



IPSWICH PUBLIC SCHOOLS

SPECIAL EDUCATION PROCESS GUIDE

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INDEX

Section 1: Introduction & Procedural Safeguards

- Introduction
- Procedural Safeguards Statement
- Parents' Notice of Procedural Safeguards (15 pages)
- Special Education Parent Advisory Council (SEPAC) Statement

Section 2: Referral and Assessment

- Pre-Referral and Assessment
- District Accommodation Plan (DCAP) (5 pages)
- Pre-Referral Process
- Referral Process
- Assessment (3 pages)
- Evaluation Consent Form

Section 3: Team Meeting

- Special Education Eligibility/Initial and Re-Evaluation Determination Flowchart
- Disability Definitions (3 pages)
- Making an Eligibility Determination (2 pages)
- Individualized Education Program (IEP)
- Special Education Team
- Least Restrictive Environment
- Sample Blank IEP Template (20 pages)
- IEP Development
- IEP Meeting Summary Templates (6 pages)
- Special Considerations in Creating IEPs
- Special Considerations in Creating IEPs Table SA (4 pages)
- Special Considerations in Creating IEPs Table 58 (3 pages)
- Processing the IEP
- Evaluations in Process: Parental and Student Rights
- Levels of Independence
- MA DESE Technical Assistance Advisory SPED 2014-3: Identifying the Need for Paraprofessional Support
- Levels of Independence Data Collection
- Placement
- IEP Post-Meeting Survey
- IEP Post-Meeting Parent Survey (2 pages)

Section 4: Progress Reporting

- **Progress Report Documentation**
- **Proving Benefit/Progress Checklist: Factors to Consider**
- **Blank Progress Report Form**

Section 5: Extended School Year (ESY)

- **Extended School Year**
- **MA DESE Program Quality Assurance Services: Q & A Guide on Special Education Extended School Year Programs (3 pages)**

Section 6: Transition Planning and Age of Majority

- **Transition Planning Timeline**
- **Transition Planning Form (TPF) (2 pages)**
- **Notice of Transfer of Parental Rights, Age of Majority, and Age of Consent Decision Forms (4 pages)**

Section 7: Students with Autism/ASD

- **Special Considerations for Students on the Autism Spectrum**
- **Special Requirements for Students on the Autism Spectrum Checklist**
- **MA DESE Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorder (2 pages)**
- **MA DESE Technical Assistance Advisory SPED 2014-1: DSM-V Changes and the Impact on Students with Autism Spectrum Disorders (ASD)**

Section 8: Bullying Prevention

- **Ipswich Public Schools Bullying Prevention and Intervention for Students with Disabilities Procedure (2 pages)**
- **MA DESE Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention (4 pages)**
- **Ipswich Public Schools Bullying Prevention and Intervention Plan (16 pages)**
- **Process for Responding to a Report of Bullying Flowchart**
- **Elementary Incident Report Form**
- **Middle School Incident Report Form**
- **Middle School Investigation Form**
- **High School Incident Report Form**
- **High School Investigation Form**

Section 9: Discipline Procedures for Special Education Students

- **Discipline, Functional Behavior Assessment, Manifestation Determination**
- **Discipline Procedures for Students with Disabilities (2 pages)**
- **Discipline of Special Education Students Under IDEA 2004 Flowchart**
- **Appeals Process for Disciplinary Action Placement Decisions for Students with Disabilities Flowchart**

Section 1

Introduction & Procedural Safeguards

INTRODUCTION

This Special Education Process Guide is written as an affirmation of best practices to support school staff in their support of student needs. The goal of the Ipswich Public Schools is that all students achieve success, no matter what their learning style or abilities. This guide represents an effort to coach and affirm best practices across the District that will ensure all students the access to high expectations, which they deserve, in the least restrictive environment. All students and their families have a right to experience correct and consistent practice across schools and respect for the rights and privileges to which they are entitled. It is expected that the guide will be used as a reference tool on a daily basis so that compliant and effective practices become embedded in all special education and related service provider actions.

Special education is a complex service delivery system that is regulated by both federal (IDEA 2004) and state (M.G.L. Ch 71 Section B) laws. State regulations (603 CMR 28.00) provide mandates on how school districts are required to implement the requirements of the law. The District is committed to fully implementing the regulations and providing services to eligible students with disabilities in a manner that is fully compliant with laws and regulations. The key components of the law require that all public school districts offer:

1. FAPE - a **F**ree and **A**ppropriate **P**ublic **E**ducation;
2. LRE - **L**east **R**estrictive **E**nvironment; and
3. Special education services for students who have been found eligible. This eligibility is based on the confirmation of a disability that requires special instruction in order for the student to make effective educational progress.

It is the intention of Ipswich Public Schools that this guide can provide all stakeholders (students, their parents, school staff, and other professionals) with a template for practices that not only meet state and federal mandates, but also are “the right thing to do” in terms of safeguards and protections for all students.

The District recognizes that at times, there may be differing perceptions of the processes involved and how they are carried out. In such circumstances, the District will use all reasonable resources, especially impartial mediators provided by the Bureau of Special Education Appeals (BSEA) to reach out in the most transparent and collaborative manner to resolve these differences and move forward to address student needs.

PROCEDURAL SAFEGUARDS

Parents and guardians are provided with Procedural Safeguards annually. The District also presents a review of these safeguards each year in conjunction with the Ipswich SEPAC. Procedural Safeguards are sent to the family with all Test Consent Notices. A copy is also distributed at each Annual Review or Re-Evaluation Meeting so that the parent receives a minimum of one copy, and frequently more, for reference each year. Parents are encouraged to read the Safeguards and expect that the District adheres to all rights for families and eligible students. Special Education and related service provider staff members are expected to review the Procedural Safeguards to refresh their knowledge each year, and to consult them whenever a question arises. The Procedural Safeguards are included on the next pages for easy access.

Parent's Notice of Procedural Safeguards

Dear Parents:

You are receiving this Notice of Procedural Safeguards (Notice) because your son or daughter (student) has been referred for an evaluation or is currently receiving special education services. If your student is eligible for special education, the school district must provide a free appropriate public education commonly referred to by the acronym FAPE. In order to provide a FAPE the school district must work in partnership with you. You will be a member of the IEP team that will consider your student's unique needs and develop an individualized education program or IEP, for your student.¹ The IEP must provide instruction that is tailored to your student's unique needs and includes sufficient support services to enable your student to make meaningful educational progress and to assist your student in acquisition of knowledge and skills, including those necessary for social and emotional development according to appropriate chronological and developmental expectations. Any special education services identified for your student must be provided at public expense with no cost to you. All students in the Commonwealth's public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for its resident students with disabilities who attend private schools at private expense, and who seek public special education services.

Both State and federal laws contain rules that school districts must follow when deciding if a student is eligible for special education and, if so, what services the student will receive. These laws also provide detailed procedures for ensuring that the student receives a FAPE during the entire time he or she is eligible for special education. Special education is a highly complex and regulated area of education law. The detail in the law is intended to protect your student and to help ensure that he or she receives appropriate educational services. You can get additional help in understanding the special education process from your school guidance office, the Massachusetts Department of Elementary and Secondary Education (DESE), organizations for parents of students with disabilities, and private special education organizations. Information from these sources will help you work in partnership with your school district to make sure that your student receives appropriate educational services. The DESE publishes extensive information for parents and school districts on its Internet Websites. A Table of the DESE Websites is included at the end of this Notice.

This Notice provides you with important information about your right to be involved in planning your student's special education. Procedural safeguards are the specific rules that make sure that you know what the school district is proposing to do ("receive notice"), agree with the school district's plan ("give parental consent") and have a range of opportunities for resolving disagreements with the school district ("due process"). Procedural Safeguards in the law also provide additional protections outlined in this document.

We hope this Notice will be of assistance to you as you take an active role in your student's educational experience.

¹ See the IEP Process Guide for information on how a student's IEP is developed and implemented.

you can obtain another copy. You will also be given information about whom you can contact for help in understanding federal and state special education laws.

2. WHAT IS PARENTAL CONSENT?

**34 CFR §300.9 AND
603 CMR 28.07 (1)**

The school district may not give your student a special test or special service unless you agree and give your written “parental consent.” The school district must contact you and clearly explain what it is proposing to do for your student. The school district will then ask you to sign your name on the consent form to show that you agree to the school’s proposal. This is giving “parental consent.”

Giving your consent is voluntary. You may take back, or revoke, your consent at any time. If you wish to revoke consent you must do so in writing. The withdrawal of consent will only apply to future action by the school district not to something that has already happened. Your school district may not use your refusal to consent to one service or activity as a reason to deny you or your student any other service, benefit, or activity.

Your consent is not required before your school district may review existing data as part of your student’s evaluation or reevaluation, give your student a test or other evaluation that is given to all students without consent such as the MCAS or classroom tests that are part of the general education program, or share information with federal or state educational officials.

2.1 WHEN WILL A SCHOOL DISTRICT ASK FOR YOUR CONSENT?

**34 CFR §§ 300.300, 300.154 AND
603 CMR 28.07(1)**

A school district will ask for your parental consent in the following circumstances:

To authorize the initial evaluation to determine if the student is eligible for special education

The school district cannot conduct an initial evaluation of your student to determine whether your student is eligible to receive special education and/or related services without first obtaining your consent. If your student is referred for an evaluation, the school district must ask for your consent to the evaluation within five school days.

To approve initial services

If, after the initial evaluation has been completed, the Individualized Education Program (IEP) Team has decided that your student is eligible for special education, the IEP Team will propose special education and related services and a placement for your student. You are a member of the IEP Team and must give your consent before your school district can provide special education and related services to your student for the first time. If you do not consent, the school district cannot provide special education and related services to your student. You can accept or reject the whole proposal or part of it. The IEP or any part that you accept must begin as soon as you accept it.

To make a change in services, placement or reevaluation

Once you have agreed to an IEP for your student, the school district must obtain your consent before the school district may change the services or the placement of your student, or conduct a reevaluation.² If you refuse to give your consent, you have an obligation to engage with the district in active discussion to resolve your disagreement. If you have given consent to services in the past and now want to revoke consent and withdraw your student from services, you must do so in writing. The

² You also have the right to observe your student in his or her current program and observe a proposed program prior to your student’s placement. For further information see the DESE document “Observation of Education Programs by Parents”.

Medicaid benefits for your student. Once the school district receives your letter, the district will send you a notice stating the change, if any, in educational placement and services that result from your revocation of consent. Once you withdraw your consent to all special education and related services, the school district is no longer required to make FAPE available or to have an IEP meeting or develop an IEP for your student. School districts are not required to amend your student's record to remove references to special education services as a result of your revocation of consent.

3. IS THE SCHOOL DISTRICT REQUIRED TO EVALUATE A STUDENT UPON REQUEST BY A PARENT?

**34 CFR §300.301 AND
603 CMR 28.04**

A student must receive a complete and comprehensive evaluation to determine if the student has a disability and is eligible for special education and, if eligible, to assist in determining appropriate special education and related services that may be necessary. Parents who have a concern about their child's development or have a suspicion about a possible disability may refer their child for an initial evaluation. Special words need not be used in making a referral for an initial evaluation. Upon receipt of such a request for an initial evaluation, the school district must send notice to the parent and must seek the parent's consent to conduct an evaluation. (A school district will rarely have occasion to refuse to conduct an initial evaluation and may do so only if the parent or other individual making the referral has no suspicion of disability or is not concerned about the student's development).

Where appropriate, the school district may also provide the parent with information concerning other supportive services that may better suit a particular student's needs. However, a school district may not refuse to evaluate a student who has been referred for an evaluation as described above, on the basis of a pre-referral program or in order to try other instructional support activities or for any other reason. Additionally, the law provides for periodic reevaluations to ensure that the student is benefiting from and continues to require special education. The parent's consent will always be required prior to these reevaluations.

4. WHAT IS AN INDEPENDENT EDUCATIONAL EVALUATION?

**34 CFR §300.502 AND
603 CMR 28.04(5)**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your student.

You have the right to request an IEE of your student at public expense if you disagree with the school district's evaluation. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the state requirements that apply to IEEs.

4.1 WHEN IS AN INDEPENDENT EDUCATIONAL EVALUATION CONDUCTED AT PUBLIC EXPENSE?

In Massachusetts, under state law, you will receive an IEE at full or shared public expense if you meet income eligibility requirements. Students who are eligible for free or reduced cost meals are entitled to an IEE at public expense. Other students are eligible for a shared cost IEE according to a sliding fee scale. Sharing your financial information with the school district is completely voluntary on your part. If you choose to share such information, the school district must immediately notify you in writing whether or not you are eligible for full or partial funding of an IEE and proceed to fund the IEE based on eligibility. Your right to a publicly funded IEE through income eligibility will extend for 16 months from the date of the school district's evaluation with which you disagree.

State and federal special education laws provide many opportunities for parents to be involved in educational planning for their student who has a disability. If parents and school districts disagree about changes relating to the identification, evaluation, or educational placement of a student with a disability, or the FAPE services provided to a student with a disability, the laws provide a menu of ways to resolve the disagreement. Your student shall remain in his or her current education program and placement during any dispute regarding placement or services, unless you and the school district agree otherwise or your student's placement is changed as a result of discipline.

Following are alternatives ways that you and your school district can resolve disagreements.

6.1 BRING THE DISPUTE TO THE ATTENTION OF LOCAL PUBLIC SCHOOL OFFICIALS

As a first step to resolve your dispute, you may contact your school Principal, the Administrator of Special Education or your Superintendent to ask for help. It is a good practice to write a letter explaining the situation about which you are concerned.

