

Chelsea Public Schools

Special Education Policies and Procedures Manual



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Revised: Cindy Rosenberg, Administrator of Special Education and
Lindsey McCue, Special Education Teacher

Edited: Lindsey McCue, Special Education Teacher

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Introduction and Purpose

This Chelsea Public Schools Special Education Policies and Procedures Manual has been developed to ensure consistency and accuracy of special education practices across the district.

Special education is a complex process and is highly regulated by federal (IDEA 2004) and state (M.G.L. c.71B) laws. State regulations (603 CMR 28.00) provide mandates on how school districts are required to implement the law.

The cornerstone concepts of the law require that all public school districts meet the basic provisions of **Free Appropriate Public Education (FAPE)** within the **Least Restrictive Environment (LRE)**.

All special education personnel responsible for the implementation or coordination of special education evaluations and services should become familiar with the policies and procedures in this manual. Additionally, consistently use the forms referenced within this manual.

Pre-Referral Process

Instructional Support

Instructional support must be viewed as a viable intervention strategy; one that is expected to occur for any student encountering difficulties in learning. Critical to the process of offering effective instructional support is the gathering of information about the learning environment and the individual student. Data collection prior to making adaptations to the general education program might include analysis of curriculum tasks and materials, examples of oral and written directions for tasks, observation of classroom activities, and consultation with teacher(s) and other professionals. Data about the student prior to making adaptations might include: information about the student's cultural and linguistic background, areas of competence, areas of need, guidance files, examples of classroom written work, and ongoing communication with student and family members.

Adaptations to teaching and learning styles and classroom climates can and should be designed and implemented before making an assumption that a student's lack of progress can only be ameliorated by special education. In many cases, however, learning problems are not caused by a disability, and schools are encouraged to have strong instructional support practices.

NOTE

We offer one caveat to this assertion, however: If a disability is clearly evident or strongly suspected and known to be causing learning problems, then referral for special education should be made promptly. For example: When a student is known to be deaf or hard of hearing, immediate specially designed intervention is the best response.

Instructional support practices aimed at assisting all learners to achieve the learning standards contained in the Massachusetts Curriculum Frameworks include (but are not limited to)

Supportive practices related to the curriculum and materials:

- having available a wide variety of curricular and instructional materials including computers, audio books, and taped/large print books
- developmentally appropriate, culturally and linguistically sensitive materials
- providing the student with choices in assigned reading materials

Supportive practices related to instruction and learning:

- clear learning objectives
- an emphasis on effort as the key to achievement
- active and varied learning activities across subject areas
- providing both oral and visual directions for assignments, along with visual, auditory, and tactile prompts
- using a variety of teaching approaches, including teacher-directed instruction and practice, group discussion, problem solving, cooperative learning, and research projects
- using a variety of formal and informal assessment procedures
- providing immediate and specific feedback about student performance

- providing reinforcement of desired student behaviors
- co-teaching and TEAM teaching
- homework assignments that further student learning and reinforce it

Supportive classroom and climate variables:

- using contracts, e.g., student/teacher, behavioral
- providing a clear structure for class activities
- allowing additional time for the completion of tasks, when appropriate
- providing preferential seating or other room design adaptations
- arranging physical space/materials to minimize disruptive movement
- providing graphic organizers and checklists

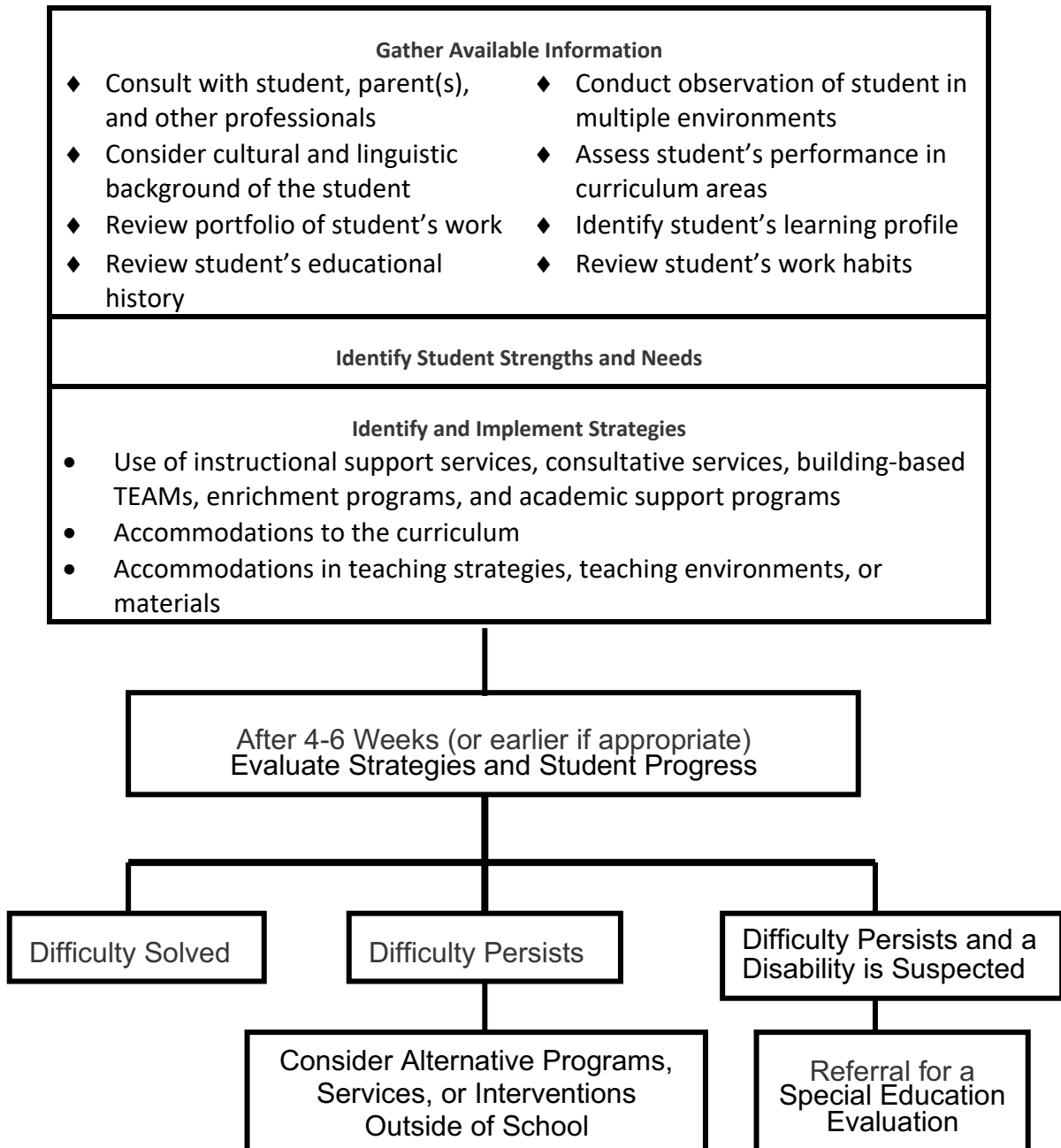
A strong instructional support intervention system enables school practitioners to identify which aspects of the student's educational environment must be changed to ensure learning and success in general education. Table 1 provides a description of this process, and Table 2 provides a list of possible assessment directions to assist in determining appropriate instructional support services. The instructional support system should consist of ongoing systemic efforts to accommodate any student's learning needs within the general education classroom. However, such instructional support strategies may not be used to delay action on a request for an evaluation for special education.

Instructional support efforts will be most effective when parents are involved. Parent input is valuable when gathering information about the student, the learning environment, and when making decisions about the best strategies to implement for the student. Furthermore, parent support and reinforcement of instructional strategies in the home environment can increase the effectiveness of such strategies. Additionally, the success of any school program rests on educating, involving, and including all families. Collaboration with human services and other community agencies assists in efforts to ensure that schools are family-friendly and responsive environments. Any family education program must pay careful attention to the different cultural and linguistic needs of the families it is supporting and encourage ambitious outreach programs.

Appropriate instructional support intervention strategies should be tried, documented, and analyzed. When instructional support activities are implemented properly but are not sufficient to enable the student to progress effectively in general education, there is greater information available to indicate if a referral for a special education evaluation is appropriate. When a referral has already been made, information on instructional support should be included in the evaluation information considered by the special education TEAM when determining eligibility for special education. By trying multiple means of responding to the student's needs, parents and school personnel may be better able to consider if the student has a disability that is causing continuing difficulties and requires specially designed instruction or support services.

TABLE 1 INSTRUCTIONAL SUPPORT INTERVENTION PROCESS

Student Experiences School Difficulties*



***Note:** The law requires that no instructional support program nor any other intervention limits the right of a parent to refer a student for a special education evaluation. However, if a referral for a special education evaluation has been made and the district has asked for and received parental consent to evaluate, then evaluation information from any instructional support program should be made available to the special education TEAM to consider when determining if the student is eligible for special education.

TABLE 2
Questions That May Help Guide the Assessment of Student Instructional Needs

Questions	Assessment Strategies
<p>How does the student perform within/outside of the classroom and in structured and unstructured activities?</p> <ul style="list-style-type: none"> • mastery of basic academic and social skills • functioning in small group/whole class activities • peer relations and teacher/adult relations • strengths/weaknesses 	<ul style="list-style-type: none"> • Systematic Observation of student • Student work products • Teacher reports • Anecdotal records • Curriculum-based assessment • Formal/informal test result • Interview with the student and family
<p>Are there gaps in the student's school history? Frequent changes in schools? Erratic school attendance?</p>	<ul style="list-style-type: none"> • Review of the school history/record • Family interview
<p>Is the student from a linguistically or culturally different background?</p> <ul style="list-style-type: none"> • proficiency in oral/written tasks in English and the primary language of the home • understands directions in English • primary language of casual conversation • experience with different types of learning tasks • child and parent attitude toward primary language • student comfort with school culture 	<ul style="list-style-type: none"> • Language assessment by assessor fluent in student's primary language • English proficiency assessment • Family interview/home visit • Interview with student • Student work products • Classroom observation • Teacher reports • Diagnostic teaching
<p>Are outside factors influencing student's performance?</p> <ul style="list-style-type: none"> • family trauma/crisis • physical care • involvement of outside agencies • employment 	<ul style="list-style-type: none"> • Family interview/home visit • Interview with student • Interview with others with assessment information
<p>What types of effective teaching strategies are used in the classroom?</p> <ul style="list-style-type: none"> • clear teacher expectations • opportunities for multisensory input/output • a range of instructional materials offered • effective behavior management • teaching style matched to student need • prompt teacher feedback • ongoing assessment • uses assessment to guide instruction 	<ul style="list-style-type: none"> • Systematic observation of settings in which the student has difficulty and success • Student work products • Anecdotal records • Teacher reports • Curriculum-based assessment • Formal/informal test results • Consultation with parents on effective ways to learn or demonstrate learning
<p>Is the curriculum broad enough to meet the needs of diverse learners?</p> <ul style="list-style-type: none"> • developmentally appropriate • accommodates learner diversity • experientially based 	<ul style="list-style-type: none"> • Systematic observation • Teacher reports • Curriculum-based assessment • Formal/informal test results
<p>Do school conditions provide the learner with needed resources and supports?</p> <ul style="list-style-type: none"> • availability of support services • up to date instructional materials • availability of instructional technology 	<ul style="list-style-type: none"> • Systematic observation of the school environment • Review of instructional materials • Student work products

Student Find

Chelsea Public Schools offers a comprehensive system of "Student Find" which is a requirement by both federal and state law. It mandates that each school district will locate, identify, and evaluate (at no cost to the family) all students ages 2 years, 6 months through 21 years old, who are suspected of having a disability. Once a child has been referred, an evaluation will be conducted to assist in determining eligibility.

Child Find

Any child older than 2 years, 6 months may be referred for early childhood screening to assess overall developmental progress. Screenings are free and conducted throughout the school year at the John Silber Early Learning Center. If a child has any suspected disabilities, as a result of the screening, consent will be sent to the parent/guardian and may include permission for specialized personnel to administer the following assessments: speech and language, occupational therapy, physical therapy, vision, orientation and mobility, social, health, psychological, and/or academic.

Many skills are examined, such as:

- Fine motor skills-how a child uses his/her hands, as in coloring or picking up small objects.
- Speech and language skills-how a child speaks and their understanding of what is being said to him/her.
- Gross motor skills-how a child uses his/her body during movement, such as balancing, jumping, or climbing
- Cognitive skills- the child's knowledge of the world around them, such tasks involving language and nonverbal tasks.

Early childhood screening results:

- If the early childhood screening results indicate that a child is developing within normal limits for his/her age, the parent/guardian will be informed of various early childhood programs that are available in the area.
- If the early childhood screening results indicate developmental concerns, further assessments may be performed. Parents and the assessment TEAM will review the results of all evaluations that were conducted and discuss programs that would meet their child's needs.

Referral Process

Referral for Initial Evaluation

A student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development. Under the regulations, school districts must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case-by-case basis. A parent's right to refer their child for a special education evaluation however, is not limited and should never be delayed because the school district has not fully explored and/or attempted some or all of the available instructional support programs or any other type of interventions (i.e.: DCAP/RTI/IST). In any case where the parent or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school district must promptly send notice and seek permission to conduct an initial evaluation to determine if the student is eligible for special education. The school district has 5 school days to respond in writing to a parent's request for evaluation. Therefore, communication of the parent request and collection of necessary information must occur promptly. In the case of a request for an evaluation for the purpose of College Board testing, the district is not obligated to complete these evaluations.

Parent Referral

If a parent or caregiver verbally requests an evaluation, the school principal (or designee) should be notified **immediately who then in turn will notify the Special Education Coordinator/Educational TEAM Leader (ETL)**. The Special Education Coordinator/ETL should contact the parent to gather information regarding the concern(s) and suspected area of disability. District staff should inform parents about the instructional support process (i.e.: DCAP/RTI/IST) available in their child's school and provide parents with an opportunity for this support process to take place as a first step. Parents should be encouraged, but are not obligated to access the instructional support process for their child. Parents should be told of their right to request a special education evaluation at any point – unless given parent permission; the instructional support process cannot delay a parent's request for a special education evaluation.

Parents are strongly encouraged to submit a written request for an evaluation before the referral process can begin, however, verbal confirmation of the parent decision to pursue special education evaluation also necessitates that the referral process begin (see Table 3).

The school district has **5 school days** to respond in writing to a parent request for evaluation.

When the principal receives a verbal or written request for evaluation by a parent or caregiver/professional, he/she should immediately notify the Special Education Coordinator/ETL.

The Special Education Coordinator /ETL shall be responsible for sending out notice and consent to parents within the **5 day timeline**.

Note: Parents sometimes submit a written request for special education evaluation in lieu of a verbal request, which is strongly encouraged by the district. The same procedure as the response to a verbal request can be used, keeping in mind the **5-day timeline**. In this situation, if a parent agrees to access the instructional support process as a first step, instead of pursuing an evaluation, the Special Education Coordinator/ETL or building Principal, shall confirm and document this via written agreement.

School Referral

Once the Instructional Support TEAM (IST) has determined that all efforts have been made to meet the needs of the student, the IST TEAM may refer the student for evaluation in order to determine special education eligibility. Documentation of this referral must be included in the student record.

Private School Referral

When private school personnel submit a referral for special education evaluation, the Principal or designee must notify the parents immediately. The school district is obligated to conduct special education evaluations for students who attend private school at no cost to the private school or parents. An evaluation cannot be conducted without receipt of signed parent consent.

When a parent of a private school student contacts the school district to request a special education evaluation, the same process as described above in the Parent Referral section, should be followed. The Principal or his/her designee of the school the student would attend if in-district is responsible for responding to this type of parent referral.

Consent to Evaluate

When a written request for evaluation has been received, the school district has 5 school days to respond in writing. The school principal shall notify the Special Education Coordinator/ETL upon receipt of request for evaluation. Once the Principal has contacted the parent to gather information about the request for an evaluation, the Special Education Coordinator/ETL shall mail to parents a consent packet, which includes:

- Proposal to conduct an initial TEAM evaluation (N1)
- Evaluation consent form (N1a, i.e., “Blue”)
- Notice of Procedural Safeguards Special Education Practices & Procedures Manual

An evaluation process cannot begin until the school district receives signed consent to evaluate from parents.

Evaluations

Evaluation Guidelines

Upon receipt of signed consent by the parent, the school district shall provide or arrange for the evaluation of the student by a multidisciplinary TEAM within 30 school days. A TEAM meeting must be scheduled within 45 school days from receipt of consent. (Members of a TEAM are located on page 19.)

Required Assessments For An Evaluation

The assessment(s) used shall be adapted to the age of the student. The school district shall ensure that appropriately credentialed and trained specialists administer all assessments. The evaluation must include specialists assessments in all areas related to the suspected disability, plus educational assessments (a formal educational evaluation as well as Educational Assessment Forms Part A & Part B) by a representative of the school district and an observation of the student conducted by someone other than the classroom teacher. When a child is being assessed to determine eligibility for services at age 3, an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged. In addition, for children who are receiving early intervention services, current and appropriate early intervention assessments can be used in lieu of additional district assessments.

Additional Assessments

The Special Education Coordinator/ETL may recommend or a parent may request one or more additional assessment(s). These include a comprehensive health assessment (completed by a physician that identifies medical problems or constraints that may affect the student's education) a psychological assessment and/or a home assessment (completed by school personnel and includes information on pertinent family history and home situation and may include a home visit, with agreement of a parent) and/or a functional behavior assessments (FBA) (must be conducted if the student's behavior interferes with learning).

Determining if a Psychological Evaluation is Warranted at a Triennial Evaluation

A psychological evaluation is required when:

- A student's only evaluation(s) occurred before the age of 7, as the development of cognitive functioning is variable at a young age
- A student is currently eligible for special education services under the category of Developmental Delay and is aging out at 9-years-old
- There is no psychological evaluation on file
 - This situation may often occur for transfer students
- The validity of the assessment was questioned in the prior report
 - For example, the student was not cooperative and the evaluation noted that the scores should be interpreted with caution
 - The student was evaluated after recently entering the country
 - The student's English Language Proficiency may have impacted previous assessment results
- A teacher or parent notes significant change or lack of progress in a student

- For example, the student was previously receiving services for a learning disability, but new emotional concerns have arisen
- All special education students should receive a psychological evaluation prior to graduation
- A student was found eligible for services under the category of emotional impairment or a specific learning disability
 - Does not have to be a full evaluation, but in the area of suspected disability. For example, behavioral rating scales or social emotional assessments.
- A student that was found eligible for services under the category of intellectual impairment and is serviced within an inclusion setting should be re-evaluated every 3 years

The school psychologists are always available for consultation if there is a question about the appropriateness of requesting a psychological evaluation.

Evaluation Procedures

The Special Education Coordinator/ETL will inform the evaluators of the dates that the assessments are to be completed, within 30 school days of the parent's signed consent. A TEAM meeting will be held within 45 school days to review the results of the evaluations and determine eligibility for special education. Evaluations must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide and administer.

If a consent is received within 30 to 45 school days before the end of the school year, the district must ensure that a TEAM meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding of no eligibility no later than 14 calendar days after the end of the school year. For consents received fewer than 30 days prior to the end of the school year, the timeline starts at the receipt of the consent, stops on the last day of school, and continues at the start of the following school year.

