriate time frames
- Schedule appropriate / related meetings
- Responsible for all initial referrals, reevaluations, writing IEP and their compliance standards
- Collaboration with regular educators around current progress, documents and student performance.

### Case Manager / Liaison Responsibilities (Procedural documents exist for items in italics)

- **Oversee and track** student progress
  - Academic
  - Credits
  - Attendance/Tardies
  - Behavior
- **Advocate** for student
- Be a **liaison** to parents- 4 calls a year
- **Liaison** to Clinical staff and outside service providers
- Be a **liaison** to regular educators:
  - Provide IEP
  - Have staff sign *acknowledgement form*
  - Ensure all staff are informed of their responsibilities for the student
- **Chair and organize** annual reviews and **write the IEP**
  - Contact parent

- Research student service providers to alert them to the meeting
  - Create invitation
  - Send invitation to parents
  - Send invitation to staff
  - Confirm a regular educator will be there
  - Book a room
  - Use *list of documents to bring to an IEP meeting* to create a file
  - Run meeting
  - Create *meeting notes/meeting summary*
  - Have parents sign the summary and send them home with a copy
  - Use *list of follow up documents* to submit
  - Follows up to ensure the IEP is signed
- **Chair and organize Progress check in** meetings when necessary
  - **Create** 3 year review referral- see *procedural check list*
  - **Create Progress quarterly reports**
  - **Create** Amendments when necessary

### **Roles of the other team members**

- Psychologists, Speech and Language Therapists, Occupational Therapists, and other specialist to interpret evaluation reports
- other individuals(s) who have knowledge or expertise regarding the student
- if appropriate, the student

A Special Education Team meeting is chaired by the Team Chairperson or a special education teacher who is assigned as a case manager / liaison to the student. The person chairing the meeting ensures that everyone receives copies of evaluations and progress reports before the meeting. Participants are expected to review all relevant materials before the meeting.

### **Materials to Prepare for the Meeting**

The following materials are prepared ahead of time and distributed (if applicable) at the meeting to facilitate communication and comply with special education regulations:

- Agenda
- Attendance Sheet (Esped)
- Eligibility Flow Chart (Esped)
- Draft IEP (Esped)
- Meeting Summary Form (Student Support Services Forms)
- Permission to Dismiss Team Members Form (Esped)
- Specific Learning Disability (SLD) Form (Esped)
- Transfer of Rights (Student Support Services Forms) – for students 17 and over
- Parent Survey (Student Support Services Forms)
- Notice of Procedural Safeguards
- Bullying Flow Chart (Student Support Services Forms)
- ASD Flow Chart (Student Support Services Forms)

IDEA 2004 permits members being excused if parent and LEA agree (written agreement from parent). If excused member has input it is provided in writing.

## Responsibilities of the Special Education Team

The SE Team manages three important activities:

- Eligibility Determination/Initial and Reevaluation
- Development of the IEP
- Placement Decision

To support each student with disabilities right to a Free and Appropriate Public Education (FAPE) it is the Team's responsibility to develop an IEP which provides special education and related services and needed supplementary aids and services to enable students to be involved in and make progress in the general curriculum. The IEP provides the student with access to the general education curriculum and prepares students with disabilities for independence and employment. The SE Team process is designed to work towards consensus. If no consensus is reached it is the Chairperson's responsibility to make a decision.

### 1. Eligibility Determination

The Special Education Eligibility Flowchart (Esped) assists Teams in making eligibility determinations and can be found on page 32. The chart is a worksheet which becomes part of the student record.

#### Eligibility Evaluation Guidelines / Timelines



Within **30** School Working Days

- Team Chair Initiates & Monitors Evaluation Team Process and Timelines
- Team Members begin Evaluation of Student
- Follow System Protocol for Assignment of Psychologist or other Specialist
- Home Visit Considered
- Classroom Observation Occurs



Within **45** School Working Days

- Evaluation Team Conference Scheduled
- Written Notification sent to Parent(s) and all Participants
- Meeting Invitation and Attendance Sheet sent to Parent(s)
- Eligibility Determination: IEP developed/proposed if determined



At least **4-5** Days Prior to Meeting

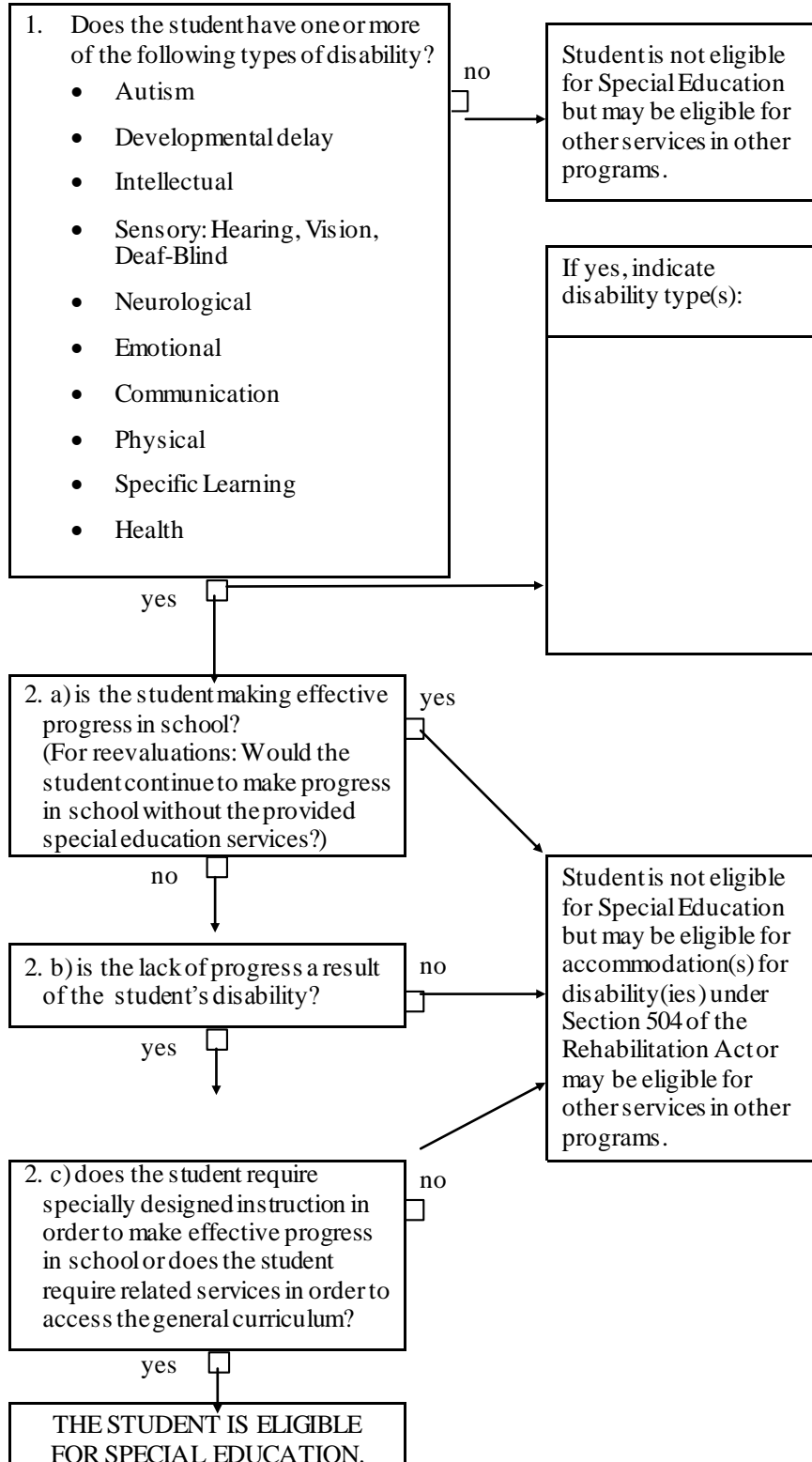
- All Testing Reports sent to Team Chair and sent to Parent(s) or others as needed.



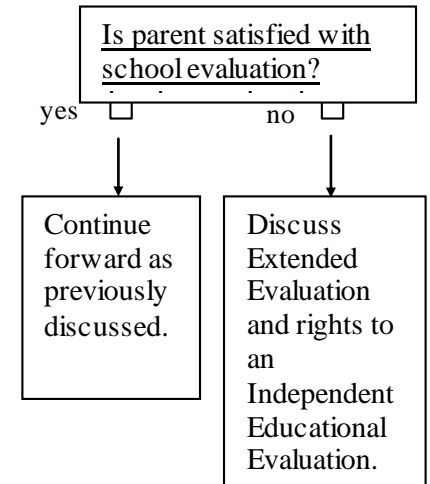
## Special Education Eligibility/Initial and Reevaluation Determination Flow Chart

Student Name: \_\_\_\_\_ DOB \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

**A. Proceed through the flowchart until an eligibility determination is reached.**

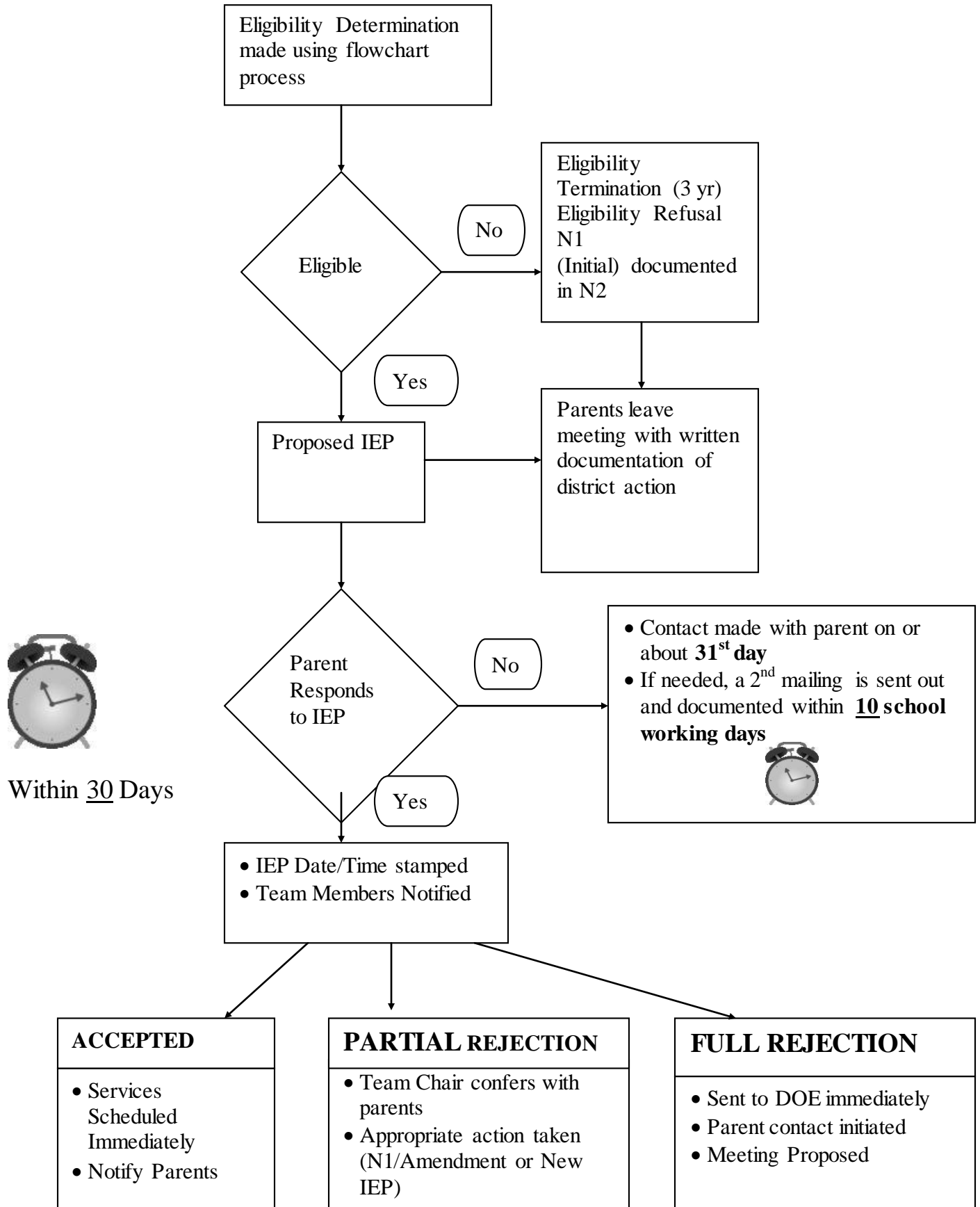


**B. Answer this question for all students.**



KEY EVALUATION FINDINGS AND/OR NEXT STEPS

## Eligibility Determination / Timelines Chart



## Identification of a Disability

To be eligible for special education services a student must first be found to have a disability that is causal to an inability to make effective progress in school. The Special Education Eligibility/Initial and Reevaluation Determination (ED1-Esped) should be used to assist the Team in making an eligibility determination according to State and Federal Special Education regulations.