6.2 USE THE DESE PROBLEM RESOLUTION SYSTEM

If you feel that you need help from outside of your school district, you may contact the DESE, Problem Resolution System Office (PRS) at 781-338-3700 to use the state Problem Resolution System described at <http://www.doe.mass.edu/pqa/prs/>. You can file a complaint with the PRS office about any violation of state or federal education law or obtain help from PRS staff to resolve the problem informally. If you want a formal investigation by PRS, you will have to submit your complaint in writing. PRS staff will assist you in preparing and submitting the complaint. Your written complaint should include: a statement of your concerns, your attempts to resolve your concerns, the actions by the school you believe would resolve your concerns and your signature and contact information. If your complaint is about a specific student, you should provide the student's name and residential address and the name of the school. The issues that you are complaining about, however, must have occurred no more than one year before PRS receives your complaint. If you choose to file a formal complaint with the Problem Resolution System, you must also send a copy of your written complaint to the school district that is the subject of the complaint. PRS will resolve your complaint within 60 days and send you a copy of the findings and decision.

Filing a formal complaint with PRS will not prevent you from using other methods, such as conversations with your local school district, mediation, or a due process hearing at the Bureau of Special Education Appeals (discussed below) to resolve your complaint.⁵ If you request a due process hearing, however, a complaint that you file through the problem resolution system will be set aside until the due process hearing is completed.

⁵ For a comparison of how the problem resolution system resolves a complaint with how a complaint is resolved through a due process hearing see: <http://www.doe.mass.edu/sped/docs.html>.

You must send your due process hearing request to the school district (or other party to the complaint) and a copy to the BSEA. If the due process complaint does not provide enough information, the opposing party may challenge its *sufficiency* within 15 days. The BSEA will decide whether the complaint is sufficient within 5 days of the challenge. Additional information may be added to the complaint if the opposing party agrees or if the hearing officer gives permission. If additional issues are added to the complaint at a later time, however, the hearing timetable begins all over again.

If there is no challenge to the sufficiency of the complaint, then the hearing process continues. If the school district has not already sent a prior written notice to you about the issue that you are complaining about, then within 10 calendar days of receiving your due process hearing request, the school district must send you a written response to the complaint.

Note: If the school district has filed the due process hearing request, the parent must respond within 10 calendar days of receiving the hearing request, and specifically address the issues that the school district raised.

After you file a due process hearing request, the school district has 30 days to work with you to resolve the disagreement before the due process hearing may occur.¹²

The school district is required to set up a resolution meeting within 15 calendar days of receiving your due process complaint.¹³ The school district will determine with you which members of the IEP Team must attend the meeting. Someone from the school district who can make decisions about your student's program must attend the meeting. The school district's lawyer *may not* attend unless you have a lawyer who is attending the meeting.

You must participate in the resolution meeting unless you *and* the school district agree, in writing, not to have the meeting or if you and the school district decide to use the mediation process. If you refuse to participate in the resolution meeting, the hearing may not go forward.

If you are willing to meet, but the school district refuses or delays the resolution meeting more than 15 days after receiving notice of your hearing request, then you can ask the hearing officer to proceed with the hearing process. If you meet, but the school district has not resolved the due process complaint to your satisfaction within 30 days of your filing the complaint, then the due process hearing may go forward.

The resolution process ends when one of the following events occurs:

- When you and the school district agree, in writing, to end the resolution period;
- At the end of the 30 day resolution period;
- At the end of mediation; or
- When you and an official of the school district sign a document that spells out your agreement that resolves your dispute. This is a "settlement agreement" and can be enforced by a state or federal court. Note that if you and the school district enter into an agreement as a result of a resolution meeting, either you or the school district may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

¹² If you and the school district agree to mediation, you may agree to continue the mediation after the 30 day period.

¹³ No resolution session is required if the school district has requested the due process hearing.

6.6 APPEAL A HEARING DECISION TO A STATE OR FEDERAL COURT

If either the parent or the school district disagrees with the decision of the hearing officer, they can seek review of that decision in state or federal court. Any such request for review must be filed within 90 days of the decision.

6.7 ATTORNEYS' FEES

34 CFR §300.517

Each party is responsible for paying its own attorney's fees unless the court decides otherwise. If you obtain a favorable result in a written hearing decision or court proceeding, the court ¹⁷ may decide that the school district should pay your reasonable attorneys' fees. Note, however, that you will not be able to obtain these fees for the time spent litigating your case after the district made a settlement offer if

- the district made a written offer of settlement 10 or more days before the hearing,
- you did not accept the offer within 10 days, and
- the outcome of the hearing was no better than the settlement offer.

If the school district obtains a favorable decision, a court could order your attorney to pay the school district's legal expenses if the court finds that your attorney filed a complaint or continued to litigate after learning that the complaint had no basis in fact, was unreasonable, was frivolous, or was pursued for an improper purpose. A court may also order you or your attorney to pay legal expenses if your request for a due process hearing or subsequent cause of action was presented for an improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

7. WHAT ARE YOUR RESPONSIBILITIES IF YOU PLACE YOUR STUDENT IN A PRIVATE SCHOOL AND YOU BELIEVE YOUR SCHOOL DISTRICT SHOULD REIMBURSE YOU FOR THE TUITION?

34 CFR §300.148

There are some occasions when a parent believes that the public school is not providing a FAPE to the student and the parent decides to place the student in a private school. A parent may enroll his or her student in private school at private expense at any time. If, however, the parent believes that the public school should be responsible for the costs of the student's education in the private school, the parent must tell the school district of objections to the student's IEP and program, reject the IEP, inform the school district of his or her intent to remove the student and enroll the student in a private school, and request a hearing by the BSEA. A parent must inform the school district before removing the student from the public school either orally at the last Team meeting before the removal or in writing at least 10 business days before removing the student from school.

The school district is not required to pay for a student to attend a private school if the school district has made a FAPE available to the student. Disagreements between parents and the school district about whether the student's program provides a FAPE and requests for financial reimbursement for the cost of a private program may be resolved through due process procedures discussed earlier in this document. The hearing officer will determine whether the school district made a FAPE available to your student. If the hearing officer finds that the school district did *not* provide your student with a FAPE, that you followed the above steps, and that the private school placement was appropriate, the hearing officer, after considering all of the circumstances surrounding the removal of the student, may require the school district to reimburse you for all or part of the cost of the private school placement.

¹⁷ A BSEA Hearing Officer may not award attorney's fees.

The student's IEP Team must meet within 10 days of the school's decision to impose the discipline. At this meeting, called a "*manifestation determination*," you and other members of the IEP Team will determine if the misbehavior was caused by or had a direct relationship to the student's disability, or was the direct result of the school's failure to provide the services required by the student's IEP. In making the manifestation determination, you and other members of the IEP team must consider relevant information from your student's file, including your student's IEP, your and the teachers' observations of your student's behavior, and any relevant information you provide.

If the team determines that the student's behavior *was not* caused by or directly related to the student's disability or the failure to properly implement the IEP, then a student with a disability can be disciplined in the same manner and for the same length of time as other students are disciplined for the same offense. The IEP Team, however, must determine the interim alternative educational setting (IAES) where the student will be placed and the educational services that will be provided. An IAES is a setting other than the student's current placement that enables the student to continue to receive educational services according to his or her IEP. School personnel may consider the student's unique circumstances in determining whether a change in placement is appropriate for a student with a disability.

If the Team determines that the student's behavior *was* caused by or directly related to the student's disability or the failure to properly implement the IEP, then the student must be returned to the last approved IEP placement unless you and the IEP Team decide on a different placement. The student must also be provided a functional behavioral assessment. A functional behavioral assessment or FBA is a comprehensive assessment of behavior that provides the IEP Team with information about the student's behavior and identifies behavioral intervention services and program modifications that are designed to address the behavioral violation so it does not recur. If the student has already had a functional behavioral assessment and has a behavioral intervention plan, then the IEP Team should determine if any changes should be made to the behavioral intervention plan. If the behavior was caused by the failure to properly implement the IEP, the school must take immediate steps to remedy the deficiencies.

Note that if your student possessed or used a weapon or drugs, or caused serious bodily injury to another person on school property or at a school event your student may be placed by the principal in an IAES for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability. The IEP Team will determine the IAES and the appropriate educational services that will be provided to the student while he or she is in the IAES.

9.1 APPEAL OF A DISCIPLINARY DECISION

If a parent disagrees with any decision regarding placement of his or her student under the disciplinary provisions or disagrees with the manifestation determination, or if the school district believes that maintaining the current placement of the student is substantially likely to result in an injury to the student or to others, either the parent or the school district may appeal the decision by requesting a hearing with the BSEA, as described earlier in this document.

The BSEA will convene a hearing on a disciplinary placement or manifestation determination on an expedited schedule.²³ During the appeal of a disciplinary placement or manifestation determination, the student must remain in the IAES until the hearing officer makes a decision or the disciplinary period is completed, unless the parent and the school district agree to a different placement.

²³ See BSEA Hearing Rule II.C. Expedited Hearing. <http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc> p.7.

10.4 TABLE OF WEB SITES

The DESE publishes extensive information for parents and school districts on its internet Websites. These Websites include pertinent laws, agency policies and useful documents that explain the special education process.

Autism Spectrum Disorder:

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

Bureau of Special Education Appeals

<https://www.mass.gov/bsea-decisions-and-rulings>

<http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc>

<http://www.mass.gov/anf/docs/dala/bsea/hearing.doc>

<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/>

<http://www.mass.gov/anf/docs/dala/bsea/mediation-brochure-2012.doc>

<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/mediation-faqs.html>

<http://www.mass.gov/anf/docs/dala/bsea/>

Consent to Access MassHealth (Medicaid):

http://www.doe.mass.edu/sped/advisories/13_1.html

<http://www.doe.mass.edu/sped/28mr/28m13.docm>

Discipline:

http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc

Individuals with Disabilities Education Act:

<http://idea.ed.gov/>

The Basic Special Education Process under IDEA:

<http://www.doe.mass.edu/sped/iep/process.doc>

Individualized Education Program:

<http://www.doe.mass.edu/sped/iep>

Individual Education Program Process Guide:

<http://www.doe.mass.edu/sped/iep/proguide.pdf>

Independent Educational Evaluation:

<http://www.doe.mass.edu/sped/advisories/?section=admin>

Observation of Education Programs by Parents and Their Designees for Evaluation Purposes:

http://www.doe.mass.edu/sped/advisories/09_2.html

Parent's Notice of Procedural Safeguards:

<http://www.doe.mass.edu/sped/prb>

PRS Problem Resolution System compared to BSEA Due Process Complaint:

<http://www.doe.mass.edu/sped/complaintchart.doc>

Program Quality Assurance Services Problem Resolution System:

<http://www.doe.mass.edu/prs/>

Special Education Laws:

<https://www.doe.mass.edu/lawsregs/statelaws.html>

Special Education Regulations:

<https://www.doe.mass.edu/lawsregs/stateregs.html>

Special Education Surrogate Parent:

<http://www.doe.mass.edu/sped/advisories/2013SurrogateParent.html>

Special Education Transition Planning Form:

<http://www.doe.mass.edu/sped/28MR/28m9.docx>

Student Records Regulations:

<http://www.doe.mass.edu/lawsregs/603cmr23.html>

Student Records Questions and Answers

<http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html?section>

Transition Planning:

<http://www.doe.mass.edu/sped/cspd/mod4.html#>

SPECIAL EDUCATION PARENT ADVISORY COUNCIL

Ipswich has a small but active Special Education Parent Advisory Council (SEPAC). Membership is open to all parents of students with disabilities and other interested parties.

SEPAC's duties include giving suggestions to the District on matters that pertain to the education and safety of students with disabilities, coordinating with the Director of Pupil Personnel Services to provide input in the planning, development, and evaluation of the school district's special education programs. SEPAC has access to the school committee and other resources. The District collaborates with the SEPAC to use Blackboard Connect and school newsletters to publicize SEPAC events. In the past, this has included both presentations from the Federation for Children with Special Needs and offerings from the evaluators within the District.

The District works collaboratively with SEPAC to offer presentations on the rights of students and their parents and guardians under the state and federal special education laws. In addition, SEPAC has established bylaws regarding officers and operational procedures.

Section 2

Referral and Assessment

PRE-REFERRAL AND ASSESSMENT

Communication is one of the *Successful Habits of Mind*, which the Ipswich Public Schools stress as key in a twenty-first century evaluation. In special education, COMMUNICATION is critically important.

It is the goal of the Ipswich Public Schools to provide an environment that meets the needs of all students. This means that as much as possible, the District strives to provide a continuum of supportive services and programs that address student need within the least restrictive environment. While some portion of the school population may require services in a separate setting, both the law and “right thing to do” require that districts look at the needs of students within the context of the total school environment. School environments should have the following supports for ALL students:

- A District Curriculum Accommodation Plan (DCAP), which is a list of strategies and supports intended to assist the regular classroom teacher in analyzing and accommodating the diverse learning needs of all students.
- DCAP accommodations address a continuum of direct and systematic instruction in reading, mathematics, and writing, as well as services that can address the needs of students whose behavior may stand in the way of learning.
- The Department of Elementary and Secondary Education (DESE) requires that not only special educators, but also general educators and paraprofessionals (previously referred to as Teaching Assistants) receive training in understanding and supporting diverse learning needs, as well as collaborating with other educators to address learning needs in the general education classroom.
- An interactive guide to this process is found online at <https://www.doe.mass.edu/rlo/sped/eligibility-guide/index.html>.

