

Marblehead Community Charter Public School
Special Education Practices and Procedures Manual



2020-2021 School Year

TABLE OF CONTENTS

INTRODUCTION AND PURPOSE	3
RESPONSE TO INTERVENTION	4
REFERRAL PROCESS	5
EVALUATION PROCESS	8
THE TEAM PROCESS	12
DEVELOPMENT OF AN IEP	20
PLACEMENT DETERMINATION	27
PROCESSING THE PROPOSED IEP FOR DISTRIBUTION TO PARENTS	31
PARENT RESPONSE TO IEP	32
IMPLEMENTATION OF IEP	33
DISCIPLINING STUDENTS WITH SPECIAL NEEDS	36
REQUEST FOR SERVICES	39
APPENDIX - FORMS AND DOCUMENTS	41
Parents' Notice of Procedural Safeguards	
Eligibility Flowchart	
Specific Learning Disability forms	
Emotional Impairment Determination form	
Summary of Team Meeting	
Extended School Year form	
Bullying Team Consideration	
Autism Spectrum Disorder Checklist	

INTRODUCTION AND PURPOSE

The Marblehead Community Charter Public School's Policies and Procedures Manual has been developed to ensure consistency and accuracy of special education practices across the District. The practices and procedures included in this manual align with 603 CMR 28.00 Special Education Regulations. Required forms and documents referred to in Sections two through nine can be found in the Appendix section of this manual and/or in Frontline under IEP and Notices. The practices and procedures manual and forms can also be found in the shared Special Education google drive.

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

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

MCCPS is committed to providing students with disabilities access to the curriculum and general education programs. Within MCCPS resources and necessary consultative services, we are able to provide the instruction necessary to help students with disabilities close the gap between their skill abilities and their grade level expectations.

RESPONSE TO INTERVENTION

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

Special education support and services is viewed as an inclusion model, a part of the continuum of supports, services and interventions created to ensure that the general education environment is responsive to the diverse learning needs of all students. Working together, general and special education staff can ensure equal opportunity, full participation and increased outcomes for all learners, including students with disabilities.

To that end, the Marblehead Community Charter Public School has a Response to Intervention program, which is an avenue for gathering data while implementing interventions and/or support prior to a special education referral.

Response to Intervention is a process that enables staff to meet collaboratively as a Student Success Team to share their expertise with one another in an effort to assist students who are experiencing academic, social and/or emotional difficulties. The Student Success Team uses the federally required model of RTI, which is a three-tiered model with increasing levels of intervention and the layering of instructional support as part of the general education program.

Philosophically and practically, it aims to assess a student's problem, provide remediation, interventions and to measure the gains or continuing challenges the student may be having. The Student Success Team is not a part of the special education process. Although some students may eventually be referred for special education services, RTI is not seen in the regulations as a "pre-referral" mechanism.

The success of RTI depends upon professional collaboration among team members and knowledge of the student's educational history and current difficulties. Grade level teams are directly involved with the student and have the knowledge of how to select and correctly implement evidence-based interventions that will address the student's identified needs. For a specified time period, team members gather formative assessment data, documenting the use of interventions and progress that was made. This data is used to inform future interventions.

REFERRAL PROCESS

2.1 Referral for Initial Evaluation

A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. Under the regulations, school Districts must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case-by-case basis.

A parent's right to refer their child for a special education evaluation, however, is not limited and should never be delayed because the school District has not fully explored and/or attempted some of the available instructional support programs or other types of interventions including the District Curriculum Accommodation Plan (DCAP) and Response to Intervention (RTI). In any case where the parent or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school District must promptly send notice and seek permission to conduct an initial evaluation to determine if the student is eligible for special education. The school District has **five (5) school days** to respond in writing to a parent's request for evaluation. Therefore, communication of the parent request and collection of necessary information must occur promptly.

2.2 School Referral

When the Principal, or other designee, determines that all efforts have been made to meet the needs of the student within the general education program, and these efforts have not been successful, a student should be referred by school personnel for an evaluation to determine eligibility for special education. The principal shall ensure that documentation of instructional support, interventions and accommodations for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. The Principal, or other designee, will notify the parents of the school District's proposal for an initial evaluation. The Director of Student Services shall send notice and consent to evaluate to the parents and will coordinate the evaluation process. See Section 2.4, "Sending out Consent to Evaluate". RTI can be implemented in conjunction with a referral for evaluation.

2.3 Parent Referral

If a parent or caregiver verbally requests an evaluation, the Principal, or other designee, should be notified immediately who then in turn will notify the Director of Student Services. The Director of Student Services should contact the parent to gather information regarding the concern(s) and suspected area of disability. Staff should inform parents about the instructional support programs or other types of interventions available, including the District Curriculum Accommodation Plan (DCAP) and Response to Intervention (RTI), and provide parents an

opportunity for this support process to take place as a first step. Parents should be encouraged, but are not obligated to access the instructional support process for their child. Parents should be told of their right to request a special education evaluation at any point. Unless given parent permission, the instructional support process cannot delay a parent's request for a special education evaluation.

Parents are strongly encouraged to submit a written request for an evaluation before the referral process can begin; however, verbal confirmation of the parent's decision to pursue a special education evaluation also necessitates that the referral process begin. The District has **five (5) school days** to respond in writing to a parent's request for evaluation. When the Principal receives a verbal or written request for evaluation by a parent or caregiver/professional, they should immediately notify the Director of Student Services. The Director of Student Services is responsible for sending out notice and consent to parents within the five (5) day timeline.

Note: Parents sometimes submit a written request for special education evaluation in lieu of a verbal request, which is strongly encouraged by the District. The same procedure as the response to a verbal request will be used, keeping in mind the five (5) day timeline. In this situation, if a parent agrees to access the instructional support process as a first step, instead of pursuing an evaluation, the Director of Student Services or Building Principal, shall confirm and document this via written agreement.