Team members should identify the type of disability from the list below before taking the next step in the eligibility process.

- Autism
- Intellectual
- Emotional
- Physical
- Health
- Developmental Delay
- Neurological
- Communication
- Specific Learning
- Sensory: Hearing, Vision, Deaf-Blind

### **Determining Eligibility: Is the Student Making Effective Progress in School?**

The Team makes a judgment as to whether the student is making effective progress in the general education program. To do so, the Team determines whether the student has:

- Made documented growth, with or without accommodations, in knowledge and skills acquisition including social/emotional development, the learning standards set fourth in the Massachusetts Curriculum, 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 specifically looks at whether the disability is causal to an inability to make progress. Teams judge whether the lack of progress is a result of the disability. Teams look at the evaluation results to see whether the lack of progress is a result of the disability or a result of other factors. Teams also review a student's grades, attendance and discipline records. If the Team determines the lack of progress is connected to a disability the Team continues to discuss a possible finding of special education eligibility. According to state and federal regulation, a student is not found eligible solely because the student is unable to follow the school discipline code, has limited English proficiency, social maladjustment, or 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).

After there has been a determination of disability, Teams ask the final question: Does the student require specially designed instruction in order to make progress? Specially designed instruction is a modification not regularly provided for students in the general education program. 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. Specially designed instruction is an absolute requirement for students found

eligible for special education. Related services necessary to access the general curriculum are considered special education and may be provided alone, or in combination with specially designed instruction. If the student only requires accommodations, then that student is not eligible for special education. Accommodations are typically provided by general educators within the general education environment. Preferential seating, pencil grip use, or cooperative learning strategies are some examples of these kinds of typical accommodations. Accommodations do not involve modifying the material content, but do allow students to receive information in more effective manner.

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or more major life activities. Students who are making effective educational progress but need accommodations in order to participate in public school programs may be eligible for accommodations under a Section 504 plan and the Team refers them to the 504 Team.

Extra steps are required when a specific learning disability is suspected. Federal regulation requires additional steps in the evaluation process if the Team suspects a student of having a specific learning disability. The District must take the following steps in such cases:

- At least one Team member other than the student's teacher completes a classroom observation of the student's academic achievement
- The Team Chairperson with the assistance of the school psychologist, if necessary, completes a written report answering the following questions:
  1. Does the child have a specific learning disability?
  2. What basis was used in making the determination?
  3. What relevant behavior was noted during the observation and how does that behavior relate to the student's academic functioning?
  4. What educationally relevant medical findings, if any, were found?
  5. What was the Team's determination concerning the effects of environmental, cultural or economic disadvantage and does the Team agree that the need for special education is not the result of such disadvantage?

Team members certify in writing whether the written report reflects their conclusion of a finding of a specific learning disability using the Specific Learning Disability Determination Form (esped). Any individual who disagrees with the written report submits a separate statement to express their differing conclusions.

**A Team may find a student eligible for special education services.**

If a student is found eligible for special education, an IEP is developed. In most cases, development of the IEP occurs within a single meeting after the determination of eligibility is made (see section titled "Development of the Individualized Education Program").

Any action proposed by the school district should be documented in an N-1 letter, Notice of Proposed School District Action (Esped).

**A Team may also make a finding of no eligibility.**

If the student does not have a disability, if the student does not show a lack of progress, if the student does show lack of progress but it is not due to a disability, or if the student does not require special education, then the Team makes a finding of no eligibility. However, as a matter of good educational practice, the Team discusses the appropriate next steps to ensure that the District, through regular education options, addresses any identified problem or concern.

Parents receive a Notice of School District Refusal to Act (N2 – Esped) and Special Education Eligibility Determination Chart (ED1). Parents have the right to appeal any eligibility determination to the Bureau of Special Education Appeals, including a finding of no eligibility. Parents may contact the Bureau directly.

Occasionally there will be a finding of no eligibility, but there remain some unanswered questions. The Notice of School District Refusal to Act (N2) and the Special Education Eligibility Determination Chart (ED 1) are sent to parents. At the same time if there are additional questions and / or parents request additional testing an Evaluation Consent Form (N1A) are sent to parents asking for permission to do additional assessments.

**Parents are asked if they agree with the evaluation findings.**

Team members should check if a parent understands of the evaluation data and their agreement with it. If parents disagree with a particular school assessment, parents have a right to an Independent Educational Evaluation (IEE). The Chairperson immediately notifies the Special Education Director of any request for an IEE.

**Extended Evaluation is an option if evaluations prove inconclusive.**

If evaluation information is inconclusive and the Team has found the student eligible, the Team may want to consider an Extended Evaluation. An Extended Evaluation is used to gather further information needed to write an IEP. An Extended Evaluation is only used if a parent agrees.

Extended Evaluations cannot be used for the following purposes:

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

The Team writes a partial IEP or Full IEP in conjunction with an Extended Evaluation form. This action ensures, with parental acceptance of the IEP, that a student is not denied services determined necessary at a Team meeting.

An Extended Evaluation may run from one to three weeks. The Team may decide to meet during that evaluation period. However, the Team must reconvene as soon as the additional evaluation data is available in order to review assessment data and/or complete the writing of the IEP.

**Parental Revocation of Consent.**

There may be times when apparent requests an IEP be discontinued.

Revocation of Consent:

If a parent revokes his/her consent for special education services in writing, the school is required to cease all services within a reasonable amount of time and promptly to provide a written notice to the parents of the district's plan to comply with parent request. In addition to this written notice the school sends an additional Procedural Rights and Safeguard Notice. The written notice is issued prior to the termination of services. The parent is provided a written

statement (on District letterhead and N1) outlining the result of the revocation of services and the date this will occur. The cessation of services will be done expediently but may be determined by scheduling, class availability, and where appropriate, the ending of marking periods. For example, this would apply if a student was removed from a self-contained class and placed in regular education classes.

## **2. Development of the Individualized Education Program (IEP)**

Writing the Individualized Education Program (IEP) is the second step in the process. After finding a student eligible for special education services, the Team develops the IEP. All IEP sections need to be considered by all IEP Teams. No section should be skipped.

The IEP is a formal agreement between a student's parents and the Tantasqua/Union 61 School Districts describing the services that will be provided to the student. It is important that everyone participating in the development of the IEP understands the terms of the agreement and the services that will be delivered.

### **IEP development is a student driven process.**

The IEP is tailored to the individual student needs as determined through the evaluation process. Good IEPs are responsive to parent concerns and the student's vision and assist the student in moving towards independence.

The IEP helps educators and parents to understand the student and how best to work with that student. The IEP describes 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 lesson plan but should provide a clear picture of the student's current abilities and needs, and identifies key goals and objectives that provide a direction and focus for the student's learning over the next IEP period.

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 affects the student's learning
- Know how the student performs today
- Address only the areas that are affected by the disability
- Provide a focus for the student's learning during this year
- 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
- Ensure that the recommended services contain, at a minimum, some specially designed instruction.

### **Team meetings are used as a communication vehicle.**

During an IEP meeting, Team members share information and discuss the needs of the student in order to gain a comprehensive understanding of the student. The discussion connects one IEP element to the next and ensures internal consistency within the produced document.

A Team meeting works best if:

- The meeting remains focused on the student
- Its members are knowledgeable about the District, special education law, and the student
- Parents are respected participants, giving and receiving information

The IEP does not serve as a guarantee of progress. However, IDEA-2004 clearly states that Districts make a good faith effort to assist students in making progress towards the IEP goals.

### **Taping Team meetings is allowed.**

The regulations stipulate that parents can tape Team meetings if it is necessary for them to participate (e.g. if they are disabled and can't write). There are other times that parents feel the need to tape their child's Team meeting. The District allows all parents the right to tape as long as they mention it before the meeting. When a parent is taping a meeting, the District does so as well. A tape recorder and blank tapes are kept readily available. Even if the parents offer to provide a copy of their tape, the District records their own tape.

### **The IEP serves to focus the special education services.**

The IEP best serves the student if it focuses on what will make the biggest difference for that student and not on every aspect of every school day. IEPs concentrate on offsetting or reducing problems resulting from the student's disability that interferes with learning and educational performance.

### **The Role of the parent in the IEP process:**

- The Parent Role in the IEP Process is crucial and is mandated by IDEA
- Parents and Students involvement is one of the 6 defining principals of the law
- Parents are a member of the IEP Team
- Parents should be invited to the Team Meetings
- Parents should be involved in the development of the IEP
- Parents should be a part of discussion of placement
- Parents consent to evaluation
- Parents can request evaluations
- Parents review and sign or reject the IEP

### **Teams focus on the whole child.**

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

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

### **The general curriculum is addressed in all students' IEPs.**

The IEP is a primary tool for enhancing a student's involvement and progress in the general curriculum. As defined by federal regulation, the general curriculum is the curriculum used with

non-disable children. All students, regardless of the nature of severity of the disability or their educational setting, have access to and progress in the general curriculum.

Within Massachusetts, the general curriculum is defined as the Massachusetts Curriculum Frameworks in the following areas: English Language Arts, Mathematics, History, Social Sciences, Science and Technology. Other curriculum areas are discussed if the student's disability affects progress in those areas. The Tantasqua Regional/Union 61 School districts maintain high standards for children with disabilities. These standards are consistent with the expectations for all students in the educational system.

General educators play a critical role in the Team process as the experts on the general education curriculum and classroom environment. Their participation in the Team process is required under Federal Regulation.

### **The IEP addresses other areas of educational need.**

The Team also looks at the student's overall involvement within the school including participation in extracurricular and other nonacademic activities and, for preschool students, participation in appropriate activities to ascertain other areas of need. The Team considers how students communicate with others, how the students' behavior effect their learning or the learning of others, how assistive technology could support effective progress or how the student's disabilities effect transition to post-secondary activities.

### **Tantasqua/Union 61 School Districts Personnel that are designated to allocate resources.**

- Team Chair
- Assistant Principal
- Principal
- Superintendent/Assistant Superintendent
- Special Education Director

## **Specific Elements of an IEP**

### **Proposed Draft IEPs**

Team Chairs or Liaisons may come to the **annual** review team meeting with a proposed draft of the IEP. It is important to note that this is only a working draft, not a final document and is used as a tool to discuss all areas of the IEP. For Initial and re-evaluation meetings, a Meeting Summary Form (Student Support Services Form) will be completed during the team process. Parents will sign the form at the conclusion of the meeting indicating they received a copy.

### **Vision Statement – IEP 1 (Esped)**

A vision statement is required for all students. The character of the statement changes, as the age of the student increases.

