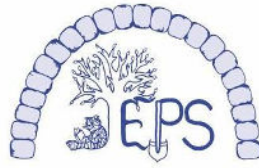

Dr. Lisha Cabral
Superintendent

Christine Pruitt
Assistant Superintendent



EASTON PUBLIC SCHOOLS

Marilyn Gordon
Director of Business

David Twombly
Director of Operations

Theresa Skinner
Director of Special Services

Easton Public Schools Special Education Procedural Manual

Updated 2021

Table of Contents

1. Introduction
2. Massachusetts Tiered System of Support
3. District Curriculum Accommodation Plan (DCAP)
4. Response to Intervention
5. The Pre-referral Process
6. The Referral Process
7. FERPA
8. The Evaluation Process
9. Independent Evaluations
10. Eligibility
11. The Individualized Education Program
12. Placement
13. Age of Majority
14. Graduation Options
15. Transition Planning
16. Progress Reports
17. Due Process Rights
18. Student Discipline
19. Classroom Observation
20. Section 504
21. Appendix

1. Introduction

The vision of the Easton Public Schools is to provide a relevant, rigorous learning experience in a safe, supportive and inclusive environment which empowers students and educators to embrace curiosity, think critically, develop positive relationships, and exhibit resilience.

The Easton Public Schools is committed to providing high quality education for all students. We believe in educating students with disabilities in the least restrictive environment to ensure access to general education curriculum and programs and meaningful participation with non-disabled peers.

Special education support and services is not a separate model, but instead it is a part of the continuum of supports, services, modifications and accommodations that is designed to ensure that the general education environment is responsive to the diverse learning needs of all students.

Both general education staff and special education staff work together as a team to ensure equal opportunity, full participation and increased outcomes for all learners, including students with disabilities.

This manual has been developed as a resource for the Easton Public Schools staff, administration and community. The following policies and procedures are aligned with:

- The Massachusetts Department of Elementary and Secondary Education, Massachusetts General Laws (MGL) ch.71 B, et seq., and Special Education Regulations 603 CMR 28.00 et. seq.,
- Individuals with Disabilities Education Act 2004, and 34 CFR 300 et. seq.
- Section 504 The Rehabilitation Act of 1973 (as amended)

Easton Public Schools
Office of Special Services
50 Oliver Street
Easton, MA 02356

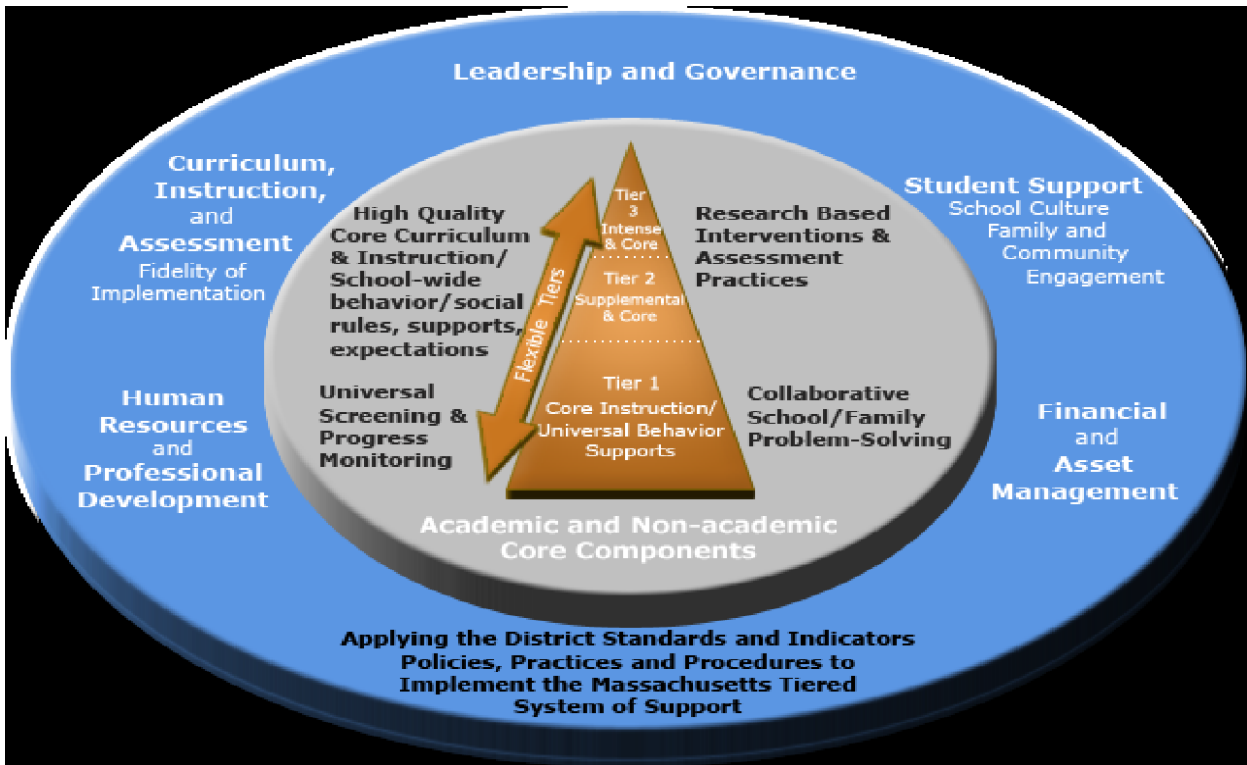
2. Massachusetts Tiered System of Support (MTSS)

The Massachusetts Education Reform Act of 2000 reinforces the belief that the general education curriculum is for each and every student. Therefore, special education "should not be a separate program, but rather should be one aspect of a continuum of supportive services and programs that are provided to ensure that the general education environment is a responsive one." (Massachusetts Department of Education, March 2001).

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

Easton Public Schools strive to work toward an integrated approach to support students' academic and social-emotional competencies. All students receive academic instruction and behavioral support that include differentiation and extension activities and are guided by the three *Universal Design for Learning principles (multiple means of representation, multiple means of action and expressions, and multiple means of engagement)*. <http://www.udlcenter.org>

Blueprint for MTSS



3. District Curriculum Accommodation Plan

Massachusetts General Laws require the adoption and implementation of a District Curriculum Accommodation Plan (DCAP). This plan is intended to guide principals and teachers in ensuring that all possible efforts are made to meet student needs in general education classrooms and to support teachers in analyzing and accommodating the wide range of student learning styles and needs that exist in any school.

By describing in a document the accommodations, instructional supports and strategies that are available in general education, and the process for determining effective interventions for struggling learners, it is hoped that the DCAP will help support diverse learners in our schools.