DISTRICT CURRICULUM ACCOMMODATION PLAN

Massachusetts General Laws require the adoption and implementation of a District Curriculum Accommodation Plan (DCAP), which is intended to guide principals and teachers in ensuring that all possible efforts are made to meet student needs in general education classrooms and support teachers in analyzing and accommodating the wide range of student learning styles and needs that exist in each school. The DCAP also informs families about the variety of available support to all general education students. The DCAP describes accommodations and instructional supports and strategies that are available in general education.

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

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

Ipswich Public School District Mission Statement:

Ipswich Public Schools aspires to empower ALL students to be global citizens who are effective communicators, analytical problem solvers, and savvy consumers of information. We propose to do this through an emphasis on communication, critical thinking, creativity, self-management, perseverance and collaboration. Students will be active partners in authentic learning, offering voice and choice in demonstrating competency.

Ipswich Public Schools Student Support Teams

Student support teams are part of a multi-tiered system of supports (MTSS) that ensures services provided to students in the least restrictive manner. Building-based groups of teachers and counselors meet regularly to problem-solve learning challenges for individual students. These teams recommend strategies, monitor interventions, and work collaboratively to identify appropriate building resources for children with learning, behavioral, attendance, and/or social-emotional challenges. As part of the collaboration, the Student Support Teams also allow consultative time for teachers to consider and pilot general education alternatives in addressing learning needs.

Ipswich Public Schools Building-Based Resources

Each building in the District provides a variety of resources to support general education students with learning challenges. Resources may include, but are not limited to the following:

Personal Consultation	Intervention
Assistive Technology Specialist Building Principal Board Certified Behavioral Analyst (BCBA) Digital Learning Specialist English Language Learner (ELL) Teacher Nursing Staff Occupational Therapist Physical Therapist PPS Director/Special Education Administrator Reading Specialist School Adjustment Counselor School Counselor School Psychologist Special Education Teacher Speech & Language Pathologist	Co-Taught Classrooms Reading Support Math Support Academic Support MCAS Preparation Developmental Guidance Social Skills Curriculum Social-Emotional Learning Counseling - 1:1 or small group Assistive Technology Before/After School Support High School BRYT Program High School Academic Support Teacher Mentors assigned to staff for collaboration & problem-solving student support Utilization of common planning time for problem-solving Access to evidence-based reading fluency support for grades K through 8 Various online program in mathematics & reading

ACCESS

Access to the core curriculum refers to a student's ability to make sense of the learning, objectives, environment, and expectations. As part of the educational program of all students, teachers take into consideration the classroom structure, learning tools, supports, and method of instructional delivery. A few examples of support within these areas include: flexible seating; partnering and/or small group instruction; clarifying instructions; discussing and posting class norms and behavioral expectations; and the use of checklists, technology tools, and study guides. Students whose primary language is other than English are supported by the English Language Learner teachers at a level commensurate with the students' competency level in English. These students are also eligible for consideration for additional general and special education support, as determined among collaboration that includes the classroom teacher, school student support team, and other resources as appropriate.

ENGAGEMENT

Engagement refers to a student's ability to meaningfully interact with his/her/their learning. Engagement allows student to be active learners. Engagement can be boosted by both environmental and design factors. General education engagement techniques that are utilized include collaborative

projects/assignments, frequent check-ins, peer tutoring, multi-modal instructional delivery, movement breaks, learning choices, and meaningful use of technology tools, to name a few.

ASSESSMENT

Assessment refers to a student's ability to demonstrate knowledge and understanding of skills and content. Multiple types of assessment are employed as part of the District's general education program. Formal assessments such as tests, quizzes, and ongoing performance benchmarks (i.e., writing and project completion) are interwoven into learning. Variety in assessments is just one integrated support found in classrooms. Additional examples of these types of supports include extended or shortened time, previewing question types, and providing visual instructions.

SUPPORTING STUDENT LEARNING

The following list is representative of, but not limited to, strategies that classroom teachers have effectively employed in meeting the individual needs of general education students. Accommodations may involve classroom instruction, student responses and performance criteria, and altering teaching environments or materials.

CURRICULUM/INSTRUCTION/ASSESSMENT STRATEGIES

- Provide preferential seating and/or flexible seating arrangements
- Co-teaching
- Break down tasks into manageable steps
- Provide homework assignment books and journals for homework follow-up
- Frequent progress monitoring and feedback to student on progress
- Use checklists, teacher check-ins, calendars, and project organizers to break down long-term assignments
- Repeat or re-teach concepts with a different approach
- Repeat and clarify directions
- Provide cueing and "wait time" or "think time" to encourage participants
- Arrange partner or small group instruction
- Allow extended time for tests that determine a student's knowledge or mastery of content
- Provide scheduled or unscheduled breaks
- Allow the use of word processing for assignments and assessments
- Provide multimodal presentation of instruction and materials
- Provide manipulatives
- Provide reference tools, websites, and textbooks for homework support
- Provide study guides
- Instruct students in study skills and note taking, and model these skills during instruction
- Teach students to use graphic organizers
- Utilize alternative assessments: oral, multiple choice, computer-based (except reading tests)
- Utilize technology and computer assisted instruction
- Offer a copy of teacher or peer notes, Powerpoint presentations, and/or note-taking templates

- Develop student contracts or academic improvement plans
- Allow alternatives to assignments requiring copying
- Cue student prior to transitions
- Use rubrics and examples of completed assignments and projects
- Schedule before- and after-school help sessions
- Employ flexible or cluster groupings
- Administer assessments in shorter periods
- Preview language of test questions
- Provide visual directions
- Provide tests orally and/or read test to student

BEHAVIORAL INTERVENTION STRATEGIES

- Post classroom expectations in view of all students
- Teach behavioral expectations across settings and review/re-teach following school breaks
- Arrange seating to prevent behavioral difficulties
- Develop student contracts or individual behavioral improvement plans with motivating incentives
- Utilize charts and graphs to monitor expectations
- Offer mindfulness breaks and calming strategies
- Include movement breaks and energizers during instructional periods
- Provide self-monitoring checklists, coaching, and strategies
- Offer check-ins to reinforce positive expectations and review progress
- Communicate with parents regarding expectations and shared incentives
- Define clear and consistent expectations

ORGANIZATIONAL STRATEGIES

- Provide daily visual schedule and agenda
- Provide all assignments in writing
- Utilize flexible groups
- Implement a progress monitoring system with students
- Use cooperative learning strategies
- Increase parent communication, share common strategies between school and home
- Use graphic organizers with students
- Check for understanding and review
- Have the student repeat directions
- Use study sheets to organize material
- Create timelines for long-term assignments
- Check homework planner for accurate recording of assignments
- Post homework and assignments online
- Access assistive technology supports

MATERIALS

- Adjust arrangement of material on page
- Utilize audiobooks
- Offer textbooks or information resources in digital format
- Use supplementary materials to support key concepts
- Offer large print materials
- Provide marker to guide reading
- Offer large graph paper for math
- As appropriate to the grade, encourage all students to use an assignment notebook
- Offer access to computers, iPads, and other specialized hardware as needed
- Adapt physical appearance of worksheets/packets/assignments

PARENT SUPPORTS

- Parents are encouraged to consult with classroom teachers for learning support to extend classroom instruction into the home setting.
- As noted in "Personnel Consultations", parents can also initiate consultation with school staff members problem-solving and discussion.
- Through grade 8, Lexia is available to students for use at home in practicing reading fluency.
- The District offers presentations to families including anti-bullying strategies, dealing with children's anxiety, and developing executive functioning skills within everyday home activities.
- The homework policy at the elementary level has been revised to foster enrichment, application, and practice & collaboration between home and school.

SOCIAL-EMOTIONAL SUPPORTS

- Access to guidance staff (i.e., school counselor, adjustment counselor, school psychologist) for 1:1 or small group counseling
- Developmentally appropriate classroom lessons
- Safety planning and re-entry meetings
- Family consultation and resource sharing
- College & Career Counseling
- School-to-Work Bridge Program at the high school level

PRE-REFERRAL PROCESS

In order to ensure a *Just Right* formula (no more services than needed; no fewer services than needed), best practice guides us to gather data or available information before deciding that the student requires special education. The chart on the next page, taken from the *Is Special Education the Right Service?* guide, provides a visual schema of the careful planning that should precede any special education referral. Although following this process represents good practice, it should, nonetheless, be noted that the parent can request that the evaluation go forward while the information-gathering is taking place.

At the building level, each school in Ipswich has a pre-referral team to examine student needs. The composition of the team varies somewhat from building to building, but usually includes an administrator, general educator, and specialists who can examine the presenting need, explore the supports currently in place, and determine what additional supports should be considered as interventions prior to suggesting a formal evaluation. The purpose of the pre-referral team is not to delay any student receiving services, but rather, to ensure that the student is not being limited by moving too quickly into services that may be too restrictive. Whenever data on a student is being considered for analysis by a pre-referral team, COMMUNICATION with the parent is the important first step. It is critical for parents to understand the areas of concern and how the school is proceeding in examining them. At times, parents may have concerns of their own, and so COMMUNICATION involves not only transparency regarding building efforts, but also inviting parent partnership with the school in examining student needs.

There will be times when either the pre-referral suggestions or growth of the student address the issue and it ceases to be a problem. If the difficulty persists after the strategies have been tried for a reasonable period of time and there are still concerns, a referral may be made for special education evaluation.

REFERRAL PROCESS

A student may be referred for a special education evaluation by a parent or professional who is working with that student. Although not required, reasonable efforts to examine the student's response to non-special education interventions should be tried before making a referral to special education.

When a student is referred for a special education evaluation, the District must send parents/guardians a form requesting their permission to test within five days of receipt of the parent request. The parents must sign and return the consent forms for testing to commence. The Program Manager at the student's school makes an attempt to communicate with the parents so that the tests agreed-upon address the areas of the presenting problem(s).

The District is required to complete the assessments within thirty (30) working school days of receipt of signed permission. The Team meeting to review the results of the testing must take place within 45 working school days of receipt of testing. The District makes a copy of the evaluation results available to the parents/guardians two (2) days prior to the meeting in order to allow time to carefully review the recommendations.

The District is required to assess the child in all areas related to the suspected disability. The education assessment is a required assessment. Other evaluative areas can and often include:

- Intellectual assessment
- Achievement testing
- Assessment in related service areas including Occupational Therapy, Physical Therapy, and Speech and Language

Even where an evaluation may have been completed by an outside agency, the District will conduct its own testing since clinical and educational evaluations may differ in both scope and focus.

ASSESSMENT

When the parents and the school district suspect that the student may have a disability, the parents are asked to consent to a special education evaluation, which will determine if the student is eligible for services. It is Ipswich practice that parents are given an opportunity to consult with the District regarding the types of assessments and assessors used for an evaluation. This does not mean that the parents will choose WHICH tests are completed or WHO will conduct the evaluation. Rather, the District seeks to have a clear understanding of the presenting problem in order to investigate the needs in an organized and thorough manner. Parents have unique information about the needs of their children, and may be able to provide information relevant to particular issues or concerns that they see. This is another important element of the COMMUNICATION process in the Ipswich schools.

Key in determining which assessments will be administered is the understanding that special education is reserved for students who have disabilities that cause difficulty in learning; therefore, Ipswich conducts assessments in the **area of suspected disability**. The table included in the Team Meeting section is taken from *Is Special Education the Right Service?* and gives definitions of the disability categories that qualify the student to receive special education services. Parents will recognize this list later because it will be present at the Team meeting and serve as a guide for the Team. Once again, COMMUNICATION is key because the school Team will want to ensure sufficient testing to examine the need, but not over-test. The actual determination of WHICH evaluative instruments are used is made through the COMMUNICATION including the parent, Program Manager (who will steer the evaluation process and hold the eligibility meeting) and the School Psychologist and other related service providers who will complete the evaluations. The term “related service providers” refers to the speech & language pathologist/therapist, occupational therapist, physical therapist, or other professionals who would conduct the evaluation in the areas of suspected disability.

An important qualifier in determining the items for the Test Consent form is that DESE makes it very clear that a disability in special education is connected to its educational impact. It is not the disability label alone that prompts a determination of eligibility for special education. A student may have a disability, but may not require services because he/she is making effective progress in the classroom. Evaluation instruments will be chosen to examine any impact of the disability on the student’s access to learning.

Required Assessments

Assessment in the Area of Suspected Disability: This testing may involve testing by a speech & language therapist, physical therapist, special education reading specialist, occupational therapist, school psychologist, or other evaluator depending on the pressing concern. The COMMUNICATION between the Program Manager, parent, and classroom teacher can help to determine the testing area. It should be noted that the testing does not need to be exhaustive. At the Eligibility Meeting, the Team has a mechanism called an “Extended Evaluation” if a determination is made that the student is eligible for services, but may require additional testing to fine-tune the delivery of those services.

Educational Assessment: This law requires that the Team look at the student’s ability to make progress in the context of the general education classroom. As a result, the evaluation includes a

comprehensive look at the student's participation in life at the school. Comprehensive educational assessment includes:

- A history of the student's educational progress in the general curriculum
- Information regarding the student's specific abilities in regard to learning standards of the Massachusetts Curriculum Frameworks and the District curriculum
- Student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults
- The student's educational and developmental potential

Narrative Description of Student's Educational & Developmental Potential: This assessment is completed by the general education classroom teacher. It includes the following:

- A description of factors that help or hinder the student in making effective progress. The description looks for patterns that provide information relevant to the student's potential.
- An assertion as to whether this review suggests that the student has consistently performed with the range of typical students, has consistently performed better/less well than typical peers, or has demonstrated inconsistent performance.