Evaluation Reports

Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail, and in educationally relevant and common terms, the student's needs and recommendations. Recommendations should not include a determination of eligibility or name a specific program. The assessor may recommend types of placements, but shall not recommend specific classrooms or schools. Assessments shall be completed prior to discussion by the TEAM and shall be available to the parents at least two days in advance of the TEAM Meeting.

Parent Request For An Independent Evaluation (IEE)

Upon receipt of evaluation results, if a parent disagrees with an initial evaluation or re-evaluation completed by the school district, then the parent may request an independent education evaluation (IEE) in the same areas assessed by the district. Parents may obtain an

independent education evaluation at private expense at any time. The parent's right to request an IEE is extended up to 16 months after an evaluation or re-evaluation process has been completed, if the parent requests an IEE at public expense. An IEE must be conducted by qualified evaluators who abide by the rates set by the state. Once the request for an IEE has been received, the school district has five school days to respond to the parent. The Special Education Coordinator/ETL should immediately date stamp the written request, notify the Special Education Director, fax a copy of the request to the special education office, mail a copy to the special education office and keep a copy in the school file so that the appropriate response can be made and timelines followed.

Once the school district receives the IEE, the TEAM must reconvene within 10 school days to review the evaluation and make any necessary changes to the student's educational plan.

Provision Of Outside Evaluation

When a parent submits to the school/school district an evaluation report for a student who is not currently receiving special education services, the Special Education Coordinator/ETL shall contact the parents to either discuss concerns or to schedule a meeting with the classroom teacher, and in some cases, the school principal and other pertinent school personnel. The purpose of the discussion should be to gather information about the parent's concern, discuss available supports in place or available through general education, and to determine if a referral for special education evaluation or 504 Accommodation Plan is being requested or would be appropriate.

For all students found eligible and receiving an IEP whose parent(s) submit outside evaluations (independent evaluations at parent expense), the school district has 10 school days in which to schedule a TEAM meeting to review and consider information and recommendations included in the report. The Special Education Coordinator/ETL should be notified immediately of the receipt of the outside evaluation so that he/she can schedule the TEAM meeting. Best practice dictates that school districts propose to conduct their own evaluation to gain the best understanding of the student's needs.

Outside evaluation reports submitted by parents:

All efforts will be made to avoid duplication of assessments. If a decision is made to waive any assessment, the chairperson will send a request for a *Waiver of Assessment* to the parent for signature with the Evaluation Consent form. It is important to note that **any time the Chelsea Public Schools waives its right of assessment, it places the district in the position of accepting any recommendation(s) made by the evaluator(s).**

Extended Evaluation

If the TEAM finds the student eligible for special education services, but evaluation information is insufficient to develop an IEP, the TEAM, with parent consent, may agree to an extended evaluation period. The extended evaluation period shall not be used to deny programs or services determined to be necessary by the TEAM. If, prior to the extended evaluation, the TEAM determines that sufficient information is available to identify some necessary objectives

and services, the TEAM shall write a partial IEP that, if accepted by the parent, shall be immediately implemented by the district while the extended evaluation is occurring. The extended evaluation period shall not be used to allow additional time to complete the required assessments and should not exceed 40 days. If the parent consents to an extended evaluation, the TEAM shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The TEAM may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete. The extended evaluation may extend longer than one week, but shall not exceed eight school weeks. The extended evaluation shall not be considered a placement. An Extended Evaluation Form shall be completed along with an N1.

Extended Evaluation ("40 Day")

If the TEAM finds evaluation information insufficient to develop an IEP, the TEAM, with parental consent may agree to an extended evaluation period. This **CANNOT** be used to allow additional time to complete required triennial or initial evaluations, or deny student IEP services. An extended evaluation is up to 8 weeks (40 day) maximum. The time period cannot exceed 8 weeks (40 day) per MA regulation 603 CMR 28.05(2)(b).

Extended evaluations are not special education placements. The TEAM is evaluating the student's need, not changing the student's placement. Although a student may be completing an extended evaluation at a collaborative or out-of-district program, his/her IEP program and placement remain the then-current IEP program and placement. This should be made clear in any documentation required by the extended evaluation sites.

Re-Evaluation

A re-evaluation will be conducted for each student with a current IEP every three years or more frequently if requested or recommended. Re-evaluations occur not more frequently than once a year unless both parents and Local Educational Authority (LEA) agree that evaluation is needed. When a student is referred for a re-evaluation, existing evaluation data should be reviewed first. If no additional information is needed to determine whether the student continues to be eligible, the district may request that a parent waive particular types of assessment(s). The parent may either consent to waiver the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver. When there are school-based recommendations for the assessment battery, the Special Education Coordinator/ETL should contact a parent/guardian directly to discuss the upcoming re-evaluation and the waiver process. The Special Education Coordinator/ETL will provide objective information about the student's possible eligibility/non-eligibility.

Evaluation is required prior to ending an IEP service, whether related service or special education. The assessment that is used can be a combination of standardized assessment and curriculum, or classroom based assessment data.

At least 45 days prior to the 3-year re-evaluation date indicated on a student's IEP, the Special Education Coordinator/ETL will send out an Evaluation Consent Packet.

Special Education TEAM Process

Timelines

TABLE 3 Special Education Timelines	
Referral/Initial (from parent or IST)	<ul style="list-style-type: none"> School must provide written notice to parent/guardian within 5 school days Once consent to test is signed and parents understand their rights around consent, the school has 30 school days to complete the testing The school has 45 days from the time consent is signed to hold a TEAM meeting to develop a proposed IEP with placement
Invitation to TEAM Meeting	<ul style="list-style-type: none"> Written notice is provided to the parent/guardian 10 school days prior to the TEAM meeting
Private outside evaluation presented to district by parent/guardian	<ul style="list-style-type: none"> The school district must meet and consider the evaluation within 10 school days At this time, the TEAM will determine any necessary changes to the students current educational plan
Independent Educational Evaluation (IEE)	<ul style="list-style-type: none"> Parents have up to 16 months to request an IEE When the district receives the request from parent/guardian, it must respond in writing within 5 school days If possible, the evaluation should be completed and back within 30 days Once the school receives the evaluation, the TEAM must reconvene within 10 school days to review the evaluation and make any necessary changes to the student's educational plan IEE are subject to a sliding scale and the Administrative Advisory should be referenced for information
TEAM Process	<ul style="list-style-type: none"> Parents must receive notification of a TEAM meeting 10 school days prior to the date of the meeting 45 school days turn around from the testing to completely proposed IEP Evaluations for initial and re-evaluation meetings must be available 2 days prior to the TEAM meeting for parents
NSN and N1 and N1 Letters	<ul style="list-style-type: none"> After TEAM meeting, a follow up letter is sent to the parents within 10 school days
Extended Evaluation	<ul style="list-style-type: none"> 1 week but not to exceed 8 calendar weeks
Invitation	<ul style="list-style-type: none"> Any district that is financially or programmatically responsible shall receive notice of a TEAM meeting at least 5 school days prior to the scheduled TEAM meeting
Rejected IEP	<ul style="list-style-type: none"> Within 5 calendar days of a parent request of a hearing, or rejecting an IEP, proposed placement, or no eligibility, the school district sends a copy to the BSEA

IEP TEAM Members

The following roles must be filled at the IEP Meeting:

- Parent/Guardian(s) of the student
- At least one general education teacher familiar with the student (if the student is, or may be, participating in a special education class)
- At least one special education teacher familiar with the student
- A representative of the district who has the authority to commit resources (this person is usually the TEAM member chairing the meeting)
- An individual who can interpret evaluation results (members must stay in their area of expertise and will not claim to be able to interpret evaluation results in an area outside their licensure or role)
- At the discretion of the parent or district, any other individual(s) who have knowledge or expertise regarding the student
- If appropriate, the student (beginning at age 14)

It is important to note that TEAM members may fill multiple roles (for example, the special education teacher may also be able to interpret evaluation results).

A required member of the TEAM does not have to attend the meeting, in whole or in part, if the parent/guardian(s) and the district agree in writing that the member's attendance is unnecessary because the member's area of curriculum or related service is not being modified or discussed.

Parent Participation in the IEP Meeting

The TEAM process should be a collaborative process between parents, school staff members, and other professionals. Parents have a unique and critically important perspective on their child's learning style, strengths, and needs. The school staff should ensure that parents feel welcomed and comfortable when communicating with school staff and at all meetings.

Parents have the right to be involved in the meetings that discuss the identification, evaluation, IEP development and educational placement of their children. The law ensures that parents and school personnel are equal partners in all steps during the TEAM process.

When parents do not speak English, the school is responsible for providing an interpreter to ensure that TEAM members understand each other and that parents can give informed consent. The interpreter should be from a qualified interpretation agency. Parents must be offered relevant documentation in their native language (including the opportunity to have evaluation reports and IEPs translated).

Scheduling the TEAM Meeting

TEAM meetings will be scheduled within mandated timelines. Forms required for scheduling meetings include:

- TEAM Invitation (N3)

- Attendance Sheet (N3a)(including waiver section at the bottom)

Meeting invitations must be provided to parent 10 days prior to the meeting. All efforts to schedule a meeting must be documented and placed in the student's file.

Member Excusal

When the meeting involves a modification or discussion of a required TEAM member's area of curriculum or related service, that member may be excused, in whole or in part, only if:

- The parent(s) and the TEAM Chair agree to the excusal in writing; AND
- The individual who is filling that role submits written input into the development of the IEP to the parent(s) and the TEAM prior to the meeting (signatures required)

Students 14-years and Older

A meeting invitation will be provided to the student in the same manner as the parent. The student's name will be included on the attendance sheet. The student will also be verbally invited to the meeting and include his/her name on the attendance sheet.

Eligibility Determination

If the student has one or more of the disabilities defined at 603 CMR 28.02(7) and if, as a result of the disability(ies) the student is unable to progress and/or access efficiently in the general education program without the provision of specially designed instruction or is unable to access the general education curriculum without the provision of one or more related services, the TEAM shall determine that the student is eligible. The TEAM must ensure that the student's inability to progress is a result of the disability(ies) and not a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or writing.

Special Education Eligibility Flowchart

(See Appendix 1)

TEAM determines whether a student has 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 TEAM, therefore, must carefully discuss the evaluation data and determine if an educational disability(ies) exist. TEAM members should identify the type of disability before taking the next step in the eligibility process. In order to change a current special education student's disability category a new evaluation must be completed.

Disability Categories (See Appendix 2 – Disability Definitions)

- Autism
- Specific Learning Disability
- Neurological
- Intellectual

- Physical
- Developmental Delay
- Communication
- Emotional
- Health
- Sensory
 - Hearing or Deaf
 - Vision or Blind
 - Deaf-Blind

Multiple disability: the federal IDEA definition of multiple disabilities is concomitant impairments (such as intellectual impairment-blindness or intellectual impairment-orthopedic), the combination of which causes severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities category does not include deaf-blindness.

TEAM determines whether a student is making effective progress in school:

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

To judge where a student is making effective progress, the TEAM must determine whether the student has a) made documented growth, with or without accommodations, in knowledge and skills acquisition including social/emotional development, the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district AND b) made growth according to the chronological age, the developmental expectations and the individual potential of the child.

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

TEAMS sometimes struggle in trying to decide if a student is making effective progress and look for specific guidelines to assist in making this important decision. Effective progress, however, is not easily translated to test scores, academic achievement, social skills or other individual or specific variables, but rather is an interrelated measure. TEAMS, therefore, should carefully review evaluation data and make student-centered decisions on this important issue.

TEAM determines whether the lack of progress is a result of the disability:

TEAMS must look at the evaluation results to see whether the lack of progress is a result of the disability or a result of other factors. Only if the TEAM determines the lack of progress is connected to a disability(ies) may the TEAM continue on to discuss a possible finding of special education eligibility. According to state and federal regulation, a student may not be found eligible solely because the student is unable to follow the school discipline code, has limited English proficiency, social maladjustment or has lacked reading or math instruction. The reasons may be 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).

TEAM determines whether the student requires specially designed instruction to make progress:

When making an eligibility determination, the TEAM must remember that the final question to ask is: Does the student require special education in order to make progress? Special education is defined as specifically designed instruction to meet the unique needs of the student or related services that are necessary to access the general curriculum. Specially designed instruction means that there is a need to adapt the content, methodology, delivery of instruction and/or performance criteria in order for a student to make effective progress.

Related services are developmental corrective and other supportive services. Within Massachusetts related services to access the general education curriculum are considered special education and may be provided alone or in combination with specially designed instruction.

The TEAM may find the student eligible for special education services:

If a student is found eligible for special education, then an IEP must be developed. In most cases, development of the IEP will occur within a single meeting, after the determination of eligibility has been made.

Specific Learning Disability Eligibility Process

Assessments required for SLD determination includes: historical overview, area of concern and evaluation method, exclusionary factors, and observation-must be conducted prior to determination of SLD (See Appendix 1).

Finding of No Eligibility

If the student does not have a disability, does not show lack of progress, or if the student does not require special education services, then the TEAM should make a finding of no eligibility. However, as a matter of good educational practice, the TEAM might reasonably discuss the appropriate next steps to ensure that any identified problem or concern is addressed by the school district. Most problems are best addressed as soon as possible and such early action may well be critical to the ultimate success of the student.

Section 504

If the student has a disability, one such next step may be the development of a 504 Accommodation Plan. Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include: walking, seeing, hearing, speaking, breathing, learning, working, caring for self and performing manual tasks. TEAMS that convene to consider special education eligibility are often composed of members who may be able to develop an appropriate plan under Section 504.

IEP Notices

N 1 – Notice of Proposed School District Action

- N 1s should always reflect the unique nature of the particular case. Do not restate all the details already in evaluation reports and/or in the IEP. Summarize. Proposals should also include placements. The N 1 is a factual document, not an opinion document. Be sure to answer all six questions.

N 1A – Evaluation Consent Form

N 2 – Notice of School District Refusal to Act

- The second page of the N 1 and N 2 forms provide the TEAM with the opportunity to outline general education accommodations and/or instructional support initiatives, e.g. remedial reading, Title 1, small group math support, etc.

N 3 – Meeting Invitation

N 3A – Attendance Sheet

(See Appendix 3)

TEAM Meeting Summary

At the conclusion of the meeting, the parent should be provided with a summary of the TEAM meeting and copies of all evaluations. Parents should be provided with a copy of the completed draft IEP form. Do not present a pre-written draft IEP for initial or re-evaluation meetings, as eligibility has not yet been determined. (See Appendix 3)

Development of the Individualized Education Program (IEP)

Development of the IEP

Upon determining that the student is eligible for special education services (or at an Annual Review), an IEP must be developed. The IEP must address the unique needs of the student and, therefore, must be tailored to the individual student needs as determined through the evaluation process. Good IEPs will be responsive to parents' concerns and the student's vision and will assist the student as much as possible to move towards independence.

The IEP should describe how the student learns, how the student best demonstrates that learning, and how the school staff and student will work together to help the student learn better. The IEP should provide a clear picture of the student's current abilities and needs and should identify key goals and objectives that provide a direction and focus for the student's learning over the next IEP period.

A well-managed TEAM meeting will:

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

The IEP forms the basis for the placement decision. Therefore, the IEP must be developed in entirety before placement is decided. The placement decision must be based on a careful reflection of the IEP, including the services that the TEAM has identified as necessary, and the impact of the disability on the student's learning. Finally, the TEAM must be mindful of the requirements related to placement in the least restrictive environment. The IEP under no circumstances should be written to "fit" a particular placement.

All IEPs must be signed by the LEA designee prior to being sent to parents.

Administrative Data Sheet

This form is designed to capture necessary student data, parent contact information, meeting information, and school-related data on one sheet. The data sheet should be completed or updated at any meeting that produces an IEP, an IEP Amendment, or an Extended Evaluation Form.

IEP Dates

The IEP for each child with a disability must include the projected date for the beginning of the services and modifications. The “effective date” of an IEP indicates the date that the IEP goes into effect. If you are writing an IEP for the next academic year, the dates on the IEP should indicate that. At least annually, on or before the anniversary date of the IEP, a TEAM meeting is held to consider the student’s progress and to review, revise, or develop a new IEP or refer the student for a reevaluation, as appropriate.

Parent and/or Student Concerns

Parent and/or student input is the first indicator for defining the IEP focus. The first question to ask parents is, “What concerns do you have for your child that you want to see addressed in this IEP?” This item is deliberately placed as the first order of business in the IEP in keeping with the importance given to parent input in IDEA-97. Parents need to be asked to share their biggest concerns and their hopes for their child’s accomplishments, as the parent perspective is unique and important to the TEAM’s work. Parents have a view of the student that cannot be duplicated by even experienced evaluators.

Student Strengths

The TEAM should keep a whole child perspective. The TEAM must review the student’s strengths, interests, personal attributes, and personal accomplishments.

Key Evaluation Results Summary

This area of the IEP should include a summary of each of the current evaluations conducted (approximately one paragraph each) that highlights the essential or main points. Ideally, each summary will state the student’s strengths and weaknesses found through the evaluation. Assessment summaries should also relate to the area of disability.

In this section, student strengths (see above) should be documented. This summary should also clearly indicate what the student’s type of disability is, general education performance (including MCAS and/or district test results, achievement toward goals, and lack of expected progress, if any. Medical diagnoses may also be listed in this section.

Vision Statement

The vision statement focuses the TEAM on the future of the student (typically a 1-5 year span). The TEAM should take a broader, long-range perspective as it looks to where the student is headed in the future. The vision statement helps the TEAM balance immediate concerns and the hopes and dreams for the future. Knowing where the student is headed makes it easier to determine what progress needs to be made each year. Depending on the student’s age, the TEAM needs to look one to five years in the future.

For younger students, the TEAM might want to project over a shorter span of time and concentrate on transitions from preschool to elementary school, elementary school to middle school, or from a more restrictive environment to a less restrictive environment.

As the student becomes older and more involved in transition planning, the vision statement also becomes the hopes and dreams of the student and not the parent and TEAM. The statement for older students must conform to Federal regulation and be based on the student's preference and interests in desired outcomes in adult living and post-secondary and work environments.

Present Levels of Educational Performance (PLEP A): General Curriculum

TEAMS must consider for each student how the student's disability(ies) affects performance in curriculum area(s). Curriculum areas related to the general curriculum are explicitly noted in the form. The discussion of the TEAM need only center on those areas of the curriculum where the student's performance is adversely affected by the student's disability(ies). Other curriculum areas can and should be discussed if the student's disability(ies) affects progress in those areas.

Present Levels of Educational Performance (PLEP B): Other Educational Needs

The TEAM must also take a broader look at the student's overall involvement with the school including participation in extracurricular and other nonacademic activities. These "other educational needs refer to nonacademic classes (such as art, music, gym, library, etc.), extracurricular activities (recess, before/after school programs, school sport programs), and therapy sessions (OT, PT, etc). The TEAM may also consider how the student communicates with others, how the student's behavior affects their learning or the learning of others, how assistive technology could support effective progress, or how the disability(ies) affect transition to post-secondary activities.

Both PLEP A and PLEP B include lists of accommodations necessary for the student to make effective progress in either the general curriculum or in other educational areas.

Accommodations do not involve modifying the material or content but do allow students to receive information in a more efficient manner (See Appendix 9). Not every student who is eligible for special education will require accommodations. Some students with disabilities may require accommodations in only one curriculum or program area, while others may require extensive accommodations.

Current Performance Levels/Measurable Annual Goals

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

In well-written IEPs, more specific statements of progress will directly reflect information written in the PLEPs written earlier within the TEAM meeting. Greater specificity in the current performance statements will result in clearer and more helpful goals.