Massachusetts General Laws, Chapter 71, Section 38Q1/2

“A school district shall adopt and implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet the 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 programming, including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services under chapter 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement.”

4. Response to Intervention (Rti)

Response to Intervention (RTI) is a multi-tier approach to the early identification and support of students with learning and behavior needs. The RTI process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning. These services may be provided by a variety of personnel, including general education teachers, special educators, and specialists. Progress is closely monitored to assess both the learning rate and level of performance of individual students. Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. RTI is designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data.

For RTI implementation to work well, the following essential components must be implemented with fidelity and in a rigorous manner:

High-quality, scientifically based classroom instruction: All students receive high-quality, research-based instruction in the general education classroom.

Ongoing student assessment: Universal screening and progress monitoring provide information about a student's learning rate and level of achievement, both individually and in comparison with the peer group. These data are then used when determining which students need closer monitoring or intervention. Throughout the RTI process, student progress is monitored frequently to examine student achievement and gauge the effectiveness of the curriculum. Decisions made regarding students' instructional needs are based on multiple data points taken in context over time.

Tiered instruction: A multi-tier approach is used to efficiently differentiate instruction for all students. The model incorporates increasing intensities of instruction offering specific, research-based interventions matched to student needs.

Parent involvement: Schools implementing RTI provide parents information about their child's progress, the instruction and interventions used, the staff who are delivering the instruction, and the academic or behavioral goals for their child.

5. The Pre-referral Process and Student Intervention Teams

Easton Public Schools has a Student Intervention Team (SIT) at each building which is used as a vehicle for gathering data and implementing a range of interventions and or supports prior to a special education referral.

Goals of the Student Intervention Team (SIT) Process

Student Intervention Teams are a school-level team that works collaboratively to help teachers with problem solving ways to successfully support all students in the general curriculum. The SIT process

emphasizes that early intervention for struggling students is a function of the general education program and not of special education.

The SIT is a school-based problem solving team composed primarily of general educators who provide support to teachers to improve the quality of the general education program and reduce the underachievement of students. One might think of the SIT as a “think-tank”, a peer support group, or a forum for structured and routine focus on addressing student needs. The intervention team is a common sense approach that offers a systematic process to successfully close the gap through which students have traditionally fallen.

The team builds on existing services and efforts in order to upgrade the school’s ability to respond effectively to student needs. The SIT has a vital role in creating a high achieving school as expressed in the following goals:

- The primary goal of SIT interventions is increased success of students in the general education curriculum and within the general education classroom.
- SIT’s collect and consider both academic and non-academic data and consistently use data to drive instructional practices.
- SIT’s monitor the progress of students and the effectiveness of interventions over multiple meetings
- SIT’s have regular communication with students’ families and engage them in the problem-solving process.
- Enable teachers to teach students more effectively
- Enable students to acquire academic and social competencies and skills, achieve standards, and become independent learners for life.
- Create a collaborative culture among all staff.

The SIT should not be viewed as a gatekeeper to the special education process. The role of the Student Intervention Team is to provide routine, structured problem solving in conjunction with teachers requesting assistance, and the resolution of student-centered problems. Teams work effectively with other teachers, administrators and staff members, analyze student problems, and design interventions powerful enough to effect the desired change.

6. The Referral Process

Students are provided with a variety of supports, strategies, and interventions in the general education setting. However, at times, a student may not make effective progress, even after several interventions have been implemented. For this reason, a student may be referred for an initial evaluation to determine whether he/she qualifies for special education services. Parents, guardians, students eighteen years of age or older, or any individual in a professional or caregiving position may refer a student for an evaluation regarding the student’s development. The steps to the referral process are as follows (sections cited per Massachusetts Regulations 603 CMR 28.04):

1. Individual (i.e. parent/guardian/teacher) sends a written or verbal request for an evaluation directly to the Special Education Coordinator/Team Chairperson or special education

administrator where the child attends school. In terms of a verbal request, please make the request directly to the Special Education Coordinator/Team Chairperson where the child attends school. Please do not leave messages regarding requests for evaluations per a voicemail.

2. It is beneficial if the request contains specific information related to the suspected area of the disability.
3. Within five school days of receiving the written or verbal request for the referral, the Special Education Coordinator/Team Chairperson will send the parent(s)/guardian(s) a written notice (N1 form), shall seek consent for the evaluation to occur (consent form), and shall provide parents with the opportunity to express any concerns or provide information on the student's skills or abilities.
Under very limited circumstances, a referral for initial evaluation of a student may be denied. A copy of the Notice of Procedural Safeguards will also be included in the referral packet.
4. The consent form notes all of the evaluations to be conducted and includes space for the parents to provide written consent to the evaluation.
5. The parent(s)/guardian(s) may meet with the Special Education Coordinator/Team Chairperson or Director of Special Services to discuss the reasons for the referral and evaluation process.
6. Upon referral, children aged two and half and who may receive services through an early intervention program should be evaluated to determine eligibility. If eligible, services should begin promptly at age three.
7. Referrals may also come from the individual school's Student Intervention Teams (SIT). Student Intervention Teams are designed to ensure that appropriate supports and services are being implemented in the general education setting. Especially when all interventions have been tried, there may be times when the SIT refers a student for an evaluation to determine whether special education services are needed.
8. Parent(s)/ guardian(s) of students who do not attend the Easton Public Schools, but do reside in Easton, may be referred for an evaluation. However, the parent, guardian, or student eighteen years or older, will be required to prove residency.
9. Evaluations are proposed and conducted with parental consent at least every three years or sooner for students already receiving special education services through the reevaluation process.

Parent(s)/guardian(s) permission is needed in writing via the consent form in order for the evaluation to start. The district cannot start the assessment process without written consent from the parent or guardian (603 CMR 28.07)

Note about the referral process for students who attend private schools per private expense

If your child attends private school at private expense, the parent/ guardian/student eighteen years or older will be asked to prove residency in the Town of Easton. Please bring verification of residency to the Superintendent's Office.

See residency form: [Easton Public Schools - New to Easton/Student Residency Form](#) Once residency is verified, the Special Education Coordinator or Team Chair will contact you regarding the referral process.