Optional Assessments: Health, Psychological, or Home: There are several guiding principles that Ipswich Public Schools follow:

- Assessment should be comprehensive and sufficient to determine the presence/absence of a disability.
- It should evaluate the factors related to the student's performance. It should allow the Team to plan appropriate services to address these needs. No single assessment is to be used to make the determination.
- Assessments should be appropriate to the needs of the student being assessed.
- Assessments may include both formal (normative) data as well as informal (observational or non-normative data).

Best practice strongly discourages parents requesting a "menu" of tests to be administered. In a manner similar to a physician choosing laboratory tests for a patient, deference should be given to the participating professional in determining appropriate and specific testing in his/her specialty. Nonetheless, it is acknowledged that there may, at times, be compelling reasons for a particular request, and this should be carefully discussed with the Program manager and evaluator(s). The Ipswich Team may recommend Health, Psychological, and/or Home Assessments. Parents have the option of agreeing to or rejecting these assessments. Parents also have the right to request assessments not proposed by the District. The District does not have the right to refuse to conduct another type of assessment requested by the parent if it is unrelated to the suspected disability of the student. If Ipswich does refuse to conduct such an assessment, it must provide the parent with full written notice regarding why such an assessment is unrelated to the suspected disability of the student.

A sample Evaluation Consent Form follows on the next page.

School District Name

**EVALUATION CONSENT FORM
Attachment to N 1**

TYPE OF ASSESSMENTS: <i>A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. [Check yes or no for each assessment.]</i>	RECOMMENDED	
	YES	NO
Assessment in All Areas Related to the Suspected Disability(ies) – describes the student’s performance in any area related to the child’s suspected disability(ies). List recommended assessment(s): _____ _____ _____		
Educational Assessment – includes the history of the student’s educational progress in the general curriculum and includes current information on the student’s performance.		
Observation of the Student – includes the student’s interaction in the student’s classroom environment or in a child’s natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student’s education.		
Psychological Assessment – describes the student’s learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student’s education and, with written consent, may include a home visit.		

PARENT RESPONSE SECTION

Please indicate your response by checking at least one (1) box and returning a signed copy to the school district. Please keep one copy for your records. Thank you.

I accept the proposed evaluation in full. I reject the proposed evaluation in full.

I accept the proposed evaluation in part and request that only the listed assessments be completed:

I additionally request the following assessment(s): assessment(s) listed above: _____ other assessments: (specify) _____

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over* _____ Date _____
**Required signature once a student reaches 18 unless there is a court appointed guardian.*

PARENT INPUT

We strongly encourage you to share your knowledge of this student with us. If you choose, please provide a written statement (use back of form) or call the indicated contact person. Thank you.

Section 3

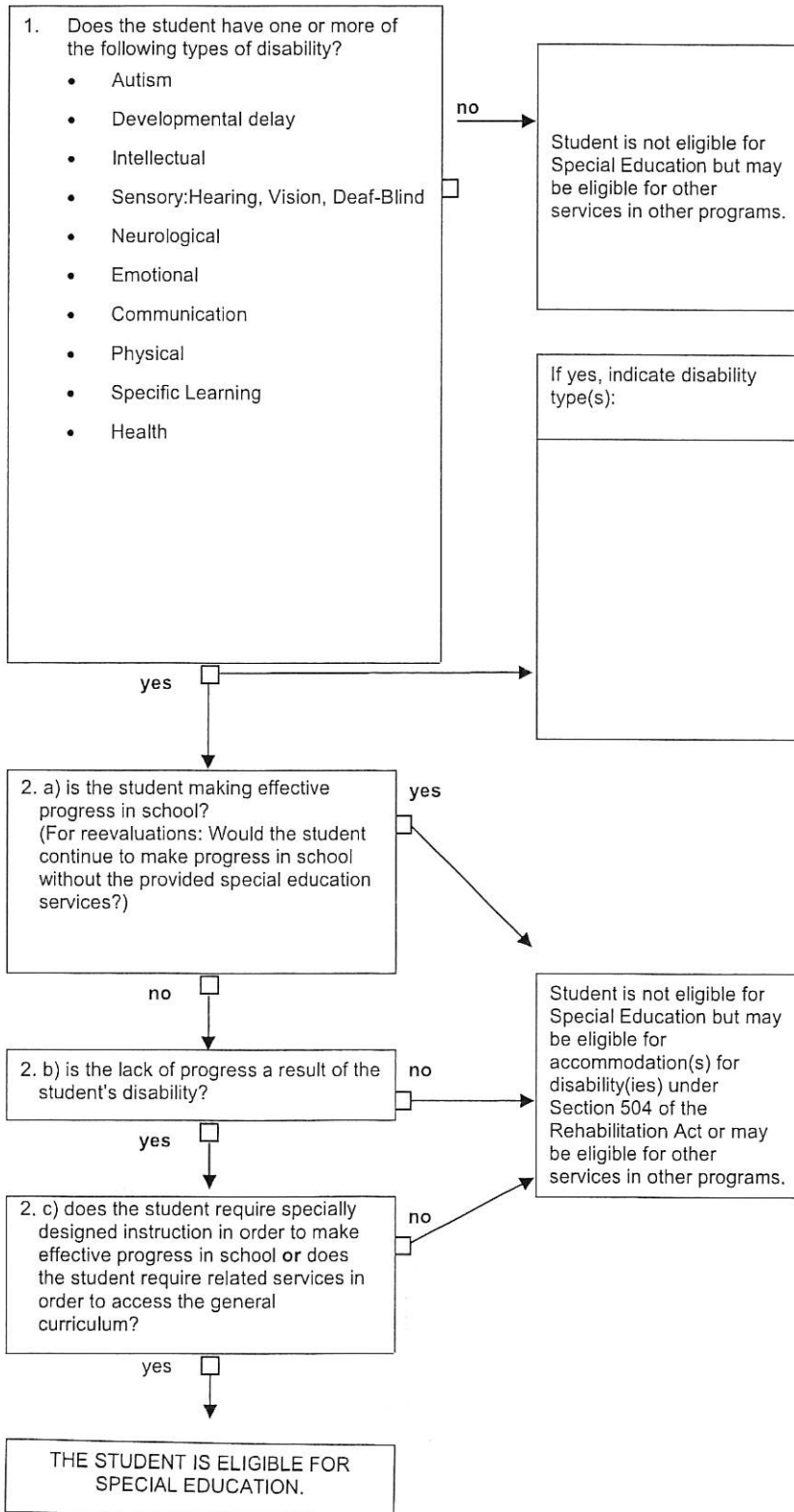
Team Meeting

School District Name:
 School District Address:
 School District Contact Person/Phone #:

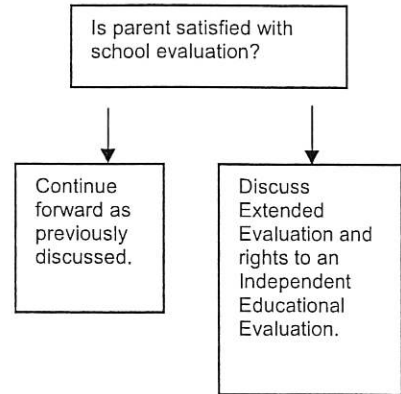
Special Education Eligibility/Initial and Reevaluation Determination

Student Name: _____ DOB: _____ ID#: _____ Date: _____

A. Proceed through the flowchart until an eligibility determination is reached..



B. Answer this question for all students.



KEY EVALUATION FINDINGS
AND/OR NEXT STEPS

DISABILITY DEFINITIONS

<p>Autism: A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR 300.7.</p>	<p>Key words from the state and federal definitions:</p> <ul style="list-style-type: none"> ● A developmental disability significantly affecting verbal and nonverbal communication and social interaction ● generally evident before age 3 . . . ● adversely affects. . . educational performance ● engagement in repetitive activities and stereotyped movements ● resistance to environmental change or change in daily routines, and ● unusual responses to sensory experiences
<p>Developmental Delay: The learning capacity of a young child (3-9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ● 3-9 years old ● Learning capacity significantly limited, impaired, or delayed ● Difficulties in one or more areas
<p>Intellectual Impairment: The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with mental retardation.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ● permanent capacity for performing cognitive tasks ● is significantly limited or impaired ● shall include students with mental retardation
<p>Sensory Impairment: Hearing - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of -hearing.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ● capacity to hear with amplification ● limited, impaired, or absent ● reduced performance in hearing acuity ● difficulty with oral communication ● difficulty understanding auditorally-presented information
<p>Sensory Impairment: Vision - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ● capacity to see, after correction ● limited, impaired, or absent ● reduced performance in visual acuity ● difficulty with written communication ● difficulty with understanding information presented visually
<p>Sensory Impairment: Deaf-Blind - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ● concomitant hearing and visual impairments ● severe communication and other developmental and education needs

<p>Neurological Impairment: The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.</p>	<p>Key words</p> <ul style="list-style-type: none"> • capacity of the nervous system is limited or impaired • includes traumatic brain injury <p>Note: The MA definition of neurological impairment is more inclusive than the federal definition, which is limited to students with traumatic brain injury.</p>
<p>Emotional Impairment: As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.</p>	<p>Note: The federal definition uses the terminology "serious emotional disturbance". State statutory requirements require that the term "emotional impairment" be considered synonymous with the term "serious emotional disturbance".</p> <p>Key words in both state & federal definitions</p> <ul style="list-style-type: none"> • long period of time and to a marked degree • adversely affects educational performance • inappropriate types of behavior or feelings under normal circumstances • not solely behavior • not solely court or social service involvement • not solely social maladjustment <p>This regulatory definition is by no means exhaustive in its listing of possible characteristics of an emotional impairment. Readers are reminded that many other sources of evidence of emotional impairment may affect educational progress.</p>
<p>Communication Impairment The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.</p>	<p>Key words:</p> <ul style="list-style-type: none"> • use of expressive and/or receptive language is significantly limited, impaired, or delayed • adversely affects educational performance <p>The regulatory definition is not exhaustive in its listing of communication areas that may be affected.</p>
<p>Physical Impairment: The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student's educational performance.</p>	<p>Key words:</p> <ul style="list-style-type: none"> • physical capacity to move, coordinate actions, or perform physical activities. • Significantly limited, impaired, or delayed • adversely affects educational performance <p>The regulatory definition is by no means exhaustive in its listing of physical impairments. Readers are reminded that <u>many</u> other physical impairments may affect educational progress.</p>

<p>Health Impairment: A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.</p>	<p>Key words:</p> <ul style="list-style-type: none"> ● chronic or acute ● capacity to function is significantly limited ● resulting in limited alertness with respect to the educational environment <p>The regulatory definition is by no means exhaustive in its listing of health impairments. Readers are reminded that <u>many</u> other health impairments may affect educational progress.</p>
<p>Specific Learning Disability: The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Use of the term shall meet all federal requirements given in federal law at 34 C.F.R. §§300.7 (c)(10) and 300.541.</p>	<p>Comments: Use of the term “an imperfect ability” must be considered in the context of other federal language, which provides guidance that such term may be considered to mean “seriously compromised”.</p> <ul style="list-style-type: none"> ● 34 CFR 300.541 includes an assessment of whether the student was provided with learning opportunities appropriate to the age of the student and directs the Team to look for a severe discrepancy between achievement and intellectual ability. (See also Table SA)

MAKING AN ELIGIBILITY DETERMINATION

The Eligibility Flowchart reviews the full process of making a determination of eligibility or ineligibility. The Ipswich Public Schools special education teams use both this flowchart and the Disability Definitions (both found on preceding pages) at Eligibility Determination meetings to guide all participants in decision-making.

As previously indicated, the Team makes assessment information available to parents two days in advance of the meeting. This allows time for the family to review the evaluations and note any questions they would like clarified. The descriptions below are modified from an excellent Department of Elementary and Secondary Education (DESE) resource, *“Is Special Education the Right Service?”*

On the flowchart, Question #1 asks, **“Does the student have one or more of the following types of disability?”** The assessment information gathered through the required assessment in the area of suspected disability will help the Team to answer this. The Team must indicate the type of disability.

The Team must identify the disability category that best represents the student’s difficulties. The Team may identify one disability as being primary and other disabilities as being secondary or tertiary.

A disabling condition is characterized by significant delays, impairment, or limitations in the student’s capacities. In making a disability determination, the Team considers all of the following indices of limited, impaired, or delayed capacity:

- A pattern of difficulty that persists beyond age expectations;
- A pattern of difficulty across settings;
- A pattern of difficulty that is not solely the result of cultural, language, or socio-economic differences;
- A pattern of difficulty that persists despite instructional support activities.

Although identifying a disability category is a similar process to that of making a diagnosis, state and federal guidelines caution that the Team is not diagnosing, but simply determining that the student be considered eligible because the assessed characteristics of the student are consistent with the regulatory definition of the disability. This may sometimes differ significantly from a clinical definition. For example, even though medical personnel may use the term “dyslexia”, there is no such disability category under the regulations. The Team may determine that, based on a medical diagnosis in combination with the Team’s own evaluations and observations, the student meets the criteria for “Specific Learning Disability”. The team is cautioned to focus on the educational impact of this clinical diagnosis. Diagnoses from the DSM-V or medical environment may have contributory relevance to a Team’s designation of a disability, but they cannot be the sole determinant of eligibility.

Guidance from MA DESE is very clear that, although a Team may use a diagnosis made available to them, it is not the responsibility of the Team to confirm or deny a diagnosis made by an assessor. Additionally, parents and school Team members are cautioned that although medical personnel may make contributions to the Team by providing reports or recommendations, the following holds true:

Special education law explicitly requires that a Team of people, including educators and the parent(s) make a determination of eligibility. Although medical personnel may be members of a Team, they cannot be the only voice of the Team since a determination of eligibility for special education is an educational decision and not a medical one. (Is Special Education the Right Service? 19)

The Team makes the disability identification within the context of the educational impact of the disability. The Team examines whether the student is unable to progress effectively in general education, and if the disability alone or in conjunction with other factors explains why the student is unable to make effective progress.