2.4 Sending out Consent to Evaluate

When a written request for evaluation has been received, the school District has **five (5) school days** to respond in writing. The Principal shall notify the Director of Student Services upon receipt of request for evaluation. The Director of Student Services will contact the parent to gather information about the request for an evaluation, and a consent packet will be mailed to the parent. This packet includes the following:

- Proposal to conduct an initial team evaluation (N1)
- Evaluation consent form (N1A)
- Developmental History questionnaire
- [Notice of Procedural Safeguards](#) (see Appendix)

An evaluation process cannot begin until the school District receives signed consent to evaluate from parents. Verbal consent is not applicable.

2.5 Receipt of Consent at End of School Year

If consent is received within thirty (30) to forty-five (45) school days before the end of the school year, the District must ensure that a Team meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding of no eligibility no later than

fourteen (14) days after the end of the school year. For consents received fewer than 30 days prior to the end of the school year, the timeline starts at receipt of consent, stops on the last day of school, and restarts at the start of the following school year.

EVALUATION PROCESS

3.1 Initial Evaluation

Upon receipt of signed consent by the parent, the school District shall evaluate the student within 30 school days. A Team meeting must be scheduled within 45 school days from receipt of consent to determine whether or not the student is eligible for special education.

3.2 Evaluation(s)

Evaluations must be made in all areas of suspected disability in order to determine eligibility for Special Education. Evaluation activities should be tailored to the specific referral questions for the individual student and need to address whether or not there is a disability, and if the disability affects the student's learning. Evaluations must provide information to determine present levels of academic achievement and related educational needs. No single test should be used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record may be used.

The evaluation must also include educational assessments completed by a representative of the school District. The Educational A Assessment form includes a history of the student's educational progress in the general curriculum. The Educational B Assessment form is an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.

The Director of Student Services may recommend or parent/guardian(s) may request one or more of the following optional assessments:

- A comprehensive health assessment by a 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.
- A home assessment that may be conducted by a nurse, school psychologist, school adjustment counselor, or teacher and includes information on pertinent family history and home situation and which may include a home visit, with the agreement of a parent.

Once the Director of Student Services receives the signed evaluation consent form, they will notify all members of the evaluation Team that the consent form is signed and evaluations can be scheduled. Additionally, the Director of Student Services will schedule the Initial Team meeting to occur within 45 school days from receipt of consent and send a copy of the Meeting Invitation (N3) and Attendance Sheet (N3A) to the parent/guardian(s).

3.3 Evaluation Procedures and Reports

Each Team member is responsible for scheduling and completing their assessments according to the evaluation timelines. Evaluators need to coordinate their assessments with the student's teacher(s) and other evaluators so that the child is not over-tested on any given day. The evaluators conducting the assessments should ensure that the teacher is notified in advance of any pullout from class. As a courtesy, parents may be emailed to inform them of when their child will be pulled out of class for testing.

All evaluation reports should be written in clear, jargon-free language. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression to help the Team determine eligibility including the student's present levels of educational performance and areas of need arising from the student's disability. Educationally relevant accommodations and modifications should be identified, as needed, to ensure the student's involvement and progress in the general education curriculum.

Each person conducting an assessment must give the Director of Student Services two (2) signed copies with original signature (preferably in blue ink) of their final, "word processed" evaluation report at least three (3) days prior to the Team meeting. The report must be printed on the school's letterhead. Assessments will be made available to the parents at least two school days in advance of the Team Meeting.

3.6 Re-Evaluation Process

A re-evaluation will be conducted for each student with a current IEP every three years or more frequently if requested or recommended. Re-evaluations occur not more frequently than once a year unless both parents and LEA agree that evaluation is needed.

When a student is referred for a re-evaluation, existing evaluation data should be reviewed first. If no additional information is needed to determine whether the student continues to be eligible, the District may request that a parent waive particular types of assessment(s). The parent may either consent to waiver the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver.

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

3.7 Psychological Evaluations as part of the Re-evaluation Process

After the Director of Student Services reviews the existing evaluation data (from the last evaluation and any assessments that have been completed within the last three years), they may do the following:

1. Generate a list of referral questions for this student, gathering information from general and special education teachers, related service providers and parents;
2. Determine which of these questions, if any, can be answered through curriculum-based assessment information;
3. Determine with the psychologist, what testing is needed in order to answer other questions. If there has been no change in cognitive function, no neurological or brain-based injury since the last evaluation, cognitive and psychological testing may not be needed. If there are emergent emotional issues, the psychologist can administer just a projective or emotional battery.
4. Determine what curriculum-based assessments, work samples and data will provide answers to the questions.

At least, 45 days prior to the 3-year re-evaluation date indicated on a student's IEP, the Director of Student Services will send out an Evaluation Consent Packet consisting of a proposal to conduct a re-evaluation (N1) and an Evaluation Consent Form (N1A).

Please refer to the Initial Evaluation Section for information pertaining to the process and procedure once an evaluation consent is received. All requirements mandated for Initial Evaluations, remain true for re-evaluations.

3.8 Outside Evaluation provided to District by Parent

At any time, parents may elect to have their child evaluated by an independent evaluator at their own private expense.

When a parent submits an evaluation report to the school for a student who is NOT currently receiving special education services, the School Psychologist shall contact the parents to either discuss concerns or to schedule a meeting with the classroom teacher, and in some cases, the principal and other pertinent school personnel. The purpose of the discussion should be to gather information about the parent's concerns, discuss available supports in place or available through general education, and to determine if a referral for special education evaluation or 504 Accommodation Plan is being requested or would be appropriate. The Director of Student Services should be notified of the receipt of the evaluation and kept apprised of the results of the discussion or referral process.

When parents present the school with an outside evaluation report, if the student is already on an IEP, the Team must reconvene within 10 school days of receipt to review and consider information and recommendations included in the report. The Director of Student Services should be notified immediately of the receipt of the outside evaluation so that they can schedule

the Team meeting. Best practice dictates that the school propose to conduct its own evaluation to gain the best understanding of the student's needs.