Note about End of School Year Referrals

If the district receives an evaluation consent form within 30-45 days prior to the end of the school year, the Special Education Coordinator or Team Chairperson will make sure that a Team meeting is scheduled prior to the end of the school year. However, if the district receives an evaluation consent form fewer than thirty school days prior to the end of the school year, the timeline of the evaluation process starts at receipt of consent, but stops on the last day of school and then restarts at the start of the following school year. (603CMR28.05)

7. The Evaluation Process

Upon receipt of written consent, the school district has thirty school days in which to evaluate the student. The evaluation process is conducted by a multidisciplinary team of professionals who have appropriate credentials. The evaluation process is designed to answer questions specific to the referral request. Once the Special Education Coordinator/Team Chairperson receives the signed consent form, he/she will notify the evaluators in writing. As part of the evaluation process, the following assessments are required (cited per Massachusetts Regulations 603 CMR 28.04):

1. Evaluation in all areas related to the suspected disability
2. Educational assessment which includes achievement testing, the history of the student's educational progress (Educational Form A) attention skills, participation, communication skills, memory and social interactions with groups, peers, and adults, and a narrative description of educational/developmental potential (Educational Form B)
3. For students being evaluated for services at age three, an observation of the child in the natural environment or early intervention setting is strongly suggested.

Some assessments are not required, but may be helpful in the evaluation process. Such assessments may include:

1. A psychological assessment, which may consist of evaluating a student's cognitive potential. Assessments are conducted by a licensed school psychologist
2. A home assessment, which details information pertaining to the living situation and relevant family history.
3. Health assessment, which details medical issues that may impact the student's education.

Each assessment will summarize the procedures used, results and diagnostic impressions. The evaluator may recommend types of placements, but not specific classrooms or schools. The reports are to be completed prior to the Team meeting and are available to the parent(s)/guardian(s) two days in advance of the meeting upon request. The Special Education

Coordinator/Team Chairperson will contact the parent(s)/guardian(s) to schedule the eligibility meeting. It is the evaluator's responsibility to make sure that the assessments are completed within thirty school days and the Special Education Coordinator/Team Chairperson must schedule the meeting within forty-five school days from when the signed consent form was received by the district.

*Taken from Massachusetts Special Education Regulations 603 CMR 28.0

8. Independent Evaluation Process

At the eligibility meeting, the Special Education Coordinator/Team Chairperson will ask the parent(s)/ guardian(s) if they are satisfied with the district's evaluation. If the parent(s)/guardian(s) disagrees with a particular initial or reevaluation completed by the district, then the parent may request an independent educational evaluation at public expense. Massachusetts has specific requirements pertaining to independent evaluations as noted (Cited below per Massachusetts Regulations 603 CMR 28.04):

1. All independent evaluations must be conducted by individuals who are registered, certified, licensed, or otherwise approved.
2. The evaluator must follow the rates set by the state. There may be unusual circumstances to justify a rate higher than normally allowed.
3. If the school district agrees to the independent evaluation, then funding is based on a sliding scale.
4. Parent(s)/guardian(s) may seek an independent evaluation in one or more assessments conducted by the school district. This pertains to evaluations conducted within sixteen months of the date of the assessment in which the parent disagrees.
5. If a parent(s)/guardian(s) request an assessment in an area not evaluated by the district, the student doesn't meet income requirements, or the family does not provide financial information, the district will respond within five school days by either agreeing to pay for the independent evaluation or filing a Request for Hearing with the Bureau of Special Education Appeals seeking a determination that the district's evaluations were comprehensive and appropriate.
6. The district will not pay an independent evaluator unless the evaluator has first entered into a contract with the district.
7. Parent(s)/guardian(s) may fund an evaluation at any time at their own expense. They are encouraged to share the written report with their child's Special Education Coordinator/Team Chairperson.
8. If the district pays for all or part of the independent evaluation, the written report should, when possible, be sent to the parent(s)/guardian(s) and school district within thirty days after the evaluation is requested.
9. The report should be sent to the Special Education Coordinator/Team Chairperson of where the student attends school or Director of Special Services if a Special Education Coordinator/Team Chairperson cannot be determined.

10. Upon receipt of an Independent evaluation either at public or private expense, the district has ten school days from the receipt of the report in which to meet, review, and consider the assessment(s).
11. The district may propose to conduct additional assessments in response to the information presented in the independent evaluation.
12. If the district receives an independent evaluation and the student has not qualified for special education services and is not on an Individualized Education Program, the Easton Public School District will view the outside evaluation with relevant staff members who can interpret the results of the assessment. The district may propose additional assessments.
13. If the district recommends additional evaluations, the Special Education Coordinator or Team Chairperson will send the parent(s)/guardian(s) an evaluation consent form accompanied by a “Notice of Action” (N1) form.
14. Parent(s)/guardian(s) may submit outside evaluations per private expense to the Special Education Coordinator/Team Chairperson assigned to your child’s school. The Team must meet to review and consider the evaluation within ten school days.

9. Eligibility

A Team meeting must be convened within forty-five working school days after the receipt of the written consent form regarding an initial or re-evaluation. The Team should consist of members who are knowledgeable about the student including: the child’s general education teacher, person(s) who conducted evaluations, special education teacher, parent, and student who is fourteen years or older. The Special Education Coordinator/Team Chairperson will facilitate the meeting and is authorized to commit district resources. The Special Education Coordinator/Team Chairperson is responsible for scheduling the Team meeting and will contact the parent(s)/guardian(s) to arrange the eligibility meeting.

At the meeting, the Team will review all evaluation data and decide whether the student qualifies for special education services. The Massachusetts Department of Elementary and Secondary Education (DESE) has created a flowchart for Team members to use as a guide in the eligibility process. The flowchart is meant as a worksheet and not an official form.

The first step in the eligibility process is that the Team must determine whether a student has a disability. Massachusetts has ten disabilities which are listed below (Cited below per Massachusetts Regulations 603 CMR 28.02):

Autism - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR §300.8(c)(1).

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 terms shall include students with mental retardation.

Sensory Impairment - The term shall include the following:

1. ***Hearing Impairment or Deaf*** - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorily-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.
2. ***Vision Impairment or Blind*** - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
3. ***Deafblind*** - 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 §300.8(c)(4), the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with 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.

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 CFR §§300.8(c) (10) and 300.309.

When the federal government reauthorized the Individuals with Disability Education Act (IDEA) in 2004, new regulations were added in terms of process by which to determine the presence of a specific learning disability (34 CFR §300.7 and §300.541). Thus, Massachusetts has developed a consistent set of criteria regarding whether a student has a specific learning disability in addition to the definition listed above. Although Teams may still use the discrepancy model (significant gap between cognitive abilities and academic skills), the group must also consider response to intervention measures, tiered systems of support and the use of alternative research based methods.

The Team may determine if the student has a specific learning disability in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematical calculations and mathematical problem solving. The determination of a specific learning disability may not be primarily due to any one of several variables: a visual, hearing or motor disability, intellectual impairment, emotional disturbance, cultural factors, limited English proficiency, environmental as well as economic disadvantages. The Team may also take into consideration the student's inability to meet school discipline code and/ or social maladjustment in determining whether the student has a specific learning disability.