In Three Year Re-Evaluations, the Team must make a continued eligibility determination, deciding whether the student continues to have a disability that has educational impact. In cases where the student was initially found eligible under the disability category, “Developmental Delay” and is currently or within a year of becoming 9 years old, the Team must determine if the student has a disability in this category.

Question #2 on the flowchart asks, “**Is the student making effective progress in school?**” According to the regulations, progressing effectively entails making documented growth in the acquisition of knowledge and skills including social/emotional development within the general education programs, with or without accommodations, according to chronological age and developmental expectations, the individual educational potential of the child, and the learning standard set forth in the MA Curriculum Frameworks and the curriculum of the District.

DESE guidance concerning this standard emphasizes that the definition combines both individual factors (educational potential of the student) and more standardized factors (chronological age, developmental expectations, Curriculum Frameworks learning standards). The law requires that the Team use both academic and non-academic information about the student to determine if the student’s participation in the school life is evidence of effective progress.

The next few pages represent DESE guidance regarding specific disabilities for Teams to consider in eligibility determination.

INDIVIDUALIZED EDUCATION PROGRAM

Once a Team has determined that the student has a disability and is unable to make effective progress in the classroom without specialized instruction, the Team works to develop the Individual Educational Program (IEP). The Program Manager running the meeting will institute a variety of strategies for ensuring the input of all participants. Three main tasks that the IEP must accomplish include determining the following:

- What will be done to help the student make effective progress in the curriculum and other school-related areas? This will involve setting measurable goals and determining services necessary to attain those goals.
- How will the student participate in local and state assessment? This may involve accommodations and modifications.
- What measurable goals and benchmarks (based on the evaluative data) is the student expected to achieve by the end of the IEP period? How will we know when the student has achieved them?

The Team will agree as a group on the broad goal areas and the evaluators will make recommendations for service delivery based on the intensity of need. It is highly unlikely and not feasible that the IEP will be written as a group effort. Rather, the Program Manager as the meeting facilitator, will take care to ensure that there is time for parents and/or the student (if he/she is 14 years of age or older) to indicate their "Parent and Student Concerns" and for the Team as a group to articulate their Vision Statement (what outcomes the group envisions for the student that are reasonably accomplished within the next one to five years).

SPECIAL EDUCATION TEAM

The term “Special Education Team” or “Team” has been referenced many times. It is important to note that the Team represents a collaboration of home and school. The Special Education Team is comprised of individuals who work with and know the student, and who develop, revise, and review the IEP. Every student evaluated for special education services has a Team who must determine whether the student is eligible for services and, when eligible, what services should be provided.

By law, the Team is comprised of the following:

- The student if he/she is age 14 or older
- The parent(s), guardian(s), or educational surrogates
- At least one general education teacher
- A special education teacher
- Related service providers as appropriate to the areas of suspected disability
- A school professional with the authority to commit District resources, who will facilitate the meeting. This is usually the special education Program Manager in the school.
- A representative of any agencies responsible for transition services
- Others who the parents or District wish to invite

The members of the Team invited to the meeting are listed on the Meeting Invitation. If, on the day of the meeting, a Team member is unavailable, the Program Manager will seek written permission in the form of a Meeting Excusal, indicating willingness to carry on the meeting without the member being present. Similarly, if the parents indicate that they do not wish the student to attend the meeting, they will be asked to similarly sign the Meeting Excusal.

LEAST RESTRICTIVE ENVIRONMENT

The Least Restrictive Environment (LRE) is a fundamental principle of special education law. All students have the right to access the high expectations of the general education environment to the degree that their disabilities permit. The LRE is the environment where a student with disabilities can receive the Free and Appropriate Education (FAPE) designed to meet his or her unique individual needs while still being educated with non-disabled peers.

- LRE is designed to ensure that students with disabilities are educated with non-disabled peers to the extent appropriate given the students' disabilities. Students have the right to be educated in the Least Restrictive Environment.
- LRE means that, to the maximum extent appropriate, students with disabilities have the right to be educated in the general education environment and in the classroom they would have attended if they did not have disabilities.
- LRE means the student cannot be removed from the general education classroom solely because of the needed curriculum modifications.
- LRE means that removal from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with special education services cannot be satisfactorily achieved.

School District Name:
School District Address:
School District Contact Person/Phone #:

Administrative Data Sheet

STUDENT INFORMATION:

Full Name: _____ School ID#: _____ SASID: _____
Birth Date: _____ Place of Birth: _____ Age: _____ Grade/Level: _____
Primary Language: _____ Language of Instruction: _____
Address: _____ Sex: Male Female
Home Telephone: _____
If 18 or older: Acting on Own Behalf Court Appointed Guardian: _____
 Shared Decision-Making Delegate Decision-Making

PARENT/GUARDIAN INFORMATION:

Name: _____ Relationship to Student: _____
Address: _____
Home Telephone: _____ Other Telephone: _____
Primary Language of parent/guardian: _____

PARENT/GUARDIAN INFORMATION:

Name: _____ Relationship to Student: _____
Address: _____
Home Telephone: _____ Other Telephone: _____
Primary Language of parent/guardian: _____

MEETING INFORMATION:

Date of Meeting: _____ Type of Meeting: _____
Next Scheduled Annual Review Meeting: _____ Next Scheduled Three Year Reevaluation Meeting: _____

ASSIGNED SCHOOL INFORMATION: (Complete after a placement has been made.)

School Name: _____ Telephone: _____
Address: _____
Contact Person: _____ Role: _____ Telephone: _____
Cost-Shared Placement: No Yes If yes, specify agency: _____

After a meeting, attach to an IEP, an IEP Amendment or an Extended Evaluation Form.

School District Name:

School District Address:

School District Contact Person/Phone #:

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____ Grade/Level: _____

Parent and/or Student Concerns

What concern(s) does the parent and/or student want to see addressed in this IEP to enhance the student's education?

Student Strengths and Key Evaluation Results Summary

What are the student's educational strengths, interest areas, significant personal attributes and personal accomplishments?
What is the student's type of disability(ies), general education performance
including MCAS/district test results, achievement towards goals and lack of expected progress, if any?

Vision Statement: What is the vision for this student?

Consider the next 1 to 5 year period when developing this statement. Beginning no later than age 14,
the statement should be based on the student's preferences and interest,
and should include desired outcomes in adult living, post-secondary and working environments.

IEP 1

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Present Levels of Educational Performance

A: General Curriculum

Check all that apply.

- | | |
|--|--|
| <input type="checkbox"/> English Language Arts | General curriculum area(s) affected by this student's disability(ies):
Consider the language, composition, literature (including reading) and media strands. |
| <input type="checkbox"/> History and Social Sciences | Consider the history, geography, economic and civics and government strands. |
| <input type="checkbox"/> Science and Technology | Consider the inquiry, domains of science, technology and science, technology and human affairs strand. |
| <input type="checkbox"/> Mathematics | Consider the number sense, patterns, relations and functions, geometry and measurement and statistics and probability strands. |
| <input type="checkbox"/> Other Curriculum Areas | Specify: |

How does the disability(ies) affect progress in the curriculum area(s)?

What type(s) of accommodation, *if any*, is necessary for the student to make effective progress?

What type(s) of specially designed instruction, *if any*, is necessary for the student to make effective progress?

Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:
- Methodology/Delivery of Instruction:
- Performance Criteria:

Use multiple copies of this form as needed.

IEP 2

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Present Levels of Educational Performance

B: Other Educational Needs

Check all that apply.

- Adapted physical education
- Braille needs (blind/visually impaired)
- Extra curriculum activities
- Social/emotional needs
- Other

General Considerations

- Assistive tech devices/services
- Communication (all students)
- Language needs (LEP students)
- Travel training

- Behavior
- Communication (deaf/hard of hearing students)
- Nonacademic activities
- Skill development related to vocational preparation or experience

Age-Specific Considerations

- For children ages 3 to 5 — participation in appropriate activities
- For children ages 14* (or younger if appropriate) — student's course of study
- For children ages 16 (or younger if appropriate) to 22 — transition to post-school activities including community experiences, employment objectives, other post school adult living and, if appropriate, daily living skills

How does the disability(ies) affect progress in the indicated area(s) of other educational needs?

What type(s) of accommodation, *if any*, is necessary for the student to make effective progress?

What type(s) of specially designed instruction, *if any*, is necessary for the student to make effective progress?

Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:
- Methodology/Delivery of Instruction:
- Performance Criteria:

Use multiple copies of this form as needed.

IEP 3

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Current Performance Levels/Measurable Annual Goals

Goal #	Specific Goal Focus:
--------	----------------------

Current Performance Level: What can the student currently do?

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

Benchmark/Objectives: What will the student need to do to complete this goal?

Goal #	Specific Goal Focus:
--------	----------------------

Current Performance Level: What can the student currently do?

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

Benchmark/Objectives: What will the student need to do to complete this goal?

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Service Delivery

What are the total service delivery needs of this student?

Include services, related services, program modifications and supports (including positive behavioral supports, school personnel and/or parent training/supports). Services should assist the student in reaching IEP goals, to be involved and progress in the general curriculum, to participate in extracurricular/nonacademic activities and to allow the student to participate with nondisabled students while working towards IEP goals.

School District Cycle: 5 day cycle 6 day cycle 10 day cycle other:

A. Consultation (Indirect Services to School Personnel and Parents)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

B. Special Education and Related Services in General Education Classroom (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

C. Special Education and Related Services in Other Settings (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Nonparticipation Justification

Is the student removed from the general education classroom at any time? (Refer to IEP 5—Service Delivery, Section C.)

No Yes If yes, why is removal considered critical to the student's program?

IDEA 2004 Regulation 20 U.S.C. §612 (a) (5).550: "... removal of children with disabilities from the regular educational environment occurs **only when** the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." (Emphasis added.)

Schedule Modification

Shorter: Does this student require a *shorter school day or shorter school year*?

No Yes — shorter day Yes — shorter year If yes, answer the questions below.

Longer: Does this student require a longer school day or a longer school year to prevent substantial loss of previously learned skills and / or substantial difficulty in relearning skills?

No Yes — longer day Yes — longer year If yes, answer the questions below.

How will the student's schedule be modified? Why is this schedule modification being recommended?

If a longer day or year is recommended, how will the school district coordinate services across program components?

Transportation Services

Does the student require transportation as a result of the disability(ies)?

No Regular transportation will be provided in the same manner as it would be provided for students without disabilities. If the child is placed away from the local school, transportation will be provided.

Yes Special transportation will be provided in the following manner:

on a regular transportation vehicle with the following modifications and/or specialized equipment and precautions:

on a special transportation vehicle with the following modifications and/or specialized equipment and precautions:

After the team makes a transportation decision and after a placement decision has been made, a parent may choose to provide transportation and may be eligible for reimbursement under certain circumstances. Any parent who plans to transport their child to school should notify the school district contact person.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

State or District-Wide Assessment

Identify state or district-wide assessments planned during this IEP period:

Fill out the table below. Consider any state or district-wide assessment to be administered during the time span covered by this IEP. For each content area, identify the student's assessment participation status by putting an "X" in the corresponding box for column 1, 2, or 3.

1. Assessment participation:
Student participates in on-demand testing under routine conditions in this content area.

2. Assessment participation:
Student participates in on-demand testing with accommodations in this content area. (See 1 below)

3. Assessment participation:
Student participates in alternate assessment in this content area. (See 2 below)

CONTENT AREAS	COLUMN 1	COLUMN 2	COLUMN 3
English Language Arts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
History and Social Sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Science and Technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1 For each content area identified by an X in the column 2 above: note in the space below, the content area and describe the accommodations necessary for participation in the on-demand testing. Any accommodations used for assessment purposes should be closely modeled on the accommodations that are provided to the student as part of his/her instructional program.

2 For each content area identified by an X in column 3 above: note in the space below, the content area, why the on-demand assessment is not appropriate and how that content area will be alternately assessed. Make sure to include the learning standards that will be addressed in each content area, the recommended assessment method(s) and the recommended evaluation and reporting method(s) for the student's performance on the alternate assessment.

NOTE

When state model(s) for alternate assessment are adopted, the district may enter use of state model(s) for how content area(s) will be assessed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Additional Information

- Include the following transition information: the anticipated graduation date; a statement of interagency responsibilities or needed linkages; the discussion of transfer of rights at least one year before age of majority; and a recommendation for Chapter 688 Referral.
- Document efforts to obtain participation if a parent and if student did not attend meeting or provide input.
- Record other relevant IEP information not previously stated.

Response Section

School Assurance

I certify that the goals in this IEP are those recommended by the Team and that the indicated services will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

- I accept the IEP as developed. I reject the IEP as developed.
- I reject the following portions of the IEP with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

- I request a meeting to discuss the rejected IEP or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP will not be implemented unless the IEP is amended.

School District Name:

School District Address:

School District Contact Person/Phone #:

Individualized Education Program (IEP) Amendment

Amendment will be attached to IEP dated: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____ Grade/Level: _____

What change(s) will be made to the existing IEP?	Why?

Use only for minor changes that do not change type of placement.