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

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

Goals must be challenging to ensure that students with disabilities are being held to high standards and are being adequately prepared for independence and productive lives. Yet, they must also be measurable and attainable. Goals need to spell out how the TEAM will determine if the student has met the goal.

Goals should not address areas that are not affected by the disability(ies), and it is not necessary to include specific content standards in goals. Rather, the goals should focus on the strategies the student needs for making progress in the general curriculum and other areas of need. Goals must also be individualized and should be based on the student's past experience, current performance, rate of learning and educational needs. Some goals may reflect the need to learn knowledge, skills, behaviors, or attitudes that may be integrated across curriculum areas.

Objectives and benchmarks further clarify goal statements:

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

Progress Reports

- Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.
- Progress Report information sent to parents includes written information on the student's progress toward the annual goals in the IEP. Information should be specific to the skills involved in the goal area.
- TEAM members reporting on progress toward goals should have documents supporting the progress information. This information should be readily available to parents and/or Special Education Department Heads upon request. Documentation regarding progress can be provided in a number of formats, e.g. data charts and/or graphs, work samples, data collection sheets, and informal and/or formal assessments.

High School Graduation or Turning 22:

- Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.

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

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

TEAM members may answer these mandated questions by including the following information in their progress reports:

- Specify what the student has been working on
- List what the student has achieved
- Indicate any stumbling blocks to progress
- Project whether the student will reach the annual goal if progress continues at its current pace

Progress reports are tools to communicate with parents and should include language that is generally understandable and jargon free. Each service provider is responsible for his or her goal areas. This could mean multiple people reporting on one goal/objective. The IEP contact person ensures all have been completed. One copy is sent to the parent(s)/student and one is added to the student's special education file.

If a lack of expected progress continues past the first progress report and subsequent in-class refinements, the TEAM should reconvene and make IEP adjustments. The TEAM may also want to consider rewriting a goal to set a different and more attainable goal.

Progress reporting may also coincide with an annual review meeting. However, annual review meetings **may never substitute** the required written progress report.

Service Delivery

The service delivery section is used to document what services the student will be receiving, who will be providing them, where they will take place, and at what frequency.

- **Section A** of the service delivery grid represents *consultation services*, which are not a direct service to the child. Often these services are used to consult with classroom teachers or aides, or for planning the child's program.
- **Section B** of the service delivery grid represents *services that take place WITHIN the classroom*. The child receives these services in the general classroom setting.

- **Section C** of the service delivery grid represents *services that take place OUTSIDE the classroom*. These are direct services and mean that the child will receive services in another setting.

There should be a service listed for each goal in the IEP. A specific type of service provider should be indicated for each goal. “Special education staff” does not clearly indicate who will be working with the student; the grid must indicate if it will be provided by a “special education teacher” (or “special education tutor,” “special education assistant,” etc). It must be clearly noted when a service will be provided by an assistant rather than a fully certified provider, and the law requires that anyone not fully certified must be overseen and trained by a certified provider in the field.

For example, if a child receives 30 minutes OT in class with an OT assistant or COTA and 30 minutes OT out of class with a certified OT, those two must be listed as such, separately on the grid.

Nonparticipation Justification

TEAMs must justify nonparticipation in the general education program. The law requires a clear statement justifying why removal is necessary when removal occurs. TEAMs must clearly identify times when a student is removed from the general education classroom and give a good reason for such removal. Reasons should focus on the benefit the student will receive from being outside the general education environment, and must justify why the services cannot be provided in the general education classroom. Justifications should be made during IEP development before the placement decisions have been made; they should refer to any special education and related services recommended to occur in other settings during the service delivery discussion.

Length of School Day/Year

Most students with disabilities will attend school on the same daily and yearly schedule as their nondisabled peers. However, in certain circumstances a TEAM will recommend a schedule modification. The TEAM may decide that the student requires a shortened school day, shortened school year, longer school day, longer school year, or residential services.

Typically a shortened school day or school year may only be considered if a physician recommends such a change due to the student’s health and consequent inability to participate in a full day program. Other reason for a shortened day or year may exist but TEAMs should exercise extreme caution when making this type of recommendation as it may limit the student’s ability to make effective progress, to reach higher standards, to meet graduation requirements, and to receive FAPE.

Extended school day (ESD) and year (ESY) services must be considered and recommended on an individual basis and the school may not routinely deny such services nor establish policies that deny such services without a consideration of the needs of the individual student. Not all

students will require extended services and not all students who require extended services will require the same services.

If ESD or ESY is recommended, how the school district coordinates services across program components needs to be identified.

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

Consideration for modified school day and/or year services must be based on:

- The unique nature of any specially designed instruction or related services needed due to the student's disability or
- If the student has demonstrated or is likely to demonstrate substantial regression due to a break in services; based on evidence.
- Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction shall not be considered ESY programs.

Services delivered during extended break times must be documented on the Service Delivery Grid Page: Grid C for direct services, Grid A for consult/indirect services.

Transportation Services

Transportation is a related service. The TEAM shall determine whether the student requires transportation because of his or her disability in order to benefit from special education. A recommendation for a student to receive transportation, as with other IEP decisions, relates back to the affect of the student's disability(ies) on transportation. (See Appendix 4)

TEAM members must ascertain whether the disability(ies) prevents the student from getting to the local school in the same manner as the student's nondisabled peers would get to the local school. *If the nondisabled peers in the student's neighborhood walk to the school, then does the student's disability(ies) prevent the student from walking to school? If the nondisabled peers in that student's neighborhood ride a bus to the school, then does the student's disability(ies) prevent the student from riding the yellow school bus?*

If the TEAM answers no to these questions, then they recommend **regular transportation**. Regular transportation will be provided in the same manner as it would be provided for

students without disabilities. If the child is placed away from the local school, transportation will be provided.

Special transportation is required as a result of the disability. It is provided in one of the following manners:

- 1) On a regular transportation vehicle with modifications and/or specialized equipment and precautions listed on IEP and provided
- 2) On a special transportation vehicle with modifications and/or specialized equipment and precautions listed on IEP and provided

As with other services, transportation should be provided in the least restrictive environment. The TEAM should always discuss first whether the student can be safely transported in a regular transportation vehicle with some accommodations or assistance due to the disability. Only if modified regular transportation is not a reasonable alternative should the TEAM move on to recommend a special transportation vehicle. Again, the TEAM must carefully review and include in the IEP any needed modifications, specialized equipment or precautions for this type of transportation.

Parents may be eligible for transportation cost reimbursement. TEAMS decide only whether students will receive regular or special transportation. Parents, once they receive an IEP and a placement decision, may decide whether to transport their child to the school where the child is placed. If parents make such a decision, they are entitled, under certain circumstances, to reimbursement at the state approved mileage rate. Any parent who plans to transport their child to school should notify the school district contact person.

MCAS/State-Testing Accommodations and Alternate Assessment

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

For each district or statewide assessment, the TEAM must first decide whether the student can take the on-demand test as given. If not, TEAM members must ascertain whether the student can take the on-demand test with accommodations. TEAM members should ensure that their accommodation recommendations in this IEP section coincide with their earlier recommendations included in the PLEPs.

If the TEAM feels the student should not take any one of the on-demand assessments even with accommodations, then the TEAM must recommend and discuss why the student is being recommended to be assessed through an alternate assessment. Since Massachusetts has adopted state models for alternate assessments, after recording the reason for such assessment, TEAMS need only indicate that state alternate assessment models will be used.

All students must be included in the statewide assessment system. No student can be exempted even if a parent prefers the student not be included.

Please see District website/DESE website for MCAS ALT Manual, Accommodations, and Resource Guide to English Language Arts and Literacy, Mathematics, and Science and Technology/Engineering Curriculum Frameworks for Pre-Kindergarten – Grade 12 (Incorporating the Common Core Standards).

Additional Information

This section typically includes information that has not been documented in any other place within the IEP. It may include things such as:

- Anticipated graduation date; a statement of interagency responsibilities; relevant medical notes (such as changes in medication); information about the discussion of transfer rights at least one year before age of majority; recommendations for Chapter 688 Referral; a list of attachments (including things like a Behavior Support Plan, a statement about discipline policies specific to the child, Assistive Technology Plan, Transition Plan, and/or information about when a TEAM will begin to discuss summer recommendations).
- TEAMS should also use this section to document efforts to obtain participation if a parent and/or student did not attend a meeting or provide input.
- Special Requirements for Students on the Autism Spectrum, IEP TEAMS must discuss variables to consider at the TEAM Meeting and, if necessary, the skills and proficiencies to address these issues to incorporate into the IEP. The documentation of the consideration should be included in both the N1 and Additional Information. A sample statement is provided below:
 1. The verbal and nonverbal communication needs of the student,
 2. Any needs resulting from unusual responses to sensory stimuli,
 3. The need to develop social interaction skills and proficiencies,
 4. Any needs resulting from resistance to environmental change and/or change in daily routines,
 5. Any needs resulting from engagement in repetitive activities and stereotyped movements,
 6. Any need for positive behavioral interventions at school and/or home,
 7. Any need to use calendars, social stories, and/or daily schedules to organize the student's day.
- Information about how the IEP TEAM will address the student's need to learn skills to avoid bullying (discussed below).

Students with Disabilities and Bullying

According to bullying legislation, Chapter 92, school districts have several responsibilities regarding students with social skills disabilities. It is important to remember that these responsibilities fit within the broader legislation. We have an obligation to teach all of our students the skills that are needed to avoid and respond to bullying, harassment and teasing.

Additionally, those students who have disabilities that result in poorly developed social skills require special attention.

For students with autism and other disabilities affecting social skills development, this obligation requires a thoughtful, considered approach at TEAM meetings. Because students with social skill disabilities are more vulnerable to teasing and not skills in responding to it, their parents are more concerned and sensitive about the threat of, and actual incidence of, these aggressive behaviors in relation to their children. Likewise, some students do not have the skills to avoid behavior that may be interpreted as “bullying” by another student or adult. This is another complicated facet of this issue.

The state law requires us to do certain things in order to insure that those students with social skills disabilities or autism are taught the skills they need, at their level, to learn to respond to bullying effectively. How the IEP TEAM addresses this requirement is based on understanding the social and communication skills levels of student and insuring that the student will:

- 1) Benefit from the general education bullying prevention program as is,
- 2) Benefit from accommodations or a modified curriculum to insure that he/she can access the curriculum, or
- 3) Benefit from separate goals and objectives within the IEP to address the skill deficits

If the evaluation indicates that a student’s disability affects social skills development, or when the student’s disability makes him or her vulnerable are discussed as follows:

No social skills goal:

“At the TEAM meeting on **DATE**, the TEAM reviewed **STUDENT’S NAME** needs in the area of social skills development, emotional resilience, and the development of his self-advocacy skills in order to avoid and respond to bullying, harassment and teasing. The TEAM agrees that **STUDENT’S NAME** demonstrates age-appropriate skills in this area and no further intervention or specific instruction is needed at this point in time. This will be revisited at **STUDENT’S NAME** next IEP meeting and/or an ongoing basis.”

Social Skills Goal:

“At the TEAM meeting on **DATE**, the TEAM reviewed **STUDENT’S NAME** needs in the area of social skills development, emotional resilience, and the development of his self-advocacy skills in order to avoid and respond to bullying, harassment and teasing. The TEAM agreed that **STUDENT’S NAME** is in need of further assistance in these areas. Thus, these skills are specifically addressed in **STUDENT’S NAME** goals and objectives.”

Transition Services

Transition planning is required under Federal law and becomes a major TEAM focus when a student reaches fourteen years of age. The vision statement in the IEP aids TEAM members in determining the student’s transition needs, transition goals, and transition services. Transition services are a coordinated set of activities that promote movement from school to such post-

school activities as post-secondary education, vocational training, employment, adult services, independent living, and community participation. They must be based on the individual student's needs, taking into account his or her preferences and interests. Transition services must include instruction, community experiences, and development of employment and other post-school adult living objectives. If appropriate, daily living skills and functional vocational evaluation may also be included. The IEP meeting must include a representative of the public agency providing and supervising the transition activities, and, if appropriate, representatives of other participating agencies. (See Appendix 3 - Transition Planning Form)

The transition component of the IEP should involve the TEAM reaching an agreement about the individual student's needs with regard to the three mandated areas of: 1) Instruction; 2) community experiences; and 3) employment and other post-school living objectives.

Rejected or Partially Rejected IEP

If a parent indicates a rejection of the whole or any part of the IEP (partial rejections) and/or the rejection of a placement, the school district has five days to inform the Bureau of Special Education Appeals (BSEA). It is imperative that the Special Education Coordinator/ETL informs the Administrator of Special Education immediately of any rejection, so the Administrator of Special Education will send the rejection to the BSEA. The TEAM Chair will attempt to reconvene the TEAM to discuss the rejected components, if appropriate. All rejections should be sent immediately to the Special Education Office for processing with BSEA. Any **ACCEPTED** services should begin immediately.

Amendments

Amendments are to be used for minor changes needed that include one or more of the following:

- Decrease in service delivery (this does not include discontinuing services),
- MCAS/state-testing accommodations,
- Movement to a less restrictive environment (services from C to B grid) that does not constitute a change in placement (% of services in/out of general education setting)

A new IEP should be developed when there are major changes needed that include one or more of the following:

- Adding services,
- Changes of service that are equivalent to a change in placement (% of services in/out of general education setting),
- Adding Key Evaluation results that lead to additional services and/or goals

See Appendix 3 for a full list of IEP documents:

Administrative Data Sheet	Transition Planning Form	Medicaid Consent
Individualized Education Program	Age of Majority Forms	Meeting Survey
PL1, PL2, and PL3	Release of Confidential Information	Liaison Letter
Meeting Summary Sheets	Attendance Sheet	Notices

PLACEMENT

Special Education is specially designed instruction and related services that meet the needs of an eligible student with a disability or a specific service that is necessary to allow the student to access the general curriculum. The purpose of special education is to allow the student to develop his or her educational potential.

In Massachusetts, the special education system is based on the federal special education law, the Individuals with Disabilities Education Act (IDEA) in combination with the state's special education law (MGL c. 71B). These laws protect students with disabilities who are eligible for special education services and guarantee them an Individualized Education Program (IEP) designed to meet their individual needs.

Based on TEAM discussion and evaluation information, the TEAM will determine if the student is eligible for special education services. If your child is eligible, the TEAM will then use evaluation results to develop an individualized Education Program (IEP) for a student. A student who is eligible for special education services is entitled by federal law to receive a ***Free and Appropriate Public Education (FAPE)***.

Free and Appropriate Public Education (FAPE)

FAPE ensures that all students with disabilities receive an appropriate public education at no expense to the family.

- FAPE guarantees that for students that are found eligible for special education, school districts must provide services beginning no later than the student's 3rd birthday.
- If the student continues to be eligible, services may continue until the student graduates from high school with a standard diploma or turns 22, whichever comes first.
- FAPE also means that students receiving special education have access to and make meaningful progress in the general curriculum.
- Students are not only entitled to access the academic portion of the curriculum but also to participate in extra-curricular activities sponsored by the school.
- FAPE is also closely tied to a principle known as ***Least Restrictive Environment (LRE)***.

Least Restrictive Environment (LRE)

The federal law, IDEA, mandates that students with disabilities must be educated with their non-disabled peers to the maximum extent appropriate based on the student's needs. This mandate is called the Least Restrictive Environment.

- The TEAM, including the parents, determines the placement that the student needs to provide the services on the student's IEP and the TEAM must choose the Least Restrictive Environment able to provide those services.
- Least Restrictive Environment means that the student should attend the school he or she will attend if non-disabled, unless the TEAM determines that the nature of the student's disability will not allow that student to have a successful educational experience in that environment.

- Both federal and Massachusetts special education laws require that a TEAM consider where supplemental aids and services and specialized instruction could make it possible for a child to be educated with non-disabled peers, if the student's program requires a more restrictive setting to be successful, then the TEAM may consider other settings

Placement Meeting

Upon developing an IEP, if the needs of the student and the services identified are complex and the TEAM is considering an initial placement out-of-district or a change in an out-of-district placement, the TEAM might schedule a separate TEAM meeting to determine placement.

- The placement meeting must be held within 10 school days following the meeting at which the TEAM developed an IEP.
- Prior to the placement meeting, the district and parent shall investigate in-district and out-of-district placements
- At the placement meeting, the district and parent must report on options. If an inpatient program can provide the services on the IEP, such a program shall be identified, at the meeting and provided by the district, if not, the placement TEAM shall identify an out-of-district placement.

Protocol for Placing Students in More Restrictive Environment Within the District

The process would be similar to the process we use of our Instructional Support TEAMs (IST), where interventions and supports are put in place for a prescribed period of time over which data would be collected. After the delegated time period, the TEAM would meet to review the data and effectiveness of the strategies implemented and, if necessary, to make revisions to the intervention plan.

If a change in placement is still being considered due to a lack of progress:

- The Special Education coordinator/ETL at the school where the child is enrolled would contact the special education administrator(s) at the school which houses the program(s) that are being considered
- The sending Special Education Coordinator/ETL would observe the possible placement option(s) to assess whether the placement should be presented to the TEAM for discussion.
- If the sending Special Education Coordinator/ETL determines that the setting would be an appropriate option, the receiving administrator and/or teacher would conduct an observation and document review prior to the sending school having an IEP meeting to recommend/discuss a change in placement.

The move to a more restrictive placement can be made after this process is followed and documentation is provided to support the move.

Out-of-District Placement

- Students in an out-of-district placement shall be entitled to the full protections of state and federal special education laws

- When an out-of-district placement is identified by the TEAM, the determination shall ensure that the student's placement is as close as possible to the student's home.
- For the duration of the student's placement in an out-of- district setting in Massachusetts, the Special Education Administrator shall make a good faith effort to ensure that the student's IEP is being appropriately implemented. (See Appendix 11)

Transition Planning

Planning for a student's transition from school to post school opportunities will facilitate a student's ability to successfully participate in activities such as post-secondary education, work, and community and adult life.

Effective transition planning is based on a student's goals or vision. IDEA requires that beginning at age 14, planning to the transition to adult living must be part of the IEP. Students must be invited to TEAM meetings. For those receiving services from adult agencies (18+), representatives from those agencies should be invited when transitions are being discussed.

Transition Planning Sequence of Steps

- By 14 – Student invited to TEAM meeting, transition planning discussion begins, and initial TPF (Transition Planning Form) is developed.
 - The content of a TPF includes: instructional needs, employment planning and post school adult life
- By 17 – TEAM discusses transfer of rights and age of majority
- By 18 (Age of Majority) – Decision making rights are transferred to the student or shared with the guardian/student
- 2 years before graduation or turning 22 – Chapter 688 referral made to appropriate adult agency
(See Appendix 3 – Transition Planning Form and Age of Majority Form)

Chapter 688

During transition planning, it is important to remember that when students with disabilities graduate from school or turn 22, they are no longer entitled to special education services under IDEA. Massachusetts has a planning process to identify possible needed services from adult human services agencies for students. This is known as Chapter 688 planning.

- A Chapter 688 referral should be made 2 years before a student graduates from high school or turns 22 years old if services will be needed
- To receive adult services a student must be found eligible for services by the adult agency.