The Team must ensure that the significant gap in skills is not due to lack of appropriate instruction in reading or math, and that data shows that the student was provided with adequate instruction in the general education setting by qualified personnel. A form detailing the procedures by which the Team must determine the presence of a learning disability is located in the Appendix section.

If the Team finds that the student has a disability, members must ask whether the student is making effective progress in school. In the case of a reevaluation, the Team should determine whether the student would make effective progress in school without special education support. It is important for the Team to consider not only academic performance; but also, social and emotional development as well. Secondly, the Team needs to conclude as to whether the lack of progress is due to the disability or other factors. Lastly, the Team must decide whether the student needs specially designed instruction or is unable to progress without the provision of related services (i.e. adjustment counseling, speech/language therapy, occupational therapy). If a student meets the criteria for special education services, then the Team develops an Individualized Education Program (IEP). The IEP must be developed within forty-five days of receipt of the written consent form and the Special Education Coordinator/Team Chairperson will send two copies of the IEP to the parent(s)/guardian(s) (or student over age eighteen, pending age of majority decision). The parent(s)/guardian(s) is asked to sign and return one copy of the IEP within thirty days. For students attending private school at private expense, services will be provided in the Easton Public School District.

If the Team cannot find the presence of a disability based on the Massachusetts criteria, or the Team determines the child is making progress and does not require specially designed instruction or related services, then the student does not qualify for special education services. In this case, the Special Education Coordinator/Team Chairperson will send the parent(s)/guardian(s) a written notice which explains why the student is not eligible for special education services (Please see Appendix for N2 Form.)

10. The Individualized Education Program (IEP)

The individualized education program (IEP) is a legal document which is designed to outline the student's special education needs as well as those goals and special education services required in order for the student to access the curriculum and make effective progress. The IEP is comprised of several key parts: parent/student concerns, student strengths/summary, present levels of performance A (accommodations and modifications), present levels of performance B (accommodations and modifications), goals/objectives, the extent to which the student participates in the general education program, transportation, anti-bullying statement, and placement page. It is important to remember that creating the IEP is a team effort and should be done in collaboration with those at the meeting. Drafts of the entire IEP should not be created ahead of the meeting. However, it may be helpful for service providers to bring an outline of proposed goals and objectives to the meeting for consideration by the entire Team. (Please see Appendix for sample IEP forms)

The IEP Team must meet prior to the anniversary date listed on the IEP (generally within a year from the previous meeting). It is important to note that the IEP meeting date can never be after the anniversary date. Team members include the parent, student (14 years and older), Special Education Coordinator/Team Chairperson, special education teacher, general education teacher, and related service providers. Evaluators from the district should be present at initial and reevaluation meetings. The Special Education Coordinator/Team Chairperson is authorized to commit district resources. With written permission under certain circumstances, the parent may excuse specific Team members. Although attendance in person is desired, Team members can participate via phone. The Special Education Coordinator/Team Chairperson is responsible for scheduling the Team meetings and informing members of the Team, including parent(s)/guardian(s) of the date, time, and location of the meeting.

Parent/Student Concerns

The concerns section lists areas that the parent and student want to see addressed to enhance the education. Parents and students should think about what are the greatest areas of concern that need to be addressed in order to be able to progress effectively and access the general education curriculum.

Student Strengths and Key Evaluation Results Summary

This section provides background information regarding the student's strengths and needs. This should be written in a user friendly manner and is beneficial to all service providers involved with the student. This section asks Team members to describe the student's strengths, interest areas, personal attributes, and accomplishments. The Team must also note the type of disability, and it is helpful to describe how the disability impacts performance in the classroom. The student's performance in the general education setting should also be described as well as any standardized testing. It is also essential to summarize the results of the evaluation process so that others are aware of the student's level of skills and overall abilities.

Vision Statement

The vision statement could be considered the driving force of the IEP. The Team is asked to note the vision of the student within the next one to five years. For younger students, the Team might describe skills needed for the student to be able to transition to the next grade level and access the curriculum. As a student becomes older (at least age 14), the team should include the student's career preferences, interests and desired goals in relation to post-secondary pursuits, work, and living arrangements.

Present Levels of Educational Performance (PLEP) A

This section lists the impact of the disability on the general education performance and lists accommodations and/or modifications needed in order for the student to access the general education curriculum and make effective progress. The PLEP sections should be based on a variety of sources, including data obtained from the assessments. The first section asks the Team to note what areas are affected: English, history/social studies, science/technology, mathematics and other areas. The team must describe how the student's disability impacts progress in the particular area. Then, the Team members must list accommodations required for the student to make effective progress. Note that an accommodation does not change the nature of the content or alter the expectations of the curriculum. The Team must also note the type of specifically designed instruction needed, and whether any modifications to the curriculum are necessary. Modifications do change the content that the student is responsible for learning in class. Any changes apart from those provided in the general education curriculum with regards to testing or instruction are listed as well.

Present Levels of Educational Performance (PLEP) B

In addition to the classroom setting, the Team must also consider the ways in which the disability will impact other areas. The Team should note whether the student would need accommodations in relation to physical education, braille, social emotional skills, assistive technology, communication, language needs, behavior, nonacademic activities (i.e. lunch, recess) and skill development related to vocational preparation/experiences. This section also asks team to

consider age specific concerns such as transitional periods. Accommodations and modifications should be listed for the areas noted above.

Accommodations and Modifications

As part of the IEP process, students may receive accommodations and/or modifications to assist them in school. An accommodation does not change the content or information that all students are required to learn (i.e. fifty percent more additional time to complete tests, reduce number of homework items, or allow break periods)

In some cases, students may need the curriculum to be modified. Modifications may allow students greater access to the classroom activities and materials. Modifications change the content or information that a student is required to know (i.e. Students are required to identify rectangles from other shapes while other students may be required to calculate the area of a rectangle). Per federal and Massachusetts regulations, all students need to be provided with the accommodations and/or modifications listed in their IEPs.

Current Performance Level/Measurable Annual Goals

The goals and objectives portions of the IEP are very important as these sections serve as a road map in terms of student progress. First, the service provider along with the Team must describe what the student can do at this time (i.e. Student is able to read fifty sight words and decode words with one syllable.)

The goals should be measurable and related to the student's disability. An individualized goal on an IEP should define an overall area to be measured and be written in a way that the specific skills can be measured. There are no rules regarding the number of goals in an IEP. However, the goals should be addressed throughout the time period stated per IEP. Thus, the Team should consider whether there are too many or too few goals. The goals also need to be focused on particular skill areas that the Team would like to improve. (Goals should not pertain to particular classes such as social studies or science. Rather, goals should focus on skill areas.) It is important to think about the overall vision when deciding upon goals for the IEP. Goals and objectives should change each year. If the goals have not changed, then the Team needs to reflect on the student's performance and discuss the reasons for not mastering the objectives.