Individualized Education Program Amendment

Attached to IEP Dated: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Additional Information

Response Section

School Assurance

I certify that the changes in this amendment are those recommended by the Team and that the indicated services will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

- I accept the IEP amendment. I reject the IEP amendment.
- I reject the following portions of the IEP amendment with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

- I request a meeting to discuss the rejected IEP amendment or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP amendment will not be implemented unless the IEP or IEP amendment is changed.

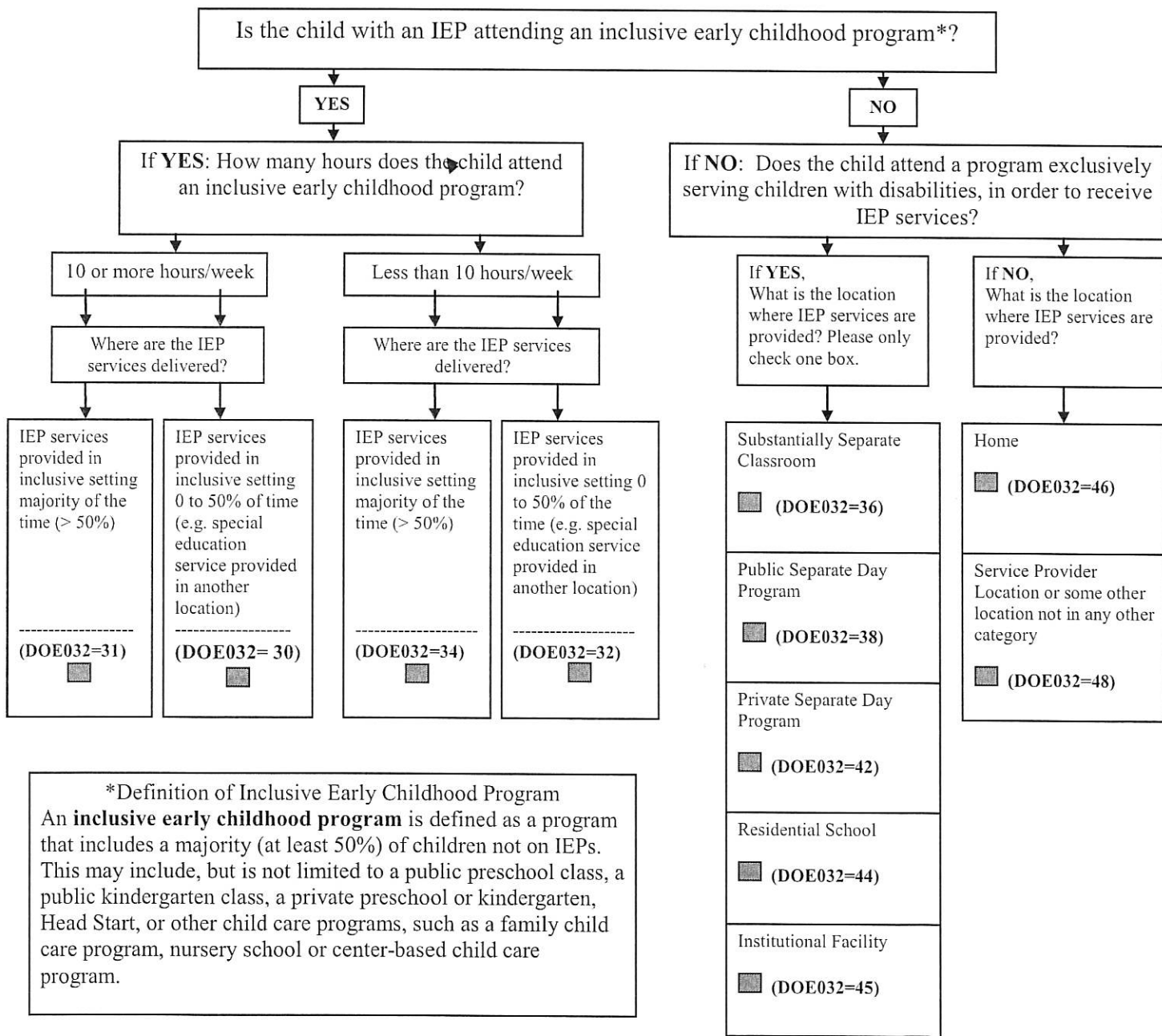
Educational Environment / Placement – PL2: 3-5 year olds

(For school district record keeping only)

District:	School:	To:	
Student:	SASID:	IEP Dates:	

FOR DATA COLLECTION PURPOSES ONLY – STUDENT INFORMATION MANAGEMENT SYSTEM (SIMS)

Clearly indicate the final DOE code that corresponds with the student's placement



Educational Environment / Placement – PL2: 6-21 year olds

(For school district record keeping only)

District:

School:

Student:

SASID:

IEP Dates:

To:

SPECIAL EDUCATION SUMMARY DATA
DOE034
Educational Environment for Students Age 6-21
<p>6-21 Year Olds ONLY:</p> <p>01-Not currently a special education student age 6-21, but was previously a special education student during the current school year</p> <p>10-Full Inclusion – special education services outside the general education classroom less than 21% of the time</p> <p>20-Partial Inclusion – special education services outside the general education classroom 21% to 60% of the time</p> <p>40-Substantially Separate Classroom – special education services outside the general education classroom more than 60% of the time</p> <p>41-Public Separate Day School</p> <p>50-Private Separate Day School</p> <p>60-Residential School</p> <p>70-Homebound/Hospital</p> <p>90-Public Residential Institutional Facilities (DMH and DPH = 0370XXXX schools; DYS = 09200300; County House or Dept. of Corrections = 09200500)</p>

For the purpose of this exercise, the total hours per week = 28 hours. This may not necessarily reflect the true hours in a school week.

Case Studies to Assist in Determining Correct Corresponding Educational Environments for DOE034		
SCENARIO	DETERMINATION	CORRECT PLACEMENT
<p>Seven year-old Maria spends most of her day in a general education classroom but is removed from the general education classroom for speech therapy and special education services for a total of two hours per day.</p>	<p>2 hours per day X 5 days = 10 hours special education outside the general education setting</p> <p>10 hours / 28 total hours per week X 100 = 35.7% outside the general education classroom</p>	<p>20-Partial Inclusion special education services outside the general education classroom 21% to 60% of the time</p>
<p>For the entire school day, fourteen year-old Stacy is in a collaborative program located in a building outside the general education environment that provides educational services primarily to students with disabilities.</p>	<p>Stacy does not attend her local public school, but rather attends a public collaborative program in a separate school. She is there during the day and does not spend the night. She receives all her special education services in this school.</p>	<p>41-Public Separate Day School</p>
<p>The district placed Pat at a Massachusetts Approved Private Special Education school. Though still attending this school for half of each day, he is now transitioning back to his local high school where he participates in two general education classes and one special education life skills class.</p>	<p>Pat's placement is at the Massachusetts Approved Private Special Education school. Even though he attends his local high school and is in the general education environment while there, his primary placement is the private separate school.</p>	<p>50-Private Separate Day School</p>
<p>Eight year-old Raymond is a home-schooled student who is provided 4 hours per week of one-to-one occupational therapy.</p>	<p>4 hours receiving special education services outside the general education / 28 total hours X 100 = 14.3% outside general education</p>	<p>10-Full Inclusion special education services outside the general education classroom less than 21% of the time</p>
<p>17 year-old Tamara receives all of her core academics in a special education classroom. She participates in one elective course with her non-disabled peers for one-hour each day.</p>	<p>28 total hours minus 5 hours a week in general education = 23 hours receiving special education outside the general education setting</p> <p>23 hours receiving special education services outside the general education / 28 total hours X 100 = 82.1% outside the general education</p>	<p>40-Substantially Separate Classroom special education services outside the general education classroom more than 60% of the time</p>
<p>Robert has been attending his local high school where he is primarily in co-taught general education classes. Additionally, he receives 1-hour of special education services in a resource room each day. In November Robert was arrested and is now in a Department of Youth Services facility. He is expected to remain there for three months.</p>	<p>Any SIMS reporting that occurs prior to Robert's arrest in November would be calculated and reported according to his IEP. 5 hours receiving special education services outside the general education / 28 total hours X 100 = 17.9% outside general education.</p> <p>Any SIMS reporting that occurs while Robert is in the DYS facility should be reported in a public residential institutional facility.</p>	<p>10-Full Inclusion special education services outside the general education classroom less than 21% of the time</p> <hr style="border-top: 1px dotted black;"/> <p>90-Public Residential Institutional Facilities Department of Youth Services SIMS school code = 09200300</p>

School District Letterhead

To: _____
[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]

Re: _____
[Name of Student and other identifying information (i.e. DOB, ID#)]

Subject: **The school district proposes the following:** [Check all that apply.]

- An Evaluation
- An IEP/Amendment
- A Placement
- Other: _____ (please specify)

Notice Date: _____ [Date notice is to be mailed.]

The school district has recently discussed this student and, with your input, has developed a proposal. We have described our actions and our reasons for these actions on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights within the *Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. This notice is enclosed for initial evaluations. You should have received your *Notice of Procedural Safeguards* on _____ if you will be attending an IEP/Amendment or Placement meeting during this school year. We will also disseminate the notice at your request and upon disciplinary removal to an alternative education setting. You should carefully review this brochure and the enclosed material before making any decisions.

The school district staff is available to speak to you or meet with you about your rights and the school district's proposal. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

An Evaluation Consent Form, an IEP or an IEP Amendment must be signed and returned, as we are required by law to have a signed copy on file regardless of your decision. Please return a copy as soon as possible but no later than the date listed below. Thank you.

Document Return Date: _____ [Date or non-applicable]

District Contact Person: _____ [Name and Role]

Contact Information: [Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]

Enclosures:

- Notice of Procedural Safeguards* [for initial evaluations, parent request or disciplinary removal]
- Other: [Specify: Evaluation Consent Form, Extended Evaluation Form, IEP, IEP Amendment, etc.]

Re: _____ [Name of Student and other necessary identifying information]

Notice Date: [Date from page 1]

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School district must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

*Describe one or more of the following actions: Initial Evaluation, Reevaluation, Emergency Evaluation, Extended Evaluation Period, IEP, IEP Amendment, Placement **(include the specific placement location and transportation requirements, if any)**. Graduation or any other proposal used to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:*

- 1. What action is the school district proposing to take?*
- 2. Why is the school district proposing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the proposed action?*
- 5. What other factors were relevant to the school district's decision*
- 6. What next steps, if any, are recommended?*

Narrative Description of School District Proposal

School District Name

**EVALUATION CONSENT FORM
Attachment to N 1**

TYPE OF ASSESSMENTS: <i>A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. [Check yes or no for each assessment.]</i>	RECOMMENDED	
	YES	NO
Assessment in All Areas Related to the Suspected Disability(ies) – describes the student’s performance in any area related to the child’s suspected disability(ies). List recommended assessment(s): _____ _____ _____		
Educational Assessment – includes the history of the student’s educational progress in the general curriculum and includes current information on the student’s performance.		
Observation of the Student – includes the student’s interaction in the student’s classroom environment or in a child’s natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student’s education.		
Psychological Assessment – describes the student’s learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student’s education and, with written consent, may include a home visit.		

PARENT RESPONSE SECTION

Please indicate your response by checking at least one (1) box and returning a signed copy to the school district. Please keep one copy for your records. Thank you.

I accept the proposed evaluation in full. I reject the proposed evaluation in full.

I accept the proposed evaluation in part and request that only the listed assessments be completed:

I additionally request the following assessment(s): assessment(s) listed above: _____ other assessments: (specify) _____

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

**Required signature once a student reaches 18 unless there is a court appointed guardian.*

PARENT INPUT

We strongly encourage you to share your knowledge of this student with us. If you choose, please provide a written statement (use back of form) or call the indicated contact person. Thank you.

School District Letterhead

To: *[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]*

Re: *[Name of Student and other identifying information (i.e. DOB, ID#)]*

Subject: **The school district does not intend to act:** *[Check all that apply.]*

Finding of No Eligibility

Refusal of Requested Services

Other: _____
[Please specify.]

Notice Date: *[Date notice is to be mailed.]*

The school district has recently discussed this student with you. We now write to tell you of our intention not to act on a request. We have described our reasons for refusing on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights in the *Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. You should have received this brochure prior to the initial evaluation. If you would like another copy, please contact the school district staff. You should carefully review this brochure and the enclosed material.

The school district staff is available to speak to you or meet with you about your rights and the school district's refusal to act. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

District Contact Person: *[Name and Role]*

Contact Information: *[Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]*

Enclosures:

Other: *[specify]*

Re: *[Name of Student and other necessary identifying information]*

Notice Date: *[Date from page 1]*

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School districts must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

Describe any refusal to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:

- 1. What action is the school district refusing to take?*
- 2. Why is the school district refusing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the refusal to act?*
- 5. What other factors were relevant to the school district's decision?*
- 6. What next steps, if any, are recommended?*

Narrative Description of School District Refusal To Act

School District Letterhead

To: *[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]*

Re: *[Name of Student and other identifying information (i.e. DOB, ID#)]*

Subject: **MEETING INVITATION**

Notice Date: *[Date notice is to be mailed.]*

You are invited to a meeting to discuss the above-named student. Your participation is essential. The purpose and details of the meeting are printed below. Other invited participants are listed on the enclosed attendance form.

It is your legal right to be present and to participate. Also, the school district values your input and hopes you will make every effort to attend this meeting.

If the suggested meeting time is inconvenient, we will set a more convenient time. Please call the listed contact person to request another meeting time. If you cannot attend, it is our responsibility to obtain your participation, if at all possible, in another way.

You may invite other individuals to attend who have knowledge or special expertise regarding this student. We request that you inform us in advance of the meeting if you plan to invite other individual(s) to join us. Again, please call the listed contact person with this information.

