Attleboro Public Schools
Special Education Procedure Manual

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Our Mission

The mission of the Attleboro Public Schools is to develop and deliver relevant learning experiences that engage, challenge, and inspire all students to maximize their unique potential and improve our world.

Our Vision

The vision of the Attleboro Public Schools is to be the center of a community united around education, where all stakeholders value and participate in our collective success.

Special Education & Student Support Services Vision

Our students require specialized services to access the learning opportunities within our schools and community. By ensuring those services through effective programs and service delivery in partnership with school and community stakeholders, students with specialized services will be ready for post-school success and participating members of our community.

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Section I: School District Responsibilities

The practices and procedures implemented by the district for referral, evaluation, determination of eligibility and placement of students in special education services are in accordance with state and federal laws pertaining to education of disabled students. Procedural safeguards and assurances of due process are fundamental to the completion of all activities related to these practices.

Special Education Services

Attleboro Public Schools provides an array of special education programs and related services to students ages 3-21 in district schools. The continuum of services ranges from full inclusion to in district public day schools. The Department of Special Education and Student Support Services arranges placement in programs outside the district schools when necessary, to address the complex needs of identified students. Related services include speech/language therapy, audiology services, physical therapy, occupational therapy, psychological services, counseling, vision, orientation and mobility training, nursing services, interpreting services, parent training, recreational including therapeutic, specialized transportation, adaptive physical education, health services and early identification/assessment of disabilities in children. Special education programs and services are regularly evaluated.

Access to District Programs

All students receiving special education, regardless of placement, are entitled to have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services available as part of the general education program as well as the non-academic and extracurricular programs of the school. Programs, services, and activities include, but are not limited to:

a. art and music;
b. vocational education;
c. work study and employment opportunities;
d. counseling services;
e. health services;
f. transportation;
g. recess and physical education, including adapted physical education;
h. athletics and recreational activities;
i. school-sponsored groups or clubs;
j. meals.

Through the IEP team process, teams determine if services or supports (such as transportation or staffing) are needed for an individual student with a disability to access any educational or nonacademic activity within the Attleboro Public Schools.

Students receiving special education services/programming are part of their school community. All general education services and supports are available including transportation, counselling and health services if not outlined in the IEP. All information on school-sponsored groups, clubs, athletics, and recreational activities are shared with families/students at the school level. School administrators, guidance counsellors, and special education staff collaborate to ensure that students receiving special education services/programming are integrated with same age peers based on the student's IEP. This includes lunch, recess, and specials/electives. Students at the high school level are provided an opportunity to participate in career, vocational, and technical education at Attleboro High School. All grade 9 students participate in Exploratory. As part of transition for students 14 and older, the transition specialist, guidance counsellors, and special education staff collaborate to provide opportunities for work study, employment, and college experiences.

Programs for older students

Attleboro provides options for older students, particularly those eligible students ages 18 through 21 years. Options might 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. Individual programs located at the high school or alternative school may have an educational and/or vocational focus and are considered in-district programs since services since student have ongoing opportunities to interact with students or young adults without disabilities. The district is aware that participation in these options for students younger than age 18 does not relieve the school district of its obligation to ensure that students have access to instruction in the general curriculum.

Facilities

The school district provides facilities and classrooms for students on IEPS to maximize the inclusion into the life of the school and provide accessibility in order to implement fully each student's IEP. Special education classrooms serving only students with disabilities are at least equal in all physical respects to the average standards of general education facilities and classrooms. Instructional space for students with disabilities are given the same priority as general education programs for access to and use of instructional and other space in the school in order to minimize the separation or stigmatization of eligible students. Spaces are not identified by signs or other means that stigmatize students. Physical adaptations and equipment required for specific children are provided when appropriate.

Standardized Procedures and Form

It is expected that all procedures and forms used to implement the regulations conform to state and federal special education regulations, therefore, only forms and procedures authorized by the Director of Special Education are to be used by the Team Facilitators, case managers, and service providers. Approved forms are available in Aspen unless noted.

Outreach by the School District (Student Find)

The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:

a. professionals in community
b. private nursery schools
c. day care facilities
d. group homes
e. parent organizations
f. clinical /health care agencies
g. early intervention programs
h. private/parochial schools
i. other agencies/organizations
j. the school or schools that are part of the district, including Horace Mann charter schools
k. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Students

The Director of Special Education and Student Support Services, or designees, has annual and continual contact with professionals in the communities, group homes, pre-school facilities, clinical health care agencies. Private/ parochial schools, parents, agencies serving children under the auspices of the McKinneyVento Education Act identify students with disabilities and promote the transfer of students with special education needs. Communications to agencies or parties outside of the district from the Director of Special Education and Student Support Services are sent from the Office of Special Education. The Early Learning Center Assistant Principal and Team Facilitator involved with Pre-K programs have established contacts with Early Intervention to facilitate identification and transition of children to district programs.

Preschool Screening

Attleboro Public Schools conducts screening for three- and four-year-olds and for all children who are of age to enter kindergarten. The pre-school screening, scheduled throughout the school year at the pre-school location, is designed to review a child's development and assist in identification of children who should be referred for an evaluation to determine eligibility for special education services. Kindergarten screenings are scheduled at local schools. Participation in the screening program for

three- and four-year-olds is optional on the part of the parents and not a limitation on referral to special education.

Licensure and Qualified Professionals

The school district has an appointed person to be its administrator of special education. The administrator supervises all special education for the school district and ensures compliance with all federal and state special education laws. The administrator of special education is appropriately licensed. Professional personnel, including administrators, special education teachers and related service providers are appropriately certified, licensed, board registered or otherwise approved to fulfill their job responsibilities. All attempts are made to ensure that providers of interpreting services for the deaf and hard of hearing are registered with the Mass Commission for the Deaf and Hard of Hearing. Persons employed as paraprofessionals do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.

Professional Development and Special Education Requirements

The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings. The district ensures that all staff, including both special education and general education staff, are trained on:

a. state and federal special education requirements and related local special education policies and procedures.
b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;
c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom.

The district provides in-service training for all locally hired and contracted transportation providers, before they begin transporting any special education student, receiving special transportation, on his or her needs and appropriate methods of meeting those needs. For any such student, the district also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.

Educating Students Temporarily in Home or in Hospital Settings

Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a

hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal/designee arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP. Students with other specific circumstances may be eligible for services. Home/hospital educational services are intended to be temporary instructional service and cannot replace or duplicate the education offered in a school setting. Instruction is offered by licensed teachers; however, a teacher is not required to be licensed in all subjects provided. Special education and/or related services must be delivered (or closely supervised) by staff certified or appropriately licensed to deliver such services. Refer to the Home and Hospital Educational Services Checklist.

A student who is enrolled in a private school at private expense ("private school student") is entitled to receive publicly-funded home/hospital instruction as a special education service if s/he has been found to be a student with a disability who requires special education. If a parent of a private school student requests an evaluation to determine the student's eligibility for special education and presents the school district with a physician's statement, then the school district must immediately review the physician's statement to determine if there is sufficient information available to consider if the student has a "health impairment" according to the definition provided under 603 CMR 28.02(7)(i). If there is sufficient information in the physician's statement, then the school district should convene the Team within 15 days to make an expedited determination of eligibility and begin provision of services.

Unscheduled Evaluations for Medical Reasons

If, in the opinion of the student's physician, an eligible student is likely to remain at home, in a hospital, or in a pediatric nursing home for medical reasons for more than 60 school days in any school year, the Administrator of Special Education shall, without undue delay, will convene a Team to consider evaluation needs and, if appropriate, amend the existing IEP or develop a new IEP suited to the student's unique circumstances. Refer to the Home and Hospital Educational Services Checklist.

Attleboro Special Education Parent Advisory Council (ASEPAC)

An important liaison for the schools in communicating with the parents of students with disabilities is the Attleboro Special Education Parent Advisory Council (SEPAC).

Membership is offered to all parents of students with disabilities and other interested parties. The duties of ASEPAC include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; and meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. The ASEPAC has established by-laws regarding officers and operational procedures. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.

Communication with Parents

Parent participation in each step of the special education process is crucial and mandated by state and federal law. Parents have the right to observe a child's current program or any program being considered as a placement per school committee policy and regulation. All communications are expected to use clear and commonly understood words and are in primary language of the home if the primary language is not English. Any interpreter used in fulfilling these requirements must be fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parent (s) are unable to read in any language or are blind and/or deaf, communications are made orally in English with assistance of an interpreter, in Braille, sign language, via TTY, or in writing. The decision to provide an alternate method of communication is documented and maintained on file. Details related to specific circumstances that may occur in the process of referral, evaluation, eligibility determination, development of the IEP and placement are discussed in those sections of this handbook. See Section IX for tips on building successful communication strategies with parents.

Parental Consent

Written consent is required to authorize an initial evaluation, re-evaluation and/or extended special education evaluation and excuse a member (s) of the Team from attending the meeting. Written parental consent is required before making an initial placement in a special education program, providing any service included on an IEP, making any changes in location or program, and before accessing Medicaid benefits the first time.

A parent is informed in written and oral form that consent may be revoked at any time. It is understood that a parent not only has the right to deny consent to the initial evaluation and initial provision of services, but to require discontinuation of all special

education services by revoking consent in writing. In both instances, the school district cannot override the parent's denial of consent. If a parent revokes consent in writing, the district responds promptly by sending the parent written notice of the proposal to discontinue services based on the revocation of consent accompanied by The Parent's Rights Brochure. The notice is sent in a reasonable amount of time, typically 30 days, before the district discontinues the services so that the parent has time to consider the impact of their revocation of consent and ask questions. Mediation, through the BSEA, is not used to obtain agreement from the parent to continue the services or to request a due process hearing to obtain a ruling requiring continued services. Procedures are not imposed in any way to delay or deny discontinuation of special education services. The Director of Special Education, or designee, may propose a meeting to discuss termination of all services, but it is clearly stated that the meeting is voluntary on the part of the parent. The parent may be asked the reasons for revoking consent, but not required to provide an explanation as a condition of discontinuing services.

Parents' Right to Observe

Parents and their designee have the right to observe a child's current program or any program being considered as a placement per school committee policy and regulation. Designee in this circumstance refers to an individual, such as a psychologist, advocate, attorney, involved with the student and family in a professional capacity. It is the responsibility of the Team Facilitator
to inform school personnel of the request, schedule the observation(s), arrange for escort to remain with observer, meet with the observer subsequent to the observation and coordinate all notes relevant to the circumstances.

Students in Foster Care

If the natural parent is unwilling or unavailable for a period of time and the student is in a foster placement, the foster parent may automatically serve as the educational decision-maker. If the student is in a placement other than a foster placement, DCF may request assignment of a Special Educational Surrogate Parent (SESP). If a child is living with extended family members ("kinship" home) such persons can be considered "foster" parents for the purpose of educational decision-making. The legal standing of a "foster parent" or "kinship" parent is verified by requesting a custody agreement from DCF, or a notarized Stand by Guardianship Form. The Team Facilitator is advised to check with the school clerk for information available as well as the student's DCF worker.

Student Participation and Transfer of Rights/Age of Majority

Students, age 14 and older are entitled to receive an invitation to the Team meeting and participate as appropriate. This is consistent with state and federal regulations and guidance on transition planning beginning at age 14. In regard to the transfer of rights, at a minimum, the student should participate in the IEP development meeting that

occurs in the year prior to his or her 18th birthday. When a student turns age 18, all of the decision-making rights in special education that have been exercised by the parent transfer to the adult student, unless:

- a court has appointed a legal guardian for the student,
- the student indicates that he or she wants to share decision-making with his or her parent (or other willing adult),
- the student indicates that he or she wants to delegate decision making to his or her parent (or other willing adult).

Notification is not required if the right to make decisions is not being transferred to the student at the age of majority. This may pertain to students with significant disabilities. This can only occur if a court of competency jurisdiction has determined that the student is not competent and has appointed the student's parent(s) or another individual as a guardian with the authority to make decisions, including educational decisions, for the student. The parent's stated intent to proceed to court, or the presence of a temporary guardian, does not relieve the school district of its responsibility to notify both the student and the parent about the transfer of rights. The student's choice must be documented and witnessed by representatives of the district. The student may revoke sharing or delegation of decision-making at any time. If any disagreement arises related to special education decision-making, the choice of the adult student prevails. The Team Facilitators for the high school and Out of District Placements are responsible for completing all documentation for the file.

When a student turns age 18, the school district must affirmatively obtain consent from the student to continue the IEP. The N1 Letter is used to capture this activity coordinated by the student's special education contact/teacher. A new IEP is not required solely because of the transfer of rights as long as the student is willing to continue the existing IEP services. The student, however, has the same rights the parent formerly held to accept or reject some or all of the IEP services and placement offered by the district. It is not acceptable to wait until a new IEP is developed to seek consent for services from the adult student. Consistent with federal regulations and DESE guidance on transition planning, the student should have been invited to attend and participate in IEP development since the age of 14.

Responsibility for Student Based on Residency and Enrollment

Move-ins from other districts in Massachusetts

When a student with an IEP or the student's family moves from one Massachusetts school district to Attleboro, the last IEP written by the former school district and accepted by the parent must be provided in a comparable setting without delay until a new IEP is developed and accepted. The school based Team is responsible for review, data collection and managing the Team Meeting and IEP. Attleboro is programmatically

and financially responsible when a student who requires an in-district placement lives with both parents, who each live in two different systems in Massachusetts, irrespective of school vacation periods if the student has been enrolled in a Attleboro Public School. When a student requires an out-of-district placement and lives with both parents during the school year, irrespective of school vacation periods, and the parents live in two different Massachusetts school districts, both districts are equally responsible for fulfilling the requirements of special education laws. It is critical to placement and funding that the other district is contacted and included in the placement process. All contact and decisions are documented and maintained on file. When a student is 18 years of age or over and has established their own residences as an adult in Attleboro, then the district is responsible.

Homeless students are entitled to either continue to attend their school of origin, as defined by McKinney-Vento, or attend school in the city or town where they temporarily reside. However, the school district(s) that was programmatically and financially responsible prior to the student becoming homeless remains programmatically and financially responsible for a homeless student until the parent(s) or legal guardian or state agency with care or custody of the student chooses to enroll the student in the school district where the shelter or temporary residence is located. When a student with and IEP for in-district services is enrolled in a Attleboro school where the student is temporarily residing, then the district becomes programmatically and financially responsible upon enrollment. Procedures related to education of homeless students protected under the McKinney-Vento Act are integrated in school committee policy.

When a student whose IEP requires out-of-district services is enrolled in the district then Attleboro becomes programmatically responsible. The school district(s) that was financially responsible prior to the student becoming homeless remains financially responsible until the student is no longer homeless. It is critical to placement and funding that the other district is contacted and included in the placement process. All contact and decisions are documented and maintained on file. It is the responsibility of the Out of District Team Facilitator to maintain these procedures.

Move-Ins From Out of State

When a student with an IEP from another state moves to Attleboro, the district provides the student with a free appropriate public education, including special education services comparable to those in the IEP from the former state, in consultation with the parents, until the Special Education Team determines if it will accept the finding of eligibility and/or the current IEP developed for the student in the former state of residence. If the district determines that the finding of eligibility and the IEP developed for the student continues to accurately represent the needs of the student, then the

district continues to implement the IEP. If the district determines that a new evaluation is necessary to determine continued eligibility or services, or a parent requests an evaluation, the district immediately provides written notice to the parents as required. The Team Facilitator is responsible for initiating and monitoring the process within 30 school days. Given that IEPs from others states may vary significantly from the Goal/Objective format of Massachusetts IEPs, when the decision is to provide the services on the current IEP, the Team has the option of rewriting the IEP to reflect services in Attleboro or an Amendment to the IEP indicating change in location, service providers and location. The dates will be compatible with the existing IEP.

Programmatic Responsibility and Financial Responsibility

In certain circumstances, responsibility for a student may be split by the regulations into programmatic and financial responsibility. If the circumstances are such that the student is attending an out-of-district placement, the two responsible school districts may agree to vest both programmatic and financial responsibility with the district where the parent(s) or legal guardian resides. If Attleboro enters into this type of agreement with another district, it must be documented and signed by both districts so that programmatic concerns are appropriately referred only to the district where the parent(s) or legal guardian resides. When Attleboro has programmatic responsibility, then the district is responsible for ensuring that evaluations, IEPs, and services are provided to the student as required under special education law. The following pertains:

- The district convenes the Team meetings, invites the financially responsible district(s) to participate in them, and has authority to propose the IEP and placement that result from the Team meeting.
- For students who may be graduating, the district awards the high school diploma to the student if he or she meets the high school's graduation requirements.
- The district must provide DESE with SIMS data about the student for required data submission elements, including an identification of the student as enrolled in the district.
- The district maintains the student record.
- The district is not eligible to seek reimbursement under the state-funded "circuit breaker" program.

When Attleboro Public Schools is assigned financial responsibility the district funds the student's special education program, but has no authority to propose or require use of a specific program. The district has the right to participate as a member of the Team convened by the programmatically responsible district, but is not the district that commits to the IEP or the placement. Authority for placement rests with the programmatically responsible LEA.