Measurable goals contain three elements: target behavior, condition, and criteria. The service provider (teacher, related service provider etc.) should be able to measure the goal with data (i.e. formal tests, teacher made assessments, running records, observations). The following are examples of non-measurable and measurable goals:

Non -Measurable Goals

- Student A will increase her ability to attend to and participate in conversations with peers.
- Student B will improve eye contact when speaking with others.

Measurable Goals

- *(condition)* Without prompting from staff, *(target behavior)* Student A will participate in a conversation at *(criteria)* least once daily for at least one month, as measured by observations.
- *(condition)* Given faded prompts (3, 2,1 per session student B *(target behavior)* will make eye contact with speaker *(criteria)* at least two times during class period by end of first quarter, as measured by a checklist.

Objectives

In creating objectives, the Team and service provider should consider what tasks need to be completed in order to work on the skills noted in the goals. Similar to goals, the objectives or benchmarks need to be measurable and consist of a condition, target behavior, and criteria. Objectives are short-term in nature. Specific programs should never be mentioned in goals or objectives.

Service Delivery Grid

The service delivery grid section lists the specific services and the location of the services for the student. The services listed on this grid should be designed to help the student reach their goals. When deciding upon services, the Team may consider what services are needed for the student to achieve the goals noted in the IEP, be involved in the general education curriculum, and progress in the general education setting. The grid is divided in to three sections:

A Grid- lists consultation services which are indirect services to school staff and parent(s)/guardian(s). Examples of consultative services might be a speech and language therapist consulting with a special education teacher consulting with general education teacher.

B Grid- lists direct services that take place within the general education classroom environment. Examples of Grid B services would include reading or written expression instruction.

C Grid lists direct services that occur outside of the general education classroom. The Team should carefully consider Grid C services as this requires removal from the general education setting. Usually, there are significant needs that would warrant Grid C services. Examples of Grid C services include reading instruction or speech and language therapy. (It is important to note that both examples could be provided in the general education classroom as well under Grid B.)

Placement Decisions:

9. Eligibility

A Team meeting must be convened within forty-five working school days after the receipt of the written consent form regarding an initial or re-evaluation. The Team should consist of members who are knowledgeable about the student including: the child's general education teacher, person(s) who conducted evaluations, special education teacher, parent, and student who is fourteen years or older. The Special Education Coordinator/Team Chairperson will facilitate the meeting and is authorized to commit district resources. The Special Education Coordinator/Team Chairperson is responsible for scheduling the Team meeting and will contact the parent(s)/guardian(s) to arrange the eligibility meeting.

At the meeting, the Team will review all evaluation data and decide whether the student qualifies for special education services. The Massachusetts Department of Elementary and Secondary Education has created a flowchart for Team members to use as a guide in the eligibility process. The flowchart is meant as a worksheet and not an official form (Please see Appendix for form.)

The first step in the eligibility process is that the Team must determine whether a student has a disability. Massachusetts has ten disabilities which are listed below (Cited below per Massachusetts Regulations 603 CMR 28.02):

Autism - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR §300.8(c)(1).

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 terms shall include students with mental retardation.

Sensory Impairment - The term shall include the following:

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

2. *Vision Impairment or Blind* - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
3. *Deafblind* - 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 §300.8(c)(4), the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with 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.

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 CFR §§300.8(c) (10) and 300.309.

When the federal government reauthorized the Individuals with Disability Education Act (IDEA) in 2004, new regulations were added in terms of process by which to determine the presence of a specific learning disability (34 CFR §300.7 and §300.541). Thus, Massachusetts has developed a consistent set of criteria regarding whether a student has a specific learning disability in addition to the definition listed above. Although Teams may still use the discrepancy model (significant gap between cognitive abilities and academic skills), the group must also consider response to intervention measures and the use of alternative research based methods.

The Team may determine if the student has a specific learning disability in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematical calculations and mathematical problem solving. The determination of a specific learning disability may not be primarily due to any one of several variables: a visual, hearing or motor disability, intellectual impairment, emotional disturbance, cultural factors, limited English proficiency, environmental as well as economic disadvantages. The Team may also take into consideration the student's inability to meet school discipline code and/ or social maladjustment in determining whether the student has a specific learning disability.

The Team must ensure that the significant gap in skills is not due to lack of appropriate instruction in reading or math, and that data shows that the student was provided with adequate instruction in the general education setting by qualified personnel.

Services and Consideration of Least Restrictive Environment

When the Team is determining services for the student, it is essential to keep in mind the least restrictive environment for the child. Massachusetts regulations 603 CMR 28.03 offer specific guidelines:

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

Nonparticipation Justification

After noting services on the grid, the Team must consider which services are listed in Grid C and state the reasons why it is necessary to remove the student from the general education setting. Federal regulations cite that in this section, “IDEA 2004 Regulation 20 U.S.C. §612 (a) (5).550:”... removal of children with disabilities from the regular educational environment occurs *only when* the nature or severity is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Emphasis added.)” (Taken from Massachusetts IEP Form)

Extended School Year

The Team must determine whether a student substantially regresses or falls behind during break periods in the school year (regression). The Team should also determine whether there is a substantial amount of time needed for the student to get back to the level of skills they were prior to the break period (recoupment).

Teams must also consider other factors, such as the degree of the impairment, rate of progress, behavioral and physical issues, availability of alternative resources, as well as the transitional needs of the student (Department of Elementary and Secondary Education memo 2002).

In order to make an informed decision at the Team meeting, data (i.e. observations, assignments, informal assessments) should be collected throughout the school year. Teachers should monitor progress made on goals and objectives and indicate whether a student falls behind.

Teachers and related service providers will send home extended school year forms after every vacation period. The form notes whether a child has regressed on particular goals and the rate of recoupment in terms of skills. Teachers and related service providers also send home progress reports each marking period which states a child’s progress toward their goals and objectives.

Extended School Day

The Team may determine that a student needs an extended school day if the child needs extended hours to be provided with a free and appropriate education (FAPE) and access the school program.

Extended day should not be confused with 504 accommodations and supports needed to access after school activities which are separate from special education services.

Transportation

The Team must review and determine whether transportation services are necessary as a result of the student’s disability. The Team must also check off the appropriate section of the IEP. Students who attend a school other than their home school in order to receive services (i.e. STEP, NECC, Partners, Co-taught) will provide transportation to their attending school and the Team should check off “no” if special transportation is not required. If a student requires special transportation due to their disability (i.e. wheelchair accessible van, curb to curb), then the Team must note the

specific considerations in this section. Eligible students should not be transported for more than one hour each way unless with prior approval from the Team. (cited per Massachusetts Regulations 603 CMR 28.06). The Team shall document such determination on the IEP. If transportation services are required per the IEP, and the parent/guardian chooses to transport their child to and/or from school, then they may be entitled to reimbursement by submitting a form to the Office of Pupil Personnel Services. Parents should contact this office at 617-696-5040, ext. 5572.

