

Mohawk Trail and Hawlemont Regional Schools
Special Education Procedural Manual

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1.0 INTRODUCTION & PURPOSE

The Mohawk Trail Regional School District Manual has been developed to ensure consistency and accuracy of special education practices across the district. The practices and procedures included in this manual align with 603 CMR 28.00 Special Education Regulations. Required forms and documents referred to in Sections 2 – 9 can be found at the end of the manual under forms and documents. The Policies and Procedures Manual and forms/docs can also be found on Google docs.

All special education personnel responsible for the implementation or coordination of special education evaluation and services should become familiar with the practices and procedures as well as use only the forms referenced within this manual.

This manual will be reviewed at least annually, which may result in revisions to content and/or forms. Staff will be notified of any changes and should review this manual in full at least once every school year.

1.1 Communication With Non-English Speaking Parents

When working with families whose primary language is not English, the district is required to provide translation services. These services may include interpreters at team meetings, as well as having documents translated. All special education documentation that is sent to the home should be translated for the family. This would include, for example, NIs, Evaluation Consent Forms, Meeting Invitations, assessments, IEPs. Copies of all interpreted documents should be sent to the Student Services Office to be maintained as part of the student's file. When translation services are required, please complete the Request for Translation Services and return to Student Services. If parents choose to waive translation services, they should sign the Waiver for Translation Services form. This signed form should be sent to Student Services to be maintained in the student's file.

When an evaluation by a district staff member is being translated, a copy of the evaluation should be emailed to Leann Loomis (lloomis@mtrsd.org) at Student Services as a word document, to facilitate the translation process.

2.0 REFERRAL PROCESS

2.1 Referral for Initial Evaluation

A student may be referred for an evaluation by a parent or any person in a caregiving 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/CST) 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 Mohawk and Hawlemont School Districts 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 by completing a Proposed Action Notice (N1) and Evaluation Consent Form (N1A). A copy of the Parental Notice of Procedural Safeguards should be included as well.

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.

2.2 School Referral

When the School Principal or Child Study Team (CST) determines that all efforts have been made to meet the needs of the student within the general education program, and these efforts have not been successful, a student should be referred by school personnel for an evaluation to determine eligibility for special education. *The team will propose evaluations in the areas of suspected disability (areas of concern).* The Special Education Liaison shall ensure that documentation of the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility (ie DCAP). The Liaison, Principal, or other designee, will notify the parents of the school district's proposal for an initial evaluation. The Liaison shall send notice and consent within a "consent packet" (including Parental Notice of Procedural Safeguards, N1, and Evaluation Consent) and shall coordinate the evaluation process.

2.3 Parent Referral

If a parent or caregiver verbally requests an evaluation, the Liaison should be notified immediately. The Liaison 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. When the Liaison feels it is an unwarranted parent referral, please contact the Director of Pupil Services Leann Loomis. *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 begins; however verbal confirmation of the parent decision to pursue

a special education evaluation also necessitates that the referral process begins. The school district has **5 school days** to respond in writing to a parent's verbal or written request for an evaluation.

If a parent agrees to access the instructional support process as a first step, instead of pursuing an evaluation, the Liaison shall confirm and document this via written agreement. This agreement should be maintained in the student cumulative file and a copy sent to the parents.

2.4 Private School Referral

When private school personnel submit a referral for a special education evaluation, the Liaison 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. The district must respond as described above in Section 2.3.

When a parent of a private school student contacts the school district to request a special education evaluation, the Liaison should immediately contact the private school to gather impressions of area of disability and then the same process as described above in Section 2.3, Parent Referral, should be followed. The Liaison of the school the student would attend if in district is responsible for responding to this type of parent referral.

If a student is residing in a neighboring state but attends a private school in The Mohawk Trail or Hawlemont Regional School Districts those districts are responsible for evaluating and/or providing services as outlined in 2.4. Please contact Director of Pupil Service's Leann Loomis if this referral is made.

2.5 Sending out Consent to Evaluate

When a request for an evaluation has been received, the school district has **5 school days** to respond in writing. Once the Liaison has contacted the parent to gather information about the request for an evaluation, he or she shall mail a consent pack to the parents which includes:

- A proposal to conduct an initial team evaluation (N1)
- An evaluation consent form (N1a)
- A notice of procedural safeguards

The district will propose evaluations in the areas of suspected disability (areas of concern).

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

2.6 What to Do If a Parent **Does Not** Submit Signed Parental Consent:

- If receipt of the consent has not been received within two weeks, the Liaison will follow up with the parents to inquire if there are any questions or if an additional copy is needed. If a parent does not return the initial evaluation consent form within 30 calendar days of being mailed out, a consent packet will be mailed a second time, with the date documented.

- If parental consent is not received within 30 calendar days for a re-evaluation, a second attempt, and if necessary, a third attempt will be made. If after three attempts there is no parental consent, the Liaison will notify The Director of Pupil Services.

Additional efforts to obtain parental consent will be made and documented. If the parent revokes consent or refuses any evaluation, and the District determines that such action will deny the student a free and appropriate education (FAPE), the district shall seek resolution through the Bureau of Special Education Appeals (BSEA).

In situations of divorce, when there is shared custody, if the district is in receipt of signed consent to evaluate from either one of the parents, the district begins the evaluation process.

2.7 Receipt of Consent at End of School Year

If consent is received within thirty (30) to forty-five (45) school days before the end of the school year, the district must ensure that a Team meeting is scheduled. The proposed IEP and N1 or written notice of the finding of no eligibility (N2) will be sent no later than fourteen (14) days after the end of the school year. For consents received fewer than 30 school days prior to the end of the school year, the timeline starts at receipt of consent, stops on last day of school, and re-starts at the start of the following school year (See 603CMR28.05(1)).

3.0 EVALUATION PROCESS

3.1 Initial Evaluation

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**. The Liaison will complete a Special Education Evaluation Notice including referral questions and any appropriate information, and provide it to all team members. A Team meeting must be scheduled within **45 school days** from receipt of consent.