688 Referral Process:

- Filing a Chapter 688 referral creates a documented need for services and supports for adults with severe disabilities
- In Massachusetts, students with severe disabilities access adult services agencies through the Chapter 688 referral process. Chapter 688 provides two year coordinated planning

process for students whose entitlements to special education services will end when they graduate from school or turn 22 years of age

- Students who receive services in accordance with an IEP and receive SSI/SSDI/and are on the registry for the Massachusetts Commission for the Blind (MCB) are automatically eligible for Chapter 688. Other students may be eligible are those students who are in need of continued services and are unable to work more than 20 hours a week in a competitive non-sheltered, non-supported employment at the time they are ready to leave school. Also student who receive services from DYS (Department of Youth Services) or DCF (Department of Children and Families), are on an IEP or 504 Plan may be eligible
- Only school systems can refer student who may be eligible for adult services
- Chapter 688 referrals are completed electronically to determine where referrals can be sent. Referrals can be made to DDS (Department of Developmental Services), DMH (Department of Mental Health), MRC (Massachusetts Rehabilitation Commission), MCB (Massachusetts Commission for the Blind) or the MCHHH (Massachusetts Commission for the Deaf and Hard of Hearing). ([Electronic Referral](#))

Continuum of Special Education Services

In accordance with the Massachusetts state requirements under 603 CMR 28.05 (7)(b), as well as Federal requirements under 34 CFR 300.109-110 and 34 CFR 300.115, the Chelsea Public School District has established a full continuum of programming and services for all students regardless of disability within the district, as well as options available outside the district, as determined by the IEP TEAMS for each individual student. Students with IEPs in grades pre-school through post-secondary, ages 3-22, have access to programming ranging from;

- Full inclusion (80-100% of the school day in general education classroom with non-disabled peers),
- Partial inclusion (41-79% of the school day in general education classroom with non-disabled peers),
- Substantially separate (0-40% of the day in general educational classroom with non-disabled peers),
- Separate public or private day placements or residential school settings.

A full continuum of substantially separate programming includes Functional Academics, Learning Centers, and Social Communications.

Our district is a Social Emotional Learning (SEL) community and all of our classrooms are trauma sensitive. Related services are provided to students who are placed both in and out of district, in all areas as identified through the IEP TEAM. These services include, but are not limited to: Speech and Language Therapy, Occupational Therapy, Physical Therapy, Vision services from a Teacher of the Visually Impaired, Orientation and Mobility services, and counseling.

Legal Notices and Advisories

Parent Due Process Rights

Parents have the right to appeal any aspect of the eligibility process through the Bureau of Special Education Appeals (BSEA). Parents should be provided the contact information for the BSEA as part of the N2 form (Finding of No Eligibility) as well as the Parent's Notice of Procedural Safeguards.

Parent's Notice of Procedural Safeguards

- DESE website link: <http://www.doe.mass.edu/sped/prb/>. This document should be provided in the parent's native language, which is available on the DESE website.

The Family Education and Privacy Act (FERPA)

The federal Family Educational Rights and Privacy Act (FERPA, sometimes called the "Buckley Amendment") applies to schools that receive federal education funds. FERPA requires schools to protect the privacy of student records, and gives parents and students rights including inspection and review of student records. The FERPA statute is found at 20 U.S.C. sec. 1232g. The FERPA regulations are found at 34 CFR Part 99. The Massachusetts Student Record Regulations are consistent with the FERPA statute and regulations.

Mediation vs. Hearing

Mediation is a voluntary process in which both parties seek to come to agreement or compromise. It is confidential and binding. No attorneys are present.

A **hearing** is much like court proceedings. Individuals provide sworn testimony and evidence. Attorneys are usually present. A Hearing Officer acts as a judge. Decisions are binding and are published (student names are not used).

Transfer and Access to Student Records

When a student with an IEP transfers from one school district to school district, whether both of those districts are within the Commonwealth of Massachusetts or not,

- Any Massachusetts school to which the student is transferring takes reasonable steps to promptly obtain the student's records, including the IEP, from the former school, and
- Any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school's request for records.

The Chelsea Public Schools ensures that the transfer of a special education student does not result in any interruption of special education and related services. CPS is responsible for ensuring that students moving into the district have available special education and related services in conformity with an IEP. An IEP must be in effect before services can be provided. The Chelsea Public Schools may do this by either adopting the IEP of the previous school district OR by developing a new IEP. Before the IEP is finalized, CPS may provide interim services agreed to by both the parents and the district.

After receiving a written request for student records from a public or private school, including schools operated by the Department of Juvenile Justice, the local school system or school from which the records are requested shall mail or otherwise deliver within a period of no more than 10 calendar days a copy of all requested student records to the school system or school to which a student has transferred.

- DESE website Link: <http://www.doe.mass.edu/lawsregs/603cmr23.html?section=07>

Voluntary Termination of Special Education Services by Parent

The parent or legal guardian has the due process right to cease special education services.

- DESE website link: http://www.doe.mass.edu/sped/advisories/10_1.html

Hospitalized Educational Service

Special Considerations: Per Administrative Advisory SPED 2003-1, students shall be entitled to teaching at home and in the hospital if the child's physician determines the child will have to remain at home or in a hospital for more than 14 school days in any school year. An expedited evaluation, which shall be limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluations, shall be conducted and services provided to eligible students in the Chelsea Public Schools within 15 calendar days of the school district's receipt of the child's physician statement

- DESE website link: http://www.doe.mass.edu/pqa/ta/hhep_qa.html

Translated IEP Forms & Notices

Translated IEP Forms and Notices from the school district must be provided in a parent or guardian's native language or other mode of communication that they use, unless it is clearly not feasible to do so. To ensure that parents whose primary language is not English have the information the District is required by law to provide to them, the District may need to obtain interpreters or prepare additional translated materials for the parents or guardians under IDEA-2004. If a parent's or guardian's native language or other mode of communication is not a written language, the school district must ensure that the school's notices are translated for the parent or guardian orally or by other means (e.g., by sign language), and that they understand the content of the notice.

Please Note The Massachusetts Department of Elementary and Secondary Education has the IEP Forms and Notices translated into sixteen languages. In addition there is a glossary corresponding to each language translating common special education terms.

- DESE web-site: <http://www.doe.mass.edu/sped/iep/tforms.html>

District Procedures

District Curriculum Accommodation Plan

District Curriculum Accommodation Plan (DCAP) is a document of universal accommodations that all students can access. (See Appendix 8)

Guidelines for Observations by Parent(s)/Guardian(s) and/or Parent/Guardian Designee

Massachusetts General Law Chapter 71B, Section 3 requires school committees, upon request by a Parent/Guardian, to grant timely and sufficient access by Parent(s)/Guardian(s) and consultants designated by a Parent(s)/Guardian(s) to a child's current program and/or a program that has been recommended by the child's IEP TEAM. Section 3, as amended, limits the restriction or conditions that schools may impose on these observations. The purpose of the law is to ensure that Parent(s)/Guardian(s) can participate fully and effectively in determining the child's appropriate educational program.

The following represent general guidelines for scheduling and conduct of such observations:

1. Parent(s)/Guardian(s) request to observe their child's educational program or a program that has been recommended by the child's IEP TEAM must be submitted to the building Principal. The request shall specify the name child, the name of the observer, contact information of the parent and the observer (if not the parent), and subject areas/ special education services to be observed.
2. Requests for observations shall be responded to in a timely manner by the Principal or designee.
3. Parent(s)/Guardian(s) or designee will be offered observation dates and times that are mutually convenient and without undue and unnecessary delay, however, parents should not expect to schedule the observation within five days of their written request.
4. Chelsea Public Schools will not schedule observations during state testing days, e.g. MCAS. It also discourages scheduling observations on days that are not "typical" for the student e.g. school days with field trips, assemblies or other special activities, as well as during the first two weeks of school. This is a time of transition for students and faculty and not optimal for observational purposes.
5. Any individual observing the program will be required to sign a confidentiality agreement to ensure that information learned about other students during the observation will not be shared with third parties.
6. The Principal shall notify the building's Special Education Liaison upon receipt of a request for observation and prior to the scheduling thereof.
7. Observation length is decided on a case-by-case basis. Factors to be considered include the subject areas and services that are requested and the potential for disruption to the program. However, most observations can be completed in two (2) hours. Therefore, unless otherwise required, the district will schedule the observation for a two (2) hour block of time.

8. The number of observers at any one time may be limited to avoid disruption of the classroom to be observed and to ensure the integrity of the education programs for the students within the classes to be observed.
9. If the observer is not the Parent(s)/Guardian(s), the Parent(s)/Guardian(s) must sign a release authorizing an observation by the Parent(s)/Guardian(s) designee and permitting communication and the exchange of information regarding the child with the Parent(s)/Guardians(s) designated observer. That written release shall be submitted to the building principal prior to the scheduling of the observation.
10. Observers must sign a Student Observation Confidentiality Agreement prior to the start of the observation.
11. Observers will be accompanied by a member of the school staff for the duration of the observation.
12. Staff will generally not be available for conversation during or immediately before or after the observation.
13. Chelsea Public Schools retains the right to restrict program observations if necessary to protect the safety of children or the integrity of the program.
14. Student records for the student who is the subject of the observation will be available in accordance with the student records regulations. The records of other students, however, will not be available to any observer.

Discipline

Disciplining Students with Special Needs

Why is Special Education important if a student is suspended or expelled?

- IDEA is the federal law providing students with disabilities the right to **FAPE** (a free and appropriate education) and also requires procedural protections against school discipline.

Who is a disabled student?

- A student who receives special education services as part of an IEP
- A student can be considered disabled ***even if the school has not tested or identified the student as disabled, if the school “knew or should have known” of the student’s disability, the student may still be protected by special education.***

Why do students with a documented disability receive more protections in disciplinary matters?

- By giving students with disabilities added protection, a balance is being struck between maintaining safe schools and safeguarding the education of students with disabilities.

Can a disabled student be suspended or expelled?

- In general, a student can be suspended or removed from school for disciplinary reasons for a short period of time, which is no more than 10 days.
- The student’s IEP TEAM must meet within 10 days of the school’s decision to impose discipline.
- This meeting is called a **Manifestation Determination** (see below) and the TEAM will determine if the misbehavior was caused and had a direct relationship to the student’s disability or was the direct result of the school’s failure to provide services required by the student’s IEP.
- If the TEAM determines that the behavior ***WAS NOT*** caused by or directly related to the student’s disability then the student with a disability can be disciplined in the same manner and for the same length of time as other students for the same offense.
- If the TEAM determines that the behavior ***WAS*** caused or directly related to student’s disability or a failure to properly implement the IEP, the student must be returned to the last approved IEP placement unless the IEP TEAM decides on a different placement.

What if a disabled student is suspended or expelled for fewer than 10 days?

- If the suspension is fewer than 10 days BUT the total number of suspensions in the school year is 11 or more days, the student may be entitled to IDEA’s increased protection if there is a “pattern” of suspensions.
- A school may order a suspension/ another educational setting for fewer than 10 days in the same way those disciplinary measures would apply to a non-disabled student.

- A suspension for even 1 day for conduct related to a disability may be considered illegal discrimination.

If a student is not identified as disabled are they entitled to IDEA protection?

- Students who are suspected of having a disability should be treated as disabled students for purposes of discipline.
- Students with disabilities, whether or not they have been identified are entitled to protection if:
 - A parent expressed concern in writing that the student needs special education or related services
 - The student's behavior or performance demonstrated the need for services
 - The parent requested an evaluation
 - The student's teacher or school personnel expressed concern about their behavior/performance to other school staff

What rights do students with disabilities have when they are being disciplined?

- If a student's placement changes because of school discipline for more than 10 cumulative days in a school year the student is entitled to:
 - An IEP meeting to determine if the current placement is appropriate.
 - If the student is already identified as having a disability, the TEAM meeting must be held before or within 10 days of the suspension or expulsion
 - The school must ensure parental participation in the TEAM meeting
 - The school must provide written notice of the school's proposed change in student placement. This notice should include: reasons for proposed action, a description of alternatives the school considered (and an explanation of why those were rejected), a description of each evaluation procedure, test record or report, and an explanation of all procedural rights.
 - An FBA (Functional Behavioral Analysis) must be completed no longer than 10 business days from the day of suspension
 - After the FBA is completed the TEAM must reconvene as soon as possible to develop a Behavior Intervention Plan (BIP) aimed at minimizing problem behavior
 - The BIP must be put into place as soon as it is developed
 - If the student already has a BIP, the IEP TEAM must meet and review and change the plan to address the problem behavior
 - If a BIP is in place, a review must take place after every new suspension

Manifestation Determination

- A school cannot suspend or expel a disabled student when the student's behavior was a 'manifestation' of his/her disability
- A student's behavior is a 'manifestation' of the disability when it can be shown that the disability caused or contributed to the behavior

- To make this determination, a TEAM meeting must be held within 10 days of the date the discipline was imposed
- Factors outlined by law must be considered and if the TEAM finds the behavior was caused by the student's disability, ***they cannot be suspended, expelled, or otherwise disciplined***
- Except in the case of drugs or weapons, the student should return to their original educational placement
(See Appendix)

Appeals

- Parents can appeal the results of a Manifestation Determination, decisions about special education eligibility or placement by requesting a hearing at the Bureau of Special Education Appeals
- A student has the right to 'Stay Put' in their current school placement while the appeal is taking place
- In most cases, the school can suspend a student or place them in an "interim alternative educational setting" for up to 10 days.

What if the suspension is related to drugs, weapons, or serious bodily harm?

- School personnel can unilaterally place a student in an appropriate interim alternative educational setting (home tutoring may not be permissible) for the same time as a non-disabled student would be subject to discipline but not for more than 45 days, if the student:
 - Carries certain dangerous weapons to school or to a school function
 - Knowingly possesses or uses illegal drugs at school or at a school function
 - Sells or attempts to sell a controlled substance at school or at a school function
 - Has inflicted serious bodily injury upon self or another while at school or at a school function

Interim Alternative Educational Setting (IAES – "45 Day Placements")

The school must provide documentation of all efforts to educate the students before a 45 day is requested. A Functional Behavioral Assessment (FBA) should be completed and implemented as part of the documentation provided.

An IAES for up to 45 school days is appropriate for consideration if the student carries a **dangerous weapon** to school or at a school function, knowingly possesses, uses, or attempts to sell **illegal drugs at school** or at a school function, or has inflicted **serious bodily injury** upon self or another while at school or at a school function. (Notify appropriate authorities)

Get permission from the Administrator of Special Education for the 45 day placement.

The Special Education Coordinator/ETL is required to:

1. Contact the 45 day placement to see if they have space for student.
2. Send the 45 day placement information on your student- Cover letter with concerns, IEP, Evaluations, and Immunization.
3. If the 45 day program will accept the student then you must secure a release form and a PL1 page and obtain a parent signature for consent.
4. Set up transportation for 45 day placement.
5. During the 45 day placement the student will remain on the school district's attendance.
6. Within the 45 day timeframe, meetings will take place on day 10, 20, and the final 45 day meeting to determine placement.

Appendix 1: Eligibility Flowchart & SLD Paperwork

[Special Education Eligibility Determination](#)

The following Specific Learning Disability paperwork can be found [here](#).

Specific Learning Disability Team Determination of Eligibility

Required Documentation for Component 1: Historical Review and Educational Assessment
SLD1

Required Documentation for Component 2: Area of Concern and Evaluation Method SLD 2

Required Documentation for Component 3: Exclusionary Factors SLD 3

Required Documentation for Component 4: Observation SLD 4:

- Pre-school/Kindergarten

- Elementary (Grades 1-4)

- Middle (Grades 5-8)

- Secondary (Grades 9-12)

Specific Learning Disability Eligibility Requirements Instructions (SLD TA 1)

Specific Learning Disability Eligibility Checklist (SLD TA 2)

Ensuring Underachievement is Not Due to Lack of Appropriate Instruction in Reading or Math
(SLD TA 3)

Instructional Support Team Technical Assistance Prior to Referral for Special Education
Evaluation (SLD TA 4)

Appendix 2: Disability Definitions

DISABILITY DEFINITIONS

Massachusetts Special Education Regulations provide these Disability Definitions at 603 C.M.R. 28.02(7).

Autism – A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 C.F.R. 300.7(c)(1).

34 C.F.R. 300.7(c)(1) (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section. (ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.

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

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

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

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

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

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

Emotional Impairment – As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the TEAM determines that the student has a serious emotional disturbance.

Note: The federal definition uses the term “serious emotional disturbance.” State statutory requirements require that the term “emotional impairment” be considered synonymous with the term “serious emotional disturbance.”

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

Physical Impairment – The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student’s educational performance.

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

Specific Learning Disability – The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think speak, read, write, spell, or to do mathematical calculations. Use of the term shall meet all federal requirements given in federal law at 34 C.F.R. 300.7(c)(10) and 300.541.

C.F.R. 300.7(c)(10) Specific learning Disability is defined as follows:

- (i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- (ii) Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

C.F.R. 300.541(a)(1)

(a) A TEAM may determine that a child has a specific learning disability if—

- (1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a)(2) of this section, if provided with learning experiences appropriate for the child's age and ability levels; and
- (2) The TEAM finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:
 - (i) Oral expression.
 - (ii) Listening comprehension.
 - (iii) Written expression.
 - (iv) Basic reading skill.
 - (v) Reading comprehension.
 - (vi) Mathematics calculation.
 - (vii) Mathematics reasoning.

(b) The TEAM may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of—

- (1) A visual, hearing, or motor impairment;
- (2) Mental retardation;
- (3) Emotional disturbance; or
- (4) Environmental, cultural or economic disadvantage.

Appendix 3:

IEP Forms and Notices

Each form is a hyperlink to the Massachusetts DESE website. If you do not have the ability to click on each link please visit the following web address <http://www.doe.mass.edu/sped/iep/forms/english/>

[Administrative Data Sheet](#)

[Individualized Education Program](#)

[Placement Consent Form 3-5 year olds](#)

[Placement Consent Form 6-21 year olds](#)

[Educational Environment/Placement 3-5 year olds](#)

[Educational Environment/Placement 6-21 year olds](#)

[Notice of Proposed School District Action N1](#)

[IEP Evaluation Consent Form Attachment \(N1A\)](#)

[Notice of School District Refusal to Act N2](#)

[Meeting Invitation](#)

[Attendance Sheet](#)

[Transition Planning](#)

[Mandated Parental Notice and Consent to Access MassHealth \(Medicaid\) Benefits](#)

CHELSEA PUBLIC SCHOOLS**Summary of Initial / Reevaluation Meeting****I. Student Information**

Student Name: _____		DOB: _____	LASID#: _____
Parent/Guardian Name(s): _____			
Address: _____	Phone #: _____	Cell/Work#: _____	
Teacher: _____	Grade: _____	School: _____	
Contact Person: _____	Phone #: (617) 466- _____	Email: _____	
@chelseaschools.com			

II. Evaluation Results

	Strengths	Concerns/Challenges
Parent:		
Teacher:		
Speech & Language:		
Occupational Therapy:		
Academic:		
Psychological:		
Other:		

III. Eligibility Determination

1. Does the student have one or more of the following disabilities? •Autism •Emotional •Specific Learning •Developmental Delay •Communication •Health •Intellectual •Physical •Neurological •Sensory: Hearing, Vision, Deaf-Blind	<input type="checkbox"/> no →	Student is not eligible for Special Education Services, but may be eligible for services in other programs
<input type="checkbox"/> yes →		If yes, indicate disability type(s): _____
2. a) Is the student making effective progress in school? <input type="checkbox"/> no	<input type="checkbox"/> yes →	Student is not eligible for Special Education, but may be eligible for accommodation(s) for disability(ies) under Section 504 of the Rehabilitation Act or may be eligible for other services in other programs.
2. b) Is the lack of progress a result of the student's disability? <input type="checkbox"/> yes	<input type="checkbox"/> no →	
2. c) Does the student require specially designed instruction in order to make effective progress in school or does the student require related services in order to access the general curriculum? <input type="checkbox"/> yes	<input type="checkbox"/> no →	
THE STUDENT IS ELIGIBLE FOR SPECIAL EDUCATION		

CHELSEA PUBLIC SCHOOLS

Complete this page only if the student is found eligible for Special Education

IV. Goals

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V. Service Delivery: (Where and with what frequency will the student receive services?)