3.9 Extended Evaluation

If the Team finds a student eligible for special education but finds the evaluation information insufficient to develop an IEP, the Team, with parent consent, may agree to an extended evaluation period.

The extended evaluation period shall not be used

- to deny programs or services determined to be necessary by the Team
- used to gather more information to determine eligibility
- to allow additional time to complete the required assessments

If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a partial IEP that, if accepted by the parent, shall be immediately implemented by the District while the extended evaluation is occurring.

If the parent consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.

The extended evaluation may extend longer than one calendar week, but shall not exceed eight school weeks (40 days). The extended evaluation shall not be considered a placement. See Frontline for Extended Evaluation Form. Complete along with an N1.

THE TEAM PROCESS

4.1 The Team

The Team consists of the following members:

The student's parent/guardian(s); At least one general education teacher familiar with the student*; At least one special education teacher familiar with the student; A representative of the District who has the authority to commit resources; An individual who can interpret evaluation results; Other individual(s) who have knowledge or expertise regarding the student; If appropriate, the student (beginning age 14).

*For any student placed in a substantially separate placement who *does not* attend general education classes or Integrated Arts, a general education teacher is not required. For any student placed in a substantially separate placement who *does* participate in general education classes or Integrated Arts, even if only for short opportunities, the general education teacher familiar with the student must attend the team meeting.

A designated Team member with authority to make decisions about school District resources must be present at every Team Meeting. The Director of Student Services is typically responsible for facilitating initial and re-evaluation Team meetings. The designated special education liaison for a student is typically responsible for facilitating all annual review and amendment Team meetings. As soon as possible (preferably before the Team meeting), the Director of Student Services should be notified of potential Team decisions that require District resources.

4.2 Scheduling the Team Meeting

The Director of Student Services will schedule the Team Meetings within time lines or as needed/requested. Forms required for scheduling Team meetings include the following:

- A Meeting Invitation
- Meeting Attendance Sheet

4.3 Team Member Attendance Excusal

If a required Team member is unable to attend the Team meeting, the Team meeting can still be held as long as parent/guardian(s) have provided signed permission to excuse the Team member, and the absent Team member has provided written information input (i.e. accommodations, goals/objectives) prior to the meeting. Parents should be contacted as soon as the District is aware that a Team member is unable to attend.

Prior to or at the start of the Team meeting, parent/guardian(s) must sign the excusal form (at the bottom of the Attendance Sheet) in order for the meeting to be held.

4.4 Students 14 Years and Older

The liaison, and in instances of a re-evaluation, the Director of Student Services shall invite the student to the Team meeting and include the student's name on the attendance sheet.

4.5 Meeting Date/Time Change at Parent Request

In the event that the parent contacts the District in need of rescheduling the Team Meeting time/date, the Director of Student Services or liaison must send out a NEW Notice of Team Meeting Date and should use the Text Box for "contact information" to make note of the parent requested change. "Meeting date changed per parent request." A ten day written notice of new meeting date should be provided to parents; unless the District and the parent agree to a sooner day/time.

4.6 Team Responsibilities

The Team is responsible for managing three important activities:

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

4.7 Special Education Eligibility Flowchart

The [Special Education Eligibility Flowchart](#) (see Appendix) has been designed by the Massachusetts Department of Education (ED 1) to assist Teams in making eligibility determinations. It is necessary to complete this form as a collective group at the Team meeting. The flowchart is a worksheet and not a notice/form. This worksheet should be completed at the meeting and become part of the student record but does not need to be mailed to parents and, if the student is determined eligible for services, it should not be attached to the IEP.

4.8 Eligibility Determination

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

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

4.9 Disability Categories

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

Intellectual - The capacity for performing cognitive tasks, functions, or problem-solving is significantly limited, impaired, or delayed and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; difficulty understanding abstract concepts.

Sensory - The capacity to see, even with correction, and/or to hear is limited or impaired and is exhibited by one or more of the following: reduced performance in visual and/or hearing acuity tasks; difficulty with written and/or oral communication; difficulty with understanding visual and/or auditory information as presented in the environment.

Neurological - The capacity of the child's nervous system is limited or impaired and is exhibited by difficulties in one or more of the following areas: the use of memory; the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions.

Emotional - The capacity to manage individual or interactive behaviors is limited, impaired, or delayed and is exhibited by difficulty which persists over time and in more than one setting in one or more of the following areas: the ability to understand, build, or maintain interpersonal relationships; the ability to respond/react within established norms; the ability to keep normal fears, concerns, and/or anxieties in perspective; the ability to control aggressive and/or angry impulses or behavior. (See Appendix for [Emotional Determination classification](#))

Communication - The capacity to use expressive and/or receptive language is limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language.

Physical - The capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement within the environment; performing basic life functions.

Specific Learning - The capacity to use one or more of the basic psychological processes involved in understanding or in using spoken or written information is limited, impaired, or delayed and is exhibited by a significant discrepancy between achievement and intellectual ability in one or more of the following areas: listening, reading, thinking, speaking, writing, spelling, computing, calculating.

Health - The physiological capacity to function is limited or impaired and is exhibited by one or more of the following: limited strength, vitality, or alertness; difficulty in performing basic life functions.

4.10 Is the Student Making Effective Progress?

The Team must determine whether the student has:

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

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

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

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

If a student is found to have a disability but does not require specially designed instruction in order to make progress, the student is not eligible for special education. This student might be

eligible for a Section 504 accommodation plan under the Americans with Disabilities Act. This is a general education responsibility; therefore this is a separate referral and consideration process and is not directly linked to special education. Please contact Marblehead Charter's Principal or 504 Coordinator for information regarding Section 504.