We look forward to working cooperatively with you on behalf of this student.

Meeting Purpose: *[Eligibility Determination, IEP Development, Placement Determination, Transition Planning or specify other purpose]*

Meeting Date/Time/Location: *[Details of Meeting Date, Time and Location]*

District Contact Person: *[Name and Role]*

Contact Information: *[Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]*

Enclosure: N 3A – Attendance Sheet *[should be included in all cases]*

c: Student age 14 or older

School District Name:
School District Address:
School District Contact Person/Phone #:

Attendance Sheet

Special Education Team Meeting

DATE: _____

Student Name: _____ DOB: _____ ID#: _____

Purpose of Meeting: Check all boxes that apply.

- | | | |
|--|--|------------------------------------|
| <input type="checkbox"/> Eligibility Determination | <input type="checkbox"/> IEP Development | <input type="checkbox"/> Placement |
| <input type="checkbox"/> Initial Evaluation | <input type="checkbox"/> Initial | |
| <input type="checkbox"/> Reevaluation | <input type="checkbox"/> Annual Review | |
| | <input type="checkbox"/> Other: _____ | |

Print Names of Team Members	Print Roles of Team Members	Initial if in attendance

Attachment to N3

IEP DEVELOPMENT

The IEP meeting can be a daunting process for parents because a great deal of information is discussed and the meeting itself may take from one to one and one half hours. For that reason, it is rare that the entire Team would write an IEP line-for-line during this meeting. Instead, the parent(s) will be given a Meeting Summary sheet. For students found eligible for services, this will identify the goal areas as well as the service delivery grid. For students who are found not eligible, the Summary Sheet will identify next steps. The Meeting Summary templates used by Ipswich Teams for various types of meetings are included in the ensuing pages.

The IEP (Individualized Educational Program) is developed based on the discussion at the Team meeting. The results of the individual evaluations are used to provide baseline information that allows the Team to detail modifications, accommodations, measurable goals, and services for the student.

The IEP includes information including the nature and extent to which the student may require environmental accommodations or modifications, and what resources are required to support learning in the general education curriculum and environment. IEP development occurs in a structured, sequential manner.

- **Present Levels of Performance** are a statement of what strengths and needs the student currently exhibits.
- **Goals** identify the knowledge and skills that the student will need to achieve by the end of the IEP year.
- Special education programs and **services** are detailed in terms of type of service, amount of time, and period of duration.
- Service **providers** are also delineated by category.

**IPSWICH PUBLIC SCHOOLS
IEP MEETING SUMMARY
(Initial & Re-Evaluation)**

Student Name: _____ Date: _____

School: _____ Grade: _____

Parent/Guardian Name(s): _____

IEP Liaison: _____ Telephone: _____

Person completing this form: _____

Type of Meeting (Circle one): *Initial* *Re-evaluation*

Eligibility Determination: Disability (ies) _____
Effective Progress: Yes or NO
Major Goal Areas: _____

Discussed Bullying/Harassment:

1. Does the Team believe the student could potentially become a target? _____
2. Is the student able to identify bullying attempts? _____
3. Does the student engage in behavior that might be identified as bullying? _____
4. Is the student able to conform to the school's code of conduct relative to bullying prevention? _____
5. Is the student able to access the general education curriculum, including the bullying prevention curriculum? _____

Special Considerations for ASD: **Yes or No**

Notes: _____

Service Delivery Grid (attached): **Yes or No**

A-Indirect Services **B**-Direct Services in General Education Setting **C**-Direct services in Other Setting

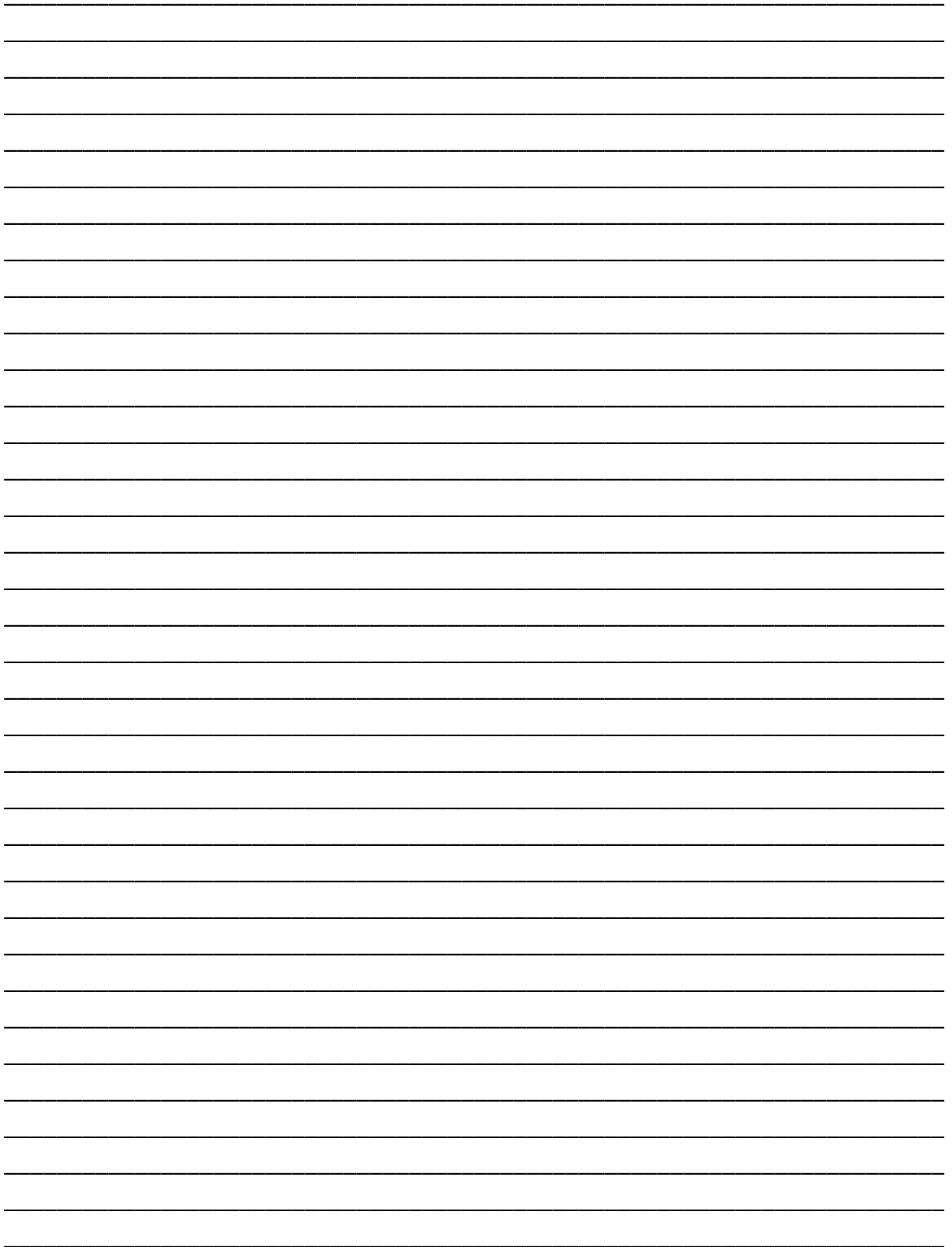
Transition Plan (14 Years and older): _____

For High School Only: 688 Referral: _____ Age of Majority: _____ Anticipated Date of Graduation: _____

MAIN FOCUS OF DISCUSSION:

The parents were furnished with a copy of the **Procedural Rights** brochure with their evaluation consent form.

***I have received a copy of the Meeting Summary:** _____
(Continued on back of form Y or N) (Signature)



IPSWICH PUBLIC SCHOOLS
IEP MEETING SUMMARY
(Amendment, Progress, Other)

Student Name: _____ **Date:** _____

School: _____ **Grade:** _____

Parent/Guardian Name(s):

IEP Liaison: _____ **Telephone:** _____

Person completing this form:

Type of Meeting *(Circle one)*: **Amendment** **Progress** **Other:** _____

Service Delivery Grid *(attached)*: **Yes** **or** **No**

A-Indirect Services **B**-Direct Services in General Education Setting

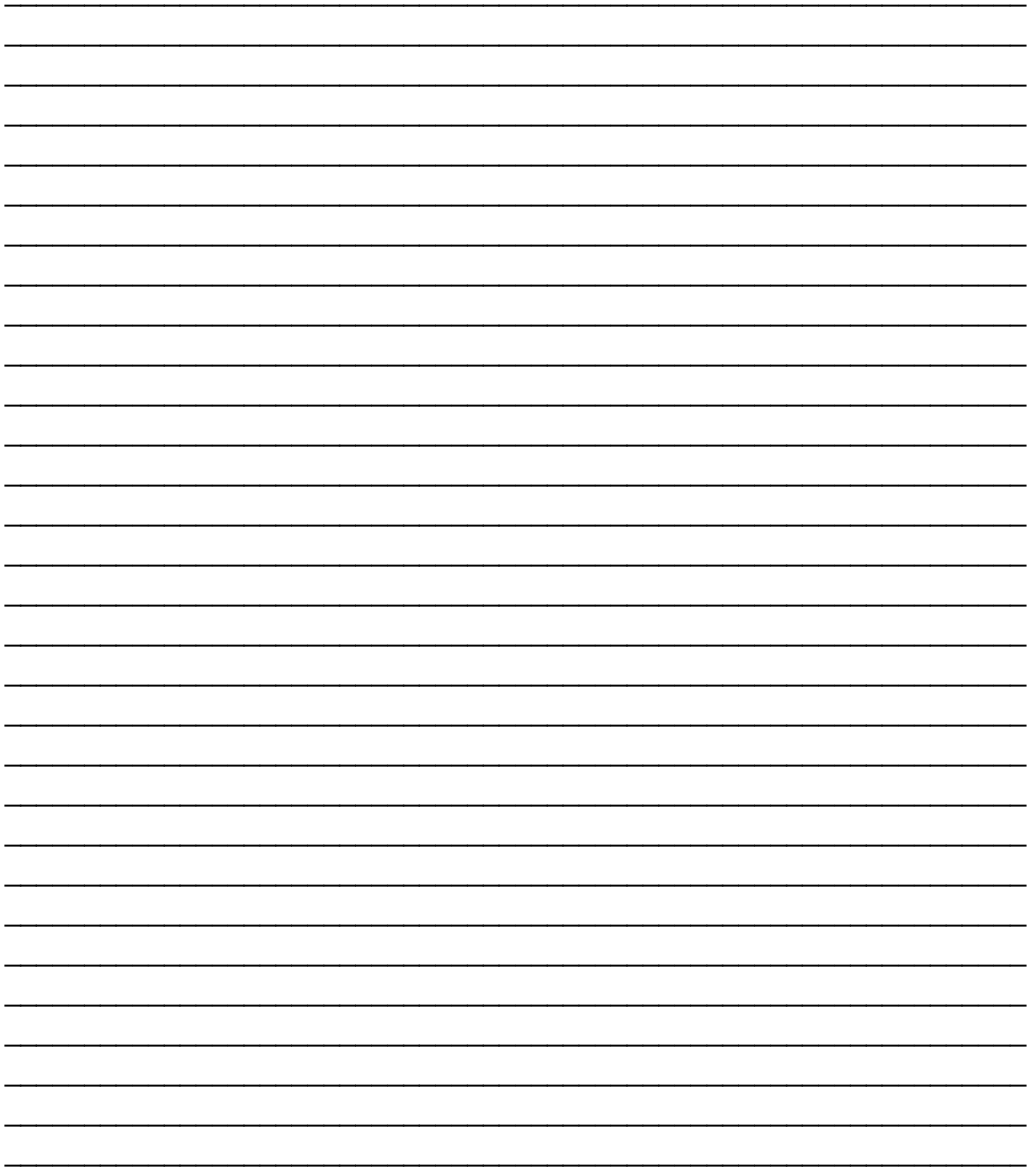
C-Direct services in Other Setting

MAIN FOCUS OF DISCUSSION:

***I have received a copy of the Meeting Summary:** _____

(Continued on back of form Y or N)

(Signature)



**IPSWICH PUBLIC SCHOOLS
IEP MEETING SUMMARY
(Annual Review)**

Student Name: _____ Date: _____

School: _____ Grade: _____

Parent/Guardian Name(s): _____

IEP Liaison: _____ Telephone: _____

Person completing this form: _____

Type of Meeting : Annual Review

Major Goal Areas: _____

Discussed Bullying/Harassment:

1. Does the Team believe the student could potentially become a target? _____
2. Is the student able to identify bullying attempts? _____
3. Does the student engage in behavior that might be identified as bullying? _____
4. Is the student able to conform to the school's code of conduct relative to bullying prevention? _____
5. Is the student able to access the general education curriculum, including the bullying prevention curriculum? _____

Special Considerations for ASD: Yes, No, or N/A

Notes: _____

Service Delivery Grid (attached): Yes or No

A-Indirect Services **B**-Direct Services in General Education Setting **C**-Direct services in Other Setting