Annual Reviews and Three-year Reevaluations

The district reviews the IEPs and progress of each eligible student at least annually. Additionally, every three (3) years, or sooner, if necessary, the district with parental consent, conducts a full three-year reevaluation consistent with the requirements of state and federal law. Evaluations are required prior to finding a student is no longer eligible, except for graduation with a regular diploma or aging out. For those older students, the Attleboro Public Schools includes recommendations to assist the student in meeting post-secondary goals. At the re-evaluation of a student, if no additional assessments are needed to determine continued eligibility for special education, the district may recommend to parents the reasons that no further assessments are offered and request that all or parts of assessments are waived. However, parents are also apprised of their right to request assessments.

Timeline for End of the School Year Referrals

If consent is received between 30 and 45 school working days before the end of the school year, the district ensures that a Team meeting is scheduled no later than fourteen days after the end of the school year.

Outside Evaluation Reports Submitted by Parents

Parents may at any time elect to have their child evaluated by an independent evaluator at private expense. Consideration of an outside evaluation at any time does not replace Attleboro's responsibility for conducting an evaluation for determining special education eligibility. The Team will make recommendations, determine if additional testing is necessary and if possible, determine eligibility for special education services. Attleboro is dedicated to preventing any duplication of evaluations. It is important to note that any time the Team waives its rights of assessment; it places the district in the position of accepting recommendation(s) made by the independent evaluator(s).

Student with IEP: Upon receipt, the Team Facilitator dates stamps and contacts Team members who will be reviewing the report.The Team Facilitator schedules the Team Meeting. The parents must provide the Team with a complete copy of the written report in order for the Team to review and consider the recommendations and determine if the IEP needs to be amended or if a district evaluation is appropriate.

Student without an IEP: Attleboro shall treat the receipt of the evaluation as a request for an initial evaluation to determine eligibility. Attleboro maintains its right and responsibility to perform an evaluation. The evaluation will be considered as part of Attleboro's comprehensive evaluation. The Team is required to review and consider the results of the outside evaluation.

The disposition of the meeting is summarized in a N1 or N2 by the Team Facilitator.

Waiver of Assessment

If a decision is made to waive any assessment, the Team Facilitator sends a Request for Waiver of Assessment form to the parent (or student who has reached the age of majority) for signature with the Evaluation Consent Form. Any individual assessment may be waived with the approval of the parent, if an equivalent assessment has been recently completed and the Team determines that the assessment results are still accurate. All efforts should be made to avoid duplicative or unnecessary testing. In accordance with federal requirements, if recommended by the Team, parents may agree to waive some or all assessments for the three-year reevaluation.

Parental Request for an Independent Evaluation (IEE)

If parents disagree with an evaluation completed by Attleboro professionals they may request in writing an independent educational evaluation, at public expense up to 16 months from the date of the evaluation with which they disagree. The Director of Special Education or designee responds in writing to requests within five (5) school days. The response includes information on funding options. The Director of Special Education ensures that independent evaluations are completed by qualified personnel who are registered, certified, or otherwise approved and abide by the rates set by the state agency responsible for setting rates. Higher rates may be paid under unique circumstances. The district offers parents who are dissatisfied with evaluations of their child, the option of free independent evaluations equivalent to the types of assessments done by the school district. When a parent requests an evaluation in areas not assessed, or the family does not meet income eligibility standards, chooses not to provide financial documentation to the district establishing family income level, or does not decide to voluntarily utilize the Massachusetts sliding fee scale for any reason, the district informs the parent they will fund the request or informs the BSEA within five (5) school days to show that the district's evaluations were comprehensive and appropriate. Whenever possible independent evaluations are completed and a written report sent no later than 30 days after the date the parent requests the IEE. When publicly funded, the report is sent to the parents and the school district. Within 10 school days from the time the district receives the report the Team reconvenes to determine if a new or amended IEP is appropriate.

Progress Reports

Written progress reports must be submitted to parents at least as often as report cards and any progress reports submitted for students without disabilities. It is the responsibility of the Case Manager to coordinate the completion of the progress reports in ASPEN, and submit competed reports to the Team Facilitator at least one week prior

to distribution. The schedule is distributed annually. Progress reports are filed by school clerks. Case Managers arrange translations when needed. All progress reports will be electronically posted in the Parent/Student Aspen portal. Case Managers are responsible for distribution to parents who request a hard copy.

Section II: Referral, Evaluations, Determining Eligibility

Responsibilities of the Special Education Team for Initial/ Re-evaluations

Consistent with state and federal laws, the Special Education Team manages three important activities:

1. Eligibility Determination/Initial and Reevaluations
2. Development of the IEP
3. Placement Decision

To determine eligibility for special education, the Team is required to address the following questions:

1. Does the student have one or more than one disability?
2. a. Is the student making effective progress in the general education program? In the case of a three-year reevaluation, would the student continue to make effective progress in the general education program without special education services?
   b. Is the lack of effective progress a result of the student's disability?
   c. Does the student require special education and/or related services to make effective progress or to access the general education curriculum?

Summary of Timeline Requirements

The district must provide parent(s) written notification within five (5) school working days after a referral is received and stamp dated in the Special Education Office.

Upon receipt of the signed consent, the district must complete evaluations within 30 school working days.

Evaluators are required to make all evaluation reports available to Team Facilitators at least three (3) working days prior to the meeting.

Team Facilitators are required to make all consented to evaluation reports (including Educational A & B) to parent/guardian/student of age two (2) working days prior to the meeting if requested in writing or identified on the evaluation consent (N1A).

Within 45 school working days after receipt of the parent's written consent for an initial evaluation or re-evaluation, the district must determine if the student is eligible for special education services and provides the parent with either a proposed IEP, proposed placement (except in specific cases covered under regulations) or written explanation of the finding of no eligibility.

Initial Referral

Any parent or person in a care giving or professional position concerned about a student's development and progress in school may make a referral for an evaluation to determine eligibility for special education. Children who are two years and 6 months (2.6) who may be receiving services through an Early Intervention program may also be referred. An initial evaluation is conducted to ensure that if the pre-school aged child is found eligible, special education services begin promptly at age three.

Referral by Non-School Individual

Upon receipt of a written referral from a parent/guardian, student, caregiver, or professional from outside the Attleboro Schools, the Team Facilitator will review, contact individual referring if further information needed, and respond within 5 working school days.

Referral by School Support Team (SST)

If actions and strategies by the school-based team to support student learning within the general education setting are documented as unsuccessful, a student is referred for an evaluation to determine eligibility for special education. It is the responsibility of SST Chairperson to submit the Referral for Comprehensive Special Education Evaluation to the Team Facilitator. the Team Facilitator will review, contact SST Chairperson if further information needed, and respond within 5 working school days.

When the referral is accepted, the following steps are initiated:
The Team Facilitator completes in ASPEN and sends the following:

- *N1 — Notice of Proposed School District Action*
- *N1A — Evaluation Consent Form*
- *DESE Notice of Procedural Safeguards*

Parents/Guardians are offered an opportunity to consult with Director of Special Education, or designee, to express their concerns, discuss the reasons for the referral, content of the proposed evaluation, and the proposed evaluators. The district may inform the parent of the Student Support Team (SST) process in their student's school, however, the parent's right to refer will not be limited because the school-based Team has not explored all options and supports in the general education setting.

Refusal to Act/College Testing

If the referral is not deemed appropriate, the following forms are completed in ASPEN and sent by the Team Facilitator:

- N2 - Notice of School District Refusal to Act
- DESE Notice of Procedural Safeguards

Attleboro refuses to conduct an initial evaluation only when the circumstances of a student make it clear that there is no suspicion of a disability and there is no concern for the student's development. School districts are not obligated to provide or pay for updated or additional assessments to support a student's request for accommodation on College Board examinations if such assessment information does not already exist and is not necessary for the appropriate special educational program for the student at the time of the request. The parent (or adult student) is responsible for paying for additional assessments that are needed for the sole purpose of supporting the student's request for accommodation on the College Board examinations. If a request for an evaluation is made for the purpose of demonstrating a need for accommodations on College Board tests, and the school district has no reason to believe the student has a disability or needs special education services, then the district can deny the request for an eligibility evaluation. The district must notify the parent or student of its denial using notice form N2. The district's decision not to conduct the evaluation is subject to the due process requirements of state and federal law.

State Wards/Surrogate Parent

Consent for an initial evaluation for wards of the state is not required if the Attleboro Public Schools cannot, after reasonable efforts, locate the parent or the parent's rights have been terminated under state law or a judge has subrogated, or transferred, the parent's rights to make educational decisions. The district, in certain situations, may be obligated to seek a surrogate parent, through DESE for wards of the state. A ward of the state includes foster children (except if child has a foster parent) and a child in the custody of a public child welfare agency. The Director of Special Education, or designee, submits the application to DESE.

When a surrogate parent is appointed, that individual has the same rights and responsibilities as a parent with respect to the special education decision-making process. The surrogate may meet with their assigned student, observe proposed or current programs, attend school meetings, review school records, and approve the IEP for the student to discuss changes, if deemed appropriate. The Team Facilitator is responsible for coordinating these efforts.

Response to Referral

- Parent Consent Package including N1 Notice of School's Proposal, N1A Consent Form,
  Procedural Safeguards mailed to parent and student aged 14+;
- Upon receipt of signed N1A, the Team Facilitator will review the content and take one of two possible actions. If there is no discrepancy in the consent for recommended assessments, the Team Facilitator scans and distributes the consent form and the assignment sheet to all members of the team, schedules

Team meeting within the 45 day requirement and sends N3-Team Meeting Invitation and N3A- Attendance Sheet to parents and participants. If the N1A is returned with a request for additional assessments not recommended by the Team, the Team Facilitator reviews the request with the Evaluation team. Any changes in the assessments to be completed along with the completion dates are documented in a N1 or N2 to the parent by the Team Facilitator..

- Changes in meeting time/place are documented in a new N3-Notice of Team Meeting Date Change.
- Lack of response by 30th calendar days, Team Facilitator calls parent. Monitoring by the Team Facilitator is initiated by identifying a professional in the school that may have a relationship with the parent and will call or meet the parent to discuss the situation. For re-evaluations, the Team Facilitator may contact the special education teacher to obtain consent. Team Facilitator sends Second Notice (N1A). Efforts to engage the parent are documented in the N1 Letter. Attempts to secure parental consent may include letters, certified mail, emails, telephone calls, if appropriate TTY communications, home visits as well as efforts to seek assistance from a community service agency.
- Lack of response 30 days after second notice, Team Facilitator reports to Supervisor.

If a student attends a private or parochial school, representatives from the student's school are invited and expected to complete Educational Assessments Part A and B.

Parent Participation in Team Meeting

Concerted efforts are made to ensure that one or both parents are members of the group that makes educational decisions for the student. The N3- Invitation to Team Meeting is sent at least 10 working days prior to the meeting to provide parents adequate notice and opportunity to schedule and attend. Meetings are scheduled at mutually convenient time and place. If neither parent can attend, the district uses other methods to ensure participation such as individual or conference calls or video conferencing. When the district is unable to obtain parental participation after three (3) attempts, the Team will conduct the meeting and document efforts to facilitate participation.

Initiating the Reevaluation Process

The Special Education Team Facilitators, in collaboration with the members of the school based Special Education Team; develop a schedule of reevaluations prior to the beginning of school for the next school year to facilitate completion within required timelines. The student's teacher(s) and/or service providers are expected to submit completed documentation to the Evaluation Team discussion to support recommended

evaluations. Documentation describes student strengths, areas of difficulty, successful interventions, and significant events in the student's life since the last evaluation. This information should be used to develop questions the evaluator's will address during the evaluation process. Reevaluation activities are tailored to assist the Team in determining continued eligibility and services. Therefore, if no additional information is needed to determine continued eligibility, the parent may be requested to waive particular assessments(s). The parent may consent to waive an assessment(s) or choose to have the assessments completed regardless of the schools recommendation.

Special Education Evaluation

Attleboro provides a multi-disciplinary evaluation composed of formal and informal assessments considering data from a variety of sources such as report cards, MCAS and standardized test results, curriculum-based assessments, and student work. Consistent with state and federal law, as well as best practices, assessments are tailored to address the referral questions and the areas of suspected disability. Upon receipt of signed consent, the district provides or arrange for the evaluation of the student by a multidisciplinary team within 30 school days.

Assessments

Testing instruments used are adapted to the age of the student and meet the evaluation requirements set out in state and federal law including as free as possible from cultural and linguistic bias. Assessments are provided and administered in the language and form most likely to yield accurate information about the student. The assessment reports provide information to determine present levels of academic achievement and related developmental needs. No single test is used as the sole criterion for determining eligibility. In Attleboro a variety of techniques (both formal validated instruments and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record are used. It is understood that eligibility cannot be based on lack of reading, math instruction or limited English proficiency. The district ensures that appropriately credentialed and trained specialists administer all assessments.

Required Assessments for Initial Evaluations

Assessments in all areas related to the suspected disability
Educational assessment by a representative of the school district, including

- Educational Assessment (Part A)
- Teacher Assessment Form (Part B)
- A history of the student's educational progress in the general curriculum.
- Narrative description of the student's educational / developmental status.

Observation of a child at age 3 in the child's natural environment or early intervention program is strongly encouraged. For children receiving Early Intervention services, the Early Childhood Team considers current assessments from Early Intervention teams, whenever possible, to avoid duplicate testing.

Optional Assessments:

The Team may recommend or a parent may request one or more of the following:

- Specialist Assessment(s) - Speech/Language, Occupational Therapy, Physical Therapy, Functional Behavioral Assessment; conducted by the corresponding specialist
- Psychological- describes the student's learning capacity and learning style in relationship to social/emotional development and skills that is completed by a school psychologist.
- Academic Assessment – these are not the same as "educational evaluation" and must be consented to separately. These are completed by Educational Diagnostician or Special Education teacher.
- Home Assessment- includes information on pertinent family history and home situation and may include a home visit, with the agreement of a parent. The Team requests this if there are significant concerns related to the home or family environment that might affect student's school performance. These are completed by school adjustment counselor, nurse, or BCBA.
- Health Assessment- A comprehensive health assessment by a school physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records

Students with Autism

When a student has an autism diagnosis or suspected autism disability, the Team must consider and specifically address the areas of concern in the evaluation process:

- 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.

Special Requirements for Determination of Specific Learning Disability

When there is a concern that the student's lack of progress in general education is related to a Specific Learning Disability, the team must complete additional assessment activities to verify that lack of progress is not related to cultural factors, limited English language skills, inability to meet the school discipline code, lack of instruction in reading or math or gaps in formal education. An observation of the student is made by at least one member of the Team other than the student's teacher.

Required forms include:

- SLD Team Determination of Eligibility
- SLD 1: Historical Review and Educational Assessment
- SLD 2: Areas of Concern and Evaluation methods
- SLD 3: Exclusionary Factors
- SLD 4: Eligibility Observation

Scheduling Evaluations

It is the responsibility of the Team Facilitator to ensure that the assessments are completed within 30 school working days of the receipt of parent's signed consent. Evaluators are expected to work with the Team Facilitator to develop a schedule of evaluations that is in compliance with regulatory timelines. At weekly Evaluation Team meetings, the Team Facilitator reviews status of evaluations to ensure testing will be completed and delivered to the Team Facilitator three (3) working days before the Team meeting. Members of the Evaluation Team are expected to coordinate their assessments with the student's teacher(s) and other evaluators to avoid over-testing on any given day. The person(s) conducting the assessments are expected to notify the student in advance of scheduled testing, if appropriate. If student is not available on scheduled testing day, Evaluator notes in Evaluation report (Dates of Evaluation and Evaluation Procedures). Upon receipt of report, Team Facilitators note in Eligibility Spreadsheet reason evaluation timeline not met (i.e., student not available/absence, evaluator not available/missed timeline, parent extended timeline)

Evaluation Reports

Each person conducting an evaluation summarizes in writing the procedures employed, results, and diagnostic impression. The report is expected to define in detail and educationally relevant and common terms, the student's needs, and offer explicit means of meeting identified needs. All evaluation reports are written in clear, jargon-free language. The following information is to be included in an assessment report:

- Student's present levels of educational performance,
- Areas of need arising from the student's disability,

- Identification of educationally relevant accommodations and modifications to ensure student's involvement and progress in general education,
- Recommendations about the appropriate types of placements and/or services, but not specific classrooms or schools.

Initial/ Re-evaluation Team Meeting

The first responsibility of the Team after evaluations that are part of the completed assessment process is to determine eligibility for services. The special education Team consists of the following members:

- Special Education Team Facilitator
- Parent(s)/guardian,
- The student
- At least one regular education teacher who has taught the student and has current knowledge of the student's abilities and learning style,
- At least one special education teacher familiar with the student,
- Specialists/service providers
- A representative of the district with authority to allocate resources

A Team meeting works best when it remains focused on the student, members are prepared and knowledgeable about the district services, special education law, and the student and parents are respected participants. The discussion should connect one IEP element to the next to ensure internal consistency within the produced document. Since evaluation reports are made available to the relevant members of the Team prior to the meeting, each professional is expected to present a succinct summary of their report. The meeting should allow ample time to develop each page of the IEP.