Autism Considerations

For students with an IEP diagnosed with Autism, the Team must consider the following questions as cited below per **G. L.c. 71B, §3** :

- The verbal and nonverbal communication needs of the student.
- The need to develop social interaction skills and proficiencies.
- The needs resulting from the student's unusual responses to sensory experiences.
- The needs resulting from resistance to environmental change or change in daily routines.
- The needs resulting from engagement in repetitive activities and stereotyped movements.
- The need for any positive behavioral interventions, strategies and supports to address any behavioral difficulties resulting from autism spectrum disorder.
- 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).

Bullying Prevention

Massachusetts' new Bullying Prevention and Intervention Law, codified in G.L. c. 71, § 37O, has a direct impact on the IEP process. The new law requires that the Team consider whether a student's disability makes them vulnerable to bullying. If the Team concludes that the student's disability would impact their ability to deal with bullying, then Team members should address the skills needed to respond to situations either through accommodations and/or goals and objectives in the IEP. The Team may feel that the student's disability does not interfere with the student's ability to deal with bullying and thus intervention is not needed outside of the general education bullying prevention curriculum.

Placement

After the Individualized Education Program has been created, the Team should consider the needs of the student, services and the extent to which the student can be educated in the general education classroom. The student's placement is noted on Placement Consent Form (PL 1). Placement is not the same as a program. Placement is determined by the percentage of time that IEP services are provided outside of the general education setting. Below are placement designations that are listed in the Individual Education Program:

| | |
|---|--|
| <p>The Team identified that IEP services are provided outside the general education classroom less than 21% of the time (80% inclusion).</p> | <input type="radio"/> Full Inclusion Program |
| <p>The Team identified that IEP services are provided outside the general education classroom at least 21% of the time, but no more than 60% of the time.</p> | <input type="radio"/> Partial Inclusion Program |
| <p>The Team identified that IEP services are provided outside the general education classroom for more than 60% of the time.</p> | <input type="radio"/> Substantially Separate Classroom |
| <p>The Team identified that all IEP services should be provided outside the general education classroom and in a public or private separate school that only serves students with disabilities.</p> | <p>Separate Day School</p> <input type="radio"/> Public <input type="radio"/> Private |
| <p>The Team identified that IEP services require a 24-hour special education program.</p> | <input type="radio"/> Residential School |
| <p>The Team has identified a mix of IEP services that are not provided in primarily school-based settings but are in a neutral or community-based setting.</p> | <input type="radio"/> Other: |

The Team should first consider in-district settings, starting with the general education classroom environment. As noted per Massachusetts regulations 603 CMR 28.06, “If an in-district setting is able to deliver the services on the IEP, the Team shall identify such placement and include such determination with the proposed IEP”. If the Team cannot identify an in-district placement that would meet the needs of the student satisfactorily, then they may consider an out-of-district placement. However, the Team must state, as part of the Non-Participation Justification Statement, why the student could not be serviced in the in district setting which would be the least restrictive environment, even with supplementary aids and services. In complex cases, the Team may need more time to determine a placement after the IEP has been developed. If faced with this situation, the Team has ten school days in which to reconvene and determine a placement.

In considering placement, the Team should also review the additional factors as noted by Massachusetts regulations 603 CMR 28.06:

- **Least restrictive environment (LRE).** The school district shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature

or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- Types of services, setting and service providers
- Consideration of any harmful effect on the student or quality of services

Students Privately Placed at Parent Expense

Per their own expense, parent(s)/guardian(s) may want to enroll their child in a private school. Regardless of student enrollment in a private school, the Easton Public School District is required to offer an IEP, services (at the public school setting) and propose a placement for all students who are eligible for special education services and live in the town, regardless of where they attend school. The IEP shall be developed by the Team, which is established through the Easton Public Schools. Parents do have the right to reject the IEP, decline services and/or refuse the proposed placement.

Age of Majority

Massachusetts and federal regulations (34 CFR 300.520 and 603 CMR 28.07) note that when a student turns eighteen years old, all of the decision making rights in terms of special education services transfer to them. The student who is aged eighteen or over shall make decisions regarding their educational program unless they have delegated this task to their parent(s)/guardian(s) or a court has appointed a legal guardian. One year prior to the student's eighteenth birthday, the Special Education Coordinator/Team Chairperson will notify the student and parent(s)/guardian(s) about the transfer of rights and the impact on educational decision making. The Special Education Coordinator/Team Chairperson will give the student and parent(s)/guardian(s) an "age of majority packet" which includes a description of the transfer of rights. Prior to age eighteen, the student is required to decide whether (1) they will assume all decision making, (2) share decision making with their parents or (3) the parent(s)/guardian(s) will continue to make decisions. The student will be asked by the Special Education Coordinator/Team Chairperson to complete a form which identifies their choice. Parent(s)/guardian(s) of the adult student who qualifies for special education services will continue to receive required notices from school and can inspect educational records in accordance with 603 CMR 23.07(2).

Proposed IEP

For annual IEPs, the parent(s)/guardian(s) will receive two copies of the IEP within ten days of the meeting. However, if the parent receives notes at the meeting which state the following: "a completed IEP service delivery grid describing the types and amounts of special education and/or related services and a statement of major goal areas associated with the services" (DESE memorandum on the implementation of 603 CMR 28.05(7), updated December 6, 2006) the Special Education Coordinator/Team Chairperson will send the IEP out to the parent/guardian

within two calendar weeks. In terms of reevaluations and initial IEPS, the Special Education Coordinator/Team Chairperson has forty-five days from when the evaluation consent form was received in which to send two copies of the IEP to the parents/guardians.

Graduation Options

Students in the Easton Public School District either earn a high school diploma or certificate of attainment. In order to earn a Easton High School diploma, students must satisfy all course requirements, including passing the MCAS state tests and fulfilling community service hours as well as any other obligations outlined by school policy. Specific requirements can be found in the Program of Studies Handbook. If students do not meet the requirements for a high school diploma, then they will receive a certificate of attainment. Students who qualify for special education services are eligible to receive a free and appropriate education (FAPE) until they graduate with a diploma or reach twenty-two years of age.