The intent of the vision statement is to look forward to future goals, usually 1-5 years in the future. For younger students, periods of transition from one grade to the next or from elementary to middle school provide a time focus for these statements. The Team steps back from the here and now to take a broader, long-range perspective as it looks to where this student is headed in the future. Knowing where the student is headed makes it easier for the Team to eventually determine what progress needs to be made this year. The following example is given to assist in the development of vision statements.



When Chris begins first grade, we can see him working well with his non-disabled peers for the entire school day.

As the student becomes older and more involved in transition planning, the vision statement becomes the hopes and dreams of the student and not the parent and Team. Also, the statement for older students conforms to federal regulations, is based on the student's preference and interests, and includes desired outcomes in adult living, post-secondary education, and work environments.

### **Present Levels of Educational Performance**

#### **General Curriculum – IEP 2 (esped)**

Teams consider how the student's disability(ies) affects performance in the general education curriculum. However, the discussion of the Team centers on those areas of the curriculum where the student's performance is adversely affected by the student's disability(ies). Clear descriptions of how the disability(ies) impact progress will better assist Teams in determining the most appropriate and individualized accommodations and specially designed instruction.

The Team also uses the assessment information and their discussion of the student's levels of educational performance to focus the direction of the IEP goals and services. The levels of educational performance are based on current, relevant information about the student obtained from a variety of sources.

#### **Other Educational Needs – IEP 3 (esped)**

Teams review the considerations listed on IEP 3. These lists are not exhaustive in nature. Therefore, Teams should describe other identified area(s) of educational needs that affect progress, but may not be listed.

#### **Current Performance Levels/Measurable Annual Goals – IEP 4 (esped)**

Most IEP's contain no more than an average of three to four goals. Goals relate directly to those areas where the student's disability affects performance and reflect a focus on those areas that make the biggest difference in the student's performance. Goals do not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan. Objectives or benchmarks, a description of how the child's progress towards the annual goals will be measured, are required.

Current performance levels and goals relate directly to the previously written Present Levels of Educational Performance.

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

#### **Service Delivery – IEP 5 (Esped)**

Section A: Indirect services represent services that are provided to someone other than the student. Consultation or training for school staff and/or parents is listed in Section A.

Sections B: Direct services that take place in the general education environment are listed in Section B.

Section C: Direct services that take place in any setting, other than a general education, are listed in Section C.

Although Teams may be identifying service needs for which services will be provided outside of the general education classroom, Teams are not, at this point, determining the student's final placement. The final type of placement is determined after the IEP is developed. There is an exception to this general rule: If the Team has, in the course of its discussions, determined that this student will need a longer school day or school year, then the service delivery information may reflect services beyond the standard school day and, in some circumstances may reflect a need for residential services. In all cases, if extended educational services are required, the goals and objectives developed for the student reflect the comprehensive nature of the student's program.

Start dates should be included for all services; however, end dates should be entered only as appropriate if different than the IEP end date. For instance, if speech therapy is recommended for four months and not for the entire IEP period, then a start and end date should be entered.

### **Non-Participation, Length of School Day/Year, Transportation – IEP 6 (Esped)**

#### **Justification of Non-Participation in the General Education Program**

To reinforce, IDEA's strong preference for involvement in the general education environment, the law requires a clear statement justifying why removal is necessary when removal occurs. Justification statements focus on the benefit the student will receive from being outside of the general education environment. The statement refers to any special education and related services recommended to occur in other settings during the service delivery discussion and not to potential placements.

Most students with disabilities will attend school on the same daily and yearly schedule as their non-disabled peers. However, if the student's needs dictate, the Team recommends a schedule modification and the reasons for such modification. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate a loss of acquired skill and/or substantial difficulty in relearning skills if an extended program is not provided. (ESY Flow Chart- Student Support Forms).

Transportation is considered a related service under the Federal statute and is provided to ensure that students receive their IEP services. 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. Team members ascertain whether the disability(ies) prevents the student from accessing to the local school in the same manner as the student's non-disabled peers would have access to the local school. On the IEP under Transportation Services, only check "yes" if the student requires modifications or specialized equipment. (Specialized Transportation Flow Chart- Student Support Forms).

**State or District-Wide-Assessment – IEP 7 (Esped)**

**Eligibility for Assessment Accommodations**

Only students on IEPs or on 504 plans are eligible for accommodations during MCAS administration. Students in out-of-district placements are required to participate in MCAS testing and follow the district’s guidelines for participation.

The Massachusetts Education Reform Law of 1993 mandates that all students with disabilities who are educated with Massachusetts public funds participate in MCAS testing for their grade, including

- students enrolled in public schools
- students enrolled in charter schools
- students enrolled in an educational collaborative
- students enrolled in approved and unapproved private special education schools and programs within and outside Massachusetts
- students receiving educational services in institutional settings
- students in the custody of the Department of Social Services
- students in the custody of the Department of Youth Services

All students, including students with disabilities, are required to participate in all MCAS tests scheduled for their grade. Students with significant disabilities who are unable to take the standard MCAS tests, even with accommodations, must take the MCAS Alternate Assessment (MCAS-Alt).

When determining testing accommodations a student’s IEP or 504 team must determine how the student will participate in MCAS for each subject. Teams should begin by asking the following questions:

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

<i>Characteristics of Student’s Instructional Program and Local Assessment</i>	<i>Recommended Participation in MCAS</i>
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**OPTION 1**

<p><i>If the student is</i></p> <ul style="list-style-type: none"> <li>a) generally able to demonstrate knowledge and skills on a paper-and-pencil test, Gether with or without test accommodations <b>and is</b></li> <li>b) working on learning standards <b>at or near grade-level expectations,</b> <b>or is</b></li> <li>c) working on learning standards that have been modified and are <b>somewhat below grade-level expectations</b> due to the nature of the student's disability</li> </ul>	<p style="text-align: center;"><b>Then</b></p> <p>The student should take the <b>standard MCAS test,</b> Gether with or without accommodations that are consistent with the instructional accommodation(s) used in the student’s instructional program and are documented in the approved IEP or 504 plan prior to testing.</p>
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<i>Characteristics of Student’s Instructional Program and Local Assessment</i>	<i>Recommended Participation in MCAS</i>
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**OPTION 2**

*Instructional Program and Local Assessment*

<p><b>If the student is</b></p> <ul style="list-style-type: none"> <li>a) <b>generally unable</b> to demonstrate knowledge and skills on a paper-and-pencil test, even with accommodations <b>and is</b></li> <li>b) working on learning standards that have been <b>substantially modified</b> due to the nature and severity of his or her disability <b>and is</b></li> <li>c) receiving <b>intensive, individualized instruction</b> in order to acquire, generalize, and demonstrate knowledge and skills</li> </ul>	<p><b>Then</b></p> <p>The student should take the <b>MCAS Alternate Assessment (MCAS-Alt)</b> in this subject.</p>
<p><b>OPTION 3</b></p> <p><b>If the student is</b></p> <ul style="list-style-type: none"> <li>a) working on learning standards <b>at or near grade-level expectations</b> <b>and is</b></li> <li>b) <b>sometimes able</b> to take a paper-and-pencil test, <b>Get</b>her without or with one or more test accommodation(s), <b>but</b></li> <li>c) has a <b>complex and significant disability</b> that does not allow a student to fully demonstrate knowledge and skills on a test of this format and duration.</li> </ul>	<p><b>Then</b></p> <p>The student should take the <b>standard MCAS test</b>, if possible, with necessary accommodations that are consistent with the instructional accommodation(s) used in the student's instructional program and that are documented in the approved IEP or 504 plan prior to testing.</p> <p><b>However</b></p> <p>The team may recommend the <b>MCAS-Alt</b> when the nature and complexity of the disability prevent the student from fully demonstrating knowledge and skills on the standard test, even with accommodations.</p>

**MCAS Test Accommodations**

A test accommodation is a change in the way a test is administered or in the way a student responds to test questions. Similar to instructional accommodations, test accommodations are intended to offset the effects of the disability and to provide students with the opportunity to demonstrate knowledge and skills on statewide assessments.

Test accommodations **must be provided** when the student's IEP or 504 team has determined their necessity. Teams must ensure that a student meets all eligibility criteria in order to receive an accommodation. A list of standard accommodations and nonstandard accommodations can be found at in the DESE Requirements for the Participation of Students with Disabilities in MCAS at <http://www.doe.mass.edu/mcas/participation/sped.doc>.

For the purposes of MCAS, a *standard accommodation* is defined as a change in the routine conditions under which students take MCAS tests that do not alter what the test is intended to measure. Standard accommodations are grouped into the following four categories:

- Changes in timing or scheduling of the test; for example, administering the test in short intervals or at a specific time of day
- Changes in test setting; for example, administering the test in a small group or a separate setting
- Changes in test presentation; for example, using a large-print or Braille edition of the test
- Changes in how the student responds to test questions; for example, dictating responses to a scribe

*Nonstandard accommodations* are provided only if the student meets all the eligibility criteria for the use of nonstandard accommodations. Please review the DESE eligibility criteria in the DESE Guide referenced above before including any nonstandard accommodations. Use of an accommodation during instruction does not necessarily qualify a student to receive the same accommodation on an MCAS test. Nonstandard accommodations include:

- Test administrator reads aloud the ELA reading comprehension test  
*Criteria* student must be **virtual non-reader**
- Test administrator signs the test for students that are deaf or hard of hearing  
*Criteria* student must be **virtual non-reader – Criteria student must be virtual non-reader**
- Student dictates the ELA composition to a scribe or uses a speech to text conversion device  
*Criteria* student requires written dictation of all written compositions or unable to use writing hand due to bone fracture
- Student uses a calculator, arithmetic table, or manipulatives on the non-calculator session of the Mathematics and / or grades 5 and 8 Science and Technology /Engineering tests. Calculators are allowed for all students on the high school STE tests. *Criteria* student **virtually unable to perform calculations** and has access to mathematical calculation only through use of calculator
- Spell or Grammar checking function on word processor for the ELA composition  
*Criteria* student has a disability that severely limits or prevents him or her from spelling correctly and is virtually unable to spell simple words and uses a spell – grammar check device during regular instruction

If a student's parent or guardian requests a MCAS performance appeal the superintendent, or equivalent administrator files the MCAS performance appeal provided the student meets the eligibility requirements for such an appeal. Parental consent is obtained when filing the appeal and the appeal includes evidence of the student's knowledge and skills in the subject at issue.

Teams are responsible for deciding how all students will participate in state and district-wide assessments. However, if no assessments are planned during a particular IEP period, the Team should note that no testing will occur and leave the remainder of the page blank. All students participate in MCAS testing with accommodations outlined in the IEP. MCAS accommodations must be consistent with accommodations students regularly receive in their educational program.

## **b. Notes Regarding Special Populations**

### **Children Ages 3 to 5**

The Massachusetts Curriculum Frameworks begin at the Pre Kindergarten level and children age 3 to 5 may have a disability (ies) that affect their progress in the general curriculum. Teams

should not hesitate to use IEP 2 to reflect the developmental skills for each of the curriculum areas. Young children's disabilities also may affect their ability to participate in appropriate activities or may affect other educational needs. Therefore, a Team may need to describe these student's Present Levels of Educational Performance on IEP 3. For a student being assessed to determine eligibility for services at age three (3), an observation of the student's interactions in the student's natural environment or early intervention program is strongly encouraged together with the use of current assessments from Early Intervention Teams to avoid duplicate testing.

## **Children Ages 14 to 22**

### **Transition Plan (Esped)**

Transition planning is required under Federal law and becomes a major Team focus when a student reaches fourteen years of age. Transition elements are incorporated throughout the IEP for a more integrated approach to transition planning.