Personnel Designated to Allocate Resources

- Director of Special Education
- Assistant Director of Special Education
- Director of the Network Program
- Special Education Supervisor
- Principals /Assistant Principal
- Special Education Team Facilitator

Roles and Responsibilities of Members of the Team

A Special Education Team meeting is coordinated by the Special Education Team Facilitator or Case Manager (Annuals only) for the student. The Special Education Team Facilitator ensures that everyone receives copies of evaluations and progress reports before the meeting. Participants are expected to review all relevant materials in preparation for the meeting. Roles and responsibilities of participants in the Team Process include the following.

Special Education Team Facilitator

- Ensures all Special Education procedures are completed within regulatory timelines.
- Creates and manages compliance monitoring systems for related school.
- Consults/Collaborates with all other providers, educators, parents.
- Prepares or assigns responsibilities for coordination of all relevant documents for all team members such as evaluations, correspondence, prior IEP specialists' reports, report cards, MCAS results.

Case Manager

- Oversees and tracks student progress, academic credits, attendance, and behavior.
- Functions as liaison to parents, staff, outside service providers, regular educator.
- Ensure all staff is informed of their responsibilities for the student.
- Chairs and organizes annual reviews, progress meetings.
- Create Amendments when appropriate.
- Writes, sends and monitors parental response to IEP and associated documents (i.e. written notice to parents, regular and special education staff, schedules room).
- Completes progress reports.
- Completes all paperwork required by department for compliance with state and federal regulations.

Specialists including Psychologists, Speech and Language Therapists, Occupational Therapists

- Completes assessments in compliance with best practice, district expectations and state and federal law,
- Presents report and, when appropriate, interpret evaluation reports at Team Meeting.
- Contributes to development of IEP and progress reports as appropriate to role.

General Education Teacher

According to state and federal regulations a general education teacher, guidance counselor or specialist must be present to represent current knowledge of curriculum, normative behavior and expectations of typical peers. The regular education teacher should be present to discuss the relationship between assessment results and behavior and performance in the daily life of the student.

Individuals Accompanying Parents

Parents have the right to be accompanied by a family member, friend or person of interest to the student. If a parent is accompanied by an advocate, it is reasonable to ask the advocate to define their role in the case. If a parent arrives with an attorney without informing the district, the meeting is rescheduled. It is prudent for the Team Facilitator and/or Case Manager to assume automatically that the meeting will not proceed without equal representation on behalf of the school district.

Preparing for the Meeting

The materials listed below are prepared prior to the meeting and distributed at the meeting to facilitate communication and comply with special education regulations. Distribution of agenda and forms to members of the Team prior to the meeting is determined by the Team Facilitator.

- Agenda
- N3-Attendance Sheet
- DESE Eligibility Flow Chart
- Draft IEP (Annual Reviews)
- Permission to Dismiss Team Members Form
- Specific Learning Disability Forms (SLD)
- Transfer of Rights – for students 17 and over
- 688 Referral Form

State and federal regulations permit members of the Team to be excused if parent and the district agree. Parent signature on the form, Permission to Dismiss Team Members acknowledges absence of professional and that person's non-participation. According to special education regulations, Permission to Dismiss Team Members is obtained prior to the Team Meeting. Contributions from a non-participating member of the team must be in writing.

Recording Team Meetings is Allowed

Guidelines for Visual/Audio Taping of Team Meetings are included in the Handbook. Refer to Section VIII.

Determining Eligibility

The DESE Special Education Eligibility Flowchart assists Teams in making eligibility determinations and becomes part of the student record. Eligibility is based on answers to the following questions.

Question 1: Does the student have one or more than one disability?

Based upon the data presented at the Team Meeting, the Team members must determine if one of the following disabilities exist in the student.
Autism
Intellectual
Emotional
Physical
Health
Developmental Delay (up to age 9)
Neurological
Communication
Specific Learning
Sensory: Hearing, Vision, Deaf-Blind

According to state and federal regulation, a student is not found eligible solely because he/she is unable to follow the school discipline code, has limited English proficiency, social maladjustment, or lacks reading or math instruction. If the team has determined that a disability exists, they progress to answer question two (2). It is the responsibility of the Team to identify one primary disability based upon the documented information presented to the Team. Additional information describing co-morbid or associated difficulties presented by the parent or the Team may provide information relevant to the student's ability to progress in an educational setting and is identified in the IEP if there is supportive data. The Team is only required to code the student's disability according the DESE criteria.

Question 2a: Is the student making effective progress in the general education program? In the case of a three-year reevaluation, would the student continue to make effective progress in the general education program without special education services?

The Team is required to determine if the student has demonstrated the following:

- Made documented growth, with or without accommodations, in knowledge and skills acquisition including social/emotional development, the learning standards set forth in the Massachusetts Core Curriculum and evident in the district curriculum.
- Made growth according to the chronological age, developmental expectations, and individual educational potential.

When considering if the student has made effective progress, the Team specifically looks at whether the disability is causal to an inability to make progress. The role of the general educator is critical as the Team reviews the student's grades, attendance and discipline records.

Question 2b: Is the lack of effective progress a result of the student's disability?

If the Team determines the lack of progress is related to a disability then they continues to question 2c.

Question 2c: Does the student require special education and/or related services to make effective progress or to access the general education curriculum?

Specially designed instruction is a modification, set of instructional practices and/or material not regularly provided for students in the general education program. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology, and/or performance criteria necessary to assist the student in participating and learning. Small group instruction is not necessarily specially designed instruction.

Related services necessary to access the general curriculum are also considered special education and may be provided alone, or in combination with specially designed instruction. If the student only requires accommodations, then that student is not eligible for special education. If a student is found eligible for special education, an IEP is developed. Typically, development of the IEP occurs at the same meeting after the determination of eligibility. However, question of placement may require a separate meeting. Any action proposed by the district is documented in an N1 Letter.

Extended Evaluation

A Team may find a student eligible for special education, but requests an Extended Evaluation if evaluation information is inconclusive. However, since the Team has found the student eligible, they may write a partial IEP or full IEP in conjunction with the Extended Evaluation. This action ensures, with parental acceptance of the IEP, that a student is not denied services determined necessary at the Team meeting. An Extended Evaluation cannot be used to extend the evaluation timelines for required assessments and is not considered a placement.

The Team determines the evaluation time period necessary and types of information needed to develop an IEP. The extended evaluation period is longer than three (3) weeks but no longer than eight (8) weeks. The Team has the option to meet during that evaluation period; however, they must reconvene as soon as the additional evaluation data is available to complete the IEP. The Extended Evaluation Form, N1 Proposed Action Notice, and *N1A Evaluation Consent Form* are available in Aspen.

A Team may make a finding of no eligibility for special education

After reviewing all information presented by professionals and parents, the Team may determine that the student is not eligible for special education services and does not require any service or support different than any support, service or instructional strategy offered in general education. The Team Facilitator is responsible for completion of documentation and communication to general and special education professionals at the school and to the parents. The forms listed below are used to document all activities:

- N2- Notice of School District Refusal to Act (Initial)
- N1-Notice of District Proposal (Reevaluation)
- Special Education Eligibility Determination Flow Chart

For students on an IEP that the team finds not eligible, the Team must identify the date of termination of services. 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 Bureau directly.

A Team may make a finding of no eligibility and refer to Section 504

If the student has an identified disability that impacts progress in general education and would benefit from accommodation, the Team must consider referral to the Section 504 Team in the building. Accommodations are typically provided by general educators within the general education environment. Preferential seating, pencil grip use, or cooperative learning strategies are examples of typical accommodations. Accommodations do not involve modifying the material content, but do allow students to receive information in an alternate form or mode.

Parents are asked if they agree with the evaluation findings

The Team Facilitator is expected to check a parent's understanding and satisfaction with the evaluations. The parent's response is recorded in the N1 letter. If parents disagree with a particular school assessment, they have a right to request an Independent Educational Evaluation (IEE) at public expense up to 16 months after the school evaluation. If the request is articulated at the Team Meeting, the Team Facilitator immediately the Director of Special Education of any written request for an IEE. A written response to the request is generated from the Director of Special Education.

Annual Review Meetings

Purpose of the Annual Review Meeting

The purpose of the meeting is to review the student's progress toward meeting the goals and benchmarks of the IEP. The student's special education teacher or service provider is responsible for coordinating all aspects of the process. Participants of the Team develop a new IEP that reflects student growth and current educational needs, as

related to the general education curriculum. If the Team suspects that the student may no longer require special education services, a reevaluation is initiated, since no decision to remove eligibility can occur without current and complete evaluation information.
Team Membership

- Parent(s)/Guardian
- Student
- At least one general education teacher familiar with the student and the general curriculum,
- At least one special education teacher familiar with the student,
- A representative of the district with authority to commit resources(Case Manager or Team Facilitator),
- Specialists/service providers,
- Other individuals(s) who have knowledge or expertise regarding the student.

(Note: State and federal regulations permit members of the Team to be excused if parents and the district agree. Parent signature on the form, Permission to Dismiss Team Members acknowledges absence of professional and that person's non-participation. According to special education regulations, Permission to Dismiss Team Members is obtained prior to the Team Meeting. Contributions from a non-participating member of the team must be in writing.)

Timelines for Annual Reviews
The annual review is conducted on or before the expiration of the current IEP. At the beginning of the school year, each school Team Facilitator reviews the Annual Review spreadsheet with case managers. Case managers complete the spreadsheet for their caseload identifying the schedule for the year which includes each identified student. Special Education administrators are responsible for reviewing the status of annual reviews each month with each school Team Facilitator.

Responsibilities of the Annual Review Team
An agenda is prepared by the Case Manager (Chair) to facilitate effective communication and help the Team reach consensus. The agenda includes:

- Introductions and Attendance
- Statement of Purpose of Meeting
- Review of Student's Progress
- Presentation of formal and informal assessment data (if available)
- Development of new IEP
- Proposal of Placement

The Case Manager reviews the purpose of the meeting, outlines the process/format, and facilitates introductions. Prior to the team meeting, the Case Manager (Chair) provides the parent/guardian and if appropriate the student with a draft of the student's IEP. The

Team reviews the student's progress and determines appropriate goals and objectives for the upcoming 12-month period, necessary modifications and specially designed instruction needed to support access to general education curriculum. The Team may recommend moving up the reevaluation when the following circumstances exist:

- The student requires an increase in services resulting in a more restrictive setting.
- The participants cannot explain the student's lack of progress in meeting the IEP goals,
- The student requires services in areas in which testing has not been completed.

When there are concerns raised at the Annual Review, the Case Manager should contact the Team Facilitator after the meeting. Two (2) copies a new Annual IEP and PL1-3 are sent to the parent within 3-5 school days. If the Team proposed evaluations, the Team Facilitator will send Evaluation Consent(N1A).

Scheduling Team Meetings

Regulations require school districts to provide notice to parents at least ten (10) days in advance of the scheduled meeting. Therefore, the Case Manager for an Annual Review or the Team Facilitator for a Reevaluation is expected to plan meetings 30 school days in advance of the expiration date of the IEP. This will allow ample time for the Team to schedule and reschedule the meeting three (3) times. If the parent does not attend on the third attempt, the meeting is held without the parent. All efforts to include the parents are documented in N1 and Additional Information. Team Facilitator are encouraged to discuss attendance via telephone or ask parents to waive their right to attend when there is a pattern of non-attendance. The new IEP start date will be consistent with the meeting date. If the meeting was delayed for any reason and resulted in an IEP gap, the IEP start date will be consistent with the meeting date. T
All meeting irregularities are to be documented under Additional Information and in the N1 District Proposal including reason for delay and that the previous IEP continued to be implemented during the gap period.

Reconvening of the Team

Reconvening of the Team may be requested at any time by any member of the Team. It is the responsibility of each school Team Facilitator to assess the nature of the request and determine the importance of reconvening the special education Team or recommending a school-based teacher conference. If the decision is to reconvene the Team, the school Team Facilitator informs necessary participants in the school and schedules the meeting at a mutually convenient time and place. At least ten (10) days prior to the review, the Team Facilitator sends the following documents to the parents and all other participants:

- N3 — Team Meeting Invitation
- N3A – Attendance Sheet

Section III: Development of the Individualized Education Program (IEP)

Developing the Individualized Education Program (IEP) is the next responsibility of the Team after finding a student eligible for special education services. The IEP is a formal agreement between a student's parents and the Attleboro Public Schools. It is important that everyone participating in development of the IEP understands the terms of the agreement therefore, it is essential that all sections are considered at the meeting. The district must ensure parents that the IEP will not be changed outside of the Team Process.

A primary objective of the IEP is to support each student with disabilities right to a free appropriate public education (FAPE). It is the Team's responsibility to develop an IEP which provides special education, related services and needed supplementary aids to enable students to be involved in and make progress in the general curriculum. The IEP provides the student with access to the general education curriculum and ultimately should prepare students with disabilities for independence, post-secondary education and/or employment. When the Team identifies a student with a disability that affects social skill development or when the student's disability makes him/her more vulnerable to bullying, harassment or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing. The Team must specifically address these concerns for any student on the autism spectrum.

The Team process is designed to work towards consensus. If no consensus is reached it is the Team Facilitator's responsibility to make a decision. The Case Manager may come to the Annual Team Meeting with a working draft of the IEP. It is important to note, that it is a working draft, not a final document. The Case Manager is expected to collect all drafts at the end of the meeting.

IEP Development is a Student Driven Process

The IEP is tailored to the unique needs of the student. Effective IEPs incorporate parent concerns and the student's vision. The IEP describes how the student learns, demonstrates skills, mastery, growth, and the ways school staff and the student will work together. The IEP best serves the student if it focuses on what will make the biggest difference for that student and not on every aspect of every school day. IEPs concentrate on offsetting or reducing problems resulting from the student's disability that interferes with learning and educational performance.

The IEP is Not Intended to be a Lesson Plan

The IEP is not designed to detail all lessons or activities that compose the daily experience of a student, but it should provide a clear picture of the student's current

abilities, needs, and key goals, benchmarks that frame teaching strategies, assessment and progress. Although IEP development is a student driven, individualized process, there are common aspects of a reasonable calculated IEP including:

- Parent/student participation,
- Consideration of the student's future dreams, goals and strengths,
- Description of the relationship between the student's disability, selected goals, benchmarks and learning,
- Presentation of the student's current performance across all spheres of development,
- Clear identification of areas affected by the disability,
- High expectations for the student,
- Consideration of general education expectations and the activities of typical peers,
- Identification of supports and services needed for success,
- Assurance that recommended services contain some specially designed instruction,
- The least restrictive program and setting.

The IEP does not serve as a guarantee of progress; however it should be a thoughtful, good faith effort from the district to assist a student.

Teams Focus on the Whole Child

The Team is expected to avoid a segmented approach where individual's skills or problems are identified in isolation. The Team is expected to keep the big picture in mind and acknowledge and build on the student's strengths. When developing an IEP for a student with an existing plan, the Team is expected to review the current IEP and update as needed. The new IEP should reflect a shift in goals and services and demonstrate progression of learning. Measurable annual goals should clearly show a step-by-step increase in learning outcomes. If necessary, any lack of anticipated progress is addressed at the meeting. The new IEP should not be a restatement of the existing goals and benchmarks.

The General Curriculum is Addressed

The IEP is a primary tool for enhancing a student's involvement and progress in the general curriculum. As defined by federal regulation, the general curriculum is the curriculum used with non-disabled students. All students, regardless of the nature of severity of the disability or their educational setting, should have access to the general curriculum to the maximum extent feasible. These standards are consistent with the expectations for all students in the district. General educators play a critical role in the Team process as experts on grade level, district curriculum and general classroom

environment. Their participation in the Team process is required under federal regulations. This regulation applies to all Team Meeting and IEPs including student receiving a single related service.

Specific Elements of an IEP

Administrative Data Sheet

The Team Facilitator is expected to review this page for accuracy at the Team Meeting. Attention should be directed to dates of meetings, type of meeting, and the dates of the IEP. The accuracy of a variety of special education department reports is dependent on the accuracy of this data.

Parent/and Or Student Concern

This section is intended to help the Team focus its discussion on the student's concerns and needs, as well as the concerns of their parents. The Team should consider areas of concern that may impact the student's progress in education. Examples of topics to consider when completing this section include, but are not limited to academic skills, social skills, behavioral needs, independent functioning, and daily living skills. For students engaged in post-secondary transition planning, the Team should prompt students and parents to share concerns that relate to the student's post-secondary success. A statement of the parent/student concerns can be solicited prior to the meeting or at the meeting. Parent and/or students may also be offered the opportunity to submit concerns by email or directly to the person responsible for coordinating the IEP team meeting.