The Liaison is responsible for notifying the evaluation team members that consent has been received and assessments can be scheduled. The Liaison will schedule the Initial Team meeting to occur within **45 school days** from receipt of consent and send to the parent(s) the following:

- A notice of team meeting
- An attendance sheet (N3a)
- Parent Questionnaire to share at the Team Meeting

3.2 Assessment(s)

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 assessments in all areas related to the suspected disability, plus educational assessments (Educational Assessment Forms Part A & Part B) by a representative of the school district to include:

- A history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Common Core incorporating the Massachusetts Curriculum Frameworks and the district curriculum (Ed. Form A)
- An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults (Ed. Form B)
- The school district shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential (i.e. psychological, academic, observation)
- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist
- An academic/achievement assessment by a qualified special education teacher, psychologist or other qualified personnel
- Any other evaluation necessary to address referral questions or suspected areas of disability [assessments may include Speech/Language, Occupational Therapy, Physical Therapy, Adapted Physical Education, Home Assessment, Health assessment that identifies medical problems or constraints that may affect the student's education.

- When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program may be considered
- For children who are receiving early intervention services, current and appropriate early intervention assessments may be used to inform team decisions

3.3 Assessments Required for Specific Learning Disabilities (SLD) Determination

When a specific learning disability is found to be the primary disability impacting a student's ability to access the general curriculum, a specific set of SLD determination forms must be used to aid in this determination. These forms consist of a historical review and educational assessment, identification of the specific area(s) of concern and evaluation methods, an analysis of certain exclusionary factors, a mandatory observation form, and, finally, a Team determination of eligibility that all Team members must sign.

3.4 Assessment Reports

Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impressions as well as specific recommendations. The evaluator shall define in detail, and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. *The evaluator should not determine eligibility in their evaluation*; however recommendations around strategies and accommodations based on the findings would be appropriate. Assessments shall be completed prior to discussion by the Team and shall be shared with the Liaison one week prior to the meeting. The Liaison will then share assessments with parents/guardians. This includes Educational Assessment Part A & B.

Each person conducting an assessment must give the Liaison two (2) final, signed copies with the original signature (in blue ink). These reports must be submitted one week prior to the team meeting.

The evaluator may email a signed PDF copy of their report to the Liaison for the purposes of meeting a deadline. The evaluator will provide the Liaison with an original, signed version of the report for the cumulative file.

3.5 Re-evaluation Process

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 may not occur more frequently than once a year unless both parents and LEA agree that evaluation is needed. Liaisons shall complete the Special Education Evaluation Notice, including referral questions, for all evaluators.

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 consent to waive the assessment(s) or may choose to have the

assessments completed regardless of the recommendation for waiver. When there are school-based recommendations for waived assessments, the Liaison should contact a parent/guardian directly to discuss the waiver process. However, in the case of high school students where there are usually specific transitional needs, a psychological and an academic evaluation should be routinely conducted when due.

Evaluation is required **PRIOR** to ending an IEP service, including consultation. The assessment that is used can be a combination of standardized assessment and curriculum or classroom based assessment data.

3.6 Psychological Evaluations as part of the Re-evaluation Process:

After the Liaison reviews the existing evaluation data (from the last evaluation and any assessments that have been completed within the last three years), she/he may do the following:

1. Generate a list of referral questions for this student, gathering information from general and special education teachers, related service providers and parents;
2. Determine, in collaboration with the psychologist, what testing is needed in order to answer referral questions. If there has been no change in cognitive function, and no neurological or brain based injury since the last evaluation, cognitive and psychological testing may not be needed. If projective tests are being conducted, these need to be explicitly stated on the evaluation consent form, which the parents sign. In the case of high school students, however, where transitional issues are particularly salient, a full psychological battery should be routinely conducted whenever due.

At least **45 school days prior** to the 3-year re-evaluation date indicated on a student's IEP, the Liaison will send out an Evaluation Consent Packet consisting of:

- A proposal to conduct a re-evaluation
- An evaluation consent form

Please refer to the Referral Initial Evaluation Section (2.0) for information pertaining to the process and procedure for an evaluation once consent is received.

3.7 “Private Evaluation” - Private Evaluation at Parent Expense

When a parent submits to the school/school district an evaluation report for a student who is **NOT** currently receiving special education services, the designated building personnel (e.g. Assistant Principal, Guidance Counselor) shall contact the parents to either discuss concerns or to schedule a meeting with the classroom teacher. 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 determine if a referral for special education evaluation or 504 Accommodation Plan is being requested or would be appropriate. The Special Education Liaison and/or Director of Pupil Personnel Services should be notified of the receipt of the evaluation and be kept apprised of the results of the discussion or referral process.

For students already receiving special education services whose parent(s) submit private evaluations, 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 Liaison and the Director of Pupil Services should be notified immediately of the receipt of the private evaluation so that he/she can schedule the Team meeting.

If a parent is providing a private evaluation during the three-year evaluation process, the district is still obligated to conduct its own assessments. The Liaison should consult with the parents as to the details so that the district does not duplicate the testing, thereby invalidating results of the later evaluation.

3.8 Independent Educational Evaluation

If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, the parent may request an independent education evaluation (IEE). Parents may obtain a private education evaluation at private expense at any time. If the parent requests an IEE at public expense, the district must respond to the parent within 5 calendar days. In response, the district may either pay for the IEE (at public rates only) or request a determination from the BSEA that the district's evaluation was comprehensive and appropriate. The Liaison should immediately notify the appropriate program head as well as the Director of Pupil Services of any request for an IEE so that the appropriate response can be made and timelines followed. The parent's right to request an IEE is extended up to 16 months after an evaluation or re-evaluation process has been completed.

3.9 Extended Evaluation

In order to consider an extended evaluation, the Team must have determined the student eligible for special education services.

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

The extended evaluation period shall not be used to allow additional time to complete the required assessments and **should not exceed 40 school days (8 school weeks)**.

If the parent consents to or accepts 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 shall not be considered a placement.

4.0 THE TEAM PROCESS

4.1 The Team

The Team consists of the following members:

- The student's parent(s);
- At least one general education teacher familiar with the student*;
- At least one special education teacher familiar with the student;
- A representative of the district who has the authority to commit resources;
- An individual who can interpret evaluation results;
- Other individual(s) who have knowledge or expertise regarding the student;
- If appropriate, the student may be included; however after the student has turned 13, the student must be invited to his/her IEP Team meeting.