4.12 Is the Lack of Progress a Result of the Disability?

Teams must look at the evaluation results to see whether the lack of progress is a result of the disability or a result of other factors. Only if the Team determines the lack of progress is connected to a disability(ies) may the Team continue on to discuss a possible finding of special education eligibility.

According to state and Federal regulation, a student may not be found eligible solely because the student is unable to follow the school discipline code, has limited English proficiency, social maladjustment or has lacked reading or math instruction. These reasons may become part of the Team's deliberations, but the essential finding of the Team must be that the lack of progress is, at least in part, a result of the disability(ies).

4.13 Does the Student Require Specially Designed Instruction in order to Make Progress?

Specially Designed Instruction consists of modifications not regularly provided for students in the general education program. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning.

Specially designed instruction is an absolute requirement for students found eligible for special education. Related services necessary to access the general curriculum are considered special education and may be provided alone, or in combination with specially designed instruction. If the student only requires accommodations, then that student is not eligible for special education. General educators within the general education environment typically provide accommodations. Accommodations do not involve modifying the material content but do allow students to access curriculum.

4.14 Finding the Student Eligible

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

4.15 Finding the Student Not Eligible

If the Team determines that the student is not eligible, the Director of Student Services shall record the reason for such finding on the Team Meeting Summary. All Teams should discuss regular education interventions in order to help the student access all aspects of the curriculum and is meeting any areas of need. At the conclusion of the meeting, parents should be given a copy of the Team Meeting Summary. Within 10 days of the Team meeting, the parents must receive a completed Notice of Refusal to Act with a Finding of No Eligibility (N2) and a copy of the Notice of Procedural Safeguards.

4.16 What if a Parent Disagrees with the Eligibility Finding?

If as a result of a re-evaluation, a student is found no longer eligible by the Team, but the parent is not in agreement with the decision, the end date of services must allow 30 days for the parent to seek resolution of their differences. End date of service may be adjusted to consider impact on schedules. End date should be clearly identified in the N2.

Parents have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA), including a finding of no eligibility. Parents may contact the BSEA directly. Information regarding how to contact BSEA is included in the Notice of Procedural Safeguards and in the N2.

Parents should be asked if they are satisfied with the evaluations completed by the District. If parents disagree with the District's evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the parent requests an IEE at public expense, the District must either pay for the IEE, or within five school days, request a determination from the BSEA that the District's evaluation was comprehensive and appropriate.

4.17 Independent Educational Evaluation

Upon receipt of evaluation results, if a parent disagrees with an initial evaluation or re-evaluation completed by the District, then the parent may request an independent education evaluation (IEE). Parents may obtain an independent education evaluation at private expense at any time. If the parent requests an IEE at public expense, the District must either pay for the IEE or, within five school days, request a determination from the BSEA that the District's evaluation was comprehensive and appropriate. The Director of Student Services should be immediately notified of any request for an IEE so that the appropriate response can be made and timelines followed. The parent's right to request an IEE is extended up to 16 months after an evaluation or re-evaluation process has been completed.

In accordance with Massachusetts General Law C. 71B, s.3 and the regulations implementing that law, 603 CMR 28.04(5), parents are entitled to receive a publicly funded IEE under the following circumstances:

- The requested evaluation must be in an area that was assessed by the school District, and the request must be within sixteen (16) months from the date of that evaluation with which the parent disagrees. Parents may opt to have fewer assessments done if they are satisfied with some of the assessments already completed. Should parents wish to request an independent evaluation that includes assessments not already done by Marblehead Charter, Marblehead Charter is not automatically required to pay for these assessments. A qualified person who is registered, certified, licensed or otherwise approved by the Commonwealth to conduct these assessments must conduct the evaluation. Documentation regarding these qualifications will be requested of the evaluator and required by the District. Additionally, the evaluator must abide by the rates set by the state agency responsible for setting such rates. These rates can be found at 114.3 CMR 30.00. When a parent has requested an IEE at the Marblehead Charter's expense, they must provide in writing:
 1. What evaluation(s) they are dissatisfied with
 2. A list of the specific evaluations that are being requested
 3. The name, address, and telephone number of the agency or individual chosen to complete the evaluation
 4. The application for financial contribution from Marblehead Charter Public School
 5. A completed Release of Information form, if the parent wants Marblehead Charter to forward a copy of the student's relevant educational records to the evaluator
 6. In order to determine whether or not a family is eligible for public funding for an IEE, the family's financial status must be determined. If the child is eligible for free or reduced lunch, Marblehead Charter must fund the evaluation in full. If the family is not eligible, Marblehead Charter is required to fund the evaluation on a sliding fee scale, according to the family income. Marblehead Charter uses a standard letter, outlining the requirements for requesting an IEE. Included with this letter should be a copy of:
 - a. Free or Reduced price lunch form
 - b. An evaluation consent form recommending a school based evaluation (if applicable).

If the family is either not eligible for public funding, refuses to provide the information to Marblehead Charter, or requests a publicly funded independent evaluation in an area not yet assessed by Marblehead Charter, a response must be provided to the parent within five school days whether or not Marblehead Charter will fund the evaluation. Should Marblehead Charter decide to not fund the evaluation, Marblehead Charter must proceed directly to the BSEA. If the Bureau of Special Education Appeals finds that Marblehead Community Charter Public Schools evaluation was comprehensive and appropriate, the MCCPS shall not be obligated to pay for the independent evaluation requested by the parent.

Whenever possible, the independent education evaluation shall be completed and a written copy report sent no later than 30 days after the date the parent requests the independent education evaluation. If publicly funded, the report shall be sent to the parents and to MCCPS. The independent education evaluator shall be requested to provide a report that summarizes, in writing, recommendations for meeting identified needs of the student. The independent evaluator may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.