The vision statement, included as part of IEP 1, aids Teams Members in determining the student's transition needs that may be reflected on IEP 2 and/or IEP 3. Transition goals should be recorded on IEP 4 and transition services should be recorded on IEP 5. As a student approaches graduation, the Team must also consider the student's graduation status, the need for a Chapter 688 referral and the involvement of adult service agencies.

Transition plans must be discussed and documented when the child is 15 years old. If the child requires services or courses necessary to reach the goals, IEPs must have measurable post-secondary goals related to training, education, employment, and as necessary, independent living.

Some of the most important skills we can help students with disabilities develop are the skills of self-advocacy and self-determination. Special education services and accommodations are an entitlement for students with disabilities only in PrK-12 public schools. Once a student graduates or otherwise leaves school, he or she must ask for accommodations. The transition to the adult world is difficult for individuals with disabilities who have not developed the skills of self-determination and self-advocacy. The IEP process is an excellent process in which to include the student and provide the student with the skills to:

- Understand the disability
- Identify needs related to the disability
- Choose goals to work on to develop skills and compensatory strategies to minimize the adverse impact of a disability
- Identify needed accommodations and modifications
- Participate in the decisions on needed services.

Students who participate in deciding the goals and services to be included in a plan are more likely to work to achieve those goals and participate in those services. Students who participate in the development of their IEPs in school are more likely to be successful in asking for needed accommodations and or services in college or work. All secondary students should actively participate in the development of all aspects of his/her IEP.

### **Assistive Technology**

During the IEP process the team will consider assistive technology needs of the student. If the team feels an assistive technology evaluation is needed they will initiate the referral and follow up on the recommendations. The team may determine that various assistive technology needs be put in place without a referral for an evaluation. It is the responsibility of the SPED teacher/liaison to acquire the appropriate technology through the Technology Department and building principal. Assistive Technology Flow Chart

## **Bullying Prevention and Intervention**

Whenever the IEP team evaluation indicates that a student's disability (based on evaluations, staff knowledge of student performance, and prior history) affects social skills and /or self-advocacy development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

In addition, students who have been identified with a disability on the autism spectrum, the IEP must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing, including but not limited to, social skills and advocacy.

Each time the IEP Team convenes, they will consider whether the student's disability affects them socially and has the student been involved in any bullying or pre-bullying incidents.

If any IEP Team member or parent believes that the student is at risk of bullying or being bullied as a direct result of their disability they should convene the IEP team to review and make the appropriate modifications and accommodations to the IEP to prevent further activity. They will also discuss the student's involvement in the district's bullying prevention curriculum. (Student Services Forms- Bullying Flow Chart).

The results of the IEP Team discussion on bullying will be recorded in "additional information" and the N1 letter.

- A direct social skills goal provided through the social skills instructor, speech/language pathologist or guidance/adjustment counselor. The need for a specific goal is noted in additional information and the N1.
- Under additional information in the IEP and directly addressed and modeled in the curriculum of the self-contained classes as noted in the PLEP B and N1.
- Directly addressed in the ongoing school wide bullying curriculum with accommodations if necessary noted in additional information, PLEP A and N1. (See attached).
- When the Team determines that there is no need to specifically address social skills and/or self-advocacy related to bullying, harassment, or teasing, it is noted in additional information and the N1 that this was considered and determined not to be a need at this point.

Some examples of interventions are:

- Provide instructional personnel or aids when additional supervision is needed
- Identify a "safe" adult to whom the student can go or support
- Provide additional counseling and skill-building support
- Provide communication skills/social pragmatics skills groups
- Provide a Functional Behavioral Analysis and Behavior Intervention Plan that identifies target or aggressor behaviors
- All students are exposed to the Bullying Prevention curriculum K-12 throughout the school year as mandated by the state

## **Autism Spectrum Disorder**

Whenever an evaluation indicates that a child has a disability on the autism spectrum which includes autistic disorder (autism), as defined in the Diagnostic and Statistical Manual of Mental Disorder, fifth edition (DSM-V, 2013), the IEP Team shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to

develop social interaction skills and proficiencies; the needs resulting from the child's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development. (Student Support Forms- ASD Flow Chart).

### **Age of Majority**

As the student nears or reaches age seventeen, the Team must discuss the transfer of rights at age of majority. The discussion once again takes place when the student turns 18, as this is the age of majority. This information is documented under Additional Information on IEP 8, and the following forms (esped) are completed, signed, and placed in the student's file. Written information and notices continue to be sent to parent(s) guardian(s).

- Notice of Transfer of Parental Rights
- Age of Majority Notice
- Age of Consent Decision Form

The student is notified of their rights through the following process within a Team meeting:

Presented with a letter notifying them of their rights for educational decisions:

Options reviewed include-

1. Student has full educational responsibility
2. Student shares responsibility with parent/guardian
3. Student allows parent/guardian to maintain authority to make all educational decisions
4. Parent has sought and received guardianship from the court (parent retains full responsibility)
5. Signed Copy of decision is given to student and parent/guardian  
If parent is unable to attend, attempts are made to coordinate contact by phone via speaker phone. Information is mailed home, parent may opt to reschedule.

### **Special Requirements for Determination of Specific Learning Disability**

When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement.

### **Students in Foster Care**

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

If a child is living with extended family members ("kinship" home) such persons can be considered "foster" parents for the purpose of educational decision-making.

When voluntary custody has been given to DCF or a FACES petition is in effect and no specific legal action has been taken to remove decision-making rights from the parent, the parent retains educational decision making rights.



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

### **Eligible Students with Behavior Problems**

If an eligible student's behavior affects performance in the general curriculum, then the interfering behavior is reflected on IEP 2. If an eligible student's behavior affects other areas of educational need, then the interfering behavior is reflected on IEP 3. If an eligible student's behaviors affects performance in the general curriculum and in other areas of educational need, then the interfering behavior is reflected in both locations on the IEP. Teams are reminded that IDEA-2004 requires pro-active steps in behavior management and in the provision of positive behavioral supports for eligible students whose behavior impedes their learning or the learning of others.

### **c. Amending the Individualized Education Program (IEP)**

The Individualized Education Program (IEP) Amendment is designed to be a stand-alone document or to be used in conjunction with other IEP pages. The Amendment form is designed to be used for minor IEP adjustments that do not change the type of placement.

The explanation of a proposed change includes the IEP section(s) that the change will affect. Team members may attach an IEP page to the amendment to clarify the recommended adjustments. For instance, if an IEP goal is being altered, IEP 4 with the reworded goal is attached or if service delivery is being altered, IEP 5 with the adjusted services is attached. Attach the Administrative Date Sheet to the amendment before sending to the parent/guardian. The Amendment goes into affect once parental consent is obtained.

### **d. Additional IEP Requirements**

#### **When Parents and Staff Disagree**

Every attempt is made on the part of the Team Chairperson/Liaison to resolve any differences of opinion that might arise. However, if there is no resolution, the Chairperson/Liaison should propose an IEP based on the school's recommendations for a free and appropriate education, making it clear to the parents that they can exercise their rights of due process. The disagreement is noted in the N1, and the parents are informed of their rights. At the conclusion of the Team meeting, the Team Chair is responsible for presenting the parents with a final proposal on behalf of the district.

#### **Timelines for Developing IEPs**

*If a student is found eligible, at the Team meeting which is held no later than 45 days from the date the parents consented to an evaluation, an IEP is developed and proposed. The requirement is to provide the parents with an IEP within what is considered an "immediate timeline". At the conclusion of the meeting the Team Chair or Liaison provides the parents with a summary which includes a completed IEP service delivery grid describing the types and amounts of special education and /or related services and a statement of major goal areas associated with this service. Providing parents with a summary at the completion of the meeting*

*is considered "immediate" however, the district will provide the parent two copies of the final IEP within 2-3 calendar days.*

Completed IEPs should be:

- Sent by the Chairperson/Liaison to the Parent(s) with an N1 letter.

The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.

### **Timelines for Parent Response to IEP**

- *Parents have thirty days to respond to the IEP. If there is no response after thirty days a Team Chair/Liaison will call the parents. Until parental consent is received, the active IEP remains in effect.*
- *If parents do not return a signed or rejected IEP within a week after the Team Chair/Liaison has called them, they will receive a second letter with another copy of the IEP.*
- *If, within two weeks of receiving the second letter and IEP, parents do not return a copy of the signed or rejected IEP the Team Chair/Liaison will generate a third letter that will be sent by certified mail, informing the parents that if they do not return the signed or rejected IEP within the next two weeks we will consider it rejected and as such send it in to the Department of Elementary and Secondary Education as a rejected IEP.*
- When the parent/guardian returns the IEP, the Secretary will notify the Liaison of the return.
- If the parent/guardian accepts the IEP, the Secretary will then make copies of the IEP and forward them to the persons responsible for service delivery under the IEP. The entire IEP should be implemented without delay.
- No student is placed in a special education program without an IEP signed and accepted by his/her parent/guardian.

Parent(s) accept all or part of the IEP:

- Student is placed immediately into the agreed program/setting.
- Student receives services in the amounts and manner specified in the accepted or accepted portions of the IEP.
- Copies of the accepted IEP are distributed to all service providers who are responsible for specified objectives by the contact person.
- Liaison also distributes copies to all general education staff, who provide direct services to the student and copies of student summary (with option to request full IEP) given to all special/unified arts/gym teachers. The Liaison will inform teachers/providers of their specific responsibilities in regards to the IEP.
- Team Chair organizes and coordinates IEP implementation at the beginning of each school year to ensure compliance.
- Team Chair/Liaison acts as primary contact for parents to address concerns, as well as sharing relevant information with appropriate staff.

- The special education liaison and the building Team chair are responsible for monitoring the implementation of the IEP to ensure compliance. The building principal has final oversight of compliance with IEP implementation within the building.

### **Rejected IEPs**

- If a parent/guardian returns an IEP or Amendment rejected partially or fully, the Secretary notifies the Team Chairperson
- The Team Chairperson contacts the parent/guardian in an attempt to resolve the dispute *within five days. Any mutually accepted elements of the IEP will be implemented immediately.*
  - Meeting Options: 1) meet with Team Chair/Liaison, 2) certain members of the Team, 3) or the whole Team.
- If the dispute cannot be resolved, a copy of the rejected IEP and cover letter is sent by the Office of Student Services to the Bureau of Special Education Appeals *no later than five days from the notification from the parent/guardian of the rejection of the IEP.*
- For Initial IEPs: Until the dispute regarding the IEP is resolved, the child will remain in his/her current placement, and no special education services are provided.
- For Review-Re-evaluations: Until the dispute regarding the IEP is resolved, the goals, objectives and services of the last accepted IEP will continue to be implemented.
- Resolutions of disputes: within 15 days of receiving notice that a parent has made an official hearing request to Specials Education Appeals, the district convenes a meeting with the parent(s) and the relevant members(s) of the IEP team, including a representative of the district with decision making authority, to try and resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district sign a legally binding agreement. Any party may void this agreement within three business days of the signing.

### **Monitoring Timelines**

The Team Chairpersons and the Out-of-District Coordinator will present reports on the status of all IEPs to the Special Education Director on the *third Wednesday of the month during the school year*. The group develops and tests strategies for encouraging parents to return signed IEPs in a timely manner.

## **3. Placement Decisions**

The third and final step in the IEP process is determining the appropriate placement. Placement is discussed immediately after an IEP is developed. The IEP forms the basis for the placement decision. The placement decision is based on a careful reflection of the IEP, including the services that the Team has identified as necessary, and the impact of the disability on the student's learning. Finally, the Team is mindful of the requirement related to FAPE (free appropriate public education) in the least restrictive environment (LRE). Only after the needs of the child and the types of services have been discussed by the Team and agreed to in an IEP can the type of placement be effectively chosen by the Team.