A: Consultation	B: In the General Education Classroom	C: Outside of the General Education Classroom

VI. Extended School Year

Does the student require extended school year? ☐ Yes ☐ No

☐ SLP: ☐ OT: ☐ PT: ☐ Academic: ☐ Other:

VII. Transportation

Does the student require specialized transportation? ☐ Yes ☐ No

VIII. Accommodations: Accommodations for district testing must match classroom accommodations

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IX. Vision Statement:

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IX. Parent/Guardian Signatures:

Parent/Guardian excuses the following team members from today's meeting:

X

Parent/Guardian acknowledges that he/she has received a copy of the following:

- ☐ Meeting summary notes
☐ Parent Procedural Safeguards

X

CHELSEA PUBLIC SCHOOLS**Annual Meeting Summary****I. Student Information:**

Student Name: _____	DOB: _____	LASID#: _____
Parent/Guardian Name(s): _____		
Address: _____	Phone: _____	Cell/Work: _____
Teacher: _____	Grade: _____	School: _____
Contact Person: _____	Phone: (617) 466- _____	Email: _____

@chelseaschools.com

II. Evaluation Results:

	Strengths	Concerns/Challenges
Parent:		
Teacher:		
Speech & Language:		
Occupational Therapy:		
Academic:		
Psychological:		
Other:		

III. Goals: What areas does the student need to improve in?

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IV. Supports: What supports does the student require in order to improve in these areas?**A. Setting:** Does the student require a classroom placement in order to improve in these areas?

- ☐ No, the student does not require a classroom placement at this time.
☐ YES. The least restrictive setting for this student to make effective progress in these areas is:
☐ General Education ☐ Integrated ☐ Learning Center ☐ Social Communications

B. Related Services: What services will the student receive and where will those services be provided?

A Grid: Consultation services with the classroom teacher	B Grid: Direct services in the student's general education classroom	C Grid: Direct services in an individual or small group setting

CHELSEA PUBLIC SCHOOLS

C. Extended School Year: Does student require an extended school year to prevent regression of skills?

☐ No, the student does not require extended school year at this time.

☐ YES, the student requires the following services: ☐SLP ☐OT ☐PT ☐Acad. ☐Other:

D. Specialized Transportation: Does the student require specialized transportation?

☐ No, the student does not require specialized transportation at this time.

☐ YES, the student requires specialized transportation to come to school.

E. Accommodations: What specialized strategies are needed for the student to make effective progress?

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V. Additional Testing: Does the team recommend any additional evaluations?

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VI. Parent's Vision Statement:

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VII. Parent/Guardian Signatures:

The following team members are excused from today's meeting:

Los siguientes miembros del equipo están justificados de la reunion:

X

I have received a copy of the following / Yo he recibido una copia de lo siguiente:

☐ Meeting summary notes / Notas de la reunion

☐ Parent Procedural Safeguards / Aviso de las Salvaguardias del Procedimiento para los padres

X

Date: _____

CHELSEA PUBLIC SCHOOLS**Reconvene
Meeting Summary****I. Student Information**

Student Name: _____	DOB: _____	LASID#: _____
Parent/Guardian Name(s): _____		
Address: _____	Phone #: _____	Cell/Work#: _____
Teacher: _____	Grade: _____	School: _____
Contact Person: _____	Phone #: (617) 466- _____	Email: _____

@chelseaschools.com

II. Updates

	Strengths	Concerns/Challenges
Parent:		
Teacher:		
Speech & Language:		
Occupational Therapy:		
Academic:		
Psychological:		
Other:		

III. Does the Team Recommend a Placement Change?☐ YES☐ NO
☐ None
☐ General Education
☐ Integrated
☐ Learning Center
☐ Social Communications
IV. Does the Team Recommend Changes to Current Goals?☐ YES☐ NO**V. Does the Team Recommend Changes to the Service Delivery?**☐ YES☐ NO

A Grid: Consultation (Indirect Services)	B Grid: General Education Classroom (Direct Services)	C Grid: Other Setting (Direct Services)

CHELSEA PUBLIC SCHOOLS

VI. Does the Team Recommend Extended School Year Changes? ☐ YES ☐ NO

Does the student require extended school year? ☐ Yes ☐ No

☐ SLP: ☐ OT: ☐ PT: ☐ Academic: ☐ Other:

VII. Does the Team Recommend Transportation Changes? ☐ YES ☐ NO

Does the student require specialized transportation? ☐ Yes ☐ No

VIII. Does the Team Recommend Changes to Current Accommodations? ☐ YES ☐ NO

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IX. Does the Team Recommend Additional Testing? ☐ YES ☐ NO

X. Parent/Guardian Signatures:

Parent/Guardian excuses the following team members from today's meeting:

X

Parent/Guardian acknowledges that he/she has received a copy of the following:

☐ Meeting summary notes

☐ Parent Procedural Safeguards

X

Date: _____

CHELSEA PUBLIC SCHOOLS**Non-Chelsea Public Schools Evaluation Review
Meeting Summary****I. Student Information**

Student Name: _____	DOB: _____	LASID#: _____
Parent/Guardian Name(s): _____		
Address: _____	Phone #: _____	Cell/Work#: _____
Teacher: _____	Grade: _____	School: _____
Contact Person: _____	Phone #: (617) 466- _____	Email: _____

@chelseaschools.com

II. Evaluation Results

Agency	Strengths	Concerns/Challenges

III. Does the Team Recommend a Placement Change?☐ YES☐ NO
☐ None
☐ General Education
☐ Integrated
☐ Learning Center
☐ Social Communications
IV. Does the Team Recommend Changes to Current Goals?☐ YES☐ NO**V. Does the Team Recommend Changes to the Service Delivery?**☐ YES☐ NO

A Grid: Consultation (Indirect Services)	B Grid: General Education Classroom (Direct Services)	C Grid: Other Setting (Direct Services)

VI. Does the Team Recommend Extended School Year Changes?☐ YES☐ NODoes the student require extended school year? ☐ Yes ☐ No
☐ SLP:
☐ OT:
☐ PT:
☐ Academic:
☐ Other:
VII. Does the Team Recommend Transportation Changes?☐ YES☐ NODoes the student require specialized transportation? ☐ Yes ☐ No

CHELSEA PUBLIC SCHOOLS

VIII. Does the Team Recommend Changes to Current Accommodations? ☐ YES ☐ NO

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IX. Does the Team Recommend Additional Testing? ☐ YES ☐ NO

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X. Parent/Guardian Signatures:

Parent/Guardian excuses the following team members from today's meeting:

X

Parent/Guardian acknowledges that he/she has received a copy of the following:

- | |
|---|
| <input type="checkbox"/> Meeting summary notes |
| <input type="checkbox"/> Parent Procedural Safeguards |

X

CHELSEA PUBLIC SCHOOLS**Manifestation Determination Meetings****I. Student Information**

Student Name: _____	DOB: _____	LASID#: _____
Parent/Guardian Name(s): _____		
Address: _____	Phone #: _____	Cell/Work#: _____
Liaison: _____	Grade: _____	School: _____
Meeting Chair: _____	Phone #: _____	Email: _____ @chelseaschools.com

II. Summary of the information considered

	Details
Date(s) of suspensions	
# of suspensions: _____	
Review of relevant information in student's file and IEP	
Review of infractions/behavior	
Review of any observations of student	
Relevant information provided by the parent	
Any other relevant information	

III. Team determined that:

- Conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or
☐ yes ☐ no
- The conduct in question was the direct result of the district's failure to implement the IEP
☐ yes ☐ no

If **no** to **both** questions, disciplinary removal may occur in the same manner as a child without disabilities but the IEP services need to be provided.

- ☐ If **yes** to question 1, the district will take immediate steps to ensure the implementation of the child's IEP.
- ☐ If **yes** to question 2, the team will conduct or review a functional behavior assessment (FBA) and develop revise a behavior intervention plan (BOP)

X. Additional Information:

XI. Additional Testing: Does the recommend any additional evaluations? If so, what type?

X. Parent/Guardian Signatures:

I have received a copy of the following / Yo he recibido una copia de los siguiente:

☐ Meeting summary notes

☐ Parent Procedural Safeguards

School District Name: Chelsea Public Schools

School District Address:

School District Contact Person/Phone #: 617-466-5000

AGE OF MAJORITY NOTICE

To Student: _____ DOB: _____ Grd/Lvl: _____ SASID: _____

From: _____

Date: _____

Re: Student Rights Upon Reaching Age 18 (Age of Majority)

As you approach your 18th birthday, your rights and responsibilities under Massachusetts and federal special education laws will be changing, and we are writing to inform you of those changes. Please read this letter carefully. I will be happy to sit with you and explain anything you might want to have clarified.

When you reach your 18th birthday, you will be considered an adult under special education law, and you will be asked to make a choice. You may decide to make all decisions yourself, without the consent of your parents. You may choose to share decision-making with your parent(s) or guardian, or any other adult of your choice, including allowing your parents to co-sign your IEP. Or you may decide to continue to have your parents make education decisions for you. We will ask you to convey your choice to the TEAM in writing at the time of your birthday.

There is one exception: if your parent(s) or guardians have sought and received guardianship from a court, they will continue to have authority. If they do not obtain guardianship, they cannot override any decision you make after your 18th birthday.

These important responsibilities reflect your status as an adult, and we know that you will make these decisions wisely. Please discuss this with your parents, and be assured we will be happy to help you with this decision in any way that we can.

A copy of the Parent's Notice of Procedural Safeguards is included with this memo. All the rights described in the brochure will transfer to you upon your eighteenth birthday. Please take the time to review this brochure and discuss the contents with your parent/guardian. If you have any questions or concerns about this letter or the contents of the enclosed Parent's Notice of Procedural Safeguards please contact the director of special services.

cc: Parent/Guardian
Student file

Enclosure: 2 copies of Age of Majority Notice
Notice of Transfer of Parental Rights Form
Parent's Notice of Procedural Safeguards
Age of Consent Decision Form

School District Name: Chelsea Public Schools

School District Address:

School District Contact Person/Phone #: 617-466-5000

AGE OF MAJORITY NOTICE

To Student: DOB: Grd/Lvl: SASID:

From:

Date:

Re: Student Rights Upon Reaching Age 18 (Age of Majority)

AGE OF MAJORITY NOTICE RECEIPT

Please sign & return one copy of this letter within ten days

Student Signature

Date:

Parent/Guardian Signature

Date:

This district does not discriminate on the basis of race, color, religion, sexual orientation, gender identity, national origin, age, gender or handicap in admission to, access to, treatment in or employment in its programs or activities

Chelsea Public Schools
Pupil Personnel Special Education Department
99 Hawthorne Street
Chelsea, Massachusetts 02150
Telephone (617) 466-5036 Fax (617) 889-7531

AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION

This is to authorize the Chelsea Special Education Office to **OBTAIN / RELEASE** to: circle one or both

Name of Agency, Hospital, Physician, Institution, Company	
Address	
City, State, Zip Code	

The following Information only	Medical Record Psychological Assessment IEP All Assessments Other
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For the Purpose of:	Educational Planning Other: _____ _____
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This Information Pertinent to:	Name: _____ DOB: _____ Address: _____ City, State: _____
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Please Forward the Requested Information to:	
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Special Education records will only be released to a person or agency with the written consent of a parent, guardian, or an educational advocate, specifying which of the records are to be released and to whom.

All relevant records with respect to the identification, evaluation and placement of your child will be maintained in the Special Education Central Office and local school special education office.

Your student's records are available for your examination by appointment. This authorization may be withdrawn by the parent, guardian, or advocate at any time in the future.

Signature	Date	Relationship
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Chelsea Public Schools

99 Hawthorne Street
Chelsea, MA 02150
(617) 466-5036 (Phone)
(617) 889-7531 (Fax)

TEAM MEETING SURVEY

Dear Parents of Guardians:

In order to ensure that we address your concerns during the Evaluation Team process, the district is seeking your feedback on today's meeting. If you have the time, please complete the following confidential survey.

Thank You,

Cindy D. Rosenberg
Director Pupil Personnel Special Education Services

As a participant in the TEAM Meeting...	Strongly Agree	Agree	Disagree
1. I was a welcomed member of the TEAM.			
2. I was asked to share my views and opinions.			
3. The Team considered my child's strengths and weaknesses.			
4. I was comfortable sharing my thoughts.			
5. Educational terms were explained.			
6. I understood the goals that were developed.			
7. I believe that the IEP will address my child's needs.			

Please feel free to share any additional comments:

X	
---	--

Parents/Guardians Signature Date



Dear General Education Teacher:

For more information on this student, you may access the special education files located in room 147. Only professionals who are working with the student may review the information in the files. The information is ***confidential*** and therefore the files may not leave the special education office.

Please sign and return to me a copy of this letter. Keep a copy in the student's IEP and any other information in a secure place in your classroom/office.

Special Education Coordinator

[illegible]

Appendix 4: Specialized Transportation Procedure



Chelsea Public Schools
Pupil Personnel / Special Education

99 Hawthorne Street
Chelsea, MA 02150
(617) 466-5036
(617) 889-7531 (Fax)

Specialized Transportation for In-District Students with Disabilities
Procedure

The student's Individualized Education Program (IEP) team must make the determination as to whether a child requires specialized transportation as a related service. The criteria for how the student's disability necessitates the need for, door-to-door, specialized transportation may include: special health conditions, medical issues, ambulatory needs, specialized equipment required, or for safety reasons (student is unaware of their environment or will not respond to adults directions).

The Individualized Education Program (IEP) team considers what prevents the student from accessing the same transportation provided to non-disabled students or from getting to/from school in the same manner as non-disabled students.

Specialized Transportation for Out of District Students with
Disabilities Procedure

The student's Individualized Education Program (IEP) team must make the determination for door-to-door, specialized transportation.



Appendix 5:
SPED Technical Assistance Advisory on ASD and
DSM-V ASD Updates

Special Education Technical Assistance Advisory SPED 2014:1: DSM-5 Changes and the Impact on Students with Autism Spectrum Disorders (ASD)

From: Maria Mittnacht, State Director of Special Education

Date: July 30, 2013

Reference: <http://www.doe.mass.edu/sped/advisories/2014-1ta.html>

I write this advisory in response to some significant changes in the Diagnostic and Statistical Manual of Mental Disorders (DSM), which is a key diagnostic tool.

While special education eligibility is not a medical decision or a diagnosis, making a determination of eligibility often includes medical assessment and diagnostic terminology. In the past, the Department of Elementary and Secondary Education (Department) has emphasized that eligibility for special education is an educational determination made by a TEAM of people familiar with the child and with assessment information available about the child. However, the DSM is used by health care professionals in the United States and much of the world as an authoritative guide for making diagnoses. Therefore, changes to the DSM deserve special mention.

The purpose of this advisory is to:

- a. Confirm that changes in the DSM-5 diagnostic categories do not alter a student's current eligibility status or IEP, nor does it change any of the federal and state laws or regulations related to the determination of special education eligibility or services.
- b. Provide some detail on the changes to the DSM.

Background DSM-5 Changes:

The latest version of the DSM, the DSM-5, modifies previously separate DSM sub-categories of diagnoses in the area of Autism; including, Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS), Asperger's Disorder and Autistic Disorder. All these subcategories are no longer separately named in the DSM-5; they are now subsumed under the broad classification of Autism Spectrum Disorder.

This diagnostic name change may be alarming to parents of students with these current diagnoses who worry that their children's eligibility for special education services will be affected based solely on the DSM-5 changes. It is important to note, however, that the DSM-5 Committee stated that all individuals who currently have a DSM-4 diagnosis of Asperger's Disorder, PDD-NOS, or Autistic Disorder should be given the diagnosis of Autism Spectrum Disorder. This technical change in diagnostic category in the DSM-5 will not alter a student's current eligibility status or IEP, in part because there is no substantive change in the DSM-5 with respect to the criteria for each disorder, but also because special education eligibility and IEP determinations are based on federal and state special education regulations, which include definitions of "disability" for purposes of special education eligibility.

Readers are reminded that the definition of "autism" in the Massachusetts Special Education Regulations (MSER) explicitly defers to the definition of autism that appears in the federal Individuals with Disabilities Education Act regulations. It states that "autism" is "a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences." 34 CFR §300.8(c)(1). The federal "autism" definition, and thus, the Massachusetts definition, is unaffected by the changes to the DSM-5. As such, a student's eligibility and IEP remains the same as well.

The DSM-5 contains a new diagnostic category called Social Communication Disorder. Students who struggle with social (pragmatic) communication will typically fall into one of two diagnostic categories in the new DSM-5: Autism Spectrum Disorder (ASD) or Social Communication Disorder (SCD). According to the DSM-5, ASD must be ruled out before a diagnosis of SCD may be given.

School personnel and parents should be knowledgeable about what the DSM-5 SCD diagnosis means and not confuse it with the MSER definition for "communication impairment." The MSER definition does not include difficulties with social communication and would most likely not be an appropriate disability identification for students presenting solely with social communication issues. Some evaluators may give students with social (pragmatic) communication difficulties the DSM-5 diagnosis of SCD, and not ASD. For these students, IEP TEAMS making an eligibility determination will most likely need to crosswalk to the MSER definition of autism, not communication impairment, to analyze whether that definition fits the evaluative information available to the TEAM. As in all eligibility determinations, the TEAM will also need to consider whether the student's disability negatively impacts the student's ability to make effective education progress.

For students on the autism spectrum, readers are also reminded that G.L. c. 71B, §3 requires IEP TEAMS to consider seven areas of need when developing the IEP of a student on the spectrum.

1. The verbal and nonverbal communication needs of the student.
2. The need to develop social interaction skills and proficiencies.
3. The needs resulting from the student's unusual responses to sensory experiences.
4. The needs resulting from resistance to environmental change or change in daily routines.
5. The needs resulting from engagement in repetitive activities and stereotyped movements.
6. The need for any positive behavioral interventions, strategies and supports to address any behavioral difficulties resulting from autism spectrum disorder.
7. Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development (e.g. organizational support, generalizing skills, practicing skills in multiple environments).

Conclusion:

If a student has a diagnosis on the autism spectrum, his or her eligibility for special education services in Massachusetts does not change due to recent changes in the DSM-5 related to children on the autism spectrum. The DSM-5, although widely used, is only one diagnostic tool. Additionally, federal and state special education laws and regulations, not the DSM-5, prescribe the criteria for the listed definitions of disability, such as autism.