Once the independent evaluation for a child already on an IEP is received, the Team must reconvene within ten school days to consider the results and make any necessary changes to the IEP. If a parent presents an independent private evaluation for a child prior to the initiation of an initial evaluation by the District, the District will convene a meeting to review the report and develop a proposal for evaluation. This will begin the initial referral and evaluation process. The outside evaluation will be considered by the Team along with the District's evaluation.

DEVELOPMENT OF THE IEP

Upon determining that the student is eligible for special education, the Team shall develop an IEP. The first question to ask parents is "What concerns do you have for your child that you want to see addressed in this IEP?" The IEP should be developed using the evaluation data to guide development of goals and objectives for the student as well as the parent concerns.

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

The Team should work together to develop the IEP. The Director of Student Services or liaison will facilitate the process. The IEP shall be completed using the standard IEP format provided by the DESE (forms found in Frontline). Key components of the IEP include: Parent Concerns, Student Strengths and Key Evaluation Findings, a Vision Statement, Present Level of Performance for General Ed. Curriculum and other areas of education, Accommodations, Specially Designed Instruction, Goals/Objectives, Service Delivery, Schedule Modification including Extended School Year (ESY), Transportation, MCAS Accommodations, and Placement.

A [Team Meeting Summary Form](#) (see Appendix) should be used to document the decisions made at the Team meeting. The District cannot come to a Team meeting with a completed IEP. The Team, including parents, must work together to develop the IEP for the student. Parents must leave the meeting with the Team Meeting Summary, which MUST include: goal focus areas, service delivery, and placement determination.

When developing an IEP, the Team must develop appropriate services that meet the needs of the student based upon the area(s) of identified disability. All service determinations are to stem from the current performance levels of the student as originated in said disability area(s). The addition of a service that a student is not currently receiving should not be made in the absence of an evaluation that presents disability-linked data to support the implementation.

Please note, for initial and re-evaluation meetings, each evaluator will be responsible for providing a summary of their evaluation and entering it into the key evaluation results section of the IEP, as well as goal areas.

5.1 Duration of Team Meetings

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

- An agenda should be used at each Team meeting;
- Making reports available to parents ahead of time for review (at least two school days prior to the Team meeting);
- Evaluators provide a summary of their evaluation rather than a detailed review;
- All IEP sections need to be considered; no section should be skipped;
- Be sure that parents and teachers understand that the IEP is not intended to be a lesson plan, but it should provide a clear picture of the student's current abilities and needs, and should identify key goals and objectives that provide a direction and focus for the student's learning over the next IEP period.

5.2 Parent and/or student input or concerns

Focused, concise statement addressing educational concerns for the student, as well as any social and emotional concerns that the parents or student may have.

5.3 Vision

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

5.4 Student strength and key evaluation results

This section includes the following:

- Updated annually: General description of student's strengths and interest areas in and out of school, MCAS performance and progress towards goals
- Updated following testing: Disability category and summary of evaluations

5.5 Present Level of Educational Performances (PLEPS A & B)

The IEP should be considered a primary tool for supporting a student's involvement and progress in the general curriculum, identifying the supports and services necessary to mitigate the impact of their disability allowing the student to access a Free and Appropriate Public Education (FAPE). As defined by Federal regulation, the general curriculum is the curriculum used with non-disabled children. All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum.

Each Plep should include an explanation of how the disability affects progress in the general curriculum areas. Within Massachusetts, the general curriculum is defined as the Massachusetts Curriculum Frameworks in the following areas: English Language Arts, Mathematics, History and Social Sciences and Science and Technology. Other curriculum areas can and should be discussed if the student's disability affects progress in those areas. Districts must maintain high standards for children with disabilities. These standards should be consistent with the expectations for all students in the educational system.

Accommodations are changes in setting, timing, presentation, student response, or other attributes that are necessary to provide access for a student with a disability to participate and *which do not fundamentally alter or lower the standard of expectations*. Accommodations address the "HOW" something is done. Accommodations are developed by the service providers in conjunction with the regular education teacher(s). If the student is included with non-disabled peers, input from regular educators is mandatory as they are responsible for the carry through on the accommodations. This only includes accommodations not identified as common practice through the District Curriculum Accommodation Plan (DCAP).

Modifications are changes in setting, time, presentation, student response or other attributes that are necessary to provide access for a student with a disability to participate, and *which also fundamentally alter and/or lower the standard of expectations*. Modifications address the "WHAT". Teams must consider how content and methodology/delivery of instruction will be modified from what a typical peer receives in the general education setting. Performance criteria notes how a student will demonstrate their knowledge beyond how knowledge is typically assessed.

5.6 Goal Areas

Goal areas are determined based on evaluation results. During a meeting, providers only need to discuss the goal area rather than a detailed review of goals and objectives.

Current performance level:

The current performance level states what the student can currently do and identifies key stumbling blocks and becomes the starting points for determining the goals. This current level of functioning can be determined through evaluation data, work samples, teacher feedback, and/or classroom observations.

Measurable annual goal:

Goals state what the Team believes that the student will accomplish by the end of the IEP period. They should relate directly to those areas where the student's disability affects performance and

should reflect a focus on those areas that make the biggest difference in the student's performance. Goals should not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan.

The goals should be measurable. The objectives/benchmarks break the measurable annual goal into major milestones that the student is expected to reach within a specified amount of time. To help ensure measurability objectives/benchmarks may also have target behavior, conditions, and outcomes. Goals also address the data collection strategy for measuring and documenting progress.

5.7 Service Delivery

Recommended services for each student must be individually considered and recommended and should not depend on known or existing services. Services and supports should lead the student in reaching their IEP goals and to greater independence.

5.8 Nonparticipation Justification

To reinforce IDEA's strong preference for involvement in the general education environment, the law requires a clear statement justifying why removal is necessary when removal occurs.

5.9 Extended School Year (ESY)

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

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

ESY is officially discussed and determined at each child's annual IEP meeting. School staff will complete screenings and/or collect data to help make individual recommendations. Throughout

the school year school staff are asked for ESY projections. Projections are used only for planning, are not definitive and do not replace the need for individual student IEP Team decisions.