The first type of placement option considered for all eligible students is the general education classroom with the use of supplemental aids and services. Students may not be denied education in age-appropriate general education classrooms because the students' education requires modification to the general curriculum. Other options are considered only when the nature and

severity of the disability would prevent satisfactory achievement within the general education environment.

The IEP is not written “to fit” a particular placement. Teams keep in mind this critical fact when moving through the Team process to ensure that the IEP is written to address the unique needs of the student.

The school may provide educational services at home or in the hospital for students with or without disabilities based on medical needs that are verified by a written order from a physician. The frequency of the services is sufficient to allow the student to continue his or her educational program and is jointly coordinated by the school Principal and the Special Education Director.\*

### **Procedures for the Use of Approved and Unapproved Out-of-District Programs**

When out-of-district programs are considered necessary by the Team, students are referred to Department of Elementary and Secondary Education (DESE) approved programs. Unapproved programs are considered only when no appropriate DESE approved programs are available. Approved programs in the Commonwealth of Massachusetts are given preference over out-of-state programs unless the program located out-of-state is more consistent with the needs of the student and the LRE requirements.

If a student is placed in an unapproved program the district maintains the following documentation:

- The Office of Student Services documents the search for and unavailability of a program approved by DESE and places such documentation in the student’s file
- The Out-of- District Coordinator visits and evaluates the appropriateness of the facility prior to placement of the student. The evaluation also determines whether the facility will provide the student with all the rights that are accorded to the student under state and federal special education law.
- If services in an unapproved program are provided in a school setting, the Special Education Director ensures that the school has received approval from the local school committee.
- The Special Education Director obtains the required state forms to set program prices for programs receiving publicly funded students. The forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program.
- Prior to placement the Special Education Director notifies DESE of the intent to place the student and the name and location of the proposed placement. The Director sends DESE “Notice of Intent to Seek Approval for Individual Student Program”. The Director maintains any objections DESE has to the placement and the steps the district has taken to address the objections. The district maintains documentation of the approved price, and the monitoring done including site visits.
- If out-of-state programs are used and do not have DESE approval the Special Education Director ensures that the program has received approval from the host state.

### **Procedures to Provide Services to Eligible Students Enrolled in Private Schools**

Massachusetts’ special education law applies to all Massachusetts residents. It requires school districts to offer special education and related services to all students who reside in the district, including those whose parents enroll them in private schools.

Tantasqua/Union 61 School Districts collaborates with private schools to provide services for students with disabilities who reside in Tantasqua/Union 61 School Districts. Consultation with private schools in Tantasqua/Union 61 School Districts includes the district providing the following:

- Provision of information on how the students enrolled in the private school(s) can access publicly funded evaluation and special education services
- Evaluation of students referred for an evaluation and the determination of eligibility – the evaluation may take place at the private school, a public school, or a contracted facility
- An expedited evaluation and services will be provided within 15 days of the receipt of a physician's statement.
- Development of IEPs for eligible students (private school representatives are invited to participate in the Team). Must schedule annual meetings.
- Provision of special education and/or related services designed to meet the needs of eligible students attending private school. Services funded with local and state funds have to be provided in a public school. When services are provided using only federal funds, services may be provided on public school grounds.
- Determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities. The proportionate share is calculated by dividing the number of eligible private school students attending private schools in Tantasqua/Union 61 School Districts at their parent's expense, by the number of all eligible students attending school in Tantasqua/Union 61 School Districts (include public and private school students) this calculation will result in a percentage. Multiply that percentage figure times the total amount of the federal special education grant (grant code 240) and you will have the proportionate share.
- The district does not withdraw or withhold services from a child solely because the district has met the spending requirements of the federal law.

### **Procedures to Provide Services to Eligible Students Enrolled in Private Schools When Their Parents Reside Out of State**

If the parents of an eligible student enrolled in a private school in Tantasqua/Union 61 School Districts live out of the state they are entitled to child find services and evaluation services. The district also provides consultation services to the private school.

However, students who have parents living outside Massachusetts are not entitled to an IEP, but instead are entitled to an individual services plan (ISP). Unlike the process for developing and IEP, the district does not need to convene a Team to develop the ISP, although they are required to consult with representatives of the private school. Additionally parents are not required to provide written consent to an ISP, parents may refuse services but they are not entitled to due process protections. Service plans do not confer individual entitlement to special education and related services.

When developing an ISP the district consults with the private school on how, where, and by whom special education services will be provided, including a discussion of the types of services – direct services and alternate service delivery mechanisms. Discussion will also touch on how services will be delivered if apportioned funds are insufficient to serve all students. While federal funds may be used by the district to support ISP services calculated through the proportionate share formula (see below), students out-of-state parents may not necessarily receive proportionate share services and, in such cases will not receive services. If the public school and private school do not agree on any aspects of services for eligible out-of-state

residents the Tantasqua/Union 61 School Districts Public Schools will provide the private school officials with a written explanation of why the district chose not to adopt the recommendations of the private school officials.

### Calculating Proportionate Share

There are no private schools located within the communities which make up the Regional District and Union 61.

However, should a private school be made available:

The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities is calculated by dividing the number of eligible private school students attending private schools in Tantasqua/Union 61 School Districts at their parent's expense, by the number of all eligible students attending school in Tantasqua/Union 61 School Districts (include public and private school students). This calculation results in a percentage. Multiply that percentage figure times the total amount of the federal special education grant (grant code 240) and you will have the proportionate share.

## **E. Annual Review Meetings**

### **Purpose of the Review Meeting**

The purpose of this meeting is to review the student's progress toward meeting the goals and objectives of the IEP. The participants in the Review Team meeting develop a new IEP that reflects student growth and current educational needs, as related to the general education curriculum. If the District suspects that the student may no longer require special education services, then a **reevaluation** is initiated, since no decision to remove eligibility can occur without current and complete evaluation information.

### **Special Education Team Membership**

- The student's parent(s)
- At least one regular education teacher familiar with the student
- At least one special education teacher familiar with the student
- A representative of the district who has the authority to commit resources (i.e. Special Education Director, Principals, and Team Chairpersons)
- Psychologists, Speech and Language Therapists, Occupational Therapists, and other specialist to interpret evaluation reports
- Other individuals(s) who have knowledge or expertise regarding the student
- If appropriate, the student – begin inviting at starting at age 14

### **Timelines for Annual Reviews**

*A review is conducted within ten months of the Initial Evaluation and, thereafter, every twelve months on or before the expiration of the current IEP.* Other review meetings may be requested at any time by any Team member. When a Team member is not satisfied with the child's progress or with the child's program and requests to meet with school personnel, the *Liaison arranges for a meeting to be held within five school days.* The Liaison informs the Principal and the Special Education Director of this unscheduled review.

The Liaison is responsible for ensuring that the review is held in a timely manner. *At least 30 days prior to the review*, the Liaison sends the following documents to the parents and all other participants:

- N3 — Team Meeting Invitation (Esped)

- N3A – Attendance Sheet (Esped)

### **Responsibilities of the Annual Review SE Team**

There is a printed Agenda for the IEP Team meeting to facilitate effective communication and help the Team reach consensus. The Chairperson/Case Manager/Liaison reviews the purpose of the meeting, outlines the process/format, facilitates introductions, and presents a draft of the student's new IEP to the Team.

The Team reviews the student's progress and determines:

- The appropriate goals and objectives for the upcoming 12-month period
- The necessary modifications and specially designed instruction which will allow the student to access the general education curriculum

If the student requires an increase in services, which requires a more restrictive setting, or if the participants cannot explain why the student does not appear to be meeting the goals outlined, or if the student requires services in areas in which testing has not been completed, the Review Team will recommend a reevaluation.

If the student is referred for reevaluation, the Team Chair writes an updated plan. The IEP will be sent to the parent/guardian immediately following the review meeting along with an Evaluation Consent Form (N1A) attached to a Notice of Proposed School District Action (N1) describing the reason for the proposed evaluation(s).

### **Sample Annual Review Team Meeting Agenda**

- Introductions and Attendance
- Statement of Purpose of Meeting
- Review of Student's Progress
- Presentation of New Evaluation Data (if available)
- Development of New Goals/Objectives
- Service Delivery
- Placement
- Summary

## **F. Progress Reports**

Progress reports are designed to report on individual student progress on each IEP goal- (including benchmarks/objectives). Multiple copies of the form (esped # 29) should be used as required to report on each and every IEP goal. Content, including related data, is described in measurable terms, for current performance levels for each applicable benchmark/objective as of the date of the progress reporting. Completed progress reports are sent to each building office and filed.

It is **not** sufficient to simply say the student is making progress or working on the goal or has achieved the goal. Rather, numbered information, correlating with each benchmark/objective, must be provided that answers the following:

- What is the student's measured progress toward the annual goal, specifically related to each benchmark/objective (with the supporting data included in the written statements)?

TEAM members should respond to the mandated question by following these steps when writing progress reports

- Specify what and under which conditions (e.g. within the general classroom, or within a small group setting outside the general classroom) that student has been working on
- List what progress the student has achieved (measured by data)
- Indicate any stumbling blocks to progress if applicable

Use language that is generally understandable avoiding educational jargon.

**The Team Chair/Liaison is responsible for:**

- Completing and/or having the other service providers complete appropriate pages of progress report
- Printing out a progress report for all IEP goals for each of their students and double checking to make sure a goal/progress report is not missed.
- Sending home a copy of the progress report at the same time as school report cards in an envelope separate from the report card.
- Providing the original and one copy to the TEAM Chair who files the copy.

**The TEAM Chair is responsible to reading and monitoring progress reports (random selection, not each and every progress report) to check that they are completed correctly and that content is acceptable. Ultimately, it is the service providers' professional responsibility to submit quality progress reports.**

**Progress reports are reviewed for content and noted progress by the Team Chair and Special Education Director. Team Chairs document all responses to reports of lack of progress on the Lack of Progress Flow Chart (Student Support Form).**

Progress reports are required to be sent to parents at least as often as parents of typically developing students. At the Elementary level, reports are sent using the trimester format, while at the Regional level, reports are sent four times per year. A Team meeting does **not** take the place of a written progress report; rather the information gathered through progress reporting should support the documentation of progress toward goals.

A summary of student performance is required when eligibility terminates due to graduation or exceeding the age of eligibility. \* **esped #40: Summary of Student Performance**

**G. Transition Planning Guidelines**

Transition services are a coordinated set of activities that:

- Are designed as a results oriented process focused on improving academic and functional achievement which will promote movement from school to post-school activities, including post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living or community participation
- Build on student's needs, taking into account the student's preferences and interests
- Provide instruction, related services, community experience, the development of employment and other post-secondary adult living objectives and, when appropriate, acquisition of daily living skills and a functional vocational evaluation



Beginning at age 14, IDEA 2004 requires a student's IEP to include a statement of the transition service needs of the child under the applicable components of the child's IEP. The statement should focus on the child's course of study and include a statement of interagency responsibilities and any needed linkages.

The Team determines transition activities. The IDEA 2004 requires that Tantasqua/Union 61 School Districts invite the student to the Team meeting, regardless of age, if one of the purposes of the meeting is to discuss the student's transitional services needs. If the student does not attend the Team meeting, the District must ensure that the student's preferences and interests are considered.

Discussion about transition services takes place at Team meetings for all students age 14. All necessary services are recorded in the appropriate sections of the IEP. The Team completes the TPF — Transition Planning Form (Esped) and attach it to the IEP for all students 15 and over.

## **H. Discipline**

### **Discipline**

Each school in the Tantasqua and Union 61 School District has a Student Handbook that describes the rules for student conduct that students are expected to follow. Students with disabilities are expected to follow the rules of conduct for their school.