Student and Team Vision

The Student and Team vision contains 2 components: Student's vision and Additional Team Vision Ideas. The Student's Vision section will vary by student, as each student is unique. This section is differentiated into 2 age groups: 3-13 and 14-22. Students may need assistance developing their vision statement prior to the IEP Team meeting. Students who are 13 but will turn 14 during the new IEP period should respond to the questions for students aged 14-22. The Vision/Post-Secondary Goals section is a first step toward transition planning for ages 14-22. More transition planning appears in a later section of the IEP.

The Additional Team Vision Ideas section is for the IEP Team members (other than the student) to respond to the student's vision. Parental input should be considered by the Team when/if completing this section.

Student Profile

The Student Profile section is used to identify all disabilities determined through the special education eligibility process. It is important to note that a student's disability

determination on an IEP may not always align with medical or other diagnostic evaluations. If relevant, more information about the student's disability can be included when describing the impact of the student's disability in other sections of the IEP. For example, the IEP Team might identify a student as having a specific learning disability in their Student Profile and further explain that the student has dyslexia, dysgraphia, or dyscalculia in later sections of the IEP.

English Learners

When an EL has a disability, the Individuals with Disabilities Education Act (IDEA) requires that the IEP Team consider the student's language needs as they relate to the IEP. It is therefore essential for the IEP Team to include those with the knowledge of the student's language needs. The Team Facilitator/Chair invites the EL teacher assigned to the student to the team meeting. The EL teacher will provide information on the student's English Learner Education program, English as a Second Language (ESL) services, and progress towards English language proficiency benchmarks and the latest EL assessment data.

Assistive Technology

The district ensures that assistive technology devices and services are made available to a student with a disability if required as part of the student's special education, related services, and/or supplementary aids and services.

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability.
Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device.

In developing each student's IEP, the IEP Team must consider whether the student needs assistive technology devices and services.

- If the IEP Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should be conduct the assessment with the student and family being included in the evaluation process. The evaluation should take place in the student's customary environment.
- In instances when assistive technology devices and/or services are determined as required, the Team must identify which sections of the IEP will be used to address the student's needs. This includes which settings (classroom, home or other) in

which the student needs access to those devices and services in order to assure provision of FAPE.

The IEP Team must also consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in al aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.

If after evaluation, it is determined that a student is in need of an *Assistive Technology device or services, the* district must include:

- Purchase, lease, or otherwise provide for the acquisition of assistive technology devices;
- Selecting designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans or programs;
- Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

Assistive Technology (separate from AAC) is considered and specifies where it will be addressed in the IEP in this section.

Augmentative and alternative communication (AAC) is considered and addressed in the Present Levels of Academic Achievement and Functional Performance- Communication section of the IEP.

Present Levels of Academic Achievement and Functional Performance

The Present Levels of Academic Achievement and Functional Performance ("Present Levels") section of the IEP has four components: 1. Academics, 2. Behavioral/Social/Emotional, 3. Communication, and 4. Additional Areas.

The team completes the present level only if the student's disability impacts that area. If identified, the team includes the following:

- The most recent key evaluation conclusions are included in present level for intials/reevaluations/extended evaluations/additional assessments. The evaluation cycle is identified and includes District and month/year reviewed ie Reevaluation, Attleboro Public Schools, 7/2025. Each assessment is identified and includes the evaluator and month/year of evaluation ie Psychological (Smith, 7/2025). Key Evaluation data remains until the next evaluation cycle or team considers and accepts updated evaluation data from APS or outside evaluations. The most recent state/district assessments and curriculum based measures are included ie MCAS ELA 5/2025, DIBELS FALL 2025. Observation including teacher, parent, and student input and classroom documentation are included. This data is updated at the next IEP cycle.
- The student's strengths, interest areas, and preferences in relation to the the specific area's present levels are noted.
- Clear descriptions of how the disability impacts involvement and progress in the general education curriculum or appropriate preschool activities assists the Team in determining the most appropriate accommodations and specially designed instruction.

1.Academics:

- The Team considers how the student's disability affects academic performance in the general education curriculum with focus on areas of the curriculum where performance is adversely affected. The team only identifies the curriculum areas affected and includes current performance in the identified academic area(s) and relevant data.

2.Behavioral/Social/Emotional:

- The Team identifies the current behavioral/social/emotional performance if an areas of educational need that affects progress. The Team considers the use of positive behavioral interventions and supports, and other strategies to address the student's behavior that impedes their learning.
- *Bullying Prevention and Intervention:* The Team must determine if sections seven (7) and eight (8) of the Massachusetts Bullying Prevention and Intervention law apply to eligible students. Eligible students include those on the autism spectrum, or those who have a disability that affects social skills development and may be vulnerable to bullying, harassment, or teasing. For students on the autism

spectrum, protection under the law is automatic. Teams should be aware that students with emotional impairments, developmental delays, health impairments, communication disorders, and neurological impairments are likely to have a disability that affects social skills development. The team identifies the disability related skills and proficiencies the student needs and specifies where it will be addressed in the IEP. The Team's consideration must be noted in the N1-Notice of District proposal.

3. Communication:

- The team identifies the current communication performance.
- The team identifies if a student requires the use of augmentative and alternative communication (AAC) considering non-verbal and students with limited speech.
- If yes, the Team describes how the student's needs will be addressed including acquiring, designing, customizing, maintaining, repairing, and/or replacing AAC devices).

4.Addtional Areas:

- The team considers additional areas that might be relevant to the student's disability, such as activities of daily living, health, hearing, motor, sensory and vision**.**
- For students who are Deaf or hard of hearing, the IEP must indicate which section of the IEP will address their language and communication needs. The IEP Team must consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
- For students who are blind or visually impaired, the IEP Team must determine how it will provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate.

Students with Autism

Within the corresponding components of the Present Levels of Academic Achievement and Functional Performance ("Present Levels"), the Team must consider and specifically address the following if it impacts the student:

- the verbal and nonverbal communication needs of the child;
- the need to the verbal an 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.

The team identifies where in the IEP, the area of need is addressed.

Post Secondary Transition Planning

IEP postsecondary transition planning is designed to help students with disabilities successfully transition from high school to postsecondary education, vocational training, employment, and independent living. The goal of the planning process is to provide support and accommodations for a smooth transition, and to help students achieve their educational and career goals.

Transition Planning are a coordinated set of activities that:

- Focus on the student's vision, interests and preferences, strengths and a planned course of study.
- Are a results-oriented process focused on improving academic and functional achievement to promote movement from school to post-school activities, including vocational training, integrated employment, continuing and adult education, adult services, independent living or community participation.

This section is completed for all students beginning at age 14. The section is also completed for students turning 14 in the IEP cycle. Students should be active participants in their own transition planning, to the maximum extent possible. If a student does not attend the meeting, steps should be taken to ensure that his/her preferences and interests are considered. Working in close partnership with the family will enable the Team to more fully understand the student's personal assets, challenges, inclinations, and hopes for the future.

Team is required to inform parents and students ages 14+ of the anticipated plan for graduation or program completion. The team identifies the requirements, course of study and updates where the student is in meeting the requirements.

Community and Interagency Connections

This section documents the agencies and community organizations the student is working with as part of their transition from secondary school. The purpose of this

section is to promote coordination and communication between the school and the community or agency providers. The name of the agency or organization and a brief description of the support provided and the roles and contact information of school staff who will serve as liaisons to the agency or organization are included.

Transfer of Rights/Decision Making Options for Students

Transfer of rights to a student in special education refers to the process by which certain rights and responsibilities under IDEA transfer from the parents to the student once they reach the age of majority or become legally emancipated. The age of majority is 18 in Massachusetts.

No later than one year before the student reaches the age of 18, the school district must provide notice to the parents or guardians and the student that the rights will transfer to the student. This notice typically includes information about the transfer of rights, a description of the rights that will transfer, and information about the procedures and options available to the student. IEP Teams should use this section to document if and when the transfer of rights notice was provided to the student and parent(s).

Once a student makes a decision on their rights, IEP Teams complete the section to document which option the student or student's legal guardian selected. If no option has been selected, leave this section blank.

Transition to Adult Services Agency or Agencies- 688 Referral

Chapter 688 provides a two year coordinated planning process for students whose entitlements to special education services ends when they graduate from school or turn 22 years of age. To complete this section, the team determines if the student is within 2 years of exiting from special education services or will be within 2 years during the IEP period. The team also determine if the student will meet the criteria for a 688 referral. Students with an IEP who receive SSI/SSDI and/or are on the registry at the Massachusetts Commission for the Blind (MCB) are automatically eligible for Chapter 688. Students with severe disabilities and in need of continued services and are unable to work 20 or more hours per week in competitive, non-sheltered, non-supported employment at the time they are ready to leave school may also be eligible. Students receiving services from the Department of Youth Services (DYS) should be referred for eligibility. The team documents when the 688 referral was or will be made or, that student does not meet the criteria for a referral. If a referral has been submitted, te agency to which the referral was made to is documented.

When the Team decides that a referral to the Bureau of Transitional Planning (BTP) or other adult agency is relevant, a Chapter 688 referral is initiated by the Transition Specialist in the Virtual Gateway. The consent for referral is provided to the parent

and/or student. The consent is placed in the student file. Families can also be provided with information on self-referral.

Accommodations and Modifications

IEP accommodations and modifications are two kinds of supports that may be provided for students with disabilities through their IEP and are individualized. Accommodation provide access to the general education curriculum by addressing barriers or challenges to make progress in the areas of academic achievement and functional performance. Modifications make changes to curriculum, instruction and/or assessment directly tailored to individual needs and alter what is being taught or assessed to match the student's abilities and learning goals. Modifications are specially designed instruction.

Accommodations and Modifications can be provided in the classroom, non-academic areas, extracurricular activities, and/or the community/workplace.

There are 4 types of accommodations:

1. Presentation of instruction: provide access to the materials and content being shared so that students with disabilities can effectively participate in the learning experience
2. Responses: support students with disabilities in effectively communicating their knowledge and ideas.
3. Timing and Scheduling: address the specific needs of students with disabilities regarding the pace, duration, and organization of their learning activities.
4. Environmental: create an inclusive and accessible environment

There are 3 types of program modifications:

1. Content: Modifying the curriculum or instructional materials to match the student's abilities and learning needs to make progress in the general curriculum
2. Instructional: Modifying the delivery of instruction
3. Output: involve adapting or adjusting the expectations for how students demonstrate their knowledge and skills by expressing their learning in ways that suit their individual needs and abilities

State or District-Wide or Alternate Assessments

State or district-wide assessments refer to standardized assessments administered to students, including those eligible for special education, to measure their academic achievement and progress. A small number of students with the most significant

cognitive disabilities who are unable to take the standard tests even with accommodations may be eligible to participate in alternate assessments.

All students are expected to participate in MCAS or MCAS-ALT beginning in grade 3.. Guidelines for participation in either form of the assessment are detailed in DESE publication included in Section IX Participation Guidelines MCAS, MCAS-ALT.

While MCAS-ALT is a very appropriate choice for some students, it is critical that Teams understand that the decision to have a student take the MCAS-ALT limits their opportunity for a Competency Determination required obtaining a high school diploma in Massachusetts. Participation in the regular MCAS with accommodations should always be considered first. The Teams must reconvene annually to determine MCAS participation and teams may use the the *Decision-Making Tool for MCAS Participation by Students with Disabilities* provided by DESE. If a Team believes that a test accommodation listed in a student's IEP should be removed because it is no longer necessary and appropriate for the student, the team must amend the plan accordingly prior to testing. Test accommodations should be compatible with accommodations listed in the Accommodations section of the IEP. For students participating in MCAS-ALT, parents/caregivers must be notified in writing of the implications on an annual basis.

Special Populations

English Language Learner (ELL) with Disabilities

ELL students with disabilities must participate in all MCAS assessments for their grade, regardless of the number of years they have been enrolled in U.S. schools, with one exception: ELL students, who first enrolled in a U.S. school after March 1 of the previous school year, are not required to take the MCAS ELA tests in the spring of the current school year. Schools have the option of assessing first-year ELL students on ELA tests. ELL students with disabilities are entitled to receive test accommodations or to participate in the MCAS Alternate Assessment (MCAS-Alt), as determined by their IEP.

High school students who participate in the MCAS-Alt

After the passage of Question 2 in November 2024, which eliminated the use of the MCAS as the sole basis for meeting the state's CD requirement, the Board of Elementary and Secondary Education amended its regulations to adopt a new CD requirement in May 2025. All students seeking to earn a high school diploma, including students with IEPs, must still earn the new Competency Determination requirements and meet the local graduation requirements. Students participating in the MCAS-ALT may be enrolled in courses that do not meet these requirements. Teams review this information in the Transition section of the IEP.

Measurable Annual Goals

When developing measurable annual goals, IEP Teams should consider a variety of information, including the information in the Student and Team Vision and Present Levels sections of the IEP. Parental input is critical in developing measurable, effective, and meaningful goals. IEP Teams should also consider the extent to which measurable annual goals can help the student increase learning and participation in the least restrictive environment. Goals do not identify multiple curricular standards in a signle curriculum area nor qualify as a detailed weekly or monthly lesson plan.
There are 7 components for each goal:

1. The *baseline* refers to the student's current level of performance or skill in the targeted area. It serves as a starting point for measuring progress toward the annual goal and is determined through assessments, observations, or other data collection methods.
2. A *measurable annual goal/target* is a specific objective that the student is expected to achieve within a year. It focuses on an area of need identified through assessment and other data. The goal should be specific, measurable, and relevant.
3. The *criteria for success* specify the expected level of achievement or proficiency the student must reach to demonstrate that they have met their goal. These criteria establish clear benchmarks to evaluate progress and can be defined in terms of specific performance levels, percentages, scores, or other measurable indicators.
4. The *method of measurement* outlines how progress toward the goal will be assessed and documented. Assessment tools, tests, observations, work samples, and other data collection methods can provide reliable and valid information measuring the student's progress.
5. The *schedule for measuring progress* determines how frequently progress will be assessed and reported. It identifies specific checkpoints throughout the year when data will be collected and analyzed to determine the student's progress toward the annual goal. Progress monitoring may occur quarterly, semi-annually, or at other specified intervals.
6. The *person responsible* for monitoring and reporting progress toward the annual goal is identified in the Goal section. This may be a special education teacher, a related service provider, or another designated professional. The person responsible verifies that data are collected, progress is tracked, and reports are shared with the IEP Team, including the parents. *Names* of specific staff members should not be included in this section as they may change during the IEP period, but IEP Teams should identify the person responsible by title or role.

7. The short term objectives/benchmarks that lay out sequential, logical steps towards reaching the annual measurable goal and should be carefully considered and calculated to be realistic, reasonable, and measurable. Objectives break skills within the annual goal into discrete components, and benchmarks describe the amount of progress a student is expected to make within a specified segment of the IEP period that coincide with progress-reporting periods.

Schedule of Progress Monitoring

Identifies how and when parent(s) will be periodically informed of the student's progress toward meeting the annual goal(s). This is the schedule for progress reports.

Service Delivery

The type and frequency of services provided must be identified on the service delivery page. Service Delivery for school year and extended day and year services are separated into 2 service delivery sections. Each service delivery section is divided into three grids.

Section A: Indirect services represent services provided to an adult working on behalf of the student (i.e. consultation or training for school staff and/or parents).

Sections B: Direct services in the general education environment,

Section C: Direct services in any setting, other than general education.

Completion of this page verifies services needed for the student to be an effective learner; it is not a placement page. In accordance with state and federal law, the expectation is that final placement is determined after the IEP is developed. However, there are exceptions to this general rule. If the Team, in the course of discussion, determines that the student needs a longer school day or school year, then the service delivery reflects services beyond the standard school day. In certain circumstances, there is a recognized need for residential services. In all cases, if extended school year program (ESY) are required, the goals and objectives developed for the student represent the comprehensive nature of the student's program. Start and end dates are included for all services as well as personnel. One way to understand the grid is to recognize that as you progress through the alphabet, the student moves away from general education. It is important to note, that if any service appears on the grid, a goal and progress report is required.

Participation in General Education Setting

To the maximum extent appropriate, students with disabilities must be educated with students without disabilities, and special classes, separate schooling, or other removal of

students with disabilities from the regular educational environment should only occur if the nature or severity of the disability is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily.

If a team determines that a student cannot participate in the general education setting for any part of the day, the team provides an explanation of the extent to which the student will not participate in general education. Includes a description of the specific supplementary aids and services considered before determining that the student would be removed from a general education class or activity.

Schedule Modification

Most students with disabilities attend school on the same daily and yearly schedule as their non-disabled peers. However, based on student's needs, the Team may recommend a schedule modification. Students placed in residential program often have service delivery pages that reflect the difference between day and residential programs; Extended School Year Program (ESY) is also included on the service delivery page.

Extended School Year Programs (ESY).