Early in the school year, a Team may not be able to make a determination for ESY services if the student is new to the staff. In that event, the Team may wish to delay this decision until later in the year. In most cases ESY determination should be made no later than March (post Thanksgiving, December, and February school breaks); however, in cases where there is a question regarding regression, the Team may use April vacation to [document regression](#) (see Appendix). In the circumstances of the "non-regression" criteria, ESY decisions should be made no matter how early in the school year an annual review meeting is held.

5.10 Specialized Transportation

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

5.11 MCAS Accommodations

Teams continue to be responsible for deciding how all students will participate in state and district wide assessments. However, if no assessments are planned during a particular IEP period, the Team should note that no testing would occur and leave the remainder of the page blank. All students participate in MCAS testing with accommodations outlined in the IEP. MCAS accommodations must be consistent with accommodations students generally receive in their curriculum. Students who require alternative assessments will continue to be evaluated through the MCAS-Alt until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

5.12 Students with Disabilities and Bullying

According to the bullying legislation, Chapter 92, Districts have several responsibilities regarding students with social skills disabilities. It is important to remember that these responsibilities fit within the broader legislation. We have an obligation to teach all of our students the skills that are needed to avoid and respond to bullying, harassment and teasing. Students who have disabilities with poorly developed social skills require special attention. For students with autism and other disabilities affecting social skills development, this obligation

requires a thoughtful, considered approach at Team Meetings because these students are more vulnerable to teasing and not skilled in responding.

The state law requires us to do certain things in order to ensure that those students with autism and social skills disabilities are taught the skills they need, at their level, to learn to respond to bullying effectively. How the IEP Team addresses this requirement is based on understanding the social and communication skill levels of the student and ensuring that the student will benefit from the general education bullying prevention curriculum as is, benefit from accommodations or a modified curriculum to ensure the student can access the curriculum, or benefit from separate goals and objectives within the IEP to address the skill deficits.

The legislation, Chapter 92, Section 7, states: Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, 83, as amended by Chapter 92 of the Acts of 2010.)

Section 8 states: For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, S3, as amended by Chapter 92 of the Acts of 2010.)

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

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

It is important that a Team document discussion of how the IEP will address a student's social skills development, in order to avoid or respond to bullying, if a student lacks effective strategies. Additionally, A [Bullying Team Consideration Checklist](#) needs to be completed at each meeting (see Appendix).

5.13 Autism Checklist

In July 2006, Chapter 57 of the Acts of 2006, entitled *An Act To Address The Special Education Needs Of Children With Autism Spectrum Disorders*, took effect. This law requires that IEP Teams consider and address in the IEP discussion certain specific needs of students with disabilities on the autism spectrum.

Whenever an evaluation indicates that a child has a disability on the autism spectrum, the IEP Team shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; the needs resulting from the child's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development. For students with a disability on the autism spectrum, the [Autism Checklist](#) (see Appendix) MUST be completed in conjunction with the IEP development.

PLACEMENT DETERMINATION

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

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

The placement selected by the Team shall be the least restrictive environment consistent with the needs of the student. In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that the student needs. The decision to enact a change in placement that constitutes placing the student in a more restrictive setting must come following an evaluation so that updated data may be used as a basis for the Team determination.

6.1 Least Restrictive Environment (LRE)

The District shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The removal of a student from the general education setting is validated in the Nonparticipation Justification section of the IEP, which quotes the regulation describing the district responsibility outlined above. Teams should consider in-charter settings as they relate to the student's needs. These settings include the general education classroom, a learning center/resource room, or separate classroom.

6.2 Placement Meeting

For students who may require special education services that are beyond what the charter school is required to provide, the Team will need to reconvene for a Placement Meeting to include the District of Residence (DOR).

When the meeting occurs, the IEP Team must first consider whether the District of Residence has an in-District program that is able to provide the services that are recommended by the IEP team, either alone or as a supplement to services available at the charter school. If there is such in-District programming available, the Team must propose an in-District program to the parent (which may be delivered in the charter school itself, through a program located in the District of Residence or a combination of both). The student will remain enrolled in the charter school, and the charter school retains programmatic and financial responsibility for the student. Please note that the charter school has full discretion over where it will propose to deliver any in-District programming, and is not required to contract with the school District of residence for service delivery unless the charter school chooses to do so.

If the IEP team, including the District of Residence, agrees that the student cannot be served in-District, then the IEP team shall determine that the student requires an out-of-District placement, in which case the student's enrollment and responsibility for the student's special education program reverts to the District of Residence.

Because enrollment at the charter school is always voluntary on the part of the parent, the parent may elect to disenroll from the charter school and enroll, instead, back at the District of Residence or another school for any reason and at any time. However, the charter school may not require the parent to disenroll as a condition for receiving any service, except when the student's special education placement has been determined, as above, to be an out-of-District program. See: Technical Assistance Advisory SPED 2014-5: Charter School Responsibilities for Students with Disabilities Who May Need an Out-of-District Program - 603 CMR 28.10(6)

6.3 Transition Planning

While transition planning can be discussed prior to a student's 14th birthday, it is required for those who will turn 14 years old during the IEP period. Starting at age 14, the student must be invited to their IEP meetings. Once a student has turned 14, the IEP must include a post-secondary vision statement as well as identify the transition services that support the student's vision.

The Transition Planning Form should be completed at the IEP meeting for every student starting age 14. This form is not an IEP form, rather a document whose content is directly linked to the IEP vision and guided by the student's needs, preferences and interests. Some components of the transition plan will be addressed in the IEP. The Transition Planning Form will be updated every year.

This form will be used as a guide to assist the Team in transitioning the student from school to post secondary outcomes. Best practice in transition planning is that the Team will consider

instruction, employment, and community experiences/post school adult living. The Team considers the student's course of study in relation to the student's future goals. Transition into adult life, post-secondary, and working environments can be considered.