### **Suspension, Record Keeping, and Notification**

The district keeps a centralized database (iPass) of all suspensions given. Each school is responsible for data input. In addition, every time that any student is suspended, parents / guardians are notified as soon as possible through a formal letter and phone call. If this process involves a child with a disability, a copy of the Parent's Notice of Procedural Safeguards must also be sent.

In general, if a student with a disability—whether under a 504 Plan or an IEP—has violated the school's disciplinary code, the school may suspend or remove that student from his or her current educational placement for no more than 10 consecutive school days, or 10 cumulative school days in any school year, using the same disciplinary procedures as apply.

Any time the school wishes to remove a student with a disability from his or her current educational placement for more than 10 consecutive school days in any school year, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year when a pattern of removal is occurring, this is a "change of placement." A change of placement invokes certain procedural protections under federal special education law. These include the following:

- (a) For any student served on a 504 Plan or IEP, the Section 504 Team or special education Team should consider the need to conduct a functional behavioral assessment that will be used as the basis for developing specific strategies to address the student's problematic behavior. If a behavioral intervention plan has been previously developed, the 504 or IEP Team will review it to make sure it is being implemented appropriately, and will modify it if necessary.

- (b) 504 or IEP Team meeting to develop a plan for conducting a functional behavioral assessment that will be used as the basis for developing specific strategies to address the student's problematic behavior. If a behavioral intervention plan has been previously developed, the 504 or IEP Team will review it to make sure it is being implemented appropriately, and will modify it if necessary.
- (c) Prior to any disciplinary removal that constitutes a change in placement; the school District must inform the parent/guardian that the law requires that the school District consider whether or not the behavior that forms the basis for the student's disciplinary removal is related to his or her disability. This is called a "manifestation determination." Remember that the parent/guardian always has the right to participate as a member of the group of people making the determination.

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

The law provides that the school district, parent, along with relevant Team members, must consider all evaluation information, observational information, and the student's 504 Plan or IEP; and must determine whether the student's behavior that prompted disciplinary removal was a manifestation of his or her disability. The behavior is considered a manifestation of the student's disability, if

- i. the conduct in question was caused by, or was a direct result of the school district's failure to implement his or her 504 plan or IEP.
- ii. the conduct was caused by, or had a direct relationship to, the student's disability.

If the manifestation determination decision is that the behavior **was** related to the student's disability, then he/she must be immediately returned to his or her current educational placement (except in the case of a weapon, drug possession, or serious bodily injury to another, as discussed below). The student cannot be removed unless the Team and the parent/guardian agree on a different placement, or Hearing Officer orders a removal from the current educational placement to another placement.

If the manifestation determination is that the behavior **was not** related to the student's disability, then the school may remove the student according to the school's code of student conduct, except for that for any period of removal exceeding 10 school days the school district must provide the student with educational services that allow the student to continue to make educational progress.

**In the case of a disagreement with the Team's determination:**

If the parent/guardian disagrees with the "manifestation determination" or with the decision relating to placement of the student in an interim alternative education setting or any other disciplinary action, the parent/guardian has the right to appeal the manifestation determination by requesting a due process hearing from the Bureau of Special Education Appeals (BSEA).

If the manifestation determination is that the behavior was not related to the student's disability, then the school may suspend or otherwise discipline the student according to the school's code of student conduct, except for that for any period of removal exceeding 10 school days the school District must provide the student with educational services that allow the student to continue to

make educational progress. The school District must determine the educational services necessary, manner and location for providing those services.

(c) If, after the manifestation determination, the student on a 504 Plan or an IEP is nonetheless removed from school, he/she is entitled to receive FAPE as of Day 11 of being removed from his or her educational placement. What services are necessary to provide FAPE during the student's removal should be determined by the Team.

### **Suspension or Expulsion of Students with Disabilities: and Manifestation Determination Meetings**

In the case of a student with a disability, a suspension of more than 10 days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. Prior to such a change in placement, the district must convene a Manifestation Determination TEAM meeting. The TEAM meeting must include district personnel, the parent(s), and other relevant members of the TEAM as determined by the parents, the school district, and the Massachusetts State Regulations. The purpose of the TEAM meeting is to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine if the behavior was caused by or had a direct and substantial relationship with the disability or was the direct result of the district's failure to implement the IEP.

Under 34 CFR §300.536(a)(2), a series of removals may constitute a pattern representing a change of a student's special education placement depending on whether

- the removals total more than ten school days in a school year; and
- the child's behavior is substantially similar in all incidences that have resulted in removals; and
- the determination takes into account such additional factors 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.

The district must have sufficient, reliable, and accurate data to decide on a case-by-case basis whether a specific pattern of removals constitutes a change of placement. If the district determines that a change of placement will result (or has resulted) due to the removal(s), then it must conduct a 'manifestation determination' to determine if the behavior(s) that resulted in the removals was either caused by, or directly related to the student's disability, or whether the district failed to implement the IEP with fidelity. Depending on the answers to these inquiries, different procedures, as well as responsibilities and authority, apply.

Data on removal should be reviewed on a regular basis to determine whether particular students are experiencing frequent removals and, if so, to design appropriate interventions based on the student's programmatic and instructional needs.

According to the Individuals with Disabilities Education Act (2004), Section 615(k)(e), individual, the following applies to students with disabilities.

In general.--Except as provided in subparagraph (B), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members

of the IEP Team (as determined by the parent and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—

(I) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(II) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

(ii) **Manifestation.**--If the local educational agency, the parent, and relevant members of the IEP Team determine that Gather sub clause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

(F) **Determination that behavior was a manifestation.**--If the local educational agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall--

(i) conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement described in subparagraph (C) or (G);

(ii) in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(iii) except as provided in subparagraph (G), return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

### **Policies for Team Chairs Relative to Manifestation Meetings**

When a student with a disability violates the district's codes for student conduct or has been suspended for more than 10 days, the team chair will hold a manifestation determination meeting to access whether the behavior is a manifestation of the student's disability. The team chairperson will contact the parents and specifically discuss the following:

1. Inform the parents of the student's behavior
2. Invite the parents to a meeting to be held the same day (or the following day if the parents are unavailable)
3. Obtain parental permission for any new evaluations that may be necessary
4. Discuss emergency placement if necessary.
5. No later than the day of the disciplinary action, parents are notified of decision and a copy of the Parent's Notice of Procedural Safeguards must be sent.

All reasonable efforts will be made to contact the parents before the close of the school day. All efforts to reach parents must be documented in writing and placed in the student's file.

If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If the district had failed to implement parts of the IEP, a discussion occurs between Team members to rectify the situation. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.

### **Functional Behavior Assessment (FBA)**

A Functional Behavioral Assessment is a process for addressing student problem behaviors, the settings under which the problem behaviors may or may not be observed, and the function (the why) of the problem behaviors. Functional Behavioral Assessments provide an excellent tool for analyzing problem behavior. This information is obtained by collecting data from direct observation and is used to develop an effective plan to reduce the frequency and / or severity of the problem behavior. A Behavior Intervention Plan is developed and implemented following a Functional Behavioral Assessment if it is determined to be necessary. If the student's education TEAM feels that a Functional Behavioral Assessment is warranted, parental consent to evaluate will be obtained prior to any assessment of a child in the district. The timelines followed will be the same as any evaluation referral—30 school days to conduct an assessment and an additional 15 school days to hold a meeting with a parent to review the results. Parents will receive copies of all Functional Behavioral Assessments at least 2 days prior to every team meeting. (Sample forms used by the district are included in the Appendices to this document.)

Functional Behavioral Assessments require a great deal of work. Prior to considering a Functional Behavioral Assessment (unless required to by law) educational teams are encouraged to complete the behavior packet utilized by the district.

### **Discipline of Students Not Yet Determined Eligible for Special Education**

If, prior to a disciplinary action, the district has knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is determined not to be eligible. According to Section 300.543 of the Federal Regulations, the following are stated to be evidence that the school district had knowledge that a student may be a student with a disability:

- (1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- (2) The parent of the child requested an evaluation of the child pursuant to Sec. Sec. 300.300 through 300.311; or
- (3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Special Education Director of the agency or to other supervisory personnel of the agency.

At the same time, it is also important to acknowledge circumstances through which the school district would not be said to have knowledge that the child may be a child with a disability. These include the following according to 34 CR 300.543

- (c) Exception. A public agency would not be deemed to have knowledge under paragraph (b) of this section if--
  - (1) The parent of the child--
    - (i) Has not allowed an evaluation of the child
    - (ii) Has refused services under this part;
  - (2) The child has been evaluated in accordance with Sec. Sec. 300.300 through 300.311 and determined to not be a child with a disability under this part.
- (d) Conditions that apply if no basis of knowledge.
  - (1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to

taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.

(2)

(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under Sec. 300.530, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of Sec. Sec. 300.530 through 300.536 and section 612(a)(1)(A) of the Act.

### **Special Circumstances for Serious Violations of School Discipline Code**

School personnel may remove a student to an appropriate interim alternative educational setting **for not more than 45 school days** without regard to whether the behavior is determined to be a manifestation of the disability in cases where:

- 1) the student carries a weapon at school or at a school function
- 2) Possesses or sells illegal drugs or controlled substances while at school or at a school function
- 3) Causes serious bodily injury upon another person at school, on school premises, or at a school function.

If this happens, the TEAM will conduct a Functional Behavioral Assessment and a Manifestation Determination Meeting in the alternative educational setting.

In addition, a hearing officer may order a 45 school day placement in an Interim Alternative Educational Placement if the District provides evidence that the student is “substantially likely” to injury him / herself or others.

The Interim Alternative Education Placement must meet requirements which include: access to curriculum, continued delivery of IEP services, and services to address the problem behavior.

### **Placement During Appeals**

At times, the local educational agency or the parent may appeal a decision made by a hearing officer. During an appeal, the Individuals with Disabilities Education Act states in Section 615(k) that

(A) the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(C), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and

(B) the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

## **Response to Criminal Allegations**

When a student with a disability is reported to the police for an alleged crime, special education and disciplinary records are furnished to the police.

The Individuals with Disabilities Education Act states the following relative to this under section 615(k)(6):

(A) Rule of construction.--Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(B) Transmittal of records.--An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

An agency reporting a crime committed by a child with a disability ensures that copies of the special education disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

An agency reporting a crime under this section transmits copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Right and Privacy Act (Authority: 20 U.S.C. 1451 (k) (9)).

## **Definitions of Items Described Above**

The following items are defined in the Individuals with Disabilities Education Act relative to students with disabilities:

(A) Controlled substance.--The term 'controlled substance' means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(B) Illegal drug.--The term 'illegal drug' means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(C) Weapon.--The term 'weapon' has the meaning given the term 'dangerous weapon' under section 930(g)(2) of title 18, United States Code.

(D) Serious bodily injury.--The term 'serious bodily injury' has the meaning given the term 'serious bodily injury' under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

## **I. Qualifying for Testing Accommodations in College**

The District provides the College Board with documentation supporting the student's request for accommodation when such documentation is available, consistent with the Massachusetts Student Records Regulations (see 603 CMR 23 00).

The College Board has recently changed its eligibility requirement for testing accommodations. Districts and parents are reporting that the College Board is rejecting many requests for accommodations because the documentation supporting the request is not sufficient under its

new eligibility standards. As a result, parents and students are asking school districts to conduct additional evaluations or eligibility assessment to support a student's request for accommodation.

In some cases, the College Board is asking that the student provide documentation of specific additional assessment information that the District may not have. The District is not obligated to provide or pay for updated or additional assessments to support a student's request for accommodation on College Board examinations if such assessment information does not already exist and is not necessary for the appropriate special educational program for the student at the time of the request. The parent is responsible for paying for additional assessments that are required for the purpose of supporting the student's request for accommodation on the College Board examinations.