Transition Planning

The Easton Public School District would like students to have a plan when they exit the high school. Planning for the transition to adult life depends on a variety of factors including the nature and severity of the disability along with the student's vision. When a student has reached fourteen years of age, they are asked to think about future plans in terms of career choices, living situations, and skills needed for daily living. Moreover, all students who are at least fourteen years of age are invited to their Team meetings. The student and other members of the Team, are asked to create a vision statement based on needs and postsecondary pursuits. The Team may also wish to consider transition services needed to support the student's vision. This plan is documented via the Transition Planning Form (TPF) (See the Appendix for a sample Transition Planning Form). Depending on the disability, students may be linked to outside agencies such as the Massachusetts Rehabilitation Commission and Department of Developmental Services in order to assist the student in transitioning to adult life. This important linkage usually occurs two to three years prior to graduation via the Chapter 688 Referral form (See the Appendix for a sample 688 form). Once the referral from the outside source has been approved, the representative from the agency is encouraged to meet with the student and family. Some agency representatives may also be invited to Team meetings.

The federal law defines transition services as a "coordinated set of activities designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities."(IDEA, 2004 as cited in *Technical Assistance Advisory SPED 2009-1: Transition Planning to Begin at Age 14, September 3, 2008*). The coordinated set of activities should keep the student's interests and preferences in mind.

Progress Reports

Progress reports are to be sent home as often as students without IEPs are notified of their progress. The Easton Public Schools will send IEP progress reports home around the time in which report cards are issued.

Sending out progress reports is truly a Team effort. Special education liaisons are responsible for completing all progress reports on their caseload. They will need to submit progress reports to the Special Education Coordinator/Team Chairperson for review well in advance of when the report cards are sent to parents/guardians. The Special Education Coordinator/Team Chairperson will read over the progress reports to make sure that the correct elements are included. In doing so, the Special Education Coordinator/Team Chairperson may make comments regarding the progress reports and request that changes be made so that the progress reports are written according to the guidelines. The liaison should make the changes in a timely manner so that progress reports can be sent without delay.

Per Massachusetts and federal regulations, the progress reports must answer the following:

- What is the student's progress towards the annual goal?
- Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? (taken from IEP process guide, 2001).

It is strongly recommended that progress reports contain the following information:

- Specifics in terms of what the student is currently working on in terms of skill area •
List what the student has achieved
- Indicate any obstacles in terms of progress
- Estimate when student will reach annual goal if progress continues at current pace
- A well written progress report would contain the description of student progress and the adjustments to existing in-class strategies needed to address any lack of progress.
(taken from IEP Process Guide, 2001).

Due Process Rights

At times, a parent(s)/guardian(s) may not agree with the Team's/district's proposed action. If a parent(s)/guardian(s) rejects a proposed IEP in its entirety or portions thereof, the document is sent to the BSEA within five days of receiving the parent/guardian's response.

There are several ways in which to settle disputes. First, parent(s)/guardian(s) may request a meeting with school personnel at any time. The Special Education Coordinator/Team Chairperson of your child's school is available to discuss your concerns. Please note that communicating with local school staff shall not be used to delay or deny a parent/guardian's right to access other dispute resolution methods outlined below per Massachusetts regulations 603 CMR 28.08.

Department Procedures. The Department of Elementary and Secondary Education maintains a Problem Resolution System that provides for the investigation of complaints and the enforcement of compliance with 603 CMR 28.00, as well as with other statutes and regulations relating to the provision of publicly funded education. The Department can make findings on procedural issues and issues related to implementation of requirements. Any party wishing to file a complaint may do so through the Department. Use of the Department Problem Resolution procedures shall not prevent a party from requesting alternative administrative remedies of mediation or hearing on any matter, at any time. Copies of the Problem Resolution System Guidelines and Procedures are available from the Department upon request. Findings and orders issued by the Department on complaints and the Department's processing of a complaint are not reviewable by the Bureau of Special Education Appeals. Additionally, the pendency of a complaint before the Department does not make the Department a necessary party to actions on related issues pending before the Bureau of Special Education Appeals.

Bureau of Special Education Appeals:

Jurisdiction. In order to provide for the resolution of differences of opinion among school districts, private schools, parents/guardians, and state agencies, the Bureau of Special Education Appeals, pursuant to G.L. c. 71B, §2A, shall conduct mediations and hearings to resolve such disputes. The jurisdiction of the Bureau of Special Education Appeals over state agencies, however, shall be exercised consistent with 34 CFR §300.154(a). The hearing officer may determine, in accordance with the rules, regulations and policies of the respective agencies, that services shall be provided by the Department of Children and Families, the Department of Developmental Disabilities, the Department of Mental Health, the Department of Public Health, or any other state agency or program, in addition to the IEP services to be provided by the school district. Mediations and hearings shall be conducted by impartial mediators and hearing officers who do not have personal or professional interests that would conflict with their objectivity in the hearing or mediation and who are employed to conduct those proceedings.

- (a) A parent/guardian or a school district, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with

disabilities. A parent/guardian of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.

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

- (c) A school district may not request a hearing on a parent/guardian's failure or refusal to consent to initial evaluation or initial placement of a student in a special education program, or on a parent/guardian's decision to revoke consent to the continued provision of all special education and related services to his or her child under 603 CMR 28.07(1)(a)(4).
- (d) A school district may request a hearing to appeal the Department's assignment of school district responsibility under 603 CMR 28.10 according to the procedures in 603 CMR 28.10(9).

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

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

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

- (a) The Bureau of Special Education Appeals shall issue Rules that state the parties' rights and obligations as to the hearing process, which shall be consistent with all state and federal laws. Such Rules shall be available to the public on request.
- (b) Except as provided otherwise under federal law or in the administrative rules adopted by the Bureau of Special Education Appeals, hearings shall be conducted consistent with the formal Rules of Administrative Procedures contained in 801 CMR 1.00.
- (c) The Special Education Appeals hearing officer shall have the power and the duty to conduct a fair hearing; to ensure that the rights of all parties are protected; to define issues; to receive and consider all relevant and reliable evidence; to ensure an orderly presentation of the evidence and issues; to order additional evaluations by the school district or independent education evaluations at public expense when necessary in order to

determine the appropriate special education for the student; to reconvene the hearing at any time prior to the issuance of a decision; to take such other steps as are appropriate to assure the orderly presentation of evidence and protection of the parties' rights at the hearing; to ensure a record is made of the proceedings; and to reach a fair, independent, and impartial decision based on the issues and evidence presented at the hearing and in accordance with applicable law.

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

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

Student's right to IEP services and placement. In accordance with state and federal law, during the pendency of any dispute regarding placement or services, the eligible student shall remain in their then current education program and placement unless the parents/guardians and the school district agree otherwise.