At least once annually the Special Education Team must consider the need for an extended school year program and record its determination in the IEP. Typically, this is part of the annual review, however, if the annual review is scheduled at a time in the school year that inhibits the Team's ability to make a recommendation, then another meeting must be scheduled. A Team's determination regarding the need for an ESY program must be made on an individual basis, taking into consideration the unique needs of the student. ESY programs may not be limited to students with special education services in certain program types (e.g., substantially separate settings) or to children with certain types of disabilities. Special education service providers must maintain quantitative and qualitative data regarding the student, including anecdotal records on the rates of both learning and relearning, as well as a student's attainment of IEP goals and objectives. The same services delivered at the same frequency provided during the regular school year do not always need to be recommended. It is reasonable for an IEP written for ESY services to concentrate on the areas in which the student may experience regression, and/or skills that are not academic, but are needed so that regression does not occur in academics. The procedures and the forms for collection of data will be provided by the school's Team Facilitator..

A student may become eligible for services when services were not offered in past years. Failure to master IEP goals does not automatically make a student eligible for ESY services. ESY programs are not summer school; therefore, school districts cannot

categorically refuse to consider ESY programs because it does not offer summer school to all children. Since IDEA 2004 provides for recreation programs as a related service, an ESY program may consist of, or include, a recreation program if educational goal(s) connected to the recreation program are included in the IEP. However, Massachusetts regulations indicate that camping or recreation programs provided solely for recreational purposes with no corresponding IEP goals or specially designed instruction are not considered extended year programs. The principles of education in the least restrictive environment (LRE) apply to ESY services. ESY services for eligible students must be offered at no cost to the parent.

Transportation Services; School Year and Extended Year

Transportation considerations cannot influence, modify, or determine the educational program required by any student in need of special education. Transportation is a related service. For students eligible for ESY, teams identify whether transportation applies to ESY. A recommendation for transportation is included if 1). the disability prevents the student from getting to the local school in the same manner as the student's non-disabled peers; 2).the student is placed in a program that cannot be accessed without transportation.

On the IEP under Transportation Services, check "yes" if the student requires modifications, specialized equipment, or a qualified attendant on the vehicle. Particular precautions or concerns that may cause difficulties during transport such as medical needs, behavioral concerns, or communication disabilities must be documented on the IEP. Teams determine if the modifications, specialized equipment can be provided on regular transport or if specialized transportation is required.

Attleboro arranges to have students who use wheelchairs transported in vehicles that do not require that they to be removed from their wheelchairs in order to enter or leave the vehicle unless the student's physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons. Documentation from the physician should be recorded on the IEP. The Team is also responsible for determining and providing assistance, if needed, to go in or out of the home, on or off of the vehicle, and in or out of the school.

When special transportation is noted on the IEP of a student enrolled in a private school, at private expense, and receiving services, Attleboro is obligated to provide transportation within the geographic boundaries of the school district. If the student does not require transportation as a result of his or her disability, then transportation is provided in the same manner as provided for a student without disabilities. In such case, the IEP notes that the student receives regular transportation

Mileage Reimbursement for Parents

Regulations require that parents who voluntarily provide transportation for their eligible student are entitled to be reimbursed at the same rate as state employees given the following circumstances:

a) Transportation is for school attendance and school sponsored extra-curricular activities.

b). Transportation occurs with the knowledge and agreement of the school district.

c). The parent voluntarily provides the transportation.

The Team Facilitator is responsible for providing the parent with the information at the Team Meeting when appropriate.

Additional Information

Document efforts to obtain parent/student participation in the meeting if did not attend or provide input.

Others: Reference to medications, Individual Health Care Plans may be referenced under additional information in the IEP. Include Program description if student in a program. Identify Extended Evaluation period if relevant

Response

Prior to IEP being provided to parent, district representative (personnel designated to allocate resources) signs providing school assurance. Parent response to IEP acceptance and consent to implement

Placement Consent Forms

The parent may sign this form accepting the placement and rejecting parts of the IEP.

Primary Disability/Level of Need

The selected disability must correspond to assessments and the content of the IEP. The Team may include relevant, documented information about associated diagnosis in the description of the student's profile however, the disability category selected must be from the approved state and federal definitions. The Team cannot change the disability category of the student without an evaluation to support the change.

Educational Environment/Placement

The form for placement of 3-5 year old children provides a checklist for the Team to follow. The form for students age 5 (Kindergarten) and 6-21 represent the time, calculated on the daily/weekly schedule of the school.

Amending an IEP

An Amendment is for minor IEP adjustments that do not change the type of placement. The explanation of a proposed change includes the IEP section(s) that the change will affect. For instance, if an IEP goal is being altered, the specific goal page with the reworded goal is attached to the existing goal. If service delivery is changed, the new service delivery with the adjusted services is attached to the existing service delivery page. The Administrative Data Sheet is also attached to the amendment before mailing for signature. The Amendment goes into effect when parental consent is obtained. The dates of the Amendment must be consistent and compatible with the IEP. In between the annual IEP meeting, the Team and parent may agree to make changes to the student's IEP by documenting the changes in writing without convening a Team meeting. The parent is provided a revised copy of the IEP with the amendment incorporated. An example of this type of arrangement may be if MCAS accommodations are changed.

When Parents and Staff Disagree at the Team Meeting

Every attempt is made by the Team Facilitator to resolve any differences of opinion that might arise. However, if there is no resolution, the Team Facilitator proposes an IEP based on the school's recommendations, making it clear to the parents that they can exercise their rights of due process.

Timelines for Developing IEPs

For annuals, a DRAFT IEP is provided to the parent prior to the team meeting.
The Case Manager provides two copies of the proposed IEP, proposed placement (PL1-3) and required notice to parents/guardians (N1) no later than 5 school days after the team meeting.

For initials and reevaluations, at the conclusion of the meeting following the development of the IEP, the Team Facilitator provides the parents with a summary which includes a completed IEP service delivery grid and a statement of major goal areas associated with the services. The case manager provides two copies of the proposed IEP, proposed placement (PL 1-3), and required notice to parents/guardians (N1) within 45 school days of the district's receipt of the parent/guardian's written consent of the evaluation and no later than 5 school days after the team meeting.

If consent is received within 30 to 45 school working days before the end of the school year, the school district shall ensure that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.

Hearing Request/Dispute Resolutions

Within 15 days of receiving notice that a parent has made an official hearing request to the BSEA, Director of Special Education, or designee, convenes a resolution meeting with parent and relevant members(s) of the Team to try to resolve the dispute. Parents and District may also agree to proceed to mediation in accordance with BSEA guidelines. If the resolution session or mediation is successful, the parent(s) and district sign a legally binding agreement. The Director determines involvement of an attorney on behalf of the District.

Monitoring Timelines of IEPs

A report of IEPs up for renewal sorted for each school by date and Case Manager will be generated monthly by OIT. The Team Facilitators are expected to review for accuracy and meet with the Director, Assistant Director, or Supervisor to discuss the strategies for holding team meetings and obtaining signatures. Progress and plans to obtain signatures are reviewed at the building level by the Team Facilitator.

IEP Implementation and Availability

Upon receipt of an accepted IEP in whole or part, services are expected to be delivered without delay. At the beginning of each school year, the district is to have an IEP in place for each identified student. It is expected that each teacher and service provider are informed of their responsibilities for implementation. To accomplish this, the following procedures apply:

May/June: Director, Assistant Director, or Supervisor meet with each Team Facilitator and School Administrator/ Program Director to review projected student lists for each case manager. The purpose is to check status of IEP, Team Meetings, and signatures. Changes are made as needed. Case managers are provided students lists.

July-August: Director, Assistant Director, or Supervisor monitor school and program lists and meet with School Administrator/ Program Director to review. The purpose is that for the opening of school Cases Managers and Team Facilitators have the most current list of students at the building/program level. Changes are made as needed.

During School Year: Director, Assistant Director, or Supervisor monitor school and program lists and meet with individual Team Facilitators and School Administrators/ Program Directors on an as needed basis.

Implementation of an IEP is not delayed due to lack of space or personnel. It is the Case Manager's responsibility to communicate difficulties to the School Administrator/ Program Director. If the School Administrator/Program Director is unable to resolve the

Director is notified. It is the responsibility of the School Administrator/ Program Director, unless otherwise determined, to inform parents in writing of any delayed services, reason for the actions taken to address the problem, and offer alternative methods to meet the goals of the IEP. Upon agreement, the District will offer alternative methods immediately until the lack of space or personnel issues are resolved. A copy of the notification to parents is retained in the special education student file and provided to the Director of Special Education.

Section IV: Placement Decisions

The third step in the process is determining the appropriate placement. Placement is typically discussed immediately after an IEP is developed since the IEP forms the basis for the placement decision. The Team should be mindful of the requirement related to FAPE (free appropriate public education) in the least restrictive environment (LRE). The IEP is not written "to fit" a particular placement. Teams keep in mind this critical fact when moving through the Team process to ensure that the IEP is written to address the unique needs of the student. A second meeting to determine placement may occur in circumstances when the Team and/or parent need to investigate programs. The decision to schedule a separate placement meeting is documented in the N1 Letter and identified on the N3 Meeting Invitation. The Placement Meeting must include the participants required by regulation and be held within 10 days following the meeting at which the Team developed the IEP. At the request of the parent, the meeting may be scheduled at a later date. The following is expected to occur in preparation for the meeting:

- The district and the parent will investigate in-district programs as well as out of district placements considered appropriate.
- When an in-district placement can provide services on the IEP, the Placement Team will recommend that program.
- If no in-district program exists, an out of district placement will be recommended.

Any other school district that may be programmatically or financially responsible is invited and given written notice at least five (5) days prior to the meeting. Representatives from other state agencies involved may designate a representative to participate

The first placement option considered is the general education classroom in the student's school with the use of supplemental aids and services. A student may not be denied education in age-appropriate general education classrooms because the student's education requires modification to the general curriculum. Other options are considered only when the nature and severity of the disability would prevent satisfactory achievement within the general education environment.

Programs for 3-5 Year Old Children

Attleboro provides developmentally appropriate and specially designed programs for children ages three and four years. Referrals are accepted from the Department of Public Health, other agencies, and from individuals when the child turns 2.6 years old to ensure continuity of services and implementation of an IEP by the child's third birthday. The district is aware that it has the option to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a way

of transitioning eligible children to public school services. The Attleboro Early Childhood Team is also aware that a child may be allowed to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday). Inclusion services in settings for children with and without disabilities may be provided in the home, public school, Head Start, or a licensed childcare setting. Integrated programs located at the Early Learning Center, include children with and without disabilities. Class size does not exceed 20 with one teacher and one aide and no more than five students with disabilities. If the number of students with disabilities is six or seven then the class size may not exceed 15 students with one teacher and one aide. Substantially Separate programs serve primarily or solely children with disabilities. These settings limit class sizes to nine students with 1 teacher and1 aide; more than 50% of the children have disabilities.

Programs for Older Students

Attleboro Public Schools provides options for older students, 18 through 21 years, including 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. Programs are located at Attleboro High School. They have an educational and vocational focus and offers the student ongoing opportunities to interact with students or young adults without disabilities. Participation in such options for students younger than age 18 continues to ensure that students have access to instruction in the general curriculum.

Home/Hospital Instruction

The school may provide educational services at home or in the hospital for students with or without disabilities based on medical needs verified by a written order from a physician. Tutoring is also available to students awaiting placement or unable to attend subsequent to disciplinary action. The frequency of the services is sufficient to allow the student to continue his/her educational program and is jointly coordinated by the school Principal and the Special Education office.

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

When an out-of-district program is considered necessary by the Team, referrals are sent to programs approved by DESE. The Out of District Facilitator is contacted by the school Team Facilitator and becomes responsible for coordinating the process with the parent, out of district program, and clerk. Unapproved programs are considered only when no appropriate DESE approved programs are available. Approved programs in Massachusetts are given preference over out-of-state programs unless the program

located out-of-state is more consistent with the needs of the student and the LRE requirements. If a student is placed in an unapproved program the district maintains the list of approved schools considered, evidence of contact with the admissions office at each school and the disposition supporting a search for an unapproved placement. This method of documentation also applies to out of state schools. Documentation is placed in the student's file.

The Out-of-District Team Facilitator visits and evaluates the appropriateness of the facility prior to placement of the student. The Out-of-District Team Facilitator also determines if the facility will provide the student with all the rights that are accorded to the student under state and federal special education law.

If services in an unapproved program are provided in a school setting, the Director of Special Education ensures that the school has received approval from the local school committee. When an out of state placement is considered and that program is not approved by DESE, the district must ensure that the school is approved by the host state. Exceptions to this are referenced in regulations. When an unapproved placement is necessary, the Out-of- District Team Facilitator obtains the required state forms to set program prices for programs receiving publicly funded students. The forms are completed by the proposed placement and document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program. Prior to placement the Out-of- District Team Facilitator notifies DESE of the specific school and location with the intent to place.

Notice of Intent to seek Approval for Individual Student Program is sent to DESE from the Special Education Office under the signature of the Director/designee. The Out-of-District Team Facilitator maintains any objections DESE has to the placement and the steps the district has taken to address the objections. The district maintains documentation of the approved price, and monitoring including site visits.

Written contract in accordance with CMR 28.06(3)(f)(1-5) is required for each student placed in an out of district program. The District shall not contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, gender identity or national origin, or that discriminates against qualified persons with disabilities. Contracts are tracked by Director of Special Education or designee.

Procedures to Provide Services to Eligible Students Enrolled in Private Schools at Private Expense

For all students with disabilities attending private school(s) located in the district's geographic boundary whose parents reside in Massachusetts or out of state, Attleboro

Public Schools conducts child find activities comparable to those for public school students, for all students enrolled at private expense in private schools located in the geographic boundary of the district. The district provides or arranges for the provision of an evaluation for any private school student who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility.

At minimum 3 times a year, Attleboro conducts ongoing timely and meaningful consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities prior about:

a. the child find process for students suspected of having a disability, and how parents, teachers, and private school officials will be informed about the child find process;
b. what the determination of proportionate share funds is and the calculation of which that determination is based, including the underlying data;
c. how the consultation process will occur during the school year between the district, private school representatives, and parents;
d. how, where, and by whom special education and related services will be provided to eligible private school students with disabilities using proportionate share funds, including types of services, how funds will be apportioned if federal funds are insufficient to serve all eligible students, and how and when decisions about proportionate share services will be made; and
e. how the district will notify private school officials, in writing, if the district does not agree with the view of the private school about the provision of services or specific types of services. The school district has the final decision-making authority.

After each meeting, the district obtains signed, written affirmation from participating private school officials that consultation has occurred, and if there is no written affirmation, the district sends ESE documentation about the consultation process.

Determining Equitable Services

The district determines equitable services and how they will be provided to one or more students with disabilities attending private schools in the district through

a. a discussion of student needs and possible types of special education and related services that can be provided either directly or through alternative service delivery mechanisms;
b. consideration that federal grant funds can be used to provide services on the grounds of private schools, although services provided with state and local funds must be provided at a "public school facility or other public or neutral site";
c. if the amount of proportionate share grant funds are insufficient to serve every eligible student, a discussion of how the district will apportion the services

among eligible students, or may choose to supplement the proportionate share of the grant funds with additional grant funds or with state or local funds; and

d. if the school district disagrees with the views of the private school officials on the provision or type of services, the district must provide private school officials with a written explanation of the reasons the district chose not to provide services directly or through a contract. The school district has the final decision-making authority.

If using federal funds only, provides special education services and/or related services to private school children at the private school, and if using state funds, provides services to private school students on the grounds of the public school or another public or neutral site;

Service Plans

The district creates a services plan for each eligible private school student who will receive special education or related services from the district using proportionate share funds. Attleboro:

a. Initiates and conducts meetings to develop, review, and revise services plans for eligible students.
b. Ensures a representative of each student's private school attends each meeting or is able to participate through individual or conference calls.

Parents are not required to provide written consent to a Service Plan. Parents may refuse services; however, they are not entitled to due process protections. If the parents of an eligible student enrolled in a private school in Attleboro live out of state they are entitled to child find services, and evaluation services. The district may also provide consultation services to the private school. Students who have parents living outside Massachusetts are not entitled to an IEP, but are entitled to a Services Plan.

Calculating Proportionate Share

Annually, the district calculates the proportionate share of federal special education entitlement funds (Fund Code 240 [IDEA Section 611Funds] and Fund Code 262 [IDEA Section 619 Funds]) required to be spent, based on the child count taken between October 1 and December 1 of the *prior* fiscal year that includes the number of all eligible private school students attending school in the district's geographic catchment area including residents, non-residents, and home school students, using the ESE form. A student remains eligible for 3 years following identification. Child count includes all students found eligible attending school in the district, regardless of whether they

receive(d) special education services. The district collects the following data and information, and reports to ESE as necessary in the Fund Code 240 application:

a. the number of private school and home school children evaluated in a school year;
b. the number of private school and home school children determined to be eligible in a school year (may include evaluations conducted, or, for non-residents, evaluations provided by the district of residence and accepted as evidence of eligibility); and
c. the number of private school and home school children served in a school year regardless of where they attend school.