PROCESSING THE PROPOSED IEP FOR DISTRIBUTION TO PARENTS

When parent(s) receive a Team Meeting Summary at the conclusion of a Team meeting, the District has ten (10) school days for parents to receive the Proposed IEP and Placement.

When parent(s) do not receive a Team Meeting Summary at the conclusion of the Team meeting, the District must provide the parents a proposed IEP and Placement as soon as possible and not more than three (3) school days after the Team meeting has been held.

An IEP Process Tracking Sheet is available to guide the Director of Student Services and liaisons on the compilation of the IEP packets to be submitted to the Office of Student Services for processing. The tracking sheet **MUST** be completed in full. IEP packets must include all necessary components outlined on the tracking sheet before being submitted for processing.

Once IEP packets are completed, the Director of Student Services will review and sign the IEP. It is the Team's responsibility to submit the IEP packet in a timely manner in order for the District to meet the required IEP timelines.

The District will provide the parent/guardian with two (2) copies of the IEP, Placement Consent and Transition Planning Form, if applicable and the N1 (reflecting the mailing date of the IEP).

PARENT RESPONSE TO IEP

No later than 30 days after receipt of the proposed IEP and proposed placement, the parent/guardian(s) shall:

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

IMPLEMENTATION OF THE IEP

9.1 Receipt of Signed IEPs

Parents are provided a self-addressed envelope along with two (2) copies of the proposed IEP to sign and return to the Office of Student Services. When a parent/guardian submits a signed IEP via their student's backpack, hand-delivery, or mail, the IEP MUST be sent immediately to the Office of Student Services. All signed IEPs, whether accepted in whole or in part, or Rejected, MUST be submitted directly to the Office of Student Services for processing, documentation, and distribution. The Director of Student Services will update Frontline and change the IEP status from "Next IEP" to a locked "Active" file.

9.2 Receipt of Partially Rejected & Rejected IEPs

When an IEP has been rejected in part or in full, it will appear on Frontline as Rejected or Rejected in Part. The Director of Student Services will disseminate a copy of the parent's response to the school based Team. This enables Team members to know which parts of the IEP, if any, have been accepted and can be implemented. Should Team members have questions regarding implementation, they should IMMEDIATELY contact the Director of Student Services for clarification.

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

9.3 Amendments

The IEP can be amended at any time if the child's profile and/or goals need to be altered to reflect current levels of performance. This remains the case if new assessment information is obtained.

An unsigned, rejected, and partially rejected IEP cannot be amended. Any changes made to an unsigned IEP are considered "Revisions" to a proposed IEP and should be marked accordingly.

An amendment can be conducted via phone contact or email with the parent/guardian(s). An amendment cannot extend the length of the IEP.

9.4 IEP Revisions

Once a team meeting has been held and a proposed IEP has been sent to parents for response, with parent input and agreement, a Team may revise or further develop the proposed IEP. The “Type of Meeting” and “Dates” on the administrative page would not change. The N1 should clearly state that the IEP has been revised with the date of the Team meeting or parent contact that precipitated the revision. Details of why and how the IEP was revised should be noted in the N1 and sent to the Office of Student Services for processing.

9.5 Progress Monitoring/Progress Reports

Developing well-written and meaningful progress reports starts with well-written goals including current performance, goal statement, and objectives or benchmarks. Teams should use the Current Performance Levels as the starting point or what the student is currently able to do and what the stumbling blocks are; Goals as the end points; and Objectives or benchmarks as the steps between the starting and end points.

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

Progress reports must be sent to the parents at least as often as parents are informed of their nondisabled children's progress (i.e., in conjunction with report cards).

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

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

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

- Number each benchmark or objective for which progress is being written;
- Specify what the student has been working on;
- List what the student has achieved;
- Use measurable language where appropriate (ie: John is greeting his peers upon arrival to school in 90% of measured opportunities);
- Indicate any stumbling blocks to progress and how the Team is responding (ie: what refinements are or will be used to support the student’s progress);
- Project whether the student will reach the annual goal if progress continues at its current pace.

We are required to report progress or maintenance of progress on each goal, and related benchmarks, even if we have had limited time to service the new goals/benchmarks, or if we are still working on the old goals waiting for a signed IEP. We can preface reporting progress on each goal with a simple statement about limited time since receiving the new IEP or that we are working to maintain the current benchmarks until receiving the signed IEP. Then we must use data gathered for the new IEP (present performance; baseline data) to report on each benchmark separately. While it is not sufficient to cut and paste the entire current performance as the progress report, it is reasonable to use parts of it to report on each benchmark separately.

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

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

9.6 Annual Review

Annually, the IEP must be reviewed and updated to reflect the growth the student has made, and new goals need to be developed. Input from general educators, special educators, parents and related service providers needs to be included. Input from the student is required if the student is over 14 years old.

DISCIPLINING STUDENTS WITH SPECIAL NEEDS

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

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

The Individuals with Disabilities Education Act (IDEA) and related regulations provide eligible students with certain procedural rights and protections in the context of student discipline. In general, students may be excluded from their programs, just as any other student can be, for up to ten school cumulative days per school year. However, when a student is excluded from his/her program for more than ten school days in the school year, school staff may be required to provide alternative educational services for the student. In addition, the student's Team must convene a Manifestation Determination to determine whether the student's behavior was caused by his/her disability or had a direct and substantial relationship to his/her disability.

A Manifestation Determination must be held within 10 school days of any decision to impose discipline that would result in a change of placement to determine whether the conduct giving rise to discipline was a manifestation of the student's disability.

At the Manifestation Determination, Team members, including the parent/guardian, will review all relevant information in the student's file, including the IEP, teacher observations, and any information provided by the parent/guardian to determine if the conduct in question is caused by or had a direct and substantial relationship to the child's disability or was the direct result of the District's failure to implement the IEP.