- (a) If the parents are seeking initial placement in the public school, and the child is at least five years old, however, the child shall be placed in the public school program.
- (b) For children three and four years of age, rights to services from the public school district are limited to children who have been found eligible for special education and have an IEP and placement proposed by the public school district and accepted by the parent.
- (c) A hearing officer may order a temporary change in placement of an eligible student for reasons consistent with federal law, including but not limited to when maintaining such student in the current placement is substantially likely to result in injury to the student or others.
- (d) Except as provided in 603 CMR 28.08(7) (a through c) above, any party seeking to change the eligible student's placement during the pendency of proceedings before the Bureau of Special

Education Appeals or in subsequent judicial proceedings shall seek a preliminary injunction from a state or federal court of competent jurisdiction, ordering such a change in placement.

STUDENT DISCIPLINE

Procedural Protections Pertaining to Student Discipline

The Easton Public School District has procedures in place for students who have not yet been determined as eligible for special education services. There are three circumstances under which the district will be deemed to have had knowledge that a student has a disability and is entitled to special education protections in a disciplinary context:

- (1) The parents/guardians have expressed concern in writing to a building administrator or a teacher of the child, that the child is in need of special education and related services;
- (2) The parents/guardians requested an evaluation of the child;
- (3) A teacher or other staff member has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or other the principal.

Under these circumstances, the student is entitled to the procedural rights afforded special education students in a discipline context. Special Education Coordinator/Team Chairpersons and building principals are especially aware of these procedures as noted in this guide and are expected to communicate regularly regarding the evaluation process.

If parents/guardians request an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion.

The district is not deemed to have had knowledge that a student is a student with a disability when: 1) the parents/guardians have not allowed an evaluation of the child; 2) the parents/guardians have refused special education services; and 3) the student has been evaluated and determined to not be a child with a disability.

Discipline of Students with Special Needs:

The discipline of students with special needs is governed by federal and state special education law and regulations promulgated thereunder. These laws include the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.; 34 C.F.R. § 300.519-529 et seq., and Massachusetts General Law c.71B.

The following is a summary of the rights and responsibilities of the Easton Public Schools and students with disabilities under these laws regarding student discipline. Complete information regarding the due process rights of students with disabilities and their parent(s)/guardian(s) may

be found in the “Notice of Procedural Safeguards” which can be found on the district’s website <http://www.easton.k12.ma.us/> under the heading of special education.

All students are expected to meet the requirements for behavior as set forth in the student handbook. Federal and state laws require that additional provisions be made for students who have been found by an evaluation team to have special needs and whose program is implemented under an Individualized Education Program (IEP) or a 504 Plan. The following requirements apply to the discipline of special needs students:

1. The principal or designee will notify the Special Education Office of the suspendable offense of a special needs student and a record will be kept of such notices.
2. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 days but constitute a pattern are considered to represent a change in placement.
3. Prior to a suspension that constitutes a change in placement of a student with disabilities the Team will develop or review a functional behavioral assessment of the student’s behavior to modify a behavior intervention plan or develop an assessment plan and to identify appropriate alternative educational settings. The Team will convene to determine whether the student’s misconduct is a manifestation of their disability. A student’s conduct is a manifestation of their disability if the conduct in question was caused by or had a direct and substantial relationship to the child’s disability, or if the conduct in question was the direct result of the district’s failure to implement the student’s IEP or a 504 Plan.
4. If the Team determines that the student’s misconduct is a manifestation of their disability, the Team will convene to review the student’s functional behavioral assessment and will create, review or modify as necessary the student’s behavior plan and IEP or a 504 Plan. Under such circumstances, the student will be returned to their current placement unless the Team determines that another placement is required to provide the student with FAPE (free appropriate public education).
5. If the Team determines that the student’s misconduct is not a manifestation of their disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer an appropriate education program to the student with disabilities, which may be in an interim alternative setting.
6. Regardless of the manifestation determination, the district may unilaterally place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days under the following circumstances:
 - 1) if the student carries or possesses a weapon to or at school, on school premises, or at a school function;
 - 2) a student 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;
 - or 3) a student has inflicted serious bodily injury upon a person while at school, on school premises, or at a school function.
7. Easton Public Schools will provide written notice to the parent(s)/guardian(s) of all rights to appeal and to an expedited hearing. If the parent(s)/guardian(s) chooses to

appeal, during the appeal the student stays put in the interim alternative placement, unless the parent(s)/guardian(s) and district agree otherwise.

Classroom Observations

Parent(s)/guardian(s) have the right to observe (per 603 CMR 28.07 (1)(a) (3)) any program(s) proposed for their child if the child is identified as eligible for special education services. Parent(s)/guardian(s) may request a classroom observation or have outside personnel observe their child in school. In order to request an observation, please write a letter to the building principal and Special Education Coordinator/Team Chairperson of your child's school. District staff will accompany parent(s)/guardian(s) or their designee during the scheduled observation period. We will try to accommodate observation requests. However, please be aware that in fairness to the students, observation times exceeding one hour may be held over several days or broken down into shorter chunks of time so as not to disrupt the learning process. The procedures for the observations are outlined as follows.

- All requests for classroom observations must be received by the building principal at least 72 hours prior to the date of your proposed visit.
- Any observer who is not a legal parent(s)/guardian(s) must have written permission from the parent or legal guardian to observe their child.
- Observers will be given a start time and an end time that must be followed. At the discretion of the building principal and or administrator a prescheduled observation may be rescheduled if the participant is late for their observation period.
- The length of the observation period will be determined by the building principal and or administrator. The administrator has complete authority to decrease or lengthen this period.
- A single outside observer only will be allowed in the classroom during any observation period unless authorized by the building principal.
- School staff will accompany the outside observer during the entire time of the observation period.
- The building principal and /or administrator will have complete authority to end, extend, or deny the observation request at his/he discretion.
- Observers may not use any electronic devices such as videos, audio recorders, or cell phones during the observation or in the school building. Parent(s)/guardian(s) have the right to observe (CMR 28.07 (1)(a) (3)) any program(s) proposed for their child if the child is identified as eligible for special education services.
- In the event that personally identifiable or confidential information about other children/students is obtained during the course of the observation, you may not disclose it. The district may require that you sign a related statement of agreement prior to your observation.

Section 504

The Easton Public School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practices in the school district.

Section 504 of the Rehabilitation Act of 1973 covers qualified students with disabilities who attend schools receiving Federal financial assistance. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

A physical or mental impairment is defined as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. This list is not exhaustive.

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. In the ADA Amendments Act 2008 Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of "major bodily functions" that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. An impairment that is episodic or in remission, is also considered a disability if it would substantially limit a major life activity when active.

Under Section 504, the school district has the responsibility to identify, evaluate, and if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent(s)/guardian(s) disagrees with the determination made by the professional staff of the school district, he/she has the right to a hearing with an impartial hearing officer. Any questions concerning the implementation of policy and procedures may be directed to:

Theresa Skinner, Director of Special Services tskinner@easton.k12.ma.us