*For any student placed in a substantially separate placement who does not attend general education classes or specials/enrichment/essentials, a general education teacher is not required.

*For any student placed in a substantially separate placement who does participate in general education classes or specials/enrichment/essentials even if only for short opportunities, the general education teacher familiar with the student must attend the team meeting.

4.2 Scheduling the Team Meeting

The Evaluation Team Facilitator will schedule the Team Meetings, providing written notice at least ten school days prior to the team meeting. Forms required for scheduling Team meetings include:

- A Meeting Invitation
- Meeting Attendance Sheet

4.3 Team Member Attendance Excusal

If a required Team member is unable to attend the Team meeting, the Team meeting can still be held as long as parents have provided signed permission to excuse the Team member and the absent Team member has provided written information input (i.e.: accommodations, goals/objectives). Parents should be contacted as soon as the district is aware that a Team member is unable to attend. A Team Member Attendance Excusal Form is available in X2. It must be signed by the parent prior to or at the start of the Team meeting in order for the meeting to be held. If a team member must be excused at any time during the meeting, parents must initial their consent to the excusal on the attendance sheet along with the time the team member was excused.

4.4 Student 14 Years and Older

Beginning no later than the first IEP developed when the eligible student is 14, the IEP process should recognize the need for students with disabilities to engage in effective transition planning. The Individuals with Disabilities Education Act (IDEA) requires that transition planning be part of the Individualized Education Program (IEP). Beginning no later than the first IEP developed when the eligible student is 14, the Team considers the student's need for transition services and documents this discussion. If appropriate, the IEP includes a statement of needed transition services. The school district

understands that it must maintain documentation of a full discussion of the student's transition needs, whether or not such discussion identifies needed transition services for the IEP. Such documentation must be reviewed and updated annually thereafter. Students must be invited to all educational meetings and allowed to participate actively when transition planning is discussed.

Beginning no later than the first IEP developed when the eligible student is 14, the IEP's of students should include a post school vision statement as well as identify the transition services necessary to support the vision. IDEA 2004 defines transition services as a coordinated set of activities for a student with a disability that -

- A. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- B. Is based on individual strengths, preferences and interest; and
- C. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. (P.L. 108-446, Sec 603 (34))

4.5 Private School

In the case of a student attending a private school, the Evaluation Team Facilitator should encourage the parent to include a representative from the student's school to attend the Team Meeting with agreement by the parent. A Consent for

Release of Information should be included with the Meeting Invitation so the Team can obtain student's current performance information.

4.6 Meeting Date/Time Change at Parent Request

In the event that the parent contacts the school district in need of rescheduling the Team meeting time and or date, the Liaison must send out a **NEW** Notice of Team Meeting Date and should use the text box for "details" to make note of the parent requested change: "Meeting date changed per parent request." Copies of **both** meeting invitations should be included in the completed packet sent to Student Services.

4.7 Team Responsibilities

The Team is responsible for managing three important activities:

- Eligibility Determination/Initial and Reevaluations
- Development of the IEP
- Placement decision

4.8 Eligibility Determination

If the student has one or more of the disabilities defined at 603 CMR 28.02(7) (see list below) and if, as a result of the disability(ies) the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the Team shall determine 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 and math.

Disabilities Categories:

- Autism
- Communication
- Developmental Delay (ages 3-9 only)
- Emotional
- Health
- Intellectual
- Neurological
- Physical
- Sensory
 - Hearing
 - Vision
 - Deaf-Blind
- Specific Learning Disability

4.9 What if a Student has a Disability but is Making Effective Progress in School?

If a student is found to have a disability, and is making effective progress and does not require specially designed instruction in order to make progress, the student is not eligible for special education. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning. *If the student only requires accommodations, then that student is not eligible for special education.*

General educators within the general education environment typically provide accommodations. Preferential seating, pencil grip use, or cooperative learning strategies are some examples of these kinds of typical accommodations.

Accommodations do not involve modifying the material content, but do allow students to receive information in a more effective manner based on their individual needs. The District Curriculum Accommodation Plan (DCAP) is an important document and reference for additional information about general education supports and interventions, including best practice accommodations. The DCAP is available at each building.

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 learning.

Determination of eligibility for a 504 Accommodation Plan is a separate process from the special education eligibility process and is coordinated through the Principal, Assistant Principal or Guidance Department.

If a parent or school member wishes to pursue a 504 eligibility process, they should be directed to contact the Principal, Assistant Principal or Guidance Department.

The 504 Process is a General Education Process and is not special education. Below is the current contact information for the buildings 504 Coordinators:

Elementary Schools- Building Principal

Middle and High School- Jennifer Howard, School Psychologist

4.10 The Special Education Eligibility Flowchart

The Eligibility Flowchart has been designed to assist Teams in making eligibility determinations. The flowchart is a worksheet and not a notice/form. The worksheet becomes part of the student record but does not need to be mailed to parents with the Proposed IEP. This form should be completed and included in the packet sent to Student Services.

4.11 Finding the Student Eligible

If a student is found eligible for special education, 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 (see section titled “Development of the IEP”).

4.12 Finding the Student Not Eligible

If the Team determines that the student is not eligible, the Evaluation Team Facilitator shall record the reason for such finding on the Team Meeting Summary Notes. This should also be documented on the Notice of Refusal To Act Form (N2). At the conclusion of the meeting, parents should be given a copy of the Summary Notes, and the N2 must be sent to the parent within 10 school days of the Team meeting.

4.13 What if a Parent Disagrees with the Eligibility Finding?

Parents have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA), including a finding of no eligibility. Parents may contact the BSEA directly. Information regarding how to contact BSEA is included in the Notice of Procedural Safeguards sent to parents with the consent packet. Parents should be asked if they are satisfied with the evaluations completed by the school district. If parents disagree with the district’s evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the parent requests an IEE at public expense, the district must either pay for the IEE (public rate setting only) or, within five school days, request a determination from the BSEA that the district’s evaluation was comprehensive and appropriate. (See Section 3.9, Independent Educational Evaluation, for more information about the Independent Educational Evaluation process).