If the parent requests an evaluation or assessment, whether or not the request describes the reason for the request, the District responds in accordance with the requirements of the state and federal special educational law. The District agrees or disagrees to conduct such an assessment and provides notice to the parent of the decision. The District's decision not to conduct the assessment is subject to the due process requirements of the law.

If a request for an evaluation is made for the purpose of demonstrating a need for accommodations on College Board tests, and the District has no reason to believe the student has a disability or needs special education services, then the District can deny the request for an eligibility evaluation; the District notifies the parent of the decision.

## **J. Guidelines for Parent/Advocate/Evaluator Visits**

Each year parents exercise their rights to visit classes. Sometimes parents solicit the assistance of an independent evaluator and/or advocate visiting our schools to conduct observations of students with IEPs, interview teachers, and attend a Team meeting. Notify the Principal when you have a request of this nature and follow the guidelines below.

When a parent requests that an independent evaluator conduct an observation or a parent requests a visit, the classroom teacher(s), Principal and Team Chair / Liaison meets to discuss the parameters of the visit. The Special Education Director is invited to attend the meeting with participating staff to review parent and school rights. The Team Chair is responsible for scheduling this meeting. Visitor(s) must complete confidentiality and observation forms (Student Support Forms)

Observations are scheduled at a mutually convenient time. The arrival and departure of the visitor(s) is established in advance of the scheduled observation and ground rules should be discussed. Adhere to the predetermined observation schedule, and do not extend the visit. Visitor(s) must sign and date confidentiality forms.

Designated staff members accompany the Visitor(s) and observe concurrently. They document everything observed so that the system has a record of what occurred.

## **K. Regulations and Laws Pertaining to Student Records / Confidentiality**

The Student Record Regulations adopted by the Board of Education and the federal Family Educational Rights and Privacy Act (FERPA) apply to all public elementary and secondary schools in Massachusetts. The regulations and the law are both designed to insure parents' and



students' rights of confidentiality, inspection, amendment, and destruction of student records, and to assist school authorities in carrying out their responsibilities under state and federal law.

The regulations apply to all information kept by a school or school district on a student in a way that the student may be individually identified. The regulations divide the record into two parts: the transcript and the temporary record. The transcript includes only the minimum information necessary to reflect the student's educational progress. This information includes name, address, course titles, grades, credits, and grade level completed. The transcript is kept by the school district for at least sixty years after the student leaves the system.

The temporary record contains the majority of the information maintained by the school about the student. This may include such things as standardized test results; class rank; school-sponsored extracurricular activities; evaluations and comments by teacher, counselors, and other persons; disciplinary records; and other information. Temporary student records will be destroyed no later than **seven** years after the student transfers, graduates or withdraws from the school system. \*

The following is a summary of the major provisions of the Student Record Regulations and FERPA concerning the rights of parents and eligible students. Under the regulations, "eligible students" are at least 18 years old, they may exercise these rights just as their parents may.

### **Release of Information to Military Recruiters and Institutions of Higher Education**

As required by federal law the Tantasqua/Union 61 School Districts Public Schools routinely releases the name, address and telephone numbers of secondary school students to military recruiters and to institutions of higher education upon request. If a parent or eligible student objects to the release of any of this information, the parent/student may state that objection in writing to the Principal of Tantasqua/Union 61 School Districts High School by October 1<sup>st</sup> and the information will not be released.

### **Inspection of Record**

A parent or an eligible student has the right to inspect all portions of the student record upon request. The record is made available within ten days after the request, unless the parent of student consents to a delay. The parent and eligible student have the right to receive a copy of any part of the record. Request for copies may include a fee per page.

### **Amendment of Records**

A parent or an eligible student has the right to request the student's education records be amended. Requests to amend records are directed to the school principal and clearly identify the part of the record they wish to have amended and why.

### **Confidentiality of Personally Identifiable Special Education Information**

The Tantasqua/Union 61 School Districts Public Schools protect the confidentiality of personally identifiable special education information at collection, storage, disclosure, and destruction stages. The Special Education Director is the designated official of the school district and has the responsibility for ensuring the confidentiality of all personally identifiable information. All persons collecting or using personally identifiable information receive initial and annual training and instruction regarding confidentiality procedures.

**Student Records: Log of Access:** A log shall be kept part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating the name, position, and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. **Unless student information is to be deleted or released, this log requirement shall not apply to (a) authorized school personnel who inspect the record ;(b) administrative office staff and clerical personnel who add information to or obtain access to the student record; and (c) school nurses who inspect the student health record.**

Copies of personally identifiable information are made only upon written parental consent.

Five years after the termination of special education services, parents are informed that the personally identifiable information is no longer needed. Parents are given the opportunity to pick up this material prior to it being destroyed.

## **Transferring Records**

### **Students transferring IN to the district:**

When a student is seeking to transfer in to the district, they must follow the district policy in providing proof of residency in order to enroll. Once there is verification of residency, the student is enrolled and a record release form is sent to the sending district. In the case of a student with special needs, the building Team Chairperson contacts the sending school to discuss/clarify the student's special needs and programs/services that were received in the previous school.

### **Students transferring OUT of the district:**

When a school within the district receives notification of a student withdrawing from the school to enroll in another school district, the building secretary, whenever possible, has the parent sign a record release form so that records may be sent as soon as possible to the receiving district. In the case of a student with special needs, the building Team Chairperson makes a copy of the student's special education record and gives it to the building secretary to mail out along with the other records of the student. This process facilitates the transfer of records, because the receiving school will get all of that student's records together at one time, instead of being fragmented. In cases in which records are needed to be sent during the summer, when the Team Chairperson is not available, or in which the school building no longer has the special education records of the student, the District Special Education Office will send the records.

## **L. Physical Restraint Procedures**

Physical restraint 603 CMR 46.00 is the use of bodily force to limit a student's freedom of movement. Physical escort is touching or holding a student without the use of force for the

purpose of directing the student. Physical escort is not physical restraint and is not covered by these procedures. In the event that physical restraint is required to protect the safety of the student and others in the school, the District has enacted the following procedures to ensure the proper use of restraint and to prevent or minimize any harm to the student as a result of the use of restraint. Currently the District utilizes the training and certification process for ANV (Applied Non- Violence). The District has trained trainers, who provide initial, recertification and technical training and/or support to staff.

**Physical restraint is only used in the following circumstances:**

- When non-physical interventions have been ineffective, and
- The student's behavior poses a threat of imminent, serious, harm to self and/or others

**Physical restraint is prohibited in the following circumstances:**

- As a means of punishment or
- As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm. However, if the property destruction or the refusal to comply with a school rule or staff directive could escalate into, or could itself lead to serious, imminent harm to the student or to others, physical restraint may be appropriate.

Only school personnel who have received required training or in-depth training pursuant to this policy can administer physical restraint on students with, whenever possible, one adult witness who does not participate in the restraint. The training requirements do not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Physical restraint is limited to the use of such reasonable force as is necessary to protect a student or others from assault or imminent, serious, physical harm.

A person administering physical restraint uses the safest method available and appropriate to the situation.

Physical restraint is discontinued when it is determined that the student is no longer at risk of causing imminent physical harm to self or others.

**Additional Safety Requirements:**

- A restrained student is not prevented from breathing or speaking. A staff member continuously monitors the physical status of the student, including skin color and respiration, during the restraint.
- If at any time during a physical restraint the student demonstrates significant physical distress, as determined by the staff member, the student is released from the restraint immediately, and school staff shall take steps to seek medical assistance.
- Program staff review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

At an appropriate time after release of a student from a physical restraint, a school administrator or other appropriate school staff:

- Review the incident with the student to address the behavior that precipitated the restraint
- Review the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed

- Consider whether any follow-up is appropriate for students who witnessed the incident

The staff member who administered such a restraint verbally informs the principal of the restraint as soon as possible and by written report no later than the next school working day.

The principal or his/her designee verbally informs the student's parent(s)/guardian(s) of such restraint as soon as possible, within 24 hours, and by written report postmarked no later than three school working days following the use of such restraint.

#### Students with Disabilities

- Restraints are administered to a student with a disability pursuant to the student's Individualized Education Program or other written and agreed upon plan developed in accordance with state and federal law, subject to the following exceptions:
  - (1) The limitations on chemical, mechanical, and seclusion restraint as stated above applies, and
  - (2) The training and reporting requirements described in this policy applies

## Chapter III: Section 504 Plans

### PLACEMENT PROCESS – BUILDING BASED

The Section 504 regulations require a school District to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school District's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

#### Referral for a Section 504 Evaluation

Section 504 services are a part of the Tantasqua/Union 61 School Districts Public Schools system of services to support the success of all students in school. The system of services begins with the General Education Team process. Accommodations are made in the general education program and data is collected to assess the success of accommodations. If the accommodations were successful no other systems will be deployed. If the student continues to experience problems the student will be referred for an evaluation to assess his/her eligibility for special education or Section 504 services. A written referral form is completed by the building administrator, teacher(s) and/or parent and/or guardians(s) and forwarded to the Section 504 School Coordinator. Parents and/or guardians and students, may also refer a student for a Section 504 evaluation.

## Referral and Eligibility Determination

### Referral



•  
**Within 5 School Working Days**

- **504 Coordinator initiates contact with parents**
- **Consent to evaluate is sent home (include parents' rights)**

**Timeline is initiated once the District receives signed parental consent for evaluations.**

### Eligibility Evaluation Guidelines / Timelines



**Within 30 School Working Days**

- 504 Coordinator Initiates & Monitors Evaluation Team Process and Timelines
- Team Members begin Evaluation of Student
- Home Visit Considered



**At least 3-5 Days Prior to Meeting**

- All Testing Reports sent to 504 Coordinator and sent to Parent(s) or others as needed.



**Within 45 School Working Days**

- Evaluation Team Conference Scheduled
- Written Notification sent to Parent(s) and all Participants
- Meeting Invitation and Attendance Sheet sent to Parent(s)

### Evaluation Guidelines

Evaluations of the student are tailored to assess specific areas of educational need in order to determine eligibility for Section 504. 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, and if the disability substantially limits a major life function. No single test is used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record are used.

Evaluation testing cannot be performed without parental notification and consent.

**When any action is taken with respect to identification, evaluation, or placement, the parent(s)/guardian(s) should be given a copy of the Parent(s)/Guardian Notice of Rights**

## **under Section 504.**

### **Section 504 Team Meeting**

Section 504 Team Meetings are convened and chaired by the guidance department in each school. The Team consists of a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, including the student's parent(s), teachers and appropriate specialists such as nurses, guidance counselors, psychologists, and therapists. The Team reviews the evaluation data and develops a plan.

### **Elements of a 504 Plan**

The Section 504 Plan (Esped) includes the following elements:

- Demographic information
- Description of the mental or physical impairment
- Data used to determine impairment
- Documentation of a substantial limitation in a major life activity
- Recommended accommodations
- Least restrictive environment consistent with the provision of 504 services

An attendance sheet with signature is kept with the 504 Plan. A sheet summarizing Parent(s)/Guardian Notice of Rights under Section 504 should be sent out to parents with a copy of the plan.

### **Parental Signature of Section 504 Plans**

The Section 504 Plan has a place for parental signature and it is recommended parents sign the plan, but a parental signature is not required. If a student needs more supervision due to a specialized service outside of the regular classroom, or a medical treatment, service providers are encouraged to obtain a signature to ensure parents are aware of the services / treatment.

### **Eligibility Determination**

To be eligible under Section 504, a student must have a mental or physical impairment that substantially limits a major life activity, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Section 504 eligibility determinations should be made without regard for ameliorative effects of medication or other personal aides. For example, when determining eligibility for a student who takes medication for ADHD, the Section 504 Team should consider whether the impairment substantially limits a major life activity when the student does not take the medication.