Appendix 6:

Sample ASD TEAM Meeting Checklist

Source: http://doe.mass.edu/sped/advisories/07_1ta.html

Autism Spectrum Disorder (ASD): A developmental disability significant affecting verbal and nonverbal communication and social interaction, generally evident before age 3, which adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Is there medical documentation of an autism spectrum disorder? Yes ☐ No ☐

Student Name:	Student ID #:
Diagnosis:	Name of Physician/Facility:

When developing an IEP for a student with ASD, the TEAM must consider each of the following areas:

Verbal and nonverbal communication needs of the student:

- ☐ The student's current level of communication
- ☐ The system of communication most effective for the student
- ☐ The functions for which the student uses and understands language
- ☐ The student's ability to use and understand nonverbal communication (i.e. eye gaze, facial expression, gesture)
- ☐ Any emerging communication skills reported by the family or other TEAM members

Need to develop social interactions and proficiencies:

- ☐ The student's ability to respond appropriately to the social approach of others
- ☐ The types of social interactions the student is capable of initiating
- ☐ The student's pragmatic language skills
- ☐ Anecdotal information about the student's abilities within small and large group settings and in typical activities for students of that age
- ☐ The student's variations in play or inappropriate play with toys

Needs resulting from the student's unusual responses to sensory experiences:

- ☐ **Tactile:** does the student with ASD demonstrate a lack of awareness to his/her body in space, and/or a need for a higher level of input in tactile experiences?
- ☐ **Visual:** *Is the student's eye gaze avoidant of, or fixated on, particular sights?*
- ☐ **Sound:** *How does the student with ASD respond to auditory events?*
- ☐ **Smell/Taste:** *does the student with ASD respond in an atypical fashion to olfactory events or tastes?*

Needs resulting from resistance to environmental change or change in daily routine:

- ☐ Difficulty tolerating environmental changes (such as moving furniture or other items), resulting in unusual or intense responses
- ☐ Difficulty tolerating change in routines (such as changing the order of scheduled daily activities), resulting in unusual or intense responses
- ☐ Unusual responses to sensory experiences

Needs resulting from engagement in repetitive activities and stereotyped movements:

- ☐ Preoccupation with one or more restricted and stereotyped patterns of interest that is atypical either in intensity or focus (e.g., knowing and reviewing the schedule of nationwide trains)
- ☐ Inflexible adherence to specific nonfunctional routines or rituals (e.g., repeating all answers 3 times) or a need to follow the same routine or sequence when completing tasks (e.g., tapping a spoon on the table between each mouthful of yogurt)
- ☐ Stereotyped/repetitive motor mannerisms (e.g., hand flapping) or a persistent preoccupation with parts of objects (e.g., fixating on the wheels of a toy car)

Need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from ASD:

- ☐ Significant repetitive behaviors (e.g., hand flapping or rocking), self-injury, aggression, destruction, consuming dangerous objects, and inappropriate vocalizations warrant a Functional Behavioral Assessment
- ☐ Given the characteristic combination of social communication and behavior challenges exhibited by students with ASD, a well-written and appropriately implemented behavior intervention plan is an essential piece of many IEPs

Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development:

Skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing:

Appendix 7:
Sample Emotional Impairment TEAM Meeting
Checklist

For special education eligibility purposes, emotional impairment is defined as: a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance.

- 1) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- 2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- 3) Inappropriate types of behavior or feelings under normal circumstances;
- 4) A general pervasive mood of unhappiness or depression;
- 5) A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional or behavioral disorders can be divided into externalizing and internalizing behaviors. Externalizing behaviors are commonly described as: aggressive, impulsive, coercive and noncompliant. Behaviors may include:

- Violates basic rights of others
- Violates societal norms or rules
- Has tantrums
- Steals, causes property loss or damage
- Is hostile or defiant; argues
- Ignores teachers' reprimands
- Demonstrates obsessive/compulsive behaviors
- Causes or threatens physical harm to people or animals
- Uses lewd or obscene gestures
- Hyperactive

Internalizing behaviors can be described as: withdrawn, lonely, depressed, and anxious. Behaviors may include:

- Exhibits painful shyness
- Is teased by peers
- Is neglected by peers
- Is depressed
- Is anxious
- Is anorexic or bulimic
- Is socially withdrawn
- Tends to be suicidal
- Has unfounded fears and phobias
- Tends to have low self-esteem
- Has excessive worries; panics

When TEAMS are considering a student's eligibility for special education under the category of emotional impairment, it may be beneficial to consider additional information regarding each component of the IDEA definition, as well as samples of behaviors or characteristics associated with the criteria. In order to determine eligibility, the TEAM **should be able to identify characteristics or behaviors associated with a minimum of one of the following areas, which occur over a long period of time and to a marked degree that adversely affects a child's educational performance.**

The following list is not intended to be all-inclusive; rather, it is structured to allow TEAMS to make clearer decisions regarding special education qualification depending on the presented behaviors or symptoms.

1) An inability to learn that cannot be explained by intellectual, physical, or health factors
Key details:

<input type="checkbox"/> Incapable, unable, cannot, lacks the power or capacity to learn despite appropriate educational interventions; <input type="checkbox"/> Cannot make academic gains when causes such as learning disability, intellectual impairment, and lack of motivation are eliminated
Sample characteristics/behaviors: <input type="checkbox"/> May display discrepant achievement due to anxiety, pervasive depression, and/or reality distortion <input type="checkbox"/> Disorganization <input type="checkbox"/> Quitting or giving up easily <input type="checkbox"/> Difficulty retaining material <input type="checkbox"/> Learning to some extent but achievement scores significant differ from potential
Things to consider: <input type="checkbox"/> Is there or have there been attendance issues? <input type="checkbox"/> Is there a history of a learning disability? <input type="checkbox"/> Does the student display a disorder in thought, reasoning, perception, or memory, which can be attributed to an emotional condition?
2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
Key details: <input type="checkbox"/> Difficulty demonstrating sympathy, warmth, and empathy toward others to establish and maintain friendships; <input type="checkbox"/> Unable to be constructively assertive <input type="checkbox"/> Unable to work and play independently <input type="checkbox"/> Must be documented that the student cannot initiate or maintain interpersonal relationships across multiple settings, at least one of which is educational
Sample characteristics/behaviors: <input type="checkbox"/> Disorganized/distorted emotions toward others <input type="checkbox"/> Withdrawal from social interactions, has no friends at home, at school, or in the community <input type="checkbox"/> Does not voluntarily play, socialize, or engage in recreation or structured activities with others <input type="checkbox"/> Avoids talking with teachers and peers, or is selectively mute <input type="checkbox"/> Is excessively physically or verbally aggressive when others approach him/her; alienates others through consistently hostile or detached behaviors <input type="checkbox"/> Shows lack of affect or disorganized emotions toward others, or auditory/visual hallucinations with negatively affect relationships with others <input type="checkbox"/> Displays consistent anxiety-based or fear-driven avoidance of meaningful school-based social interactions <input type="checkbox"/> Exhibits withdrawal, isolation and/or bizarre interactive patterns suggesting behaviors symptomatic of schizophrenia, social phobic reactions, depression, obsessive compulsive disorders, etc <input type="checkbox"/> Seeks excessive approval from others through abusive, self-humiliating and/or immature actions <input type="checkbox"/> Seeks negative attention by being ostracized, punished, humiliated, and/or hurt by others <input type="checkbox"/> Exhibits inappropriate sexual behavior <input type="checkbox"/> Difficulty separating from caregivers <input type="checkbox"/> Overly affectionate <input type="checkbox"/> Lack of social awareness (may not understand social conventions or behavioral expectations)
Things to consider: <input type="checkbox"/> Does the student participate in social activities? <input type="checkbox"/> Does the student report having friends? <input type="checkbox"/> Does the student withdraw from peer and/or adult contact? <input type="checkbox"/> Is the student unable to initiate or maintain relationships or is he unwilling?

- ☐ Does the student avoid communicating with peers or adults? If so, is the student fearful of peers/adults?
- ☐ Is the problem with peers/adults related to antisocial subgroup behavior?
- ☐ Are conflicts with adults primarily with authority figures, issues of control, and/or power struggles?
- ☐ What is the student's affect? Is it appropriate or distorted?
- ☐ Does the student show emotional coldness, detachment, or flattened affectivity?
- ☐ Are the student's peer relationships short-lived, anxiety provoking, and even chaotic?
- ☐ Are the student's peers alienated by the intensity of the student's need for attention?
- ☐ Are there constant conflicts and tension in almost all of the student's social relationships?

3) Inappropriate types of behaviors or feelings under normal circumstances

Key Details:

- ☐ Behaviors that make the student appear strange or unusual compared to others in the same situation
- ☐ Does not include behaviors that would be described as solely oppositional or conduct disordered
- ☐ Does not include behaviors that are willful and understood by the student

Sample characteristics/behaviors:

- ☐ Extreme social withdrawal
- ☐ Deviance, acting out, lying, cheating, stealing
- ☐ Unexplained rage reactions or violent temper tantrums, low frustration tolerance, emotional overreactions, and impulsivity
- ☐ Bizarre or psychotic behaviors such as compulsions, hallucinations, preoccupations, delusions, ritualistic body movements, severe mood swings, obsessions
- ☐ Lacks appropriate fear reactions
- ☐ Shows flat, blunted, distorted, or excessive affect
- ☐ Engages in bizarre verbalizations, peculiar posturing or ritualistic behavior
- ☐ Behaves aggressively in a manner that seems unprovoked or extreme for the circumstance, such as physically attacking other children for unclear or unjustified reasons
- ☐ Unusual or unprovoked sexual behaviors, such as public masturbation or attempts to fondle parents or teachers
- ☐ Engages in self-mutilation
- ☐ Demonstrates manic reactions or manic behaviors, such as unexplained euphoria, racing thoughts, and excessive activity
- ☐ Dwells in fantasy life or seems out of touch with reality
- ☐ Regressive behaviors and/or unacceptable social behaviors under stress (such as temper tantrums, excessive or uncontrollable crying, wetting pants or soiling)
- ☐ Limited or excessive self-control
- ☐ Low self-esteem and/or distorted self-concept
- ☐ Inappropriately laughs or cries
- ☐ Refuses to respond to others
- ☐ Inability to make changes or transitions
- ☐ Lacks empathy and/or appears remorseless
- ☐ Rapid changes in behavior or mood, wide mood swings
- ☐ Limited ability to predict consequences of behavior
- ☐ Non-compliant, refuses to do work, or passive aggressive
- ☐ Lack of assertiveness
- ☐ Overly perfectionistic or hard on self
- ☐ Defensive without provocation

Things to consider:

- ☐ Are conflicts with adults primarily with authority figures, issues of control, and/or power struggles?

- ☐ What is the student's affect? Is it appropriate or distorted?
- ☐ Does the student accept responsibility for their behaviors or do they project blame to others or are they confused?
- ☐ Is the student generally anxious or fearful?
- ☐ Does the student have severe mood swings of depression happiness to rage/anger for no apparent reason?
- ☐ Does the student display extreme mood lability or is the behavior the result of a quick temper?
- ☐ Does the student display behaviors associated with a conduct disorder or ODD?
- ☐ Does the student have delusions, auditory or visual hallucinations, disorganized speech, grossly disorganized or catatonic behavior, flat or appropriate affect?
- ☐ Does the student have control of their behavior?
- ☐ Does the student suspect that others are exploiting, harming, or trying to deceive them?
- ☐ Does the student worry or are they preoccupied with unjustified doubts about loyalty or trustworthiness of friends?
- ☐ Is the student reluctant to confide in others because of unwarranted fear that information will be used maliciously against them?
- ☐ Does the student perceive attacks on their character or reputation, which are not apparent to others and is quick to react angrily or to counterattack?
- ☐ Does the student read hidden demeaning or threatening meanings into benign remarks or events?
- ☐ Does the student persistently bear grudges and is unforgiving of insults, injuries, or slights?
- ☐ Does the student display manic behavior?
- ☐ Does the student display repetitive, ritualistic, stereotyped motions?
- ☐ Is the student oriented to time or place?
- ☐ Does the student display bizarre ideas or statements?
- ☐ Does the student display a lack of contact with reality?
- ☐ Does the student display a marked illogical thinking, incoherence, loosening of associations, or magical thinking?

4) A general pervasive mood of unhappiness or depression

Key details:

- ☐ Must demonstrate actual symptoms of depression
- ☐ Symptomology typically involves changes in four major areas: affective, motivational, physical and motor functioning, and/or cognition
- ☐ Manifestation of unhappiness or depression must be pervasive, chronic, and observable in the school setting
- ☐ Must be a state that has persisted beyond the time usually expected for reactions to a specific traumatic event or situation (such as parental divorce or death of a family member). If the reactions appear to be mild or of moderate intensity, are of short duration, and are closely tied to a specific situation, they should be addressed utilizing non-special education services, like individual counseling or referral for mental health services outside school
- ☐ If it is unusually intense or has generalized to other situations, if the student seriously talks about death or a genuine desire to die or commit suicide → indicates a severe reaction that needs to be addressed immediately through a referral to a mental health professional

Sample characteristics/behaviors:

- ☐ Seems constantly unhappy, sad, pessimistic, depressed and/or hopeless most of the time
- ☐ Has lost interest in and/or pleasure in activities, pastimes, or social relation
- ☐ Displays major changes in eating patterns and weight level when not dieting
- ☐ Demonstrates loss of energy, is frequently fatigued or over-tired, and/or is experiencing insomnia or hypersonmia nearly every day
- ☐ Experiences feelings of worthlessness and/or hopelessness
- ☐ Expresses feelings of excessive or inappropriate guilt, blames self and/or is extremely self-critical
- ☐ Shows prolonged periods of crying and confusion about the reason for crying

- ☐ Seems to feel little or no emotion or is emotionally unresponsive
- ☐ Has recurrent thoughts of death or desires to be dead, talks repeatedly of suicide
- ☐ Engages in suicidal ideation and/or attempts to harm self
- ☐ Displays outbursts of uncontrollable and excessive anger, frustration, or irritability which are changes from previous behavior
- ☐ Exhibits diminished ability to think or concentrate, such as memory difficulty or indecisiveness, that is not associated with marked loosening of associations or incoherence
- ☐ Listless or apathetic
- ☐ Hides
- ☐ Anxious habits such as nail biting or hair pulling
- ☐ Obsessive/compulsive

Things to consider:

- ☐ Does the student fail to demonstrate an interest in special events or interesting activities?
- ☐ Is the student overly dependent or impulsively defiant?
- ☐ Is the student generally anxious or fearful?
- ☐ Does the student have severe mood swings of depression, happiness, to rage/anger for no apparent reason?
- ☐ Do the behaviors appear associated with a conduct disorder or ODD?
- ☐ Does the student have control of their behavior?
- ☐ Does the student have an interest in their usual activities?
- ☐ Does the student display persistent feelings of depression, hopelessness, sadness, or irritability?
- ☐ Is the student engaging in extreme self-destructive behavior?
- ☐ Is the student displaying behaviors associated with poor self-esteem or inadequate self-concept (e.g. blames self or inadequacies, real or imagined?)
- ☐ Does the student have outbursts of over-activity or manic behavior?
- ☐ Does the student now have or in the past had problems with any of the following: poor appetite or overeating; insomnia or hypersomnia; low energy or fatigue; low self-esteem; poor concentration; feelings of hopelessness?
- ☐ Has the student experienced diminished interest or pleasure in all or almost all activities most of the day, nearly every day? When?
- ☐ Is the student experiencing feelings of hopelessness and sadness? Does this occur often? What are the circumstances that might cause them to feel that way?
- ☐ Has the student experienced a significant weight loss or gain?
- ☐ Has the student experienced recurrent thoughts of death (not just fear of dying), recurrent suicidal ideation? When? How often?
- ☐ Has the student experienced problems associated with psychomotor agitating or retardation nearly every day (must be observable by others)? When?

5) A tendency to develop physical symptoms or fears associated with personal or school problems

Key details:

- ☐ Represents physical symptoms or fears that develop as reactions to emotional problems that have no known medical cause
- ☐ Common to manifest physical reactions to stress and tension → important to demonstrate that the physical symptoms and fear are excessive and chronic

Sample characteristics/behaviors:

- ☐ Complains of physical problems without known medical cause (psychosomatic illnesses), such as aches and pains, headaches, nausea, problems with eyes, rashes, stomachaches, cramps, or vomiting
- ☐ Displays physical reactions that appear specifically linked to stress or conflict, such as increased heart rate, sweating palms, or tremors

- ☐ Physical reactions or behaviors are not under voluntary control, such as tics, eye blinking, or unusual vocalizations
- ☐ Has persistent and irrational fear of specific objects, situations, or activities that result in compulsive and/or avoidance behavior
- ☐ Expresses excessive fear of going to school, may have excessive absences, tardiness, truancy, "school phobic"
- ☐ Has irrational fear that catastrophe or harm will occur to self, parent, or other important person, fears that a parent/adult will leave home and never return
- ☐ Worries excessively about learning or school performance to the point that somatic complaints are evident and result in the inability to function/perform
- ☐ Excessively fearful in response to new situations, certain people or groups, certain classes or activities
- ☐ May be preoccupied with morbid beliefs or thoughts
- ☐ Unusual sleeping or eating patterns
- ☐ Fearful of getting hurt or rejected
- ☐ Self-mutilation and/or eating disorders
- ☐ Frequent visits to health office
- ☐ Auditory or visual hallucinations
- ☐ Constant complaining of being picked on
- ☐ Neglects self-care and hygiene

Things to consider:

- ☐ Does the student have any physical symptoms or fears associated with personal or school problems?
- ☐ Does the student display disabling anxiety when talking about school?
- ☐ What does the student say when he is questioned about the problem?
- ☐ Has the student experienced panic reactions?
- ☐ Is the student generally anxious or fearful?
- ☐ Are the parents reporting the behavior and has it been observed by an educator?
- ☐ Has the parent sought treatment to determine cause?
- ☐ Does a formal medical diagnosis exist?

Demonstrated over a long period of time

Key details:

- ☐ Manifested over a long period of time (6 months or longer)
- ☐ Displayed via high frequency of occurrences over a short period of time or through multiple acute episodes that may be the culmination of underlying emotional problems
- ☐ Differential time periods may be considered in relation to the chronological age of the student or the intensity of the problem
- ☐ Excludes episodic emotional or behavioral disturbances that are transitory and would be expected to subside over time under normal circumstances
 - Examples: traumatic events such as death in the family, divorce, illness, birth of a sibling, a family move, or financial crisis → in these situations, must determine that the problems have continued beyond the expected time limits for normal adjustment

Demonstrated to a marked degree

Key details:

- ☐ Includes two separate components, both of which must be present:
 - Pervasiveness – students demonstrate characteristics of disability across most settings (i.e., school, home, community), problems observed and documented by several members of school staff in more than once class. *If problems exist primarily in the home or community but not in school, the student should not be considered to have an emotional disability*
 - Severity/intensity – problem behaviors must be demonstrated in an overt, acute, and observable manner. Must be clearly apparent to school staff and others who are familiar with the student and not solely documented in psychological assessments or clinical settings.
- ☐ Also, problem behaviors must not have changed or improved after implementations of at least two planned and documented interventions applied in the school setting prior to referral

That adversely affects the child's educational performance

Key details:

- ☐ Must result in impairment of the student's ability to learn and/or perform the academic or daily living tasks required in his educational program
 - Can be demonstrated by: inability to pass from grade to grade or pass several academic courses in a given year
 - Work samples that show abnormal thought processes and/or an inability to complete tasks
 - Curriculum or portfolio based information that clearly demonstrates a rate of academic progress that is noticeably slower than that of student's peers and slower than would be predicted for that student based on his intellectual ability
 - Standardized achievement scores that are approx. 1.5 standard deviations below the student's expected achievement based on intellectual ability
 - Inability to attend, concentrate, follow class discussions, and/or participate appropriately in educational activities, resulting from things like bizarre thought processes or out of control emotions
 - Serious, recurring disciplinary problems that are emotionally based and that interfere with educational performance
- ☐ Educational progress includes academic performance AND/OR social emotional growth
 - Consider areas of: academic progress, social competence, social relationships, personal adjustment, classroom adjustment/prevocational skills, self-care, vocational skills

Rule out social maladjustment

Key details:

- ☐ Excluded from the category of emotional disturbance UNLESS IT IS DETERMINED THAT THE INDIVIDUAL ALSO HAS AN EMOTIONAL DISABILITY

Sample characteristics/behaviors:

- ☐ Displays misbehavior that is controlled and understood
- ☐ Usually has intact peer relationships
- ☐ Is often a member of a subculture group that is asocial or antisocial
- ☐ Is often skilled at manipulating others
- ☐ Has conflicts primarily with authority figures (e.g., parents, school personnel, police)
- ☐ Often displays self-confidence or strong self-identity outside of school situations
- ☐ Tends to be independent and appear self-assured
- ☐ Appears defiant and oppositional
- ☐ Shows courage, responsibility, and imagination but toward undesirable ends
- ☐ Generally reacts toward situations with appropriate affect
- ☐ Lacks appropriate guilt (i.e., underdeveloped conscience) and often blames others for his problems though otherwise appears reality oriented

- ☐ Dislikes school expect as a place for social contacts
- ☐ Is frequently truant, and/or rebels against rules and structures
- ☐ Is involved with criminal justice system
- ☐ Frequently avoids school achievement even in areas of competence
- ☐ Has a diagnosis of conduct disorder or a dual diagnosis of conduct disorder and substance use

Appendix 8:

DCAP

Chelsea Public Schools

District Curriculum Accommodation Plan (DCAP)

In May 2012, the Commonwealth of Massachusetts adopted a law for school districts to implement a District Curriculum Accommodation Plan:

“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 special education services under chapter 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement.”