Instructional Groups

The Attleboro Public Schools works to ensure that the size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. The district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed:

8 students with a certified special educator,
12 students if the certified special educator is assisted by 1 aide,
16 students if the certified special educator is assisted by 2 aides

For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed:

8 students to 1 certified special educator or
12 students to 1 certified special educator and 1 aide.

After the school year has begun, if instructional groups have reached maximum size, the Special Education Administrator and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and can receive services in their neighborhood school. In such cases, the Administrator provides written notification to the DESE and the parents of all group members of the decision to increase the instructional group size and the reasons for the decision. The increased instructional group sizes are in effect only for the year in which they are initiated. The district takes all steps necessary to reduce the instructional groups for subsequent years. The steps are documented by the district.

Age Span Requirements

The ages of the youngest and oldest student in any instructional grouping cannot differ by more than 48 months. It is the responsibility of
the special education teachers to report difficulties to the Principal and Special Education Team Facilitator. When the problem cannot be resolved at the building level, the Principal informs the Special Education Administrator who works with building based team members to resolve. If unable to resolve, an Age Span Waiver may be submitted to DESE if necessary by the Special Education Administrator.

Section V: Discipline, Suspension, Exclusion

In general, all students are expected to meet the requirements for behavior set forth in the district wide handbooks and the schools' code of conduct. There are three (3) Massachusetts statutes that a Principal must consider in determining if a discipline hearing is to be held, due process rights, and the possible consequences that may be imposed if a student is found to have violated the school's code of conduct. Understanding which statute applies to the offense will assist the Teams in determining appropriate options for students protected under special education law. The three statutes, referred to as Section 37H, Section 37H1/2, and Section 37 H3/4 are:

Section 37H:
Offense: Possession of a dangerous weapon, possession of a controlled substance, assault on a member of the educational staff
Consequence: The student may be subject to suspension or expulsion by the principal. The Principal may remove a student from school premises, regular classroom activities, and school activities for more than 90 days, indefinitely, or permanently.

Section 37H 1/2
Offense: A felony charge or felony delinquency complaint. Conviction, adjudication, or admission of guilt with respect to a felony.
Consequence: The student may be subject to indefinite suspension if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. Conviction or admission of guilt may result in expulsion if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Section 37H 3/4
Offense: Any offense not covered by 37H or 37H ½
Consequence: the student may be subject to suspension as provided by the school discipline code. The statute prohibits schools from suspending a student for more than 90 school days (total) in one school year. Principals are expected to exercise discretion in deciding consequences, consider ways to re-engage the student in school, and avoid using long-term exclusion unless alternatives have been tried. A student maybe temporarily removed from school when the continued presence of the student in school poses a danger to persons or property or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. Temporary removal cannot exceed two (2) school days following the day of the emergency removal. Property in the possession of a student constituting such danger or threat may be confiscated immediately and held by

an administrator, pending a hearing. The superintendent must be informed in writing by the principal of the out-of-school suspension of a student enrolled in kindergarten through grade 3, the alleged misconduct, and the reasons for out-of-school suspension, before the suspension takes effect.

Educational Services during Suspension

Students who are suspended from school for 10 or fewer consecutive school days, whether in or out of school, must be provided an opportunity to make academic progress during the period of suspension, make up assignments, and earn credits missed. The school is expected to continue to provide educational services to any student suspended for more than 10 days consecutively through a Service Plan. Options may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. If a student moves to another district during a period of suspension or expulsion, the new district must either admit the student or provide educational services to the student during the period of suspension or exclusion;

See DESE Advisory on Student Discipline under Chapter 222 of the Acts of 2012 for additional information. A joint policy statement from the U.S. Department Of Health And Human Services and the U.S. Department of Education on expulsion and suspension policies in early childhood settings reminds educators that preschool children with disabilities with a valid IEP are entitled to the same disciplinary protections that apply to all other eligible children with disabilities, and may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education (FAPE) under the IDEA.

Procedures for Recording Suspensions:

In regard to students on IEPs, the District is aware of its responsibility to record the number and duration of suspensions from any part of the student's program including transportation prescribed by the IEP. The database of all suspensions in each school is available in ASPEN. If the suspension involves transportation needs, a note is included. On an individual student level, it is the responsibility of the student's Case Manager to know when a student is suspended. When not informed by administration, this can be accomplished through checking the school's daily attendance if the student is absent from class or a therapy session. It is also the expectation that the Special Education Team Facilitator and the Special Education Administrator will review school data each month to monitor student suspensions.

Key Definitions

In-School Suspension: removal of a student from regular classroom activities, but not from the school premises, for no more than 10 consecutive school days, or no more than 10 school days cumulatively for multiple infractions during the school year.

Short-Term Suspension: removal of a student from the school premises and regular classroom activities for 10 consecutive school days or less. Short term suspension may be served in school, at the principal's discretion.

Long-Term Suspension: removal of a student from the school premises and regular classroom activities for more than 10 consecutive school days, or for more than 10 school days cumulatively for multiple disciplinary offenses in any school year. A principal may allow a student to serve a long-term suspension in school. Long term suspension may not last more than 90 days and may not extend beyond the end of the school year if suspended under 37H¾.

Expulsion: removal for more than 90 school days.

Manifestation Determination

In accordance with Chapter 71B of the Massachusetts General Laws, federal law IDEA 2004, and Section 504, the school may suspend or remove a student from the current placement in accordance with the discipline procedures in the district handbooks for the length of time that any non-disabled student could be disciplined. Suspension of a student with a disability for more than 10 school days in a school year is considered a change of placement which invokes certain procedural protections under federal special education law. *Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards.* Prior to any removal that constitutes a change in placement, the school must inform the parent/guardian that the law requires the Team to consider whether or not the behavior that resulted in the disciplinary action was related to the student's disability. This consideration is called a Manifestation Determination.

Parents/guardians have the right to participate in this process. All relevant information including the IEP, teacher observations, relevant parent reports, and evaluation reports are considered. All efforts to reach parents are documented. The Notification of Team Meeting and Attendance Form (N3) are completed for distribution and the file.

At a Manifestation Determination Team Meeting, scheduled in collaboration with the principal, the Team considers the following 2 questions:

1. *Did the student's disability cause or have a direct and substantial relationship to the conduct in question?;*
2. *Was the conduct a direct result of the district's failure to implement the IEP?*.

If the Manifestation Determination decision is that the behavior that resulted in disciplinary action was caused by or had a substantial relationship to the disability, then the student may not be removed from the current educational placement, except in the case of special circumstances (identified below). The Team will conduct a Functional Behavior Assessment (FBA) if one has not already been completed, review the IEP and review and revise any Behavioral Intervention Plans (BIP). It is the responsibility of the Special Education Team Facilitator to facilitate all procedural notifications and consent form for the FBA. No later than 45 school days after receiving written parental consent, a Team meeting will take place to review the results of the evaluation and determine appropriate placement. If the team has agreed that the students' behavior is directly related to services not being implemented, i.e., counseling services not given, then the team may discuss and create a plan for compensatory services.

If the Manifestation Determination decision is that the behavior that resulted in disciplinary action was not caused by or had a substantial relationship to the disability, then the school may suspend or expel a student consistent with policies applied to students without disabilities, however, the district must provide educational services that allow the student to continue to make educational progress related to the goals on the IEP during the suspension period.

- Special circumstances exist if a student: possesses, uses, sells or solicits illegal drugs on school grounds or at a school-sponsored event, carries a weapon to school or a school-sponsored event, or inflicts serious bodily harm upon another person at school or at a school-sponsored event. Under these circumstances, the principal may suspend or expel the student in accordance with M.G.L. c. 71, 37H so long as the student receives services during the disciplinary removal and the misconduct for which the student is being removed is not a manifestation of the student's disability or the result of failure to implement an agreed-upon IEP.
- When the misconduct, considered special circumstances, is the result of the student's disability or the failure to implement an agreed-upon IEP, the principal may still remove the student to an Interim Alternate Educational Setting (IAES) for up to 45 school days.

Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)

A Functional Behavioral Assessment (FBA) is an approach to understanding student behavior that incorporates a variety of techniques and strategies to identify the causes

and likely interventions to address problem behaviors. An effective functional behavioral assessment looks beyond the overt behavior, and focuses, instead, upon identifying factors such as physical, social, emotional, or environmental that initiate or sustain the behavior. An FBA is a process for addressing student problem behaviors, the settings under which the problem behaviors may or may not be observed, and the function, or purpose of the problem behaviors. Information, obtained by collecting data from direct observation, interview, record review and data analysis is used to develop an effective plan to reduce the frequency or severity of the problem behavior. The school psychologist, in collaboration with identified members of the Team is responsible for coordinating the FBA and completing the final report. The understanding of the causal factors is essential to the decision to create a Behavior Intervention Plan (BIP).

A Behavior Intervention Plan (BIP) takes the observations from the FBA to develop a concrete plan of action for managing a student's behavior. A BIP may include changes to the school environment, a system of positive reinforcement and supports needed to limit acting out. When a behavior plan is incorporated into the IEP, the same legal requirements for implementation exist.

Interim Alternate Educational Setting (IAES)

Placement in an IAES enables the student to continue in the general curriculum, receive services identified on the IEP, and services to address the problem behavior. An IAES is a disciplinary placement different than the student's current placement as defined in his/her IEP. When this type of placement occurs, the FBA and Manifestation Determination Meeting are often scheduled in the alternate educational setting in accordance with regulatory timelines. As noted, the principal and Team may recommend placement of student in an IAES when the misconduct is the result of the student's disability or the failure to implement an agreed upon IEP. However, the principal, or designee, may remove a student to an appropriate IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the disability in cases when the student carries a weapon while at school or a school function, possesses or sells illegal drugs or controlled substances while at school or a school function, causes serious bodily injury upon another person at school, on school premises, or at a school function. A Hearing Officer may also order a 45 school day placement.

Placement procedures: After the team has agreed to an IAES, in -district or out of district, student packets are sent from the Special Education Office. Placement in an in-district setting will begin as soon as possible; tutorial services will be provided during the admissions process. Depending on the nature and severity of the incident, the team may request a Risk Assessment to gather additional information. The Team Facilitator is

responsible for obtaining parental permission to release documents, organize placement packets, and arrange the Risk Assessment. A temporary emergency placement if necessary (not to exceed 45 days) will be proposed by the district no later than the day following the Manifestation Determination meeting. No student is placed in an emergency placement without parental consent.

Parents Right to Appeal

If the parent chooses to appeal or the school district requests a Hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the Hearing Officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise,

Discipline of Students Not Yet Determined Eligible for Special Education

If, prior to disciplinary action, the district has knowledge that the student may have a disability, then the district makes all protections available under special education law to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if the parent had expressed a concern in writing; requested an evaluation, or district staff had expressed directly to the Director of Special Education and Student Support Services or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student. The District may not be considered to have had prior knowledge if the parent has not consented to an evaluation, has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district will conduct an expedited evaluation to determine eligibility. If the student is found eligible, then he/she receives all procedural protections subsequent to the findings of eligibility.

Response to Criminal Allegations

When a student with an IEP is reported to the police, by a representative of the District, for an alleged crime, special education and disciplinary records are furnished to the police in accordance with Student Record Regulations. IDEA 2004 states the following:

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

An agency reporting a crime committed by a child with a disability ensures that copies of the special education disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.
An agency reporting a crime under this section transmits copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Right and Privacy Act. (Authority: 20 U.S.C. 1451(k) (9).

Review of records and documentation sent are to be reviewed by the Special Education Team Facilitator in consultation with the Special Education Administrator.

Section VI: Physical Restraint and Requirements

In the event that physical restraint is required to protect the safety of a student and others in the school, procedures consistent with 603 CMR 46.00: Prevention of Physical Restraint and Requirements effective January 1, 2016 apply. Physical restraint, considered an emergency procedure of last resort, is applied with extreme caution, by appropriately trained personnel, after other lawful and less intrusive alternatives have failed or been deemed inappropriate. Mechanical restraint, medication restraint, and seclusion is prohibited. School personnel can use physical restraint when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm. It is the obligation of the person administering restraint to prevent or minimize any harm to the student as a result of the use of physical restraints. *Special Education Technical Assistance Advisory SPED 2016-1: Time-out and Seclusion*, included in Section II, details the changes in the use of time-out and seclusion as behavioral strategies pertinent to Teams and special education service providers.

Methods for preventing student violence, self-injurious behaviors, and suicide including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

The school will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. In addition, the school-level response team will participate in professional development focused on preventative measures to prevent student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The response team along with teachers and other school personnel will identify students who are potentially at-risk and review student social, emotional and behavior progress at the Student Support Team Meeting (SST) and/or leadership team meeting to plan interventions and supports for students. The meetings will include school counselors, school nurse, and administration as a resource to plan appropriate interventions and supports for the students.

Each school has a response team, which includes the administrative team, school counselors, and school psychologist/BCBA/behavior paraprofessional when necessary. All members of the school's response team are trained in Safety Care

For any student with a history of significant emotional/ behavior including at risk behavior (harm to self and/or others) and/or a student who required a physical restraint, the Team may develop a safety/crisis plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling ssupports, monitoring protocol, data collection, and frequent review meetings, etc. for the purpose of assessing progress and making necessary

adjustments. Teams can refer to outside agencies if needed. Each school has a functioning SST, which meets monthly (or more as needed) to discuss individual students and/or groups of students demonstrating problem behavior and mental health concerns. The team should include an administrator, teachers, school counselor/school psychologist, BCBA, parents, and, if necessary, may include an outside agency representative.

School staff should utilize the school district's various tools to help students who are exhibiting aggressive behavior.

General De-Escalation Guidelines

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

1. Remain calm -To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.

2. Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.

3. One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.

4. Remove Student If Possible - The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered.

5. Remove Other Students - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

Rights and Responsibilities of School Personnel

- Nothing in the regulations precludes any teacher, employee or agent of a public school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- School personnel maintain the right to report a crime committed by a student or other individual to the appropriate authority.

- Law enforcement, judicial authorities or school security personnel maintain the right to exercise their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or pose a security risk.
- School personnel have continued responsibilities as a mandated reporter to report neglect or abuse to the appropriate state agency.
- Only personnel who have received required in-depth training can administer physical restraint on students. The requirements of the district to provide in depth training are referenced in the *APS School Committee Policy JKAA* , included in Section III.
- Whenever possible, there should be one adult witness who does not participate in the restraint.

Definitions

Seclusion is the involuntary confinement of a student alone in a room or area from which he/she is physically prevented from leaving Seclusion is prohibited.
Time-out means a behavioral support strategy in which a student is temporarily separated from an activity or the classroom, either by choice or by direction from staff, for the purpose of calming. Time-out includes the practice of inclusionary time-out (the student is removed from full participation in activities but remains in the classroom) and exclusionary time-out (the student is separated from the class through complete visual separation or actual physical separation).

Physical restraint means direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include brief physical contact to
promote student safety, physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Physical escort is temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Mechanical restraint means the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed, (i.e. adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility, vehicle safety restraints when used as intended

during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm).

Medication restraint (previously referred to as chemical restraint) means the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Prone restraint means a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face down position.

Parent consent for prone restraint means written agreement by a parent who has been fully informed of all information relevant to the use of physical restraint for their student. The parent further understands that agreement is voluntary, may be revoked at any time and that enrollment is not contingent upon agreement to the proposed use of any restraint.

Time Out as a Behavioral Support Strategy

Inclusionary time-out includes practices used by teachers as part of their classroom behavior support tools, such as "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom; use of those is considered to be an ***exclusionary*** time-out -see below). These strategies, used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

Exclusionary time-out as a staff- directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff- directed ***exclusionary*** time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring. During an ***exclusionary*** time-out:

- The student must be continuously observed by a staff member;
- Staff must be with the student or immediately available to the student at all times;
- The space used for ***exclusionary*** time-out must be clean, safe, sanitary, and appropriate for the purpose of calming;

- If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can **continuously observe and communicate** with the student as appropriate to determine when the student has calmed.
- **Students must never be locked in a room.**
- For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student

Exclusionary time-out must cease as soon as the student has calmed. For any ***exclusionary*** time-out that may last longer than 30 minutes, staff must seek approval from the principal for the continued use of time-out. The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. If it appears that the use of ***exclusionary*** time-out exacerbates the student's behavior, or the continuation of the ***exclusionary*** time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.