**Note:** If an initial (or reevaluation) special education team does not find a student eligible for special education services, the special education Team may discuss eligibility for Section 505 based on the same evaluative data. If eligible, the Team may also draft a 504 Plan.

### **Annual Review**

A student's progress on his/her 504 Plan is reviewed annually with the parent and a summary is placed in the students' file.

### **Section 504 Reevaluation**

A reevaluation of students on 504 plans is conducted every 3 years and before any change in placement. This also includes students who transfer into the District throughout the school year.

### **Discipline**

Students on 504 Plans are subject to the same disciplinary procedures as apply to students eligible for special education services.

## **Chapter IV: Enrollment and Education of Homeless Students**

Tantasqua/Union 61 School Districts works with homeless students and their families to provide stability in school attendance and other services. Special attention is given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students are provided district services for which all Tantasqua/Union 61 School Districts students are eligible, including full access to general and special programs and services.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative, adequate accommodations
3. Living in emergency or transitional shelters
4. Being abandoned in hospitals
5. Awaiting foster care placement
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings
8. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transit stations or similar settings
9. Migratory children living in conditions described in the previous examples

The Special Education Director is the district's liaison for homeless students and their families. To the extent feasible, homeless students continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area in which the student is actually living. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the district.

If there is an enrollment dispute, the student is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian is informed of the District's decision and their appeal rights in writing. The District's liaison carries out the dispute resolution. Unaccompanied youth will also be enrolled pending resolution of the dispute. Once the enrollment decision is made, the school immediately enrolls the student, pursuant to district policies.

If the student does not have immediate access to immunization records, the student is admitted under a personal exception. Students and families are encouraged to obtain current immunization records or immunizations as soon as possible, with the assistance of the District liaison.

Records from the student's previous school are requested from the previous school pursuant to District policies. Emergency contact information is required at the time of enrollment consistent with District policies, including compliance with the state's address confidentiality program when necessary. Homeless students are entitled to transportation to their school of origin or the



school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district attends his or her school of origin in Tantasqua/Union 61 School Districts, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally. The District's liaison for homeless students and their families coordinates with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens. The District's liaison will also review and recommend amendments to District policies that may act as barriers to the enrollment of homeless students.

# Chapter V: Communicating with Parents and Guardians

## **Tantasqua/Union 61 School Districts Special Education Parent Advisory Council (UNION 61 SEPAC)**

An important liaison for the schools in communicating with the parents of students with disabilities is the Tantasqua/Union 61 School Districts Special Education Parent Advisory Council (UNION 61 SEPAC). Tantasqua/Union 61 School District's UNION 61 SEPAC takes the role of:

- Acting as liaison among the school, parents, and the community in general
- Advocating for children with special needs and performs in an advisory role relative to special education issues:
- Educating, informing, and supporting parents about issues and topics which affect them and their children

UNION 61 SEPAC is founded on special education regulations in Massachusetts which require each community to establish a parent advisory council to advise the administration and school committee about special education matters and work collaboratively with the school system to provide programs of interest and benefit to parents of children with special needs

## **Strategies for Communicating with Parents and Guardians**

This list of tips comes from NEA

Communicating with parents is one of the most important things we do as teachers. When we can work together with a child's parents toward common goals, we improve the atmosphere for learning. Most successful teacher-parent "teams" begin with a conference, usually one conducted before there's a real need to meet. Of course, while parent conferences can be one of the most helpful techniques in a teacher's "bag of tricks;" we also know that sometimes they can be a discouraging waste of time or even turn into ugly confrontations. Here are some tips to help make all your parent conferences productive and successful:

- Invite both parents. Encourage both parents to attend conferences when possible. Misunderstandings are less common if both parents hear what you have to say, and you'll be able to gauge the kind of support both parents give the child. (Of course, remember that both mother and father may not be available. Today, when some 60 percent of adult women work outside the home, it may not always be the mother who's available to meet. And many children come from single-parent homes; you could unwittingly hurt a child's feelings by always asking to meet the "mother").
- Make contact early. You will get your relationship with parents off to a good start if you contact them early in the year, perhaps with a memo or newsletter sent home to all pupils. Give parents an outline of what their children will be studying, and let them know you'll be happy to meet with them during the year. (Be sure to say how and when they may contact you for conferences).
- Allow enough time, schedule plenty of time for the meeting. Twenty to thirty minutes is usually adequate. If you're scheduling back-to-back conferences, be sure to allow enough time between them (10 minutes or so) so you can make necessary notes on the just-concluded conference and prepare for the upcoming one.

- Be ready for questions. Be prepared to answer specific questions parents may have. They're likely to ask questions such as:
  - -What is my child's ability level?
  - -Is my child working up to his/her ability level?
  - -How is my child doing in specific subjects?
  - -Does my child cause any trouble?
  - -Does my child have any specific skills or abilities in schoolwork?
- GET your papers organized in advance. Assemble your grade book, test papers, samples of the student's work, attendance records and other pertinent data together ahead of time. That way you won't be fumbling through stacks on your desk during the meeting.
- Plan ahead. Have in mind a general but flexible outline of what you're going to say, including a survey of student progress, a review of his or her strengths and needs, and a proposed plan of action.
- Greet parents near the entrance they will use. You'll alleviate anxiety and frustration (nothing is more confusing to the uninitiated than wandering around those look-alike school hallways trying to find the right classroom) and makes parents feel more welcome.
- GET the name right. Don't assume that Jennifer Peabody's mother is Mrs. Peabody. She could well have been married again since Jennifer was born. Check your records ahead of time to make sure you've got the parents' names right. And don't assume that the wrinkled gray-haired gentleman coming in with Johnny is his grandfather. It could be his father, or an uncle. Politely ask. Try not to talk to the Smiths about their son "Stan" when their son's name is "Steve".
- Avoid physical barriers. Don't sit behind your desk, while forcing the parents to squeeze into the children's desks on the front row or perch miserably on folding chairs. Arrange a conference-style seating if possible so you'll all be equals together.
- Open on a positive note. Begin conferences on a warm, positive note to GET everyone relaxed. Start with a positive statement about the child's abilities, work or interests.
- Structure the session. As soon as the parents arrive, review the structure of the conference--the why, what, how, and when so that you'll both have an "agenda".
- Be specific in your comments. Parents may flounder if you deal only in generalities. Instead of saying "She doesn't accept responsibility," pin down the problem by pointing out "Amanda had a whole week to finish her report but she only wrote two paragraphs."
- Offer a suggested course of action. Parents appreciate being given some specific direction. If Jane is immature, it might be helpful to suggest parents give her a list of weekly chores, allow her to take care of a pet, or give her a notebook to write down assignments. (Of course, when you offer advice, let parents know you're only making a suggestion.)

- Forget the jargon. Education jargon phrases like "criterion-referenced testing," "perceptual skills" and "least restrictive environment" may be just too much double-talk to many parents.
- Turn the other cheek. In routine parent conferences, it's unusual to run into parents who are abusive and hostile. But it can happen, so try to not be rude, whatever the provocation. Hear out the parents in as pleasant a manner as possible, without becoming defensive if you can.
- Ask for parents' opinions. Let parents know you're interested in their opinions, are eager to answer their questions and want to work with them throughout the year to help make their child's education the best.
- Focus on strengths. It's very easy for parents to feel defensive since many of them see themselves in their children. You'll help if you review the child's strengths and areas of need rather than dwelling on criticism or stressing weaknesses.
- Use body language. Non-verbal cues set the mood of the conference. Smile, nod, make eye contact and lean forward slightly. You'll be using your body language to let parents know you're interested and approving.
- Stress collaboration. Let the parent know you want to work together in the best interests of the child. A statement like "You need to see me as soon as possible to discuss Johnny's poor study habits" only arouses hostility, while "I'd like to discuss with you how we might work together to improve Johnny's study habits" GETs the relationship off on the right foot.
- Listen to what parents say. Despite the fact that we spend nearly a third of our lives listening, most adults are poor listeners. We concentrate on what we're going to say next, or we let our minds drift off to other concerns, or we hear only part of what a speaker is saying. You'll GET more out of a parent conference if you really listen to what parents are saying to you.
- Ask about the child. You don't want to pry, of course, but remember to ask the parents if there's anything they think you should know about the child (such as study habits, relationship with siblings, any important events in his or her life) which may affect his or her school work.
- Focus on solutions. Ideally all parent conferences would concern only positive events. Realistically, many conferences are held because there's a problem somewhere. Things will go smoother if you focus on solutions rather than on the child's problem. Discuss what you and the parents can do to help improve the situation. Plan a course of action together.
- Don't judge. It may not always be possible to react neutrally to what parents say, but communicating your judgments of parents' behaviors can be a roadblock to a productive relationship with them.
- Summarize. Before the conference ends, summarize the discussion and what actions you and the parents have decided to take.

- Wind up on a positive note. When you can, save at least one encouraging comment or positive statement about the student for the end of the conference.
- Meet again if you need to. If you feel you need more time, arrange another meeting later rather than trying to rush everything before the kids GET back from art class.
- Keep a record of the conference. You may find it helpful later to have a brief record of what was said at the conference, what suggestions for improvement were made and so forth. Make notes as soon as possible after the conference while the details are still fresh.

## Chapter VI: Home Hospital

### Local Procedures for Provision of Home or Hospital Programs

The Massachusetts regulation requiring educational services in the home or hospital is 603 CMR 28.03(3)(c):

*Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal shall coordinate such services with the Administrator for Special Education for eligible students. Such educational services shall not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.*

- Students must be enrolled in the district or be a special education student attending private school or be a student attending a private school who may be eligible for special education services if the medical condition is determined to be a health impairment that adversely effects educational performance.
- Upon receiving documentation on the Department of Elementary and Secondary Education form 28/r (physicians' statement) form that a student is confined to home (**physically unable to attend school, or leave the house**) or hospital for not less than 14 school days during the school year due to a medical reason, the principal shall arrange to provide the student with the amount of instruction necessary to enable the student to keep up in his/her courses of study and minimize the educational loss that might occur during the period the student is confined at home or in a hospital, as long as such services do not interfere with the medical needs of the student. There is no required 14-day waiting period before home or hospital services can commence if it is likely that the student will be absent from the school-based program for 14 school days or more in the school year. In this case, tutoring should be provided and funded from the start of the confinement.
- A physician can submit other signed documentation other than the 28/r form; however it must include the date the student was admitted to the hospital or confined to home, the **medical reasons** for the confinement, the expected duration of the confinement (up to 30 days) and what medical needs of the student should be considered in planning home/hospital services. The request must come from a student's personal physician (i.e. pediatrician, medical specialist, psychiatrist), not a nurse practitioner, physician's assistant, social worker, etc.

- If the school district receives a form with insufficient information, they should ask the physician to provide the required information. The district then makes a determination of whether or not the student is eligible for home/hospital services.
- Services may be provided directly to the student using district employees, contracting with the hospital, another school district, or another agency to provide the needed services. Any invoices/contracts from hospitals are authorized by the principal of the school the student attends, or in the case of an out of district student, the principal of the school that the student would have attended if in-district. If the hourly rate is more than the going district tutor rate, the principal will indicate on the contract that the district will only authorize payment of the district tutor rate.
- If services are provided within the home by a district employee, the district requires an adult to be present during the homebound instruction.
- The school district may not preset the number of instructional hours per week provided to students. The decision must be individualized and instruction must include the same academic content as that provided in the school setting.
- If a student attends an out of district placement, and the district continues to pay the costs of the placement in order to hold the enrollment status of the student while they are confined to home or a hospital, the respective collaborative or public or private school must provide at no additional cost to the school district appropriate educational and special educational services.
- If a special education student is likely to remain at home or in a hospital for more than 60 school days in any school year, the Administrator of Special Education will convene a Team meeting without undue delay to consider evaluation needs and make changes to the IEP if needed.