The Public Schools of Chelsea are proud of its richly diverse student body. This diversity infuses our schools and classrooms with varied experiences and strengths, yet it also presents unique challenges. Teachers regularly grapple with how to meet the needs of Chelsea students who represent a broad range of learning styles, life experiences, languages spoken, parent and familial expectations, previous school experiences and background skills and knowledge. The purpose of the DCAP is to describe the strategies and resources that are available to classroom teachers and specialists to address the diverse learning needs of our students outside of sped. The DCAP is to be used by Instructional Support TEAM with teachers before and instead of students being evaluated to determine special education eligibility. The use of the DCAP is not intended to be the beginning of the special education evaluation process. As stated by the Massachusetts Department of Education the targeted areas for DCAP are:

1. Strategies to assist classroom teachers to accommodate various students learning needs including ELL students and to manage students’ behaviors effectively.
2. Provide support services to students that are available through regular education
3. Direct and systematic instruction in reading for all students
4. Teacher mentoring and collaboration
5. Parental involvement

Accommodations and Supports for General Education Classrooms

- Accommodations are changes in how a student may access information in the classroom.
- Accommodations are changes made to provide students with equal access to learning opportunities.
- Accommodations do NOT change or alter the instructional level or content.
- Accommodations do NOT change the performance criteria for a student.

Below are lists of instructional strategies all teachers can use in the classroom to maximize students' success in general education classrooms. The lists are broken down by domain: reading, writing, math, communication, and behavior.

Reading:

To improve phonological awareness:

- Oral rhyming activities
- Segmenting spoken sentences into words
- Segmenting spoken words into syllables
- Identifying and practicing onset and rhyme sounds
- Identifying spoken words with same initial sounds
- Identifying spoken words with same ending sounds
- Blending orally presented phonemes into words
- Segmenting orally presented words into phonemes

To improve decoding skills:

- Check vision
- Presenting phonemic awareness activities (see above)
- Use rhyming activities
- Use of multi-sensory instruction
- Match letter/sounds
- Use blending sounds to read real and nonsense words
- Use finger/markers for tracking left to right
- Present and practice syllabication rules
- Synthesized words
- Use a variety of texts
- Use word families
- Provide opportunity for daily reading
- Repeated phonic rules verbally (auditory cues) and via chart (visual cues)
- Teach self monitoring
- Teach use of graphic/semantic organizers
- Teach use of questions to guide reading
- Teach ways to generate questions
- Teach story structures
- Teach summarization
- Teach elaboration (prediction, prior knowledge, etc.)

- Discuss pictures before reading text
- Have student answer questions orally
- Have student illustrate sentences or stories
- Highlight key concepts in text
- Have student write sentences for or illustrate reading vocabulary words
- Have student to list details of a story
- Use sequence pictures then retold story
- Have student to complete cloze sentences and/or paragraphs
- Have students finish incomplete stories
- Use guided reading materials
- Use high interest text at instructional and independent reading levels
- Use supplemental materials/resources

To improve fluency:

- Model fluent reading
- Multiple readings of the same text
- Choral reading
- Use log of misread words for practice
- Use literature-based instruction with semantic cues
- Provide instruction in small groups
- Provide instruction 1-1
- Send home word list for home practice sessions
- Set up home reading system with parents
- Use guided reading groups
- Use read alouds
- Pair students for practice reading aloud

To improve sight word recognition:

- Provide flash cards for drill/practice
- Use configuration cues
- Send home word lists for home practice
- Use language experience/concrete meaning
- Use a word wall

To improve reading comprehension skills:

- Pre-read story to student
- Re-read favorite stories and independent-leveled text
- Read stories with predictable text
- Echo reading
- Shared reading
- Multiple readings of texts at independent level

To improve vocabulary acquisition:

- Shorten words into basic categories
- Describe common objects
- Classify categories of words
- Teach common synonyms and antonyms

- Use known word in compound words
- Teach homophones/homographs
- Use dictionary/thesaurus to locate word meanings
- Teach strategies of use knowledge of word origins, synonyms, etc.

Other strategies, including consultations with specialists:

Math:

When skills/readiness are lower than grade level:

- Assess for level of instruction
- Provide small group instruction
- Allow student to use math facts table

To improve the memorizing of math facts:

- Teach and practiced in a systematic way
- Provide extra opportunities to practice
- Provide references to assist in fact calculation
- Use mnemonic devices when possible
- Use songs, rhymes, or games

To improve ability to attend to important details:

- Highlight operational signs/key words and phrases in math problems
- Use vertical lines/graph paper for organizing work
- Reduce the amount of problems on a page
- Use a window overlay to isolate items on a page

To improve the understanding of concepts:

- Use concrete objects/manipulatives
- Give extra time to explore and practice
- Teach/analyze new vocabulary/terms
- Use simple, consistent language
- Provide visuals an examples
- Provide instruction in small group or 1-1
- Have student repeat directions

To increase the rate of work completion:

- Reduce number of problems to complete
- Sent unfinished work home to complete
- Gave choices
- Used a timer
- Broke up long assignments into parts

To improve ability to sequence steps for computation:

- Provide multiple reviews of steps
- Use reference guide at seat
- Use acronyms and mnemonic devices
- Color coded steps

- Use manipulatives

Other strategies, including consultations with specialists:

Writing:

To improve spelling:

- Use multi-sensory approach
- Allow student to spell into a tape recorder
- Use picture or color cues or word shapes
- Teach sight words in a meaningful phrase or sentence
- Teach specific spelling rules
- Use same words for reading, spelling, and writing tasks
- Reduce the number of expected words
- Test the student orally
- Send home spelling words for practice
- Make individualized word lists to learn, using miscues from student's work

To improve handwriting:

- Provide hand strengthening activities (e.g., clay, squeeze ball)
- Provide special paper (e.g., wider spaced lines, graph paper)
- Use pencil grip
- Use various writing tools
- Break up longer written assignments into smaller parts
- Allow student to vocalize while writing
- Read back pieces to student to see if written works makes sense
- Teach revision skills
- Give student choices regarding topics
- Provide alphabet and number strips at seat
- Use multi-sensory activities (e.g., sandpaper, sand, foam)
- Use cues (e.g. finger spaces) for spacing between words
- Reduce copying from book or board
- Seat student near board for copying

To improve written expression:

- Allow student to verbalize or tape record thoughts before writing
- Use word processor for written tasks/assignments
- Help student get started on written tasks
- Use graphic organizer
- Allow un-timed, written assessments
- Use story starters or prompts
- Use rubric as a guide for written assignments
- Use checklists for proofing written work

Other strategies, including consultations with specialists:

Executive Functioning (Monitor, Initiate, Plan/Organize, Memory, Shift):

To improve ability to attend to verbal information:

- Shorten length of listening activities
- Reduce visual distractions in the classroom
- Provide pictures and/or other visual cues
- Write key vocabulary on the board
- Use audio material presented through headphones
- Use choral speaking in a group to maintain attention
- Provide opportunities for periodic rehearsal of information presented orally
- Allow student to copy notes from a peer
- Use graphic organizers
- Break longer presentations into shorter units
- Touch or cue student when attention is waned
- Change student's seat to decrease distractions
- Modify/shorten task and amount of material
- Use material on the student's instructional level
- Send home extra set of texts
- Use preferential seating
- Allow periodic physical breaks

To improve transitions between activities:

- Keep routines structured
- Post expected rules and behavior
- Mark student's space and material
- Post the schedule for the day
- Cue students prior to transitions
- Allow students opportunity for movement
- Practice transition routines

To improve positive group participation skills:

- Give specific feedback to student for successful interactions
- Use role-playing to teach appropriate behaviors
- Provide a "cool down" space
- Use written behavior contracts
- Use regular feedback system between home and school
- Provide frequent choices for student
- Provide individual/small group
- Send home extra sets of text

To improve work completion:

- Use student checklists
- Use study carrel
- Use a timer
- Use headset to block extraneous noise
- Use a reinforcement system, such as stickers or tokens
- Use work assignment lists
- Break lengthy, long-term assignments into smaller parts

- Reduce/modify assignments
- Simplify worksheets/tasks
- Problem solve with the student

Other strategies, including consultations with specialists:

Language:

- Provide visual supports (pictures, picture schedules, objects/manipulatives)
- Repeat and rephrase information
- Pre-teach vocabulary
- Create a quick vocabulary reference or word wall
- Simplify and break down directions
- Chunk information
- Create a language-rich environment
- Incorporate interests or prior knowledge into instructional activities
- Seating near peer models
- Encouraging students to repeat and rephrase information in their own words
- Encouraging students to request repetition or clarification
- Expand on things the child has said in a positive way
- Give the child forced alternatives (for example, “Do you want juice or milk?”) to encouraged responses
- Ask open ended questions
- Model appropriate language

Other strategies, including consultations with specialists:

Emotional Functioning:

- Teach asking for a break appropriately
- Teach asking for help appropriately during a demand
- Have student use a regulation scale (i.e., emotional thermometer)
- Encourage daily self-calming practice in or out of the classroom
- Have student develop and use a calming box (examples of contents include; weighted blanket, noise reduction headphones, theraputty)
- Use concise language
- Work on explicit relationship building (have the student develop a strong, positive relationship with a teacher or staff member who likes and enjoys the student)
- Develop transition warnings and strategies
- Respond quickly if the student asks for help
- Praise/encourage/reinforce on-task behavior (utilize the clinically supported ratio of at least 4 positive to 1 correction)
- Teacher may provide positive feedback or praise verbally or in a note (such as a sticky note)
- Allow the student to earn escape or breaks for exhibiting appropriate behavior
- Provide more time to complete certain types of assignments in the classroom
- Model appropriate behavior for the student in anxiety-provoking situations
- Provide opportunities for physical activity throughout the day
- To help build self esteem, provide opportunities for the student to teach skills she/he knows how to perform to another student or small group of students.

- Arrange test/exam schedule with no more than one exam/test per day

Other strategies, including consultations with specialists:

Social Skills:

- Model and scaffold simple imaginative play themes
- Use prompts and cues to help the student initiate and sustain participation in social interactions with peers including cooperative play.
- Provide the student with positive feedback and reinforcement for initiating and maintaining social interactions with peers.
- Use social stories to make expectations clear to the student about appropriate social behavior.
- Each time the teacher witnesses student making an attempt to cope with a social problem in a positive way, provide verbal reinforcement and encouragement. When appropriate, ask the what actions appeared to be most effective and what actions were less effective, and the student's perceptions of the reasons for the differences.
- Establish classroom rules for social interactions.
- Discuss and provide examples of appropriate and inappropriate comments.
- Post the rules on the wall along with the pre-established consequences.

Other strategies, including consultations with specialists:

Identification Checklist

Part of determining the best strategies to support a student in the general education classroom is to identify the student's strengths and challenges. Below is a list of elements of learning. For each element, teachers identify the student's level of performance (excelling, meeting expectations, struggling, inconsistent, or not applicable). Other items may be added as appropriate.

Academic Profile	Excelling	Meeting Expectations	Struggling	Inconsistent	N/A
Oral Expression					
Listening comprehension and language processing fluency					
Vocabulary and concept knowledge					
Language features: grammar, syntax, text structures					
Written expression and production, idea development, writing stamina and fluency					
Phonemic Awareness					
Phonics, decoding, spelling					
Reading fluency					
Reading Comprehension					
Math computation					
Math reasoning					
Attention	Excelling	Meeting Expectations	Struggling	Inconsistent	N/A
Is focused and alert during whole group activities					
Initiates work independently					
Completes work independently					
Sits still for an appropriate period of time					
Performs consistently					
Is able to distinguish between important and unimportant information					
Connects new information with previous experiences					
Can focus on low interest tasks					
Plans responses, anticipates concepts					
Self-monitors work					

Self-monitors behaviors

Transitions well

Higher Order Cognition

Excelling

**Meeting
Expectations**

Struggling

Inconsistent

N/A

Uses effective problem solving strategies

Can demonstrate ideas nonverbally

Understands/generates appropriate humor

Takes ideas and expands them

Uses imagination to expand on ideas

Language Expressive/Receptive

Excelling

**Meeting
Expectations**

Struggling

Inconsistent

N/A

Expresses written ideas in complete sentences

Speaks fluently w/ appropriate vocabulary

Decodes connected text effectively

Associates sounds with corresponding symbols

Reads individual words

Comprehends what s/he reads

Understands directions

Social Cognition

Excelling

**Meeting
Expectations**

Struggling

Inconsistent

N/A

Gets along well w/ peers in structures situations

Gets along well with peers in unstructured situations

Speaks appropriately @ appropriate times

Is able to self advocate

Can resolve conflicts with peers

Behaves appropriately to the situation

Is sensitive to the needs/feelings of others

Memory

Excelling

**Meeting
Expectations**

Struggling

Inconsistent

N/A

Retains new information

Copies from board or text

Can manage multi-component tasks

Remembers facts

Remembers patterns

Remembers routines

Executive Function & Organization Profile

Excelling

**Meeting
Expectations**

Struggling

Inconsistent

N/A

If focused and alert during whole group activities

Initiates work independently

Completes work independently

Sits still for an appropriate length of time

Can focus on low interest tasks

Self-monitors work

Works at appropriate speed

Transitions well

Keeps belongings supplies, resources organized

Retains new information

Remembers routines

Organizes and produces ideas fluently in speaking and in writing

Can manage multi-component tasks

Appendix 9:
Accommodations, Modifications,
and Specially Designed Instruction

Things to consider: Level of intensity, amount of direct instruction, delivery of instruction, level of instructional materials, and significant changes to performance criteria

Accommodations change HOW a student learns the material. They can involve changes to the instructional environment to allow a student to access the curriculum.

Modifications change WHAT a student is taught or expected to learn. Students who receive modifications are not expected to learn the same material as their classmates.

Specially designed instruction means adapting, as appropriate, to the needs of an eligible child in terms of the content, methodology, or delivery of instruction to address the unique needs of that child that result from the child's disability. It also ensures that the child can access the general curriculum so that he or she can meet the educational standards adopted by the state.

Accommodation	Modification	Specially Designed Instruction
<p>* <i>Same</i> instructional materials and <i>same</i> outcome objective</p> <p>- Can be provided by general education teachers</p> <p>Examples: Changes in presentation of material (e.g. listening to an audio recording or a text), changing where a student sits, extra time to complete tests, using typing technology, completing assignments in different formats</p>	<p>* <i>Same</i> instructional materials and <i>different</i> outcome objective, <i>different</i> instructional materials and <i>same</i> outcome objective, OR change in outcome <i>amount</i></p> <p>Examples: Completing shorter or easier reading assignments, requiring a student to cover less material or material that is less complex (e.g. a shorter spelling list or a different spelling list), alternate assessments</p>	<p>* <i>Different</i> instructional materials and <i>different</i> outcome objectives</p> <p>- Level of material used significantly different than used by students in general education</p> <p>- Highly intensive instruction using teaching practices not commonly used in general education</p> <p>- Designed by a special educator</p> <p>- Special education services will usually include specially designed instruction unless the student only requires a related service(s) to access the general curriculum</p>

Aspects of specially designed instruction:

- **Modified content:** the knowledge and skills being taught to the student are different than what are being taught to typically developing same-aged peers (e.g. a student on an IEP may be working on increasing spelling accuracy while typically developing peers are working on writing complete paragraphs → all students are working toward the same standard concerning writing, but the IEP student is learning a skill and working toward a different indicator than his peers.)
- Modified content also includes situations when the student is receiving instruction in skills that are not components of the general education curriculum, but are reflected in the student's IEP goals and objectives (e.g. a student working on self-management skills for behavior control is working on a skill that is not part of the general curriculum).