Physical Restraints by Trained Personnel

When a physical restraint is necessary, the following applies:

- The restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates he/she cannot breathe, or the student is observed to be in severe distress (i.e. having difficulty breathing, or sustained or prolonged crying or coughing).
- No restraint is administered in such a way that the student is prevented from breathing or speaking. A staff member must continuously monitor the physical status of the student, including skin temperature, color, and respiration.
- If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student must be released immediately, and staff must take steps to seek medical assistance.
- If a student is restrained longer than 20 minutes, approval of the principal is required. Approval must be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
- After the release of a student from a restraint, a designated person must review the incident with the student to address the behavior that precipitated restraint, review the incident with the staff person(s) who administered the restraint to

discuss whether proper procedures were followed and if any follow-up is appropriate for students who witnessed the incident.
- Staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student

Prohibitions on use of Physical Restraint

Physical restraint is prohibited in the following circumstances:

- As a means of discipline or punishment.
- When a student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to asthma, seizures, a cardiac condition, obesity, bronchitis, communication related disabilities, or risk of vomiting.
- As a response to property destruction, disruption of school order, refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm. However, if the property destruction or the refusal to comply with a school rule or staff directive could escalate into, or could itself lead to serious, imminent harm to the student or others, physical restraint may be considered appropriate.
- As a standard response written into an individual Behavior Intervention Plan (BIP) or IEP.

Prone restraint, as defined in 603 CMR 46.02, shall only be permitted under the following, limited circumstances:

- The student has a documented history of serious self-injury and/or injuries to other students or staff;
- All other forms of physical restraint have failed to ensure the safety of the student and/or the safety of others.
- There are no medical contraindications documented by a licensed physician;
- There are no psychological or behavioral contraindications documented by a licensed mental health professional;
- The student's Parent has provided voluntary, informed, written consent to the use of prone restraint; and
- The building Principal, or designee, has provided written approval.
- Documentation is obtained and maintained in advance of the use of prone restraint.

Reporting Requirements

The person who administered the restraint must verbally inform the principal as soon as possible, and submit a written report no later than the next school working day. If

the Principal administered the restraint, he/she must inform the Superintendent or designee, and submit a written report no later than the next school working day.

Contacting Parents

The principal or designee must make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and notify the parent by written report to an email address provided by the parent or by regular mail postmarked no later than three school working days. If the parent is customarily provided report cards and school-related information in a language other than English, the written restraint report must be provided in that language. The principal or designee must provide the student and parent an opportunity to comment orally and in writing on information in the written report. The written report, included in Section III Physical Restraint Reporting form, must include:

- The name of the student, names and job titles of staff who administered the restraint, observers, date of the restraint; the time the restraint began/ended; and the name of the principal or designee who approved continuation of the restraint beyond 20 minutes, if needed, and was verbally informed following the restraint.
- A description of the activity in which the restrained student, other students and staff in the same room or vicinity were engaged immediately preceding the restraint.
- The behavior that prompted the restraint.
- Efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint attempted; and justification for initiating physical restraint.
- A description of the restraint including the holds used and reasons the holds were necessary.
- The student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint, any medical care provided.
- Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
- Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, follow-up as needed.

Individual Review (Weekly)

The principal must conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least, but not be limited, to the following:

- review and discussion of the written reports submitted in accordance with 603 C.M.R. 46.06 and any comments provided by the student and parent/guardian about such reports and the use of restraints;
- an analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
- consideration of factors that may have contributed to the escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future; and
- an agreement on a written plan of action by the school ie SST referral, 504 team reconvene, or IEP team reconvene.

The APS Individual Weekly Restraint Review form must be completed and added to the school's Physical Restraint binder

School-Wide Review (Monthly)

The principal conduct a monthly review of school-wide restraint data. The review should consider the following:

- patterns of restraints related time of day, day of the week, individuals involved;
- the number and duration of physical restraints school-wide and for individual students; and
- the number and type of injuries, if any.

The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention plan, conduct additional staff training on restraint reduction or prevention strategies, such as training on positive behavioral interventions and supports or take such other action as necessary or appropriate to reduce or eliminate restraints. The APS Monthly Restraint Review form must be completed and added to the school's Physical Restraint binder.

Maintenance of Student and School Records

Student Records: A copy of the APS Physical Restraint Reporting form must be maintained in the student's cumulative folder for all students except students with IEPs or in the initial referral process. For students with IEPs or in the initial referral process, a copy must be placed in the special education file.

School Records: A copy of the APS Physical Restraint Reporting form must be maintained in the school's Physical Restraint binder. The record of each individual weekly restraint review and school-wide restraint review (monthly) must be maintained

and available to the parent or DESE upon request. DESE Staff/Student Injury forms and Monthly Log of Physical Restraints must be maintained in the Physical Restraint binder.

State and Federal Reporting

Restraint Related Injuries*:* All restraint-related injuries must be reported in writing to DESE postmarked no later than three school working days of the restraint using the Student/Staff Injury Reporting form. The report must include the record of physical restraints maintained by the principal for the 30-day period prior to the date of the reported restraint (Log). DESE is expected to respond if any actions are required by the school within 30 calendar days of receipt of the required written report(s). The Student/Staff Injury form must be added to the school's Physical Restraint binder.

Principals will ensure the collection and reporting of physical restraints in the manner and form as directed to meet state and federal requirements. Copies of all reports will be maintained in the school's Physical Restraint binder.

Grievance Procedures

Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure.

- The complaint must be submitted in writing or on audiotape to the **Office of the Superintendent** within 10 days of receiving the report.
- The **Superintendent or designee** will meet with the complainant within ten (10) school days of receipt of the complaint.
- A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the **Office of the Superintendent** and the Department of Elementary and Secondary Education.
- A written report will be developed by the **Superintendent or designee** and provided to the complainant.

Implications for Special Education Teams and service providers

1. The Team must provide full opportunity to discuss the use of physical restraint at the Initial, Re-evaluation Team Meeting or Annual Review involving any student that has required physical restraint in the past or may require physical restraint in the future.
2. The Team must include documentation from a physician and/or licensed psychologist or mental health professional regarding the use and limitations of restraint.
3. The Team must include a health profession (i.e. school nurse) and mental health professional that can represent and explain the submitted documentation.
4. The Team must discuss the use of any physical adaptive equipment needed by a student, if relevant.
5. It is the responsibility of the special education teacher to communicate the data related to physical restraints of individual students as well as program data on a regular basis to the Team Facilitator. Emergency situations or circumstances resulting in physical injury must be communicated immediately by phone or email.
6. The Team Facilitator is responsible for communicating information to the Director of Special Education or designee.
7. Copies of all physical restraint reports about an individual student are to be placed in the student's special education file (blue).
8. Referral, if deemed appropriate by the Team, to a behavioral specialist, psychologist or professional skilled at risk assessment must be considered if a BIP is ineffective or not current.
9. Consent for any further assessment must follow department procedures to inform parent of the district's proposed action (N-1 Letter and N1A-Request for Signed Parental Consent.)
10. Enrollment in an in-district program cannot be contingent upon parent approval of the use of physical restraint.
11. The IEP, behavioral intervention plan, or program description cannot include physical restraint as a standard behavioral support.
12. The special education programs including any students that might require an exclusionary time-out must have a plan for supervision.
13. Any problems or limitations of facilities for special education students must be directed to the building principal and Director of Special Education.

Section VII: Regulations and Laws Pertaining to Student Records Confidentiality

To provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information about them and their families. It is essential that pertinent information in these records be readily available to appropriate school personnel, accessible to the student's parents or legal guardian and/or the student in accordance with law. The Massachusetts Student Record Regulations and the Federal Family Educational Rights and Privacy Act (FERPA) apply to all public elementary and secondary schools in Massachusetts. The regulations are designed to insure parents' and students' rights of confidentiality, access, amendment and destruction of student records. The regulations apply to all information kept by a school, regardless of location of the file, on a student in a way that the student may be individually identified.

The student record consists of the transcript and the temporary record, including all information, recording and computer tapes, microfilm, microfiche, or any other materials, regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that a student may be individually identified. The regulations divide the record into two parts: the transcript, and the temporary record. Student records are protected as confidential information. The following terms are important to recognize and understand as they are used in the regulations.

Access: inspection or copy a student record in whole or part.

Authorized School Personnel Consists of Three Groups:
(a) School administrators, teachers, counselors and other professionals employed by the school committee directly or through a contract who are working directly with the student in an administrative, teaching counseling, and/or diagnostic capacity. Personnel not employed directly by the school committee have access only to the student record information required for them to perform their duties.
(b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee directly or by contract and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel have access only to the student record information required for them to perform their duties.
(c) The Evaluation Team which evaluates a student.

Parent: Parent shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian. Any parent, who by court order does not have physical custody of the student, is considered a non-custodial parent. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Eligible Student: Student 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights belong to the student's parent. If a student is from 14 through 17 years or has entered the ninth grade, both the student and parent, or either one acting alone, may exercise these rights. If a student is 18 years of age or older, he/she alone may exercise these rights, subject to the following. 1). The parent may continue to exercise the rights until expressly limited by the student. 2). A student may limit the rights and provisions to his parents by submitting a written request to the school Principal, Superintendent, or Director of Special Education, who honors the request and retains a copy of the request in the student record. 3). A parent of a student may inspect the student record regardless of the student's age. There is nothing in the laws that limit a district from allowing a student younger than 14 years of age or has not entered 9th grade from inspecting their record.

Release of Information: Oral or written disclosure, in whole or in part, of information in a student record.

Collection of Data: All information and data contained in or added to the student record must be limited to information relevant to the educational needs of the student. Information and data added to the temporary record must include the name, signature, and position of the person who is the source of the information, and the date of entry into the record. Standardized group test results that are added to the temporary record need only include the name of the test and/or publisher, and date of testing.

School Record: The transcript includes only the minimum information necessary to represent the student's educational progress. This information includes name, address, course titles, grades, credits, and grade level completed. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

The temporary record contains the majority of the information maintained by the school about the student. This may include such things as standardized test results; class rank; school-sponsored extracurricular activities; evaluations and comments by teacher,

counselors, and other persons; disciplinary records; and other information. Temporary student records will be destroyed no later than seven years after the student transfers, graduates or withdraws from the school system. **Special Education Records are treated as temporary records.**

Inspection of Record

A parent or an eligible student has the right to inspect all portions of the temporary record upon written request. The record is made available within ten calendar days after the request, unless the parent of student consents to a delay. The parent and eligible student have the right to receive a copy of any part of the record. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if it would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.

Amendment of Records

A parent or an eligible student has the right to request the student's education records be amended if they believe that the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy. Requests to amend records are directed to the school principal and clearly identify the part of the record they wish to have amended and why. A request to amend a special education record must be submitted in writing to Director of Special Education and Student Support Services.

1) The eligible student or parent has the right to add information, comments, data, or any other relevant written material to the student record.

2) The eligible student or parent has the right to request in writing deletion or amendment of any information contained in the student record, except for information which was inserted into that record by an Evaluation Team. Information inserted by an Evaluation Team shall not be subject to a request until after the acceptance of the IEP or, if the IEP is rejected, after the completion of the special education appeal process. Any deletion or amendment is made in accordance with the procedure described below:

(a) If a student or parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student record, either student or parent may submit the objection in writing and/or have the right to have a conference with the principal or the Executive Director of Special Education to make the objections known.

(b) The administrator is expected within one week after the conference or receipt of the objection, if no conference was requested; render a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of

the student or parent, the administrator shall promptly take steps necessary to put the decision into effect.

Log of Access

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

Access of Third Parties

Third party means any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel. No third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of the consent is retained by the eligible student or parent and a duplicate placed in the temporary record.

Release of Information to Military Recruiters and Institutions of Higher Education

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

Other Circumstances when Information may be Released

A school district may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under and allows

eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent. The notice may be included in the routine information letter required under law. Other circumstances when the district may release information to a third party are:

- Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- A school may release information regarding a student upon receipt of a request from the Department of Children and Family Services, a probation officer, a justice of any court, or the Department of Youth Services.
- Federal, state and local education officials, and their authorized agents have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law. Any data collected must be protected so that parties other than the identified officials and their authorized agents cannot personally identify students and their parents. Any personally identifiable data is destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.
- A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the DCF.
- Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the record of that student. The school shall report any request concerning the records of the child to the appropriate law enforcement authority.
- Authorized school personnel of the school to which a student seeks or intends to transfer has access to the student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Notice that the school will release records in this manner may be included in the routine information letter required.
- School health personnel and local and state health department personnel has access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

Access Procedures for Non-Custodial Parents

A non-custodial parent is eligible to obtain access to the student record unless:

- The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent.
- The parent has been denied visitation or has been ordered to supervised visitation.
- The parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.
- There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

To obtain access, the non-custodial parent must submit a written request for the student record annually. The initial request must include the following:

- A certified copy of the court order or judgment relative to the custody of the student
  that either indicates that the requesting parent is eligible to receive access and be made available to the non-custodial parent.
- An affidavit from the non-custodial parent that said court order or judgment remain in effect and that there is no temporary or permanent order restricting access to the custodial parent or any child in the custodial parent's custody.
- The non-custodial parent must submit a written request for access each year stating that said parent continues to be entitled to unsupervised visitation with the student and is eligible to obtain access.

Response to Request From Non-Custodial Parent

Upon receipt of the request (initial and annual) the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in a court document. The school must delete the address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, the records must be marked to indicate that they cannot be used to enroll the student in another school. Upon receipt of a court order which prohibits the distribution of information, the school notifies the non-custodial parent that it will cease to provide access to the student record.

Transfer of Records

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

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

Destruction of Records

The temporary record of each student enrolled will be destroyed no later than seven years after the student transfers, graduates, or withdraws from an Attleboro School. The Special Education file is treated as a temporary file. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, is made at the time of such transfer, graduation, or withdrawal.

Section VIII: Other Guidelines

OBSERVATIONS OF SPECIAL EDUCATION PROGRAMS

1. A parent request to observe their child(ren's) current program, or a potential placement must be made at least five days in advance with the Special Education Director or designee and/or Principal.

2. The Special Education Director or designee shall contact the parent(s) for initial scheduling conversation within five (5) days of receipt of the parent request.

3. When a parent requests an observation of a special needs student or program, the Special Education Director or designee will coordinate with the building Principal to approve and arrange the observation. Such approval may only be withheld for those reasons outlined within law and DESE regulation.

4. The Special Education Director or designee and/or Principal will work with the classroom teacher and the observer to set up the specifics of the observation (including, but not limited to, scheduling and placement of the observer in the classroom).

5. The number, frequency, and duration of observation periods will be determined on an individual student basis in accordance with law and regulation. The start and end time of observation periods and a schedule of observation periods will be stated in advance. In order to minimize classroom or student disruption, the length of individual observation periods may be limited.

6. If the observer is not the parent, the parent must sign a release for the individual to observe.

7. The number of observers at any one time may be limited.

8. The observer will be informed that he/she is not to interfere with the educational environment of the classroom. If his/her presence presents a problem, he/she will be asked to leave. This notice is particularly important, since the presence of parents can influence both the performance of their child(ren) and those of others.

9. The observer will be asked to submit his/her report of the observation in advance of any follow-up TEAM meeting.

10. The observer will be informed that he/she is there to evaluate the appropriateness of a specific educational program to meet the needs of an individual child. He/she is not there to evaluate a teacher's ability to perform his or her contractual job duties.

11. The observer will be instructed regarding the disclosure of confidential or personally identifiable information relating to other children. Staff must be mindful of removing materials which may be part of students' records from plain view. In the event that removal is not possible the observer may be asked to sign a non-disclosure agreement.

12. A school administrator, or designee, also will observe at the same time and take notes as to what is observed, paying particular attention to note anything that is non-typical concerning the period. This observation summary will be placed in the student's file and provided to the parent(s) prior to any follow-up TEAM meeting.

NOTE: The following quotes from the DESE Advisory are important points of understanding to the implementation of this policy. "School districts and parents have reported that, typically, observations are between one and four hours.
While useful as a general rule, the Department recommends that district policies and practices specify that the duration and extent of observations will be determined on an individual basis. Districts should avoid rigid adherence to defined time limits regardless of the student's needs and settings to be observed. The complexities of the child's needs, as well as the program or programs to be observed, should determine what the observation will entail and what amount of time is needed to complete it. Discussion between school staff and the parent or designee is a good starting point for resolving the issue."

"The observation law states that districts may not condition or restrict program observations except when necessary to protect: the safety of children in the program during the observation; the integrity of the program during the observation; and children in the program from disclosure by an observer of confidential or personally identifiable information he or she may obtain while observing the program."

Guidelines for Video/Audio Taping of TEAM meetings

Tape Recording[1] of TEAM meetings is not permitted unless tape recording of a TEAM meeting is the only reasonable accommodation for a documented disability of any participant in the TEAM meeting where the documented disability or limited English proficiency prevents that participant from fully understanding or participating in a team process without the use of tape recording. This would apply to the parent/guardian/educational surrogate, student [2], a person invited to the team meeting, like a consultant or evaluator, as well as service providers, attorneys for the Attleboro Public Schools or parent/guardian/educational surrogate/student, or advocates for the parent/guardian/educational surrogate/student. The person requesting the accommodation must contact the Team Facilitatorperson at least two (2) school days prior to the TEAM meeting to request the accommodation. Documentation related to the claimed need for an accommodation must be provided at that time.