5.0 DEVELOPMENT OF THE IEP

Upon determining that the student is eligible for special education, the Team shall develop an IEP. The first question to ask parents is, "What concerns do you have for your child that you want to see addressed in this IEP?" Parents may want to reference the questionnaire that was sent home with the invitation that asks these two questions. The IEP should be developed using the evaluation data and current school performance data to guide the development of goals and objectives for the student.

If an extended evaluation is needed due to insufficient information to develop an IEP, or if a parent is not satisfied with the evaluations and requests an Independent Evaluation, the Team may choose to write a partial IEP. If the Team writes a partial IEP, a parent may consent to the proposed partial program prior to completion of the full IEP. In such a case, the partial program shall be implemented immediately upon receipt of the signed partial IEP.

The Team should work together to develop the IEP. In most cases the Special Education Liaison or Principal will facilitate the process. The IEP shall be completed using the standard IEP format provided by the DESE and outlined on

E-Sped. Key components of the IEP include:

- Parent Concerns,
- Student Strengths and Key Evaluation Findings, a
- Vision Statement,
- Present Level of Performance for General Ed. Curriculum and other areas of education,
- Accommodations,
- Specially Designed Instruction,
- Goals/Objectives
- Service Delivery
- Schedule Modification including Extended School Year (ESY),
- Transportation,
- MCAS Accommodations
- SLD Forms: if a student was determined eligible with a Specific Learning Disability, the SLD forms must be completed at the time of an initial determination and at a re-evaluation.
- Autism Checklist: If a student has an autism disability, the checklist must be completed annually.
- Bullying Checklist: To be completed at every annual review to determine if a student is at risk to be bullied or to be a bully based on their identified disability.

- Placement.
- A Summary of Team Meeting Form should be used to document the decisions made at the Team meeting. School districts cannot come to a Team meeting with a completed IEP. A school may present a DRAFT IEP that is ONLY used as a guide for the meeting and is not a determination of the IEP. The Team, including parents, must work together to develop the IEP for the student. Parents must leave the meeting with the Summary of Team Meeting in the form of The Issuance. When developing an IEP, the Team must develop appropriate services that meet the needs of the student based upon the area(s) of identified disability. All service determinations are to stem from the current performance levels of the student as originated in the disability area(s). The addition of a service that a student is not currently receiving should not be made in the absence of an evaluation that presents disability-linked data to support the implementation.

Only related service providers may determine the specific evaluations to assess a possible area of need as determined by the Team. Related service providers should be invited to attend the meeting. In the case where a specialist is absent, the Team may not propose specific services, unless the related specialist has provided an outline of recommend evaluations and why. If assessments are recommended, the Team may request an assessment addressing the area of concern but should not identify a specific test. For example, the team could agree to a behavioral assessment rather than an FBA.

Please note, for initial and re-evaluation meetings, each evaluator and general education teacher will be responsible for providing a summary of their evaluation and/or classroom data. You may also use the Service Provider Form

5.1 Duration of Team Meetings

Team meetings should be run efficiently so that the Team is able to address the agenda and accomplish the goal of the meeting. To insure Teams, work together effectively and efficiently, the following recommendations are provided:

- Liaison should have available the agenda on the wall and several copies on the table for review
- Make reports available to parents ahead of time for review (two days prior to the Team meeting);
- Distribute all reports to Team members ahead of time for review;
- Evaluators provide a summary of their evaluation rather than a detailed review;
- Draft goals & objectives ahead of time in Word Document for consideration at the Team meeting;
- Discuss ONLY the goal focus rather than a detailed review of goals *and* objectives;
- Designate a time-keeper;
- Be sure that parents and teachers understand that the IEP is not meant to be a lesson plan;
- Refrain from using the Team meeting as a consult meeting – table discussions that can be held in follow-up conferences or consult meetings in order to remain on task.

5.3 Assistive Technology

The Mohawk Trail Regional School Districts adhere to all regulations and requirements to consider the assistive technology needs of all children with disabilities. Assistive technology devices and services will be considered in order “to maximize accessibility for children with disabilities.

Devices and services include, but are not limited to:

1. AAC devices
2. Text to Speech devices/software
3. Speech to Text devices/software
4. Apps
5. Amplification System
6. Evaluation
7. Staff, child and teacher training

IEP Teams will consider the need for assistive technology devices and/or services as part of the child’s IEP team meeting for all students receiving special education services, regardless of placement. IEP Teams will consider the unique needs of the child when determining assistive technology devices and services options, including the child’s ability to:

- access the curriculum and gain academic skills
- learn with non-disabled peers
- address behavior challenges
- participate in all aspects of the education program

Recommendations of assistive technology will be documented within the Individualized Education Program on page IEP-2 (PLEP-A), page IEP-3 (PLEP-B), within a goal statement, or in the Service Delivery grid in section A, B, or C.

The Mohawk Trail Regional School Districts recognize the responsibility to plan and implement a special education program for children with disabilities that is carefully designed to ensure acceptable

progress. Acceptable progress has been defined through case law across the nation as a reasonably high standard and should not be interpreted as a child merely passing grade to grade.

5.3 Special Transportation

If the Team determines that the student's disability requires transportation or specialized transportation arrangements in order to access special education services, the Team shall note on the student's IEP that the student requires such services. In such circumstances, transportation is a related service and the determination for need should be made as a data-driven decision linked to the student's identified area of disability with respect and consideration of the least restrictive environment for the student. This must occur at each type of Team Meeting, which includes a Team Determination of special transportation or renewal of special transportation. Once the team has determined the need for transportation, the Liaison should complete the Special Transportation Request form and submit it to the Director of Pupil Personnel.

If a program is not offered as part of a student's home school, the student will be provided transportation to the appropriate school but it is not considered special transportation. On IEP Schedule Page, IEP 6, check off, "no", and explain that the student is accessing services in a non-neighborhood school. (Example: Student attending the HUB at BSE, but their home school is Colrain).

5.4 School Year (ESY)

ESY refers to special education and related services beyond the normal calendar year for students with disabilities. Eligibility for ESY is determined by examining two global criteria: regression/recoupment and non-regression. These criteria should be considered for every student using the following factors:

- The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students. (regression/recoupment)
- The nature of severity of the student's disability. (non-regression)
- The student's progress in the areas of learning is crucial to attaining self-sufficiency and independence from caretakers. (non-regression)
- The student's stereotypic, ritualistic, aggressive or self-injurious interfering behaviors prevent the student from receiving some educational benefits from his/her program during the school year (non-regression)
- Other special circumstances identified by the IEP Team such as: The ability of the student to interact with non-disabled students; the areas of the student's curriculum that need continuous attention; the student's vocational needs; and/or the availability of alternative resources (non-regression).