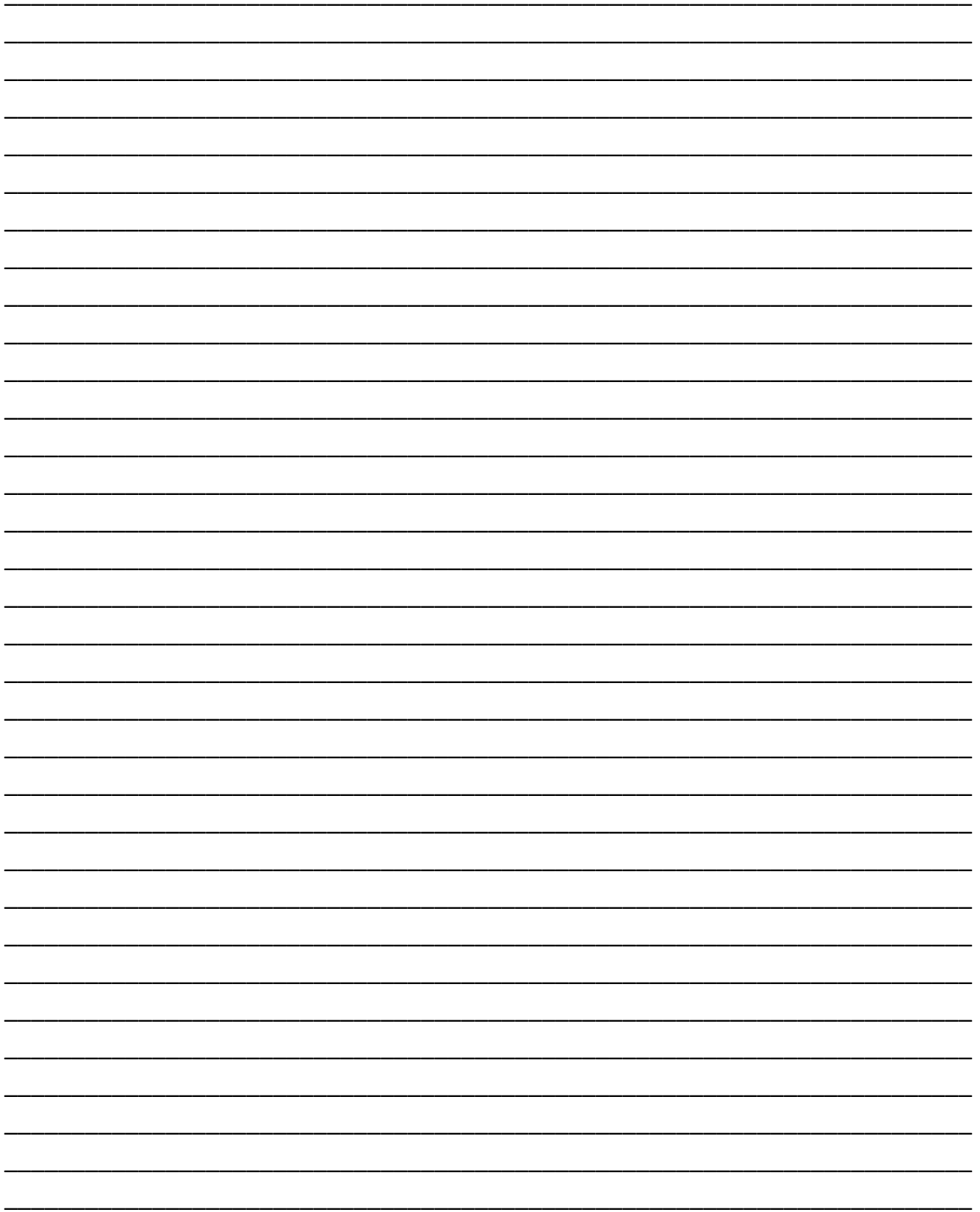
Transition Plan (14 Years and older): _____

For High School Only: 688 Referral: _____ Age of Majority: _____ Anticipated Date of Graduation: _____

MAIN FOCUS OF DISCUSSION: (major Goals, Accommodations, Schedule Modifications, Rejected Items, etc.)

The parents were furnished with a copy of the **Procedural Rights** brochure at the time of the meeting to develop the IEP.

***I have received a copy of the Meeting Summary:** _____
(Continued on back of form Y or N) (Signature)





Ipswich Public Schools Individualized Education Program Post-Meeting Survey

You recently participated in a Team Meeting at your student's school to address his or her educational needs. We value your opinion and would appreciate it if you could take a few minutes to complete the survey and return it to us in the enclosed envelope.

Meeting Date: _____

School:

- PreK Doyon Winthrop Middle High OOD

Meeting Purpose:

- Annual Review Re-evaluation Initial Assessment Other

Questions Applicable to All Meetings:

1. Were you notified of this meeting at least 10 days prior to the meeting?

Yes No

2. Did you receive information about the meeting and your student in your native/preferred language?

Yes No

3. Did the meeting start on or close to the scheduled time?

Strongly Disagree		Somewhat		Strongly Agree
1	2	3	4	5

4. Was the purpose of the meeting clearly stated at the beginning of the meeting?

Strongly Disagree		Somewhat		Strongly Agree
1	2	3	4	5

5. I was encouraged to provide information and ask questions during the meeting.

Strongly Disagree		Somewhat		Strongly Agree
1	2	3	4	5

6. Even though we did not agree, I had the opportunity to express my thoughts and concerns.

Strongly Disagree		Somewhat		Strongly Agree	
1	2	3	4	5	N/A

7. Clear information was shared about my student's performance during this meeting.

Strongly Disagree		Somewhat		Strongly Agree
1	2	3	4	5

8. The Team made recommendations to meet my student's educational needs.

Strongly Disagree		Somewhat		Strongly Agree
1	2	3	4	5

9. Recommendations provided will meet my child's needs.

Strongly Disagree 1 2 Somewhat 3 4 Strongly Agree 5

Please Explain:

10. I received a copy of the Team Meeting Summary and proposed service delivery grid at the conclusion of the meeting.

Strongly Disagree 1 2 Somewhat 3 4 Strongly Agree 5

11. If there was a disagreement, options available to parents/guardians were explained.

Strongly Disagree 1 2 Somewhat 3 4 Strongly Agree 5 N/A

FOR INITIAL AND RE-EVALUATION MEETINGS:

12. Were your student's evaluation reports or summaries made available to you two days prior to the meeting?

Strongly Disagree 1 2 Somewhat 3 4 Strongly Agree 5

13. The process and criteria for special education eligibility were explained adequately to me.

Strongly Disagree 1 2 Somewhat 3 4 Strongly Agree 5

CONTINUE ONLY IF AN IEP WAS DEVELOPED:

14. My concerns and vision were included in the development of the IEP.

Strongly Disagree 1 2 Somewhat 3 4 Strongly Agree 5

In the spirit of continuous improvement, we would be open to any suggestions you may have.

1)

2)

Thank you!

Please visit us at our website www.ipsk12.net

SPECIAL CONSIDERATIONS IN CREATING IEPs

The Department of Elementary and Secondary Education (DESE) has offered guidance to special education Teams regarding the various disability categories. These considerations are important not only for the determination of eligibility for special education services, but also ensuring that various aspects of the presenting disability are addressed in the IEP plan that is developed.

The following pages, taken from "*Is Special Education the Right Service?*" should be reviewed by the Team in order to give full consideration to the educational impact of the disability areas.

TABLE SA (4 pages)

SPECIAL CONSIDERATIONS RELATED TO DISABILITY IN DETERMINING ELIGIBILITY

AUTISM

- Performance may be inconsistent and may not be consistent with developmental norms.
- Environmental structure and presentation of materials may significantly affect performance.
- High anxiety is frequently a major component and may affect performance measures.
- The impact of this disability may be pervasive.
- Students may manifest attentional issues and issues with organizing information and understanding abstract concepts.

DEVELOPMENTAL DELAY

- Appropriate consideration only for students 3-9 years of age
- Team must consider developmental normative data and curricular expectations of the educational environment
- Test scores cannot be single determinant of disability finding, particularly in making a finding of a significant delay. A balanced approach to assessment results is required.
- For 3-5 year old students, Team must consider student participation in developmentally appropriate activities.
- Appropriate standards to determine that the developmental delay exhibited by the student is “significant” - recommended minimum is 6 months delay; however, Team must determine if the affect on the student is “significant” in light of the educational context and expectations.
- Team should determine that delay is not a function of lack of instruction or opportunity to learn, nor a function of cultural differences or temporary events in the child’s life.
- Category should not be used as a “temporary catch-all” and the Team should consider if constellation of assessment findings fit with another disability type.

INTELLECTUAL IMPAIRMENT

- Nature of impairment is permanent and generally consistent across similar learning tasks.
- Health or physical impairments may have similar presentations. Team should carefully consider history and other reasons for assessment results.
- Evidence of limited capacity in at least three different settings or situations should be present.
- The impact of this disability is pervasive.

SENSORY IMPAIRMENT - HEARING

- Language and communication access and skills are integral to making effective progress for students who are deaf or have hearing loss.
- Hearing acuity, not auditory processing, is a key feature.
- Finding should address hearing capacity after correction, if correction is possible. Cochlear implants, hearing aids, or use of an FM system can correct or facilitate learning. If student uses any of these, the impact of such should be part of the assessment consideration.
- Careful consideration must be given to any sudden changes in hearing acuity to determine if short-term, corrective action can be taken, prior to determining eligibility.
- Hearing impairments are at high risk for co-existing with other disabilities.
- Due consideration must be given to assessment challenges with young children.

SENSORY IMPAIRMENT - VISION

- Vision impairments are at high risk for co-existing with other disabilities.
- There is a lack of formal assessment tools for vision loss and concomitant issues. This presents challenges in obtaining complete and representative assessment information.
- Stability or progressiveness of vision loss is integral to examining impact.
- Standardized tests developed for use with sighted individuals may provide inaccurate measures of skills, abilities, or developmental levels for blind or visually impaired students.
- Visual acuity, not visual processing is a key feature of this impairment.
- Finding should address vision capacity after correction, if correction is possible.

SENSORY IMPAIRMENT - DEAFBLIND

- Deafblindness is at high risk for co-existing with other disabilities, the presence of which may make hearing and vision loss.
- Many syndromes are associated with deafblindness. Presence of a syndrome should trigger key assessments.
- Unique challenges in obtaining representative skill levels
- Low incidence population presents challenges in identification and service issues. Acuity measures often fluctuate. Presence of an individual familiar with deafblindness is recommended.
- Safety and mobility are generally significant concerns.
- Intellectual capacity is difficult to evaluate and often inappropriately ignored. Deafblind individuals have wide range of abilities.

NEUROLOGICAL IMPAIRMENT

- Intellectual Impairment, Specific Learning Disability, or Emotional Impairment may have similar presentations.
- Potential for Intermittent, inconsistent, or delayed effects of neurological impairment confusing the connection to educational progress.
- High incidence of co-occurrence of behavioral issues, substance abuse issues, or issues of socially inappropriate behavior.
- Highly correlated with effects of neurotoxins (lead poisoning, substance abuse, Fetal Alcohol syndrome).
- Highly correlated with effects of stroke, brain tumors, traumatic brain injury, anoxia, spinal cord injury, infectious disorders (e.g., encephalitis), metabolic disorders, chemotherapy, radiation, degenerative diseases, and various syndromes.

EMOTIONAL IMPAIRMENT

- Team must consider if presentation is due to serious emotional disturbance or social maladjustment. (See Table 58)
- Willful decision making that does not result from deficits in judgement, skill, or performance attributable to an emotional impairment may preclude a finding of eligibility.
- Voluntary behavior with an absence of remorse that cannot be attributed to an emotional impairment may preclude a finding of eligibility.
- Involvement of the court or DYS must be carefully examined and not assumed to represent a finding of disability.
- High anxiety is frequently a major component of an emotional impairment and may affect performance measures.
- Lack of progress in relation to this type of disability must consider school attendance/school refusal; tardiness; transience; family, personal, or school crisis; and/or possible substance abuse.
- High incidence of co-occurrence of behavioral issues, substance abuse issues, or issues of socially inappropriate behavior

COMMUNICATION IMPAIRMENT

- Specific Learning Disability or Emotional Impairment may have similar presentation.
- A finding of a “significant” communication impairment must be related to the ability of the student to convey meaning to others or understand communication from others in both formal and informal educational contexts.
- Should not be used to provide supportive services to students with language differences rather than a disability
- Presence of minor articulation errors or disfluencies must be considered in the context of the educational environment and its expectations in order to determine if a disability exists and if it is causal to a lack of educational progress. Many students with minor articulation errors or disfluent speech do not require special education.

PHYSICAL IMPAIRMENT

- Student is not eligible when the physical need is short-term and medically treatable and does not affect ability to make effective educational progress.
- Student is not eligible when problems of physical disability can be corrected through changes to the physical plant or classroom space.
- Student is not eligible when problems of physical disability can be corrected through provision of assistive device(s) or equipment that can be used immediately without special training. (If such devices or equipment are educationally necessary, the school is required to provide them during school hours.)
- Student is not eligible when he/she has learned to independently use compensatory strategies, or assistive devices or equipment and is, therefore, making effective educational progress. (If such devices or equipment are educationally necessary, the school is required to provide them during school hours.)
- Student may be eligible if physical impairment is progressive and although educational progress is not currently impaired, the progress of the physically disabling condition makes such limitation inevitable and requires immediate attention to compensatory strategies.

HEALTH IMPAIRMENT

- See special considerations related to physical disabilities (above). Similar concerns are present for health impairments.
- Consideration of severity is critical and must occur in the context of the educational program and educational expectations, as well as the nature of the health impairment and expected longevity and severity.
- Consideration of temporary, episodic, or cumulative impact related to chronic conditions with phases of partial remission and acute impairment should be carefully considered in light of student’s educational progress over time.
- Health conditions may have an impact for the student that fluctuates over time and in response to medication or medical treatment. The Team must determine if such fluctuations represent a persistent threat to the student’s ability to make effective progress, or if they are episodic and short-term in nature and can be managed through temporary