Documentation of a disability or the limited English proficiency (if not obvious) should identify the impairment and the impairment affects the parent/guardian/educational surrogate/adult student in an environment like a TEAM Meeting. Further documentation or oral written information may be requested by the Attleboro Public Schools, if the initial documentation is insufficient for the Attleboro Public Schools to make a determination. Once adequate documentation is received, as determined by the Attleboro Public Schools, the Attleboro Public Schools will engage in the interactive process. As a result of the request and interactive process, the Attleboro Public Schools may choose to provide a different accommodation. If the Attleboro Public Schools determines that:

1. The impairment is not a disability, or there is no limited English proficiency, or
2. Taping is not permitted and a different accommodation will be provided,

Then the person requesting the accommodation of taping the TEAM meeting will be provided a copy of the Attleboro Public Schools' Section 504 statement of procedural rights and/or complaint procedure and civil rights complaint procedure which the person may utilize in order to challenge the determination that taping is not permitted.

[1] This procedure applies to both audio and video-taping of TEAM meetings, as well as Section 504 meetings.

[2] In certain cases, this would apply to an advocate/attorney representing a parent/guardian/educational surrogate/adult student.

Strategies for Communicating with Parents/This list of tips comes from NEA

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

1. Invite both parents. Encourage both parents to attend conferences when possible. Misunderstandings are less common if both parents hear what you have to say, and you'll be able to gauge the kind of support both parents give the child. (Of course, remember that both mother and father may not be available. Today, when some 60 percent of adult women work outside the home, it may not always be the mother who's available to meet. And many children come from single-parent homes; you could unwittingly hurt a child's feelings by always asking to meet the "mother").

2. Make contact early. You'll get your relationship with parents off to a good start if you contact them early in the year, perhaps with a memo or newsletter sent home to all pupils. Give parents an outline of what their children will be studying, and let them know you'll be happy to meet with them during the year. (Be sure to say how and when they may contact you for conferences).

3. Allow enough time, schedule plenty of time for the meeting. Twenty to thirty minutes is usually adequate. If you're scheduling back-to-back conferences, be sure to allow enough time between them (10 minutes or so) so you can make necessary notes on the just-concluded conference and prepare for the upcoming one.

4. Be ready for questions. Be prepared to answer specific questions parents may have. They're likely to ask questions such as:
5. -What is my child's ability level?
6. -Is my child working up to his/her ability level?
7. -How is my child doing in specific subjects?
8. -Does my child cause any trouble?
9. -Does my child have any specific skills or abilities in schoolwork?

10. Get your papers organized in advance. Assemble your grade book, test papers, samples of the student's work, attendance records, and other pertinent data together ahead of time. That way you won't be fumbling through stacks on your desk during the meeting.

11. Plan ahead. Have in mind a general but flexible outline of what you're going to say, including a survey of student progress, a review of his or her strengths and needs, and a proposed plan of action.

12. Greet parents near the entrance they will use. You'll alleviate anxiety and frustration (nothing is more confusing to the uninitiated than wandering around those look-alike school hallways trying to find the right classroom) and makes parents feel more welcome.

13. Get the name right. Don't assume that Jennifer Peabody's mother is Mrs. Peabody. She could well have been married again since Jennifer was born. Check your records ahead of time to make sure you've got the parents' names right. And don't assume that the wrinkled gray-haired gentleman coming in with Johnny is his grandfather. It could be his father, or an uncle. Politely ask. Try not to talk to the Smiths about their son "Stan" when their son's name is "Steve".

14. Avoid physical barriers. Don't sit behind your desk, while forcing the parents to squeeze into the children's desks on the front row or perch miserably on folding chairs. Arrange a conference-style seating if possible so you'll all be equals together.

15. Open on a positive note. Begin conferences on a warm, positive note to get everyone relaxed. Start with a positive statement about the child's abilities, work, or interests.

16. Structure the session. As soon as the parents arrive, review the structure of the conference--the why, what, how, and when so that you'll both have an "agenda".

17. Be specific in your comments. Parents may flounder if you deal only in generalities. Instead of saying "She doesn't accept responsibility," pin down the problem by pointing out "Amanda had a whole week to finish her report but she only wrote two paragraphs."

18. Offer a suggested course of action. Parents appreciate being given some specific direction. If Jane is immature, it might be helpful to suggest parents give her a list

of weekly chores, allow her to take care of a pet, or give her a notebook to write down assignments. (Of course, when you offer advice, let parents know you're only making a suggestion.)

19. Forget the jargon. Education jargon phrases like "criterion-referenced testing," "perceptual skills" and "least restrictive environment" may be just too much double-talk to many parents.

20. Turn the other cheek. In routine parent conferences, it's unusual to run into parents who are abusive and hostile. But it can happen, so try to not be rude, whatever the provocation. Hear out the parents in as pleasant a manner as possible, without getting defensive if you can.

21. Ask for parents' opinions. Let parents know you're interested in their opinions, are eager to answer their questions and want to work with them throughout the year to help make their child's education the best.

22. Focus on strengths. It's very easy for parents to feel defensive since many of them see themselves in their children. You'll help if you review the child's strengths and areas of need rather than dwelling on criticism or stressing weaknesses.

23. Use body language. Non-verbal cues set the mood of the conference. Smile, nod, make eye contact, and lean forward slightly. You'll be using your body language to let parents know you're interested and approving.

24. Stress collaboration. Let the parent know you want to work together in the best interests of the child. A statement like "You need to see me as soon as possible to discuss Johnny's poor study habits" only arouses hostility, while "I'd like to discuss with you how we might work together to improve Johnny's study habits" gets the relationship off on the right foot.

25. Listen to what parents say. Despite the fact that we spend nearly a third of our lives listening, most adults are poor listeners. We concentrate on what we're going to say next, or we let our minds drift off to other concerns, or we hear only part of what a speaker is saying. You'll get more out of a parent conference if you really listen to what parents are saying to you.

26. Ask about the child. You don't want to pry, of course, but remember to ask the parents if there's anything they think you should know about the child (such as

study habits, relationship with siblings, any important events in his or her life) which may affect his or her school work.

27. Focus on solutions. Ideally all parent conferences would concern only positive events. Realistically, many conferences are held because there's a problem somewhere. Things will go smoother if you focus on solutions rather than on the child's problem. Discuss what you and the parents can do to help improve the situation. Plan a course of action together.

28. Don't judge. It may not always be possible to react neutrally to what parents say, but communicating your judgments of parents' behaviors can be a roadblock to a productive relationship with them.

29. Summarize. Before the conference ends, summarize the discussion and what actions you and the parents have decided to take.

30. Wind up on a positive note. When you can, save at least one encouraging comment or positive statement about the student for the end of the conference.

31. Meet again if you need to. If you feel you need more time, arrange another meeting later rather than trying to rush everything before the kids get back from art class.

32. Keep a record of the conference. You may find it helpful later to have a brief record of what was said at the conference, what suggestions for improvement were made and so forth. Make notes as soon as possible after the conference while the details are still fresh.

DESE Participation Guidelines MCAS, MCAS-ALT

The decision as to whether a student will participate in an alternate assessment is made annually, and in each subject scheduled for assessment, by the student's IEP team. The following guidelines will assist the Team in determining how each student with a disability will participate in MCAS. The student's IEP team should begin by asking the following questions and considering options 1, 2, and 3 in the chart that follows:

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

If the student is determined eligible for the alternate assessment **all** content areas must be alternately assessed. These assessment decisions should be reviewed, and may be revised, each time the team meets.

Characteristics of Student's Instructional Program and Local Assessment	Recommended Participation in MCAS
OPTION 1	
If the student is a) generally able to demonstrate knowledge and skills on a computer- or paper-based test, either with or without test accommodations, ***and*** is b) working on learning standards **at or near grade-level expectations,** ***or*** is c) working on learning standards that have been modified and are **somewhat below grade-level expectations** due to the nature of the student's disability,	***Then*** the student should take the computer- or paper-based **MCAS test**, either with or without accommodations.

Characteristics of Student's Instructional Program and Local Assessment	Recommended Participation in MCAS
OPTION 2	
If the student a) has cognitive disabilities evidenced by significant delays in attaining age-level academic achievement standards, even with systematic, extensive individually designed instruction, related services, and modifications; **and** b) has cognitive disabilities that significantly impact their educational performance and ability to apply learning from one setting to another; **and** c) requires extensive, direct individualized instruction and substantial support to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled; **and** d) performs significantly below average in general cognitive functioning and adaptive behavior. This is defined as a student **functioning two or more standard deviations below the mean on commonly accepted norm-referenced assessments** in **both cognitive functioning and adaptive behavior** (e.g., two or more adaptive skill areas such as daily living skills, communication, self-care, social skills, and academic skills*).*	***Then*** the student should take the **MCAS Alternate Assessment (MCAS-Alt)** in all subjects**.**

Further Guidance on Designating Students for the MCAS-Alt (Option 2)

IEP teams should **not** designate a student for an alternate assessment solely because he/she:

- is frequently absent from school;
- has not received instruction in the general curriculum;
- has a particular disability (e.g., all students with intellectual disabilities should not automatically be designated for the MCAS-Alt);
- is placed in a program or classroom where it is expected that students will take the MCAS-Alt;

- has taken an alternate assessment in the past (since this is an annual decision);
- has previously failed the MCAS test;
- is an English learner;
- is economically disadvantaged ;
- is a child in foster care;
- requires assistive technology or an augmentative communication system that has not been provided;
- attends a school in which the IEP team may have been influenced to designate the student
  for an alternate assessment in order to receive disproportionate credit toward the school's accountability rating.

Please refer to the Commissioner's memorandum regarding MCAS-Alt eligibility criteria.

Characteristics of Student's Instructional Program and Local Assessment	Recommended Participation in MCAS
OPTION 3 ***If the student is*** a) working on learning standards **at or near grade-level expectations** ***and*** is b) **sometimes able** to take a computer- or paper-based test, either without or with one or more test accommodation(s) ***but*** c) has a **complex and significant disability*** that does not allow the student to fully demonstrate knowledge and skills on a computer- or paper-based test of this duration, * See Section above for examples of complex and significant disabilities for which the student may require an alternate assessment.	***Then*** the student should take the computer- or paper-based **MCAS test**, if possible, with necessary accommodations. ***However*** the team may recommend that the student submit a "grade-level" or "competency" portfolio when the severity and complexity of the disability prevent the student from demonstrating knowledge and skills on the computer- or paper-based MCAS test, even with the use of accommodations.

Students with Complex and Significant Disabilities Who May Require a "Grade-Level" or "Competency" Portfolio (Option 3)

When the nature and complexity of a student's disability present significant barriers or challenges to standardized computer- or paper-based testing, even with the use of accommodations; and the student is working at or close to grade-level expectations, the student's IEP team or 504 plan coordinator may determine that the student should participate either in the "grade-level" (grades 3–8) or "competency" (high school) portfolio in one or more subjects. More information on "grade-level" and "competency" portfolios is available in the MCAS Grade-Level and Competency Manual.

The following examples are provided to expand the team's understanding of students who may be appropriate for the "grade-level" or "competency" portfolios in unique circumstances:

- a student with a significant emotional, behavioral, or other disability, who is unable to maintain sufficient concentration to participate in standard MCAS testing, even with accommodations;
- a student with a significant health-related disability, neurological disorder, or other complex disability, who cannot meet the demands of prolonged test administration;
- a student with a significant motor, communication, or other disability, who requires more time than is reasonable or available for testing, even with the allowance of extended time (i.e., the student is unable to complete a test session in a single school day).

If no assessments are planned during a particular IEP period, the Team should note that no testing will occur and leave the remainder of the page blank. All students participate in MCAS testing with accommodations outlined in the IEP. MCAS accommodations must be consistent with accommodations students regularly receive in their educational program.

In September of each year, DESE returns scored MCAS-Alt portfolios to the school from which they were submitted the previous spring. Once returned, an MCAS-Alt portfolio becomes part of a student's temporary record and must be kept by the school in a secure location. Principals or their designees are required to review temporary student records periodically and to destroy portions that are "misleading, dated, or irrelevant." Prior to destroying these records, schools must give parents and eligible students written notice of the intent to destroy records, and of parents' rights to receive copies of these records before they are destroyed.

MCAS Test Accommodations

A test accommodation is a change in the way a test is administered or in the way a student responds to test questions. Similar to instructional accommodations, test accommodations are intended to offset the effects of the disability and to provide students with the opportunity to demonstrate knowledge and skills on statewide assessments. Test accommodations must be provided when the student's IEP team has determined their necessity. Teams must ensure that a student meets all eligibility criteria in order to receive an accommodation.

The use of accommodations is based on the individual needs of a student with a disability and may only be provided when all of the following conditions have been met:

a) The student **has a disability** that is documented in an IEP and **requires the use of one or more accommodations** to participate in MCAS testing.

   AND

b) The accommodation is listed in this manual (or prior written approval has been obtained from the Department for a unique accommodation); the **accommodation is listed** in the student's IEP under "State- and District-Wide Assessment;" and the **IEP has been signed** by the student's parent(s)/guardian(s) prior to the date of test administration.

   AND

c) The student **uses the accommodation routinely** (with rare exceptions) during classroom instruction and assessment in the subject, both before and after the MCAS test is administered, and the student is **comfortable and familiar** with its use. Use of an accommodation during routine instruction does not *necessarily* qualify a student to receive the same accommodation during MCAS testing; for example, the student must meet additional criteria to receive a ***special access* accommodation** on an MCAS test.
   AND

d) If a ***special access* accommodation** will be provided, the student meets all of the criteria to receive the accommodation.

IEP teams must reconvene at least annually and determine which accommodations will be needed for state- and district-wide assessments. If an IEP team believes that a test accommodation listed in a student's IEP should be removed because it is no longer necessary and appropriate for the student, the team must amend the plan accordingly prior to testing. It is acceptable for teams to list an accommodation in the plan with the

notation "as requested by the student," signifying that the student may require the accommodation only periodically during testing; for example, a student who tires easily may need a scribe only during the latter part of a test session.

Accommodations may **not**

- alter, explain, simplify, paraphrase, or eliminate any test question, reading passage, writing prompt, or multiple-choice answer option;
- provide verbal or nonverbal clues or suggestions that hint at or give away the correct response to the student;
- contradict test administration requirements or result in a violation of test security; for example:
  - test questions may not be modified, reordered, or reformatted in any way for any student;
  - paper-based tests may not be photocopied, photographed, scanned, altered, or duplicated;
  - screen shots of computer-based tests may not be taken or reproduced;
  - English-language dictionaries are allowed **only** for legacy ELA Composition retest sessions. English-language dictionaries are **not** permitted for any student on next-generation MCAS tests.

Student refuses accommodation
If a student refuses to use an accommodation listed in his or her plan during testing, the school should document in writing that the student refused the accommodation and keep the documentation on file at the school. The student should be told that the accommodation will remain available during testing should they need it. The student should *not* be asked to sign an agreement acknowledging that they have refused an accommodation, nor should they be asked to waive their right to receive an accommodation that is listed in their IEP or 504 plan. A sample form (optional) for documenting a student's refusal of an accommodation is available in Appendix C.

If a student refuses an accommodation, and the IEP team agrees that the listed accommodation is no longer needed by the student, the accommodation should be removed from the plan at the next scheduled meeting (or listed in the plan "as requested by the student"). Written approval must be obtained from the parent/guardian (or student over 18 years of age) for new or amended IEPs before a change in accommodations can go into effect.

Process for Selecting and Evaluating MCAS Accessibility Features and Accommodations for Students with Disabilities

MCAS accommodations are grouped into the following categories:

- **Test Presentation:** allowable changes to the format in which the test is presented to the student (Table 3);
- **Response:** allowable changes to the procedures, supports, or devices used to facilitate a student's response to test questions (Table 4); and
- **Special Access:** accommodations intended for a small number of students to offset the effects of a disability that would otherwise severely limit or prevent their participation in the assessment, and that may somewhat impact the interpretation of the test results; and
- **EL accommodations:** available to all ELs with and without disabilities on MCAS tests

Accommodations are intended to offset the effects of a disability to allow a student to participate effectively in MCAS testing. When selecting testing accommodations, educators should consider the following:

- ***Determine the learning challenges*** *the student is experiencing.*
    - *Look at the student's classroom performance, not just the nature or type of disability.*
- ***Brainstorm the use of various accommodations and universal and designated accessibility features*** *with IEP team members and other adults familiar with the student.*

  What supports were used successfully with students who have similar learning profiles?
- ***Try out the accessibility features and accommodation(s)*** *in different instructional and assessment settings and make adjustments as needed.*
    - *Be sure the student is comfortable using the accessibility feature or accommodation and becomes familiar with its use.*
- ***Evaluate whether the accessibility feature or accommodation addresses the student's need.***
    - *If not, revise the plan to provide accommodation(s) and supports accordingly.*
- ***If the accessibility feature or accommodation addresses the challenge****,*
    - *determine whether the accessibility feature or accommodation is allowed for MCAS testing in the subject (see Tables 1–5 elsewhere in this manual); and*
    - *develop or amend the IEP or 504 plan accordingly, listing each accommodation (required) or accessibility feature (optional) for the specific MCAS test(s).*