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

- The principal may impose sanctions applicable to all students. The principal must provide FAPE, as determined by the IEP Team, for students on IEPs as of the 11th day of removal. There is no obligation to provide FAPE for 504 students although they have the right to an opportunity to make academic progress during the period of exclusion in accordance with M.G.L. c.76, 21.

Stay Put Rights: A student remains in disciplinary placement pending expiration of the disciplinary sanction or until decision from a Hearing Officer.

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

- The student returns to school prior to the 11th day, unless the conduct meets the criteria for a unilateral removal or the District obtains parental consent or a Hearing Officer's order, or a temporary restraining order (TRO).

Interim Alternative Educational Settings (IAES):

Generally a student with a disability may be placed in an IAES only upon the recommendation of the Team and the consent of the parent/guardian, or the student if he/she is 18+. Under certain specific circumstances, a student may be unilaterally placed in an IAES by his/her Team.

In the event a student possesses, uses, sells or solicits a controlled substance or possesses a dangerous weapon, or seriously injures an individual at school or a school function, a school may place a student in an Interim Alternative Education Setting (IAES) for up to 45 school days. Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 school days upon determination that the current placement is substantially likely to result in injury to the student or others.

The 45 day IAES must enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the IEP. Provide services and modifications designed to address the behavior that gave rise to the removal and to prevent the behavior from recurring. End at the conclusion of the 45 school day period and the student shall be returned to his/her previous placement unless the parent/guardian/student consents to an extension of the IAES or an Order is obtained authorizing the student's continued removal.

The District will comply with all state and federal statutes regarding the discipline of students with special needs. For more detailed information regarding these laws and regulations see the Parents' Notice of Procedural Safeguards, the Individuals with Disabilities Education

Improvement Act of 2004. (IDEIA) (PL: 108-446), Section 615, and Section 504 of the Rehabilitation Act of 1973.

When a parent/guardian disagrees with the Team's decision, they have a right to request an expedited due process hearing from the Bureau of Special Education Appeals. Similar procedures apply to students with plans under Section 504 of the Rehabilitation Act of 1973.

Please note that when a student with a disability is reported to the police for an alleged crime, special education and disciplinary records must be furnished to the police. The Individuals with Disabilities Education Act Regulations at 34 CFR 300.529 state the following: Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

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

An agency reporting a crime under this section may transmit 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. 1415(k)(9)).

Additional information regarding the procedural protections for special education students can be obtained from the Director of Special Education. The Director of Special Education can also provide information on disciplinary procedural protections available to students who have identified disabilities and who are not eligible for services under the IDEA.

REQUESTS FOR SERVICES

11.1 Request for Services

Request for Additional IEP Services:

Whenever a request for additional services is made, the liaison should contact the Director of Student Services who, in turn, will determine the appropriate course of action.

Request for Translation/Interpreter Services:

Whenever a family requires translation and/or interpreter services, the liaison should contact the Director of Student Services immediately who, in turn, will determine the appropriate course of action.

11.2 Parent Request for Observations

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

- Parents are asked to submit their observation requests in writing to their child's special education liaison (whether through use of the attached form or other written means) to include the following information:
 - Student's name Parent's name, telephone and/or email contact information;
 - Student's classroom teacher and assigned grade;
 - Observer's name, and if the observer is someone other than the parent, any relevant affiliation of the observer, along with telephone number and/or email contact information
 - Purpose of the observation, including any particular part of the school day the observer wishes to see
- The liaison will provide a copy of the request to the Principal and Director of Student Services. In order to assist in timely scheduling, MCCPS staff will contact the identified observer directly. Within a week of parental request for observation, staff will contact and provide parents with potential dates and times for observation.
- A school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to limit the impact on instruction and operation of the classroom.

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

11.3 Home-Hospital Educational Services

A student with a documented medical condition who has been or is expected to be confined to a home or hospital for a minimum of fourteen days during any school year is eligible to receive home or hospital educational services. (When a student is hospitalized, the hospital usually contacts the Office of Student Services directly to arrange for tutoring. There is no action required by building personnel to arrange for this contracted service.)

The Home Educational Services can begin as soon as the student's physician fills in the Home/Hospital form completely. The physician must indicate the medical reason preventing school attendance, the expected duration of the absence, and whether the student's educational program should be reduced.

The Office of Student Services will coordinate the educational services. The tutoring services will be provided with sufficient frequency to allow the student to continue his/her educational program, as long as the services do not interfere with the medical needs of the student. The District needs to provide sufficient frequency of tutoring to enable the student to keep up in her/his courses of study and minimize educational loss. This is determined on an individual basis. One hour per day is often adequate in the 1:1 tutoring situation, but the amount must be determined based on individual needs and medical condition.

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

A parent/guardian of a general education student may request a special education evaluation to determine if the student's medical condition meets special education eligibility requirements.

The Office of Student Services will find a tutor for the student. If the tutor is a current employee, the Director of Student Services will outline the amount of tutoring to be provided. A tutoring contract will be promptly sent to the tutor for signature. Tutor submits requests for payment to the Office of Student Services. Parents should be home when the tutor delivers service. If a parent cannot arrange to be home, the District may have to provide a 2nd adult to accompany the tutor to the home, or if feasible, provide the tutoring in a public building. The Principal will determine this need.

Instructional content and approach should be coordinated with general education teachers. Tutors must be licensed educators, but do not need to be licensed in all content areas they are tutoring. If a tutor is delivering services to a special education student, their work must be supervised by an appropriately licensed special educator.

APPENDIX - FORMS/DOCUMENTS

Parents' Notice of Procedural Safeguards

Eligibility Flowchart

Specific Learning Disability forms

Emotional Impairment Determination form

Summary of Team Meeting

Extended School Year form

Bullying Team Consideration

Autism Spectrum Disorder Checklist