ESY is officially discussed and determined at each child's annual IEP meeting. School staff will complete screenings and/or collect data to help make individual recommendations. Prior to the Winter Break and February Break staff who anticipate a student may require ESY due to regression should complete the ESY data form. After February Break if ESY services are indicated, they are to submit their forms to the Director of Pupil Services by March 15th. In the circumstances of the "non-regression" criteria, ESY decisions should be made no matter how early in the school year an annual review meeting is held.

5.5 State/District Wide Assessment Accommodations

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 state and district wide assessments with accommodations outlined in the IEP. Testing accommodations outlined on IEP 7 must be consistent with accommodations students generally receive in their curriculum as listed in IEP A. Students who require alternative assessments will continue to be evaluated through the MCAS-Alt until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

5.6 Students with Disabilities and Bullying

According to the bullying legislation, Chapter 92, school districts have several responsibilities regarding students with social skills disabilities. 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 these students are more vulnerable to teasing and are not skilled in responding. This is a consideration included on the ASD checklist that is referenced by the Liaison during all Team meetings for a student who is identified as ASD.

The state law requires specific steps in order to ensure that students with autism and social skills disabilities 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 skill levels of the student and insuring that the student will:

- 5.6.1 benefit from the general education bullying prevention curriculum as is,
- 5.6.2 benefit from accommodations or a modified curriculum to insure he/she can access the curriculum, or
- 5.6.3 benefit from separate goals and objectives within the IEP to address the skill deficits.

What the legislation says:

Chapter 92, Section 7 states: Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, §3, as amended by Chapter 92 of the Acts of 2010.)

Section 8 states: For students identified with a disability on the Autism Spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, §3, as amended by Chapter 92 of the Acts of 2010.)

Required Documentation:

When a student is identified with a disability that affects social skills development or Autism, the development of an initial or revised IEP should include focus on accommodations and skill instruction to develop social and/or language skills.

Bullying is addressed through the curriculum differently at every grade level. If the student requires a separately delivered curriculum in social skills associated with recognizing, avoiding and responding to bullying, that should be addressed in the social pragmatics, communication or self-advocacy goal areas.

The discussion about social skills, recognizing, avoiding and responding to teasing and bullying should be an integrated part of a Team meeting, if the student has social skills deficits. It should not be an add-on. Most meetings will not require the explicit use of the term "bullying," but rather will naturally focus on social skills, peer relationships, social pragmatics, communication or self-advocacy.

The Team should complete the Mohawk Trail District Bullying Identification form for every student and identify if their disability puts them at risk to be bullied or to be a bully. A copy is given to the parent at the time of the annual or three year re-evaluation meeting. The form is also submitted to central office to be filed in students special education file.

Chapter 57: An Act To Address The Special Education Needs Of Children With Autism Spectrum Disorders

Whenever an evaluation indicates that a child has a disability on the autism spectrum, the IEP Team shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; the needs resulting from the child's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from Autism Spectrum Disorder; and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development. For students with a disability on the autism spectrum, the Autism Checklist MUST be completed in conjunction with the IEP development. The checklist is provided in the appendix of this document (IEP Requirements for Students with Autism Spectrum Disorders). The checklist is not part of the IEP, but is a part of the student's special education file and should be included with all documents sent to Central Office.

6.0 PLACEMENT DETERMINATION

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

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

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

The decision to enact a change in placement that constitutes placing the student in a more restrictive setting must come following an evaluation so that updated data may be used as a basis for the Team determination.

6.1 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. The removal of a student from the general education setting is supported in the Nonparticipation Justification section of the IEP, which quotes the regulation describing the district's responsibility outlined above.

6.2 Placement Meeting

In the development of the IEP, if the needs of the student and the services identified by the Team are complex, and the Team is considering an initial placement out-of-district or in a different setting for a student who has been served in an out-of-district program, the school district may schedule a separate Team meeting to determine placement. This separate placement meeting must occur within **10 school days** following the meeting at which the Team developed the IEP.

6.3 Transition Planning

For every student who will be turning 14 years old within the new IEP period, the Transition Planning Form should be completed with the support of the student's case manager prior to the IEP meeting. This is a document that will be reviewed and revised at every annual IEP meeting for the student. It should be used as a tool to develop the student's vision statement in conjunction with the Team's vision for the student and to identify necessary skills the student may need in transitioning from high school to postsecondary outcomes. Best practice in transition

planning is that the team will consider instruction, employment, and community experiences/post school adult living as outlined in the Transition Planning Form

Students ages 18 through 21 years

For students who do not receive a diploma from high school, they continue to be eligible for special education services until they are 22 years old. The school district shall ensure that options are available for students ages 18 through 21 years. Such options shall include continuing education, developing skills to access community services, developing independent living skills, developing skills for self-management of medical needs, and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus and shall be considered in-district programs if the program is operated by the public school and offers the student ongoing opportunities to interact with students or young adults without disabilities.

The Mohawk Trail District currently has an in-district vocational program. The program consists of access to adult supported employment within the school and in the local community. Decisions about where a student is placed for employment are made by the team and based on their ability to be in a community setting.

6.4 Age of Majority:

For students who are 17 years in age, Age of Majority MUST be discussed at the annual IEP meeting. The Liaison must provide the student with a copy of the Parent's Notice of Procedural Safeguards (PNPS). A discussion must take place regarding the Age of Majority and the student's rights. It may be helpful to refer to the Age of Majority letter for purposes of this discussion.

The Liaison will also make each student and parent aware that at this meeting the Age of Majority Rights will occur **ON** the student's 18th birthday, and that the student will be asked to sign the Age of Majority letter indicating their decision (if they choose to make all educational decisions themselves, share in the decision making process with their parents, or continue to have parents make educational decisions).

The Liaison will check the box under additional information that this matter was discussed at the IEP meeting. The N1 must clearly state that the PNPS has been provided to the student and that the Age of Majority and student's rights have been discussed one year prior to the student's eighteenth birthday.

The Liaison will ensure that on the student's 18th birthday the student will be provided with and sign the Age of Majority letter. In instances of a non-school day this will occur upon return to school.

If the student wishes to take the document home to review with the parent, it is the responsibility of the case manager to follow-up with the student and schedule a meeting to discuss any concerns upon the student's request.

The original signed Age of Majority letter will be promptly sent by the Liaison to the Student Services

office for placement in the student's special education file.

All meeting notices and special education documentation must be sent to the student if the Age of Majority rights are solely with the student. If the rights are being shared with the parent/guardian, then the parent and student will both receive the required documents and must co-sign all documents.

The HUB at BSE

PURPOSE

The HUB is to support Mohawk School District students that require a substantially separate program with the daily support of an ABA trained Para with the oversight of a Behaviorist and Special Education teacher. The typical diagnosis for students in this program is ASD (Autism Spectrum Disorder) and need support to acquire:

- communication skills
- social interaction and pragmatic skills
- comprehension
- behavioral and emotional regulation
- adaptive daily living skills

The school the student attends, MUST first provide the appropriate level of supports within their home school BEFORE referring to the HUB. Students are legally protected by LRE (Least Restrictive Environment). Unless a student moves into our district with an IEP stating they require a substantially separate placement, the school the child attends must exhaust all options within their own school before referring to the HUB. Prior to considering placement in the program, a progression of interventions have been consistently implemented in a less restrictive setting, including, but not limited to:

- Significant modification to content, methodology, and/or performance criteria
- Additional adult support in a less restrictive setting
- Use of communication devices, supplementary aids and services
- Use of visual aids, manipulatives, alternative materials
- Consistent communication between all teachers, service providers, and family

The program is designed for students who:

- have been determined by the Team as meeting the disability criteria of Autism,
- who have been identified as having significant cognitive and/or learning deficits that impacts their ability to access the general curriculum.

The program addresses the unique needs of students who require supports and education in the following areas:

General Education Classroom Supported by Inclusion Specialist

- Modified Curriculum
- Academic Readiness
- Sensory Regulation
- Social Skills

Hub Placement (Substantially Separate Room)

- Discrete Trials
- Activities for Daily Living
- Behavior Management

Students will be included in the general education setting for all academic and social activities that provide an educational benefit. Time in the general education setting will fluctuate based on the students' individual needs. It is the goal of the program to increase students' skills and independence across their day.

The program utilizes multi-disciplinary approach to enhance communication, socialization and sensory integration through:

- Inclusion Specialist
- Behaviorist
- Speech Language
- Occupational and Physical Therapy
- Other specialists based on individual need

Progress Monitoring:

Students receive regular progress monitoring via:

- observation
- individualized data collection
- VB-MAPP
- ABLLS-R
- School Function Assessment

Entrance Criteria for The HUB at BSE

Check Off List

Student Name _____ Grade Level _____

Attending School _____ Date _____

Team Members Making the Referral

Step One: Documentation

Recent evaluation data (within the last year) provides strong evidence that Autism related needs (verbal and non-verbal communication needs, pragmatic and social skills, sensory needs, stereotypical movements, and/or social emotional needs) are significantly interfering with the child’s ability to access the general curriculum and requires behavior management to support the student’s overall program.

Do: Attach documents of data and interventions

What: In house Team Meeting with Director of Pupil Services Chairing the Meeting

Who: Attending School Team, HUB Inclusion Specialist, HUB Behaviorist, Director of Pupil Services

Scheduled by: Liaison

Led by: Director

Step Two: (Step One must be met and approved by Director of Pupil Services before moving to Step Two)

Director will Schedule the following:

Observation by HUB Inclusion Specialist _____ and Behaviorist _____

DPSS to set additional meetings as necessary or move to Step Three

Step Three:

IEP Team Meeting Date: _____

Building Based Principal _____ Teacher ____ Special Ed Teacher _____ Specialist ____

Director of Pupil Services ____ Inclusion Teacher(HUB) ____ Behaviorist(HUB)_____

Parent(s) _____

Step Four: Referral is agreed upon:

HUB Visit _____ Proposed Hub Start Date _____

THE FOLLOWING LIST NEEDS TO BE COMPLETED BEFORE TRANSFER INTO HUB CAN BEGIN

BSE Administration

- Para Assigned
- Assigned to general education class of _____

BSE Office

- Registration form completed
- Records transferred
- Health Records received

District Transportation

- Transportation arranged
- Name and contact information for bus driver: _____
- Intake meeting w/BSE staff and administration

SCHOOL LIAISON

- IEP Transferred to BSE
- IEP copied and distributed to Classroom teacher
- Service Providers:
- In-house meeting set to conduct intake meeting w/above BSE personnel

Process:

- 1. Attending School In House IEP team has met and looked at documents provided by referral**
- 2. Team Members provide data supporting their approach and its effectiveness, or lack thereof.**
- 3. District Behaviorist and Inclusion Specialist have conducted observations and collected data.**
- 4. Recommendations from Behaviorist and Inclusion Specialist have been implemented with fidelity at the school level.**
- 5. Team reconvenes to determine if a HUB placement is appropriate.**

Exit Criteria:

The IEP team will regularly (at least annually), review the students need for LRE (least restrictive environment). Once a student demonstrates the the ability to access modified or grade level curriculum with safety and increased independence, the IEP team has the responsibility to recommend a move from a substantially separate program to a partial or full inclusion, while continuing to support the individual needs of the student.

7.0 PROCESSING THE PROPOSED IEP FOR DISTRIBUTION TO PARENTS

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

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

An IEP checklist titled Required Forms and Notices has been created to guide ETFs on the compilation of the IEP packets to be submitted to the Student Services office for processing (see Appendix 7.0). The Required Forms and Notices page **MUST** be completed in full. IEP packets must include all necessary components in the listed order outlined on the checklist when they are submitted for processing.

Once IEP packets are completed, the Principal/Program Head will review and sign the IEP. It is the Team's responsibility to submit the IEP packet in a timely manner in order for the school district to meet the required IEP timelines.

8.0 PARENT RESPONSE TO IEP

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

- Accept or reject the IEP in whole or in part;
- Request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or,
- If mutually agreed upon, accept a revised proposal; and,
- Accept or reject the proposed placement

If parents have not responded to the IEP within twenty days, a letter is sent home with a copy of the IEP as well as the signature pages (see 2nd Request Notice, Appendix 8.0). The ETF should include copy of this 2nd Request Notice in the completed packet that is sent to Student Services. If the parents have not responded to the second request letter after thirty days, the IEP packet with the Required Forms and Notices cover is sent to Student Services with a notation of the current status. At that point, a third notice will be sent out from Student Services. If parents do not respond after the third attempt, the IEP is filed as rejected with the BSEA by Student Services.

9.0 IMPLEMENTATION OF THE IEP

9.1 Receipt of Signed IEPs

Parents are provided a self-addressed envelope along with 2 copies of the proposed IEP to sign and return to the ETF at their neighborhood school. The ETF immediately date stamps the signature and placement pages and promptly sends the entire IEP packet with a Required Forms and Notices Coversheet to Student Services. The Student Services Administrative Assistant will change the IEP status in X2. If an IEP is rejected, in whole, or in part, the signature and placement pages will be immediately date stamped and faxed to the Student Services Administrative Assistant, along with the administrative cover sheet. This must be submitted to the BSEA **within 5 calendar days** of receipt by the district.

9.2 Receipt of Partially Rejected and Rejected IEPs

When an IEP has been rejected in full, it will appear on X2 as Rejected. When it is rejected in part it will read as Active. The ETF will immediately provide the Team with a copy of the parent's response. This enables Team members to know which parts of the IEP have been accepted and can be implemented. Should Team members have questions regarding implementation, they should IMMEDIATELY contact the ETF. If questions still remain, the ETF will contact the appropriate Program Head for clarification.

The IEP must be implemented immediately upon signed response from parents

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

9.3 Amendments

At times it is necessary to amend an IEP. An amendment can be conducted via phone contact or email with the parent(s). An amendment cannot extend the length of the IEP, nor can an amendment change placement. An unsigned, rejected, and partially rejected IEP cannot be amended – any changes made to an unsigned IEP are considered “Revisions” to a proposed IEP and should be marked accordingly. An N1 is always included with an amendment.

9.4 IEP Revisions

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

9.5 Progress Monitoring/Progress Reports

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

Progress reports should reflect, in measurable terms, the student's progress toward the annual goal and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period.

Progress reports must be sent to the parents at least as often as parents of nondisabled children are informed of their children's progress (in conjunction with report cards). In Mohawk Trail Regional School district, the frequency of reporting is as follows:

<i>Grade Level</i>	<i>Frequency</i>
Preschool	Two Per Year
Elementary (K-5)	Two Per Year
Middle School	Four Per Year
High School	Four Per Year

By federal regulation, progress reports must answer the following two questions for each goal:

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

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

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

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

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

9.6 Declining Special Education Services

If, after accepting IEP services, a parent chooses to decline those services, the parents should be provided with a Confirmation to Decline Special Education Services form, as well as the Procedural Safeguards Manual (see Appendix 9.6). Once this form is signed and received, it should be sent to Student Services.

9.7 Updating Student Status

When a student's status has changed (e.g. graduated, moved, no longer eligible) and they will no longer be receiving special education services, a Student Status Update form should be completed by the ETF and sent to the Student Services.

10.0 DISCIPLINING STUDENTS WITH SPECIAL NEEDS

In *Honig v. Doe*, 559 IDELR 231 (EHLR 559:231) (U.S. 1988), the U. S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and related services under the IDEA). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if his/her misconduct was caused by, or was directly and substantially related to, his/her disability. A disciplinary change in placement occurs when a student is suspended in excess of ten (10) consecutive school days or subjected to a pattern of short term suspensions in excess of ten school days which constitute a pattern of removal. If the misconduct includes bringing a weapon or drugs to school, if the student has inflicted serious bodily injury on another person, or if he/she otherwise poses a danger to him/herself or others, then different rules governing removal from school will apply. In all events, suspension of more than 10 school days is subject to special rules and limitations when the student is disabled under either the IDEA or Section 504. Further, districts must continue to provide a free appropriate public education to IDEA eligible students with disabilities who have been suspended for more than 10 school days or expelled.

Outlined below are the procedural protections and disciplinary proceedings that pertain to these situations. Beyond the basic due process rights afforded to all students:

- The Individuals with Disabilities Education Improvement ACT (IDEA) and Section 504 of the Rehabilitation Act impose additional procedural requirements when excluding students with disabilities for disciplinary reasons.
- Students with IEPs **or** 504 Plans **or** any student whom the District had reasons to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education are entitled to the additional procedural protections.
- A Manifestation Determination **must** be conducted prior to any removal constituting a disciplinary change of placement.
- **When appropriate**, an FBA (Functional Behavioral Assessment Plan) **must** be developed or a review of an existing Behavioral Intervention Plan **must** be conducted.
- A Functional Behavioral Assessment is required **only** after determining that the conduct was a manifestation of the student's disability or when found to be appropriate by the Team.

- A Manifestation Determination **must** be held within 10 school days of any decision to impose discipline that would result in a **change of placement** to determine whether the conduct giving rise to discipline was a manifestation of the student's disability.
- Provision of services/FAPE (Free Appropriate Public Education) **must** be provided to IDEA-eligible students as of the **11th cumulative day of removal**.

If the behavior is **not** a manifestation of the student's disability:

- The principal **may** impose sanctions applicable to all students.
- The principal **must** provide FAPE, as determined by IEP Team, for students on IEPs as of the 11th day of removal.
- There is **no** obligation to provide FAPE for 504 students although they have the right to an opportunity to make academic progress during the period of exclusion in accordance with M.G.L. c.76, §21.
- Stay Put Rights: A student remains in disciplinary placement pending expiration of the disciplinary sanction **or** until a decision from a Hearing Officer.

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

- The student returns to school prior to the 11th day, **unless** the conduct meets the criteria for a unilateral removal, the school district obtains parental consent, **or** there is a Hearing Officer's order, **or** a temporary restraining order (TRO) has been issued.
- A student with a disability may be placed in an Interim Alternative Educational Setting (IAE) only upon the recommendation of the Team **and** the consent of the parent/guardian, or the student if he/she is 18+. Under certain specific circumstances, a student **may** be unilaterally placed in an IAE by his/her Team.

A student **can** be unilaterally removed, regardless of manifestation determination, to an IAES for **up to 45 school days** for:

- Possession of a dangerous weapon on school premises or at a school- sponsored or school-related event.
- Possession or use of illegal drugs on school premises or at a school-sponsored or school-related event.
- Solicitation of a controlled substance on school premises or at a school- sponsored or school-related event.
- Causing serious bodily injury.

The 45-day IAES **must**:

- Enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the IEP.
- Provide services and modifications designed to address the behavior that gave rise to the

removal and to prevent the behavior from recurring.

- **End** at the conclusion of the 45 school day period **and** the student shall be returned to his/her previous placement **unless** the parent/guardian/student consents to an extension of the IAES **or** an Order is obtained authorizing the student's continued removal.

The district will comply with all state and federal statutes regarding the discipline of students with special needs. For more detailed information regarding these laws and regulations see the Parents' Notice of Procedural Safeguards, the Individuals with Disabilities Education Improvement Act of 2004. (IDEIA) (PL: 108-446), Section 615, and Section 504 of the Rehabilitation Act of 1973.

11.0 REQUESTS FOR SERVICES

11.1 Request for Services

Whenever a request for additional services is made, the liaison should contact the appropriate Special Education Program Head who, in turn, will determine the appropriate course of action.

- Request for Translation/Interpreter Services:

Whenever a family requires translation and/or interpreter services, or when the ETF/Program Head deems it appropriate, the ETF will initiate the process for obtaining one as outlined in the procedures in 1.1 (See Appendix 1.1).

- Request for Duplicate Records:

If a request for special education records is received at the school level, parents should be directed to the Student Services Office where they will complete a Request for Duplicate Records form (See Appendix 11.0). Documents will be made available within ten days of receipt of the request. One copy is provided at no charge, but additional copies are provided at a cost of \$.10 a page.

- Release of Information

In order to protect confidentiality of students, when communicating with private service providers of student, or releasing records, the district requires that parents sign a Consent for Release of Information form (See Appendix 11.1).

11.2 Parent Request for Observations

The Mohawk Trail Regional School Districts collaborate with parents to provide timely response to requests received for observation of their children's current or proposed special education programs. The parent or his/her designated private evaluator or educational consultant may conduct observations Mohawk Trail Regional School District will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress. The following guidelines apply to arranging for such observations:

Prior to the observation occurring, parents must complete an Agreement for Observation of Student/Program, providing

consent for an observation to be conducted (See Appendix 11.2), as well as a Consent for Release of Information. The observer must then sign the confidentiality agreement **prior** to the observation taking place.

The Liaison will provide a copy of the request to the building principal and Special Education Director. In order to assist in timely scheduling, Mohawk Trail Regional District **staff will contact the identified observer directly within a week of parental request for observation with potential dates and times for the observation.**

A designated school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to limit the impact on instruction and operation of the classroom.

The district does not generally schedule observations for certain portions of the year such as during state testing or during the first few weeks of school. In addition, because it may not be possible to accommodate all requests during the last few weeks of school, parents are urged to submit any observation request as early as practicable in the school year. In addition, school staff retains their right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of program. The District also expects all observers to avoid disclosing any personally identifiable or confidential information they might obtain during the course of an observation (except about student being observed, in which case it will be used consistent with the parent's authority and direction).

11.3 Home Hospital Educational Services

A student with a documented medical condition who has been or is expected to be confined to a home or hospital for a minimum of fourteen days during any school year is eligible to receive home or hospital educational services. When a student is hospitalized, the hospital usually contacts Student Services directly to arrange for tutoring. Building personnel should contact Student Services if the hospital has not done so already.

The Home Educational Services can begin as soon as the student's physician completes a Physician's Statement for Temporary Home or Hospital Education, SPED 28R/3, form. (See Appendix 11.3)

The educational services that are provided will be coordinated by the Liaison in conjunction with Student Services. The tutoring services will be provided with sufficient frequency to allow the student to continue his or her educational program, as long as the services do not interfere with the medical needs of the student.

For students who attend private special education schools at Mohawk Trail Regional School District's expense, that specialized school is responsible for providing tutoring during home hospital periods, at their expense, as long as the student remains enrolled in that school.

If, in the opinion of the physician, a special education student is expected to remain at home, in the hospital or in a pediatric nursing home for medical reasons for more than 60 days, the Student Services Director will convene a Team meeting to amend the existing IEP or develop a new IEP suited to the student's unique circumstances.

A parent/guardian of a general education student who is currently not attending school due to a medical condition may

request a special education evaluation to determine if the student's medical condition meets special education eligibility requirements.

The school district needs to provide sufficient frequency of tutoring to enable the student to keep up in her/his courses of study and minimize educational loss. This is determined on an individual basis. One hour per day is often adequate in the 1:1 tutoring situation, but the amount must be determined based on individual needs and the medical condition.

Educational Services should not interfere with medical needs.

The Principal or his/her designee coordinates these services with Student Services if the student is eligible for special education.

Students enrolled in private school at parent expense are also eligible for home-hospital tutoring through the public school *only* if they also qualify for special education services. (At times, this may involve conducting an initial evaluation for a student.) The same paperwork must be completed.

Forms/Documents

- Request for Translation Services
- Waiver for Translation Services
- Child Study Team Process
- Attendance Form
- Team Member Excusal Form
- Disability Categories
- Special Education Flow Chart
- Education Assessment Form A and B
- Bullying Checklist
- Autism Checklist
- Transition Planning Form (TPF)
- Extended School Year Forms (ESY)
- Issuance, Summary of Team Meeting
- Special Transportation Request
- IEP Requirements for Students with Autism Spectrum Disorders
- Required Forms and Notices Cover Page
- Confirmation to Decline Special Education Services
- Request for Waiver of Assessments
- Extended Evaluation
- Manifestation Form
- Consent for Release of Information
- Physician's Statement for Temporary Home or Hospital Education
- Mandated Timelines
- Parents Rights and Responsibilities