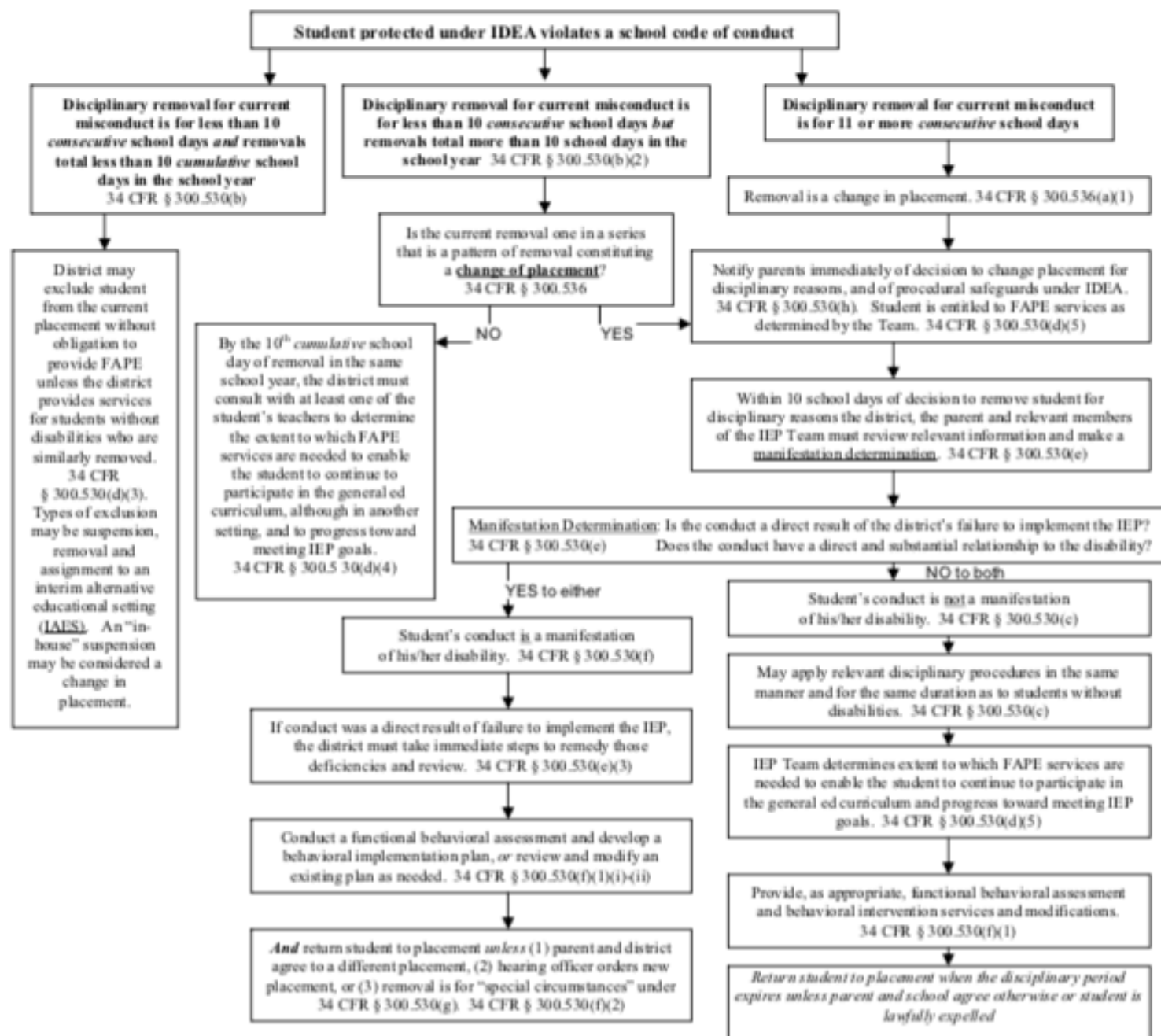
- **Modified methodology:** different instructional strategies and approaches are being used to teach content to the student than are used with typically developing, same-aged peers (e.g. Orton-Gillingham Reading Method)
- **Modified delivery:** the way in which instruction is delivered is different than what is provided to typically developing, same-aged peers (e.g., providing intensive instruction individually or in small groups outside the general education classroom)

Appendix 10:
Discipline Procedures and Manifestation
Determination

Discipline of Special Education Students Under IDEA 2004

20 U.S.C. § 1415(k) and 34 CFR §§ 300.530-300.536

- This chart should be read in conjunction with discipline procedures in state law, M.G.L. c. 71, §§ 37H & 37H 1/2, and district-wide and school-wide student codes of conduct.
- Protections in the IDEA apply to students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability (i.e., students who have not yet been found eligible but the school had a basis of knowledge of a disability, including students who have been referred for initial evaluation). 34 CFR § 300.354
- Beginning on the 11th school day of a student's disciplinary removal during the school year, and if removal is a change in placement, the student must be provided free appropriate public education (FAPE) services during the period of removal to allow him/her to continue to participate in the general education curriculum and progress towards IEP goals, even if in a different setting. 34 CFR § 300.530(b) & (d).
- If the conduct that the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination. 34 CFR § 300.530(g). The IEP Team must determine the IAES.
- Although the following flowchart lays out the steps that a school district must take when disciplining a student with a disability, it is important to remember that at any point the parent and school district can agree to change a student's placement for disciplinary reasons. Agreements should be in writing, and signed by the school personnel and the parent.

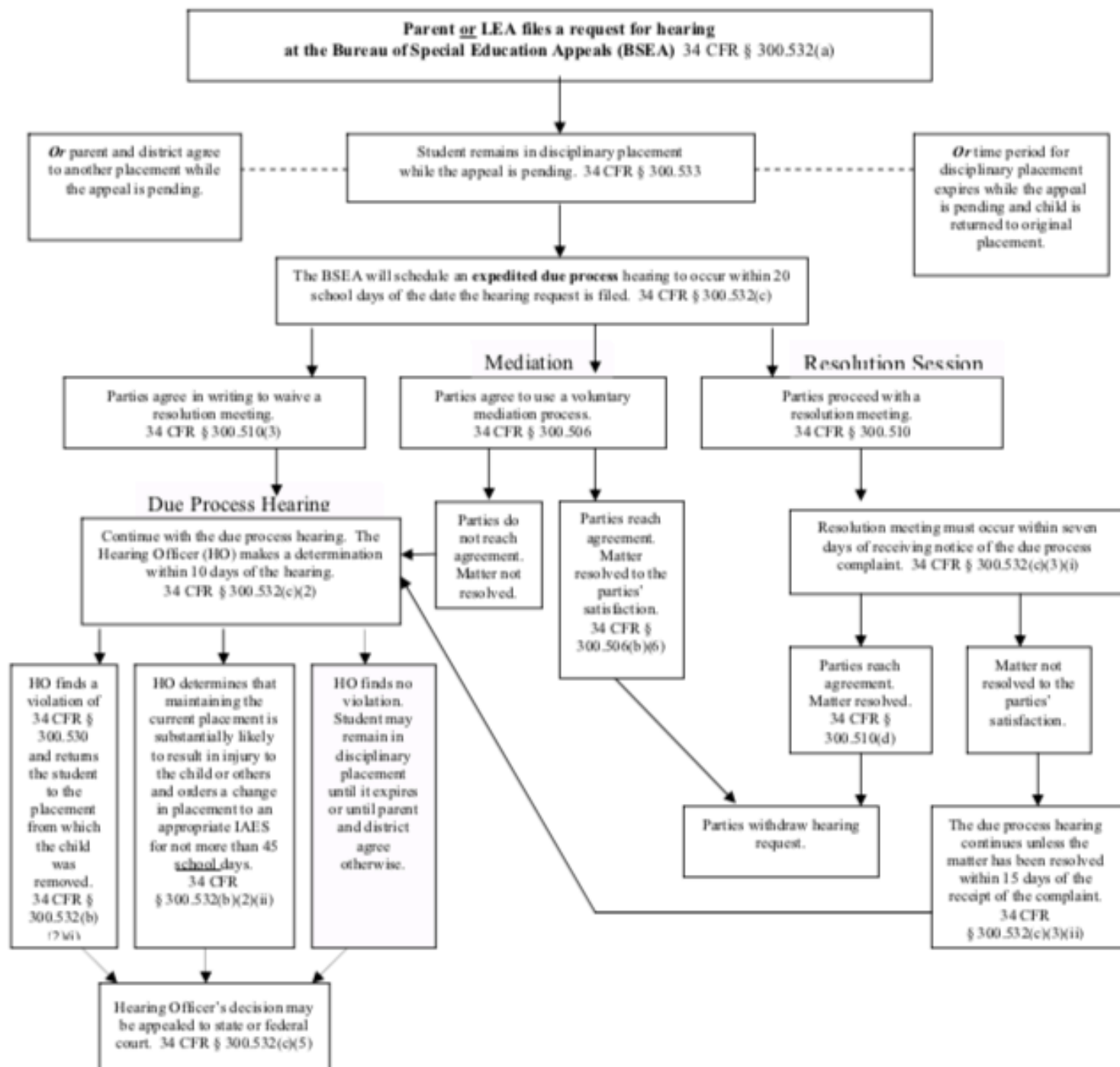


Appeals Process for Disciplinary Placement Decisions for Students with Disabilities

Under IDEA 2004: 20 U.S.C. § 1415(k) and 34 CFR §§ 300.532-300.533

Who may file an appeal of a disciplinary decision?

- A parent of a child with a disability who disagrees with any decision regarding the child's disciplinary placement, or the manifestation determination, may appeal the decision by requesting a hearing at the Bureau of Special Education Appeals (BSEA). Reasons for appeal may include but are not limited to disagreement with the student's removal to an interim alternative educational setting (IAES), disagreement regarding the manifestation determination, disagreement regarding the determination of whether the removal is a change of placement, disagreement regarding the educational services the student receives during the period of removal, and disagreement regarding the functional behavioral assessment and/or implementation of a behavioral intervention plan. 34 CFR §§ 300.530-300.531.
- An LEA that believes that maintaining the student's current placement is substantially likely to result in injury to the child or others may file a request for hearing at the BSEA.



DEFINITIONS

A student for whom the district is deemed to have knowledge of a disability – A child who has not yet been determined to be eligible for special education and related services may assert the disciplinary protections under IDEA if the school had a basis of knowledge that the child is a child with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge if: (1) the child's parent expressed concern in writing to administrative or supervisory personnel of the school or district that the child is in need of special education and related services; (2) the parent of the child had requested a special education evaluation; or (3) the child's teacher or other school or district personnel expressed specific concerns to the director of special education or to other supervisory personnel about a pattern of behavior demonstrated by the child. The school or district is *not* deemed to have knowledge of a disability if (1) the parent has not allowed an evaluation or has refused special education and related services, *or* (2) the child has been evaluated and determined not to be a child with a disability. 34 CFR § 300.534.

Change of placement – A change of placement because of a disciplinary removal occurs if a child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because: (1) the removals total more than 10 school days in a school year; (2) the child's behavior is substantially similar to previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern. 34 CFR § 300.536.

Current placement – The placement from which the student was removed for disciplinary reasons.

Interim alternative educational setting (IAES) – An IAES is a disciplinary placement that is not the same as the child's current placement as defined in his/her IEP.

Manifestation determination – The determination made by the district, the parent, and relevant members of the student's Team, after review of all relevant information in the student's file including the IEP, teacher observations, and relevant information provided by the parents, whether (1) the conduct in question was caused by or had a direct and substantial relationship to the child's disability; *or* (2) the conduct in question was the direct result of the district's failure to implement the student's IEP. 34 CFR § 300.530(e).

Special circumstances – Where the disciplinary conduct is a "special circumstance," school personnel may remove a student to an IAES for not more than 45 school days, regardless of the results of the manifestation determination. Special circumstances exist if the student:

- carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency (district); *or*
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; *or*
- inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency. 34 CFR § 300.530(g).

Serious bodily injury – As defined in 18 U.S.C. § 930, a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. 34 CFR § 300.530(i)(3).

MANIFESTATION DETERMINATION REVIEW

Student's Name: _____ Date: _____

School: _____ Grade: _____

Date(s) of suspension: _____

1. Summary of the information considered:

A. Student's behavior

B. Student's IEP

C. Teacher observation of the student

D. Relevant information provided by the parent

E. Any other relevant information.

2. Was the conduct in question caused by or have a direct and substantial relationship to the child's disability?

YES ☐ NO ☐

3. Was the conduct in question a direct result of the school's failure to implement the IEP?

YES ☐ NO ☐

4. Determination:

The team (which included the student's parent(s) or legal decision maker, a representative of the school district and relevant members of the IEP team) looked at all relevant information, and determined that the behavior

☐ **IS a manifestation of the disability AND:**

- ☐ the student will be returned to the placement specified in his/her IEP, unless:
 - a) the school and parent(s) agree to a change of placement through the IEP process; or
 - b) the student is assigned to an alternative educational setting for possession of a weapon or illegal drugs or for infliction of serious bodily injury on another person; and
- ☐ the team will conduct a functional behavioral assessment (unless a functional behavioral assessment has already been conducted), and will implement a behavior intervention plan for the student; or
- ☐ the team will review the existing behavior intervention plan and modify it, as necessary, to address the behavior that resulted in the disciplinary removal.

OR

☐ **IS NOT a manifestation of the disability AND:**

- ☐ disciplinary removal may occur, but the school district must continue to make a free appropriate public education (FAPE) available to the student in a manner which enables the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
- ☐ If appropriate, the school will conduct a functional behavioral assessment and develop a behavior intervention plan designed to address the behavior violation so that it does not recur.

TEAM MEMBERS PRESENT

NAME

TITLE

NAME

TITLE

DISSENTING OPINION TEAM MEMBERS:

NAME

TITLE

NAME

TITLE

Attachments: YES ☐

NO ☐

Manifestation Determination:

A Manifestation Determination ("MD") is a process that is required by the IDEA which prevents a school from disciplining a student with a disability for a behavior that is a manifestation of that student's disability if the discipline rises to the level of a "change in placement."

MDs are done for students on IEPs and on 504 Plans. The rules regarding procedures for 504 Plans are a lot less stringent than they are for SPED, but OCR and DESE advise that schools apply the IEP/SPED procedures to 504 Plans. This is good practice.

When to have a MD:

- Generally, SPED/504 students can be excluded from their programs for up to ten school days per year (in the same manner as gen-ed students). If you are looking at suspensions totaling more than 10 days- you must determine if the suspension is a **change in placement**.
 - o If a SPED/504 student is facing a suspension that is longer than 10 days- this is considered a change in placement.
 - o If a SPED/504 student is removed for several suspensions that add up to more than 10 days- you have determine whether there has been a pattern of behavior running through those suspensions. If there is a pattern of behavior underlying these several suspensions- over the 10 day mark will be a change in placement.
 - You determine whether there has been a pattern of behavior by looking at the behavior itself, looking to see how close in time the behaviors are (maybe an escalation of behaviors within a short period of time), and you look at the length of the removal as well as any other factors you think are relevant.
 - If you do NOT believe there has been a pattern of behaviors we should be documenting that clearly. If there is no underlying change in placement then you can discipline the student past the 10 days.
- If there is no change in placement- there is no underlying pattern of behavior resulting in the suspensions totaling more than 10 days, you can suspend the SPED/504 student past the 10 days.
 - o School must provide services to the extent necessary for the student to make progress in the gen-ed curriculum and progress on IEP goals.
 - o School should consider whether an FBA is called for and develop a BIP.
- If there is a change in placement- either the student is being suspended for more than 10 days for one incident or there is a pattern of behavior that is underlying the previous suspensions and all totaled suspensions will be more than 10 days-
 - o School must hold a Manifestation Determination

When does a MD take place?

AFTER any hearing on suspension. You first have to determine if the student DID the behavior and is going to be suspended based on the behavior/incident BEFORE you have a MD.

What does the Team need to determine at a MD?

- 1.) Was the conduct was a direct result of the school's failure to implement the IEP?
- 2.) Was the conduct was caused by, or had a direct and substantial relationship to, the student's disability?

Keep in mind that you are only looking at the current suspension- any suspension up to the 10 day mark does not require a MD.

How does the Team determine this?

- The Team must consider all relevant information when they are trying to answer these questions. The information includes the nature of the conduct itself as well as the motivation for the conduct, current evaluation and diagnostic results, IEP observations, and any other information available to the Team.
- The Team must then consider the behavior that led to the suspension and what relationship that has to the student's disability.
- We should look to see if the student is getting all the services outlined in the IEP. If not, we need to consider whether the lack of such service (for example, counseling) *directly* resulted in the behavior.
 - We may say that failure to provide student with counseling services had a direct result in that student being unable to express their anger in a productive and appropriate manner, but we would likely say that failure to provide speech services did not have direct result on a student smoking pot on school grounds.
- If the student is getting all the services on their IEP, we should look to see if there is a need the student has that we should have been providing services for but that we somehow missed. This is only going to be an appropriate finding if the service that is missing is related to the student's disability.
 - Maybe a student SHOULD be receiving counseling services and we see that now in retrospect but we didn't see it before. However, if the student's disability is SLD in reading then we likely don't have any reason, even if they are acting out, to provide counseling.
- If the Team determines that the student is getting all the services on their Grid and there is no needed service that should have been added to the grid that wasn't, then the question of whether the conduct was a direct result of the school's failure to implement the IEP, **question #1 above**, is answered.
- The Team must also consider if the conduct was caused by, or had a direct substantial relationship to the disability- **question #2 above**:
 - Does the disability impair the student's ability to control their behavior?
 - Does the disability impair the student's ability to understand consequences of behavior?
 - If the Team says NO to both questions listed above- then the behavior is NOT a manifestation of the student's disability.

What happens after the Team makes the decision?

If the Team decides that the conduct/incident/behavior is not a manifestation of the student's disability- then the school can discipline the student for the behavior the same way you would discipline any other student.

- School still needs to provide services to the extent necessary for the student to make progress in the gen-ed curriculum and progress on IEP goals in an alternate setting.
- School should consider whether an FBA is called for and develop a BIP.

If the Team decides that the conduct/incident/behavior IS a manifestation of the student's disability- that student CANNOT be disciplined for the behavior.

- Team *must* propose an FBA and develop a BIP. If the student already has a BIP then the Team should review it and possibly change it.
- The student *could* return to the pre-discipline placement.
- The Team *could* propose a change in placement- parents must accept in writing.
- The Team *could* determine that "special circumstances" apply.
 - These special circumstances are if a student is on school grounds or at a school sponsored event and:
 - Has a weapon (a knife must be 2.5 inches long to count)
 - Possesses/uses illegal drugs (or sells or solicits the sale of controlled substances)
 - Inflicts "serious bodily injury" on another
 - This is a legal term- certain injuries will fall into this category and others will not- if you have a question regarding whether an injury falls into this category suggest calling attorney
 - If these special circumstances apply, even though the behavior is found to be a manifestation of the student's disability, the student can be removed for up to 45 school days and the Team has to determine the services and the setting.

What happens when parents/18yo student disagrees with MD finding?

- They can file for an expedited hearing at the BSEA- School should hustle to be ready to go to the BSEA- expedited hearings happen very fast.
 - Student's placement in the meantime is the alternate setting determined by the Team

Other Students:

- You should provide the same procedural protections (the MD process) to students who:
 - Parents have expressed concerns in writing that the child may need SPED
 - Parent requested a SPED evaluation
 - Staff has expressed specific concerns about the pattern of behavior they see in a student to SPED director or supervisory personnel
- You should NOT provide the same procedural protections (the MD process) to students who:
 - Parent has refused to consent to a SPED evaluation or refused SPED eligibility
 - The student has recently been evaluated for SPED and found ineligible
- If a parent requests a SPED evaluation while the student is subject to discipline:
 - You are required to expedite the evaluation
 - School officials determine placement during the evaluation- could be disciplinary placement

Appendix 11: Outplacement Procedures

Steps for Outplacement:

1. Placement Meeting - responsibility of the school

- a. Rewrite IEP within 5 days
 - i. Service delivery - all direct services in C grid
 1. Students that are currently receiving consult only speech (i.e. collaborative consultation model for substantially separate students) need to have their speech placed back into the C grid
 - ii. Nonparticipation Justification updated - explain why outplacement is necessary
 - iii. Transportation Services
 1. If a student will NOT walk to school check Special Transportation and add door to door as a comment
 2. If a student requires wheelchair/walker/stroller transport please specifically describe the equipment AND CHECK OFF WHEELCHAIR IN X2
- b. Signed Outplacement Release
- c. Signed TBD PL 1
- d. Complete workflow in X2
- e. Email Stephanie Brant or Bridget Connors to notify of upcoming outplacement

2. Once signed (Responsibility of School):

- a. ALL ORIGINALS SENT TO TANIA AYALA
- b. Send photocopies to Stephanie Brant or Bridget Connors including:
 - i. Most recent signed IEP
 - ii. Outplacement Release
 - iii. TBD PL 1
 - iv. Most recent evaluations
 - v. Meeting summary/notes
 - vi. Relevant behavior reports or suspension records
 - vii. Most recent physical and immunizations

3. Out of District Liaison Responsibilities:

- a. Send Packets to OOD schools
 - i. There is usually a 3 week turn around from liaison getting student information to student interviews/admission - this varies by school
- b. Schools contact families for interviews
 - i. Some will come to observe students in school
- c. Receive acceptance decision and:
 - i. New PL 1 signed and sent
 - ii. Notify district school of start date
 - iii. Transportation request to Mary at least 3 days before start date
 - iv. Enrollment Update to Tania with start date
 - v. E-mail PIC to update X2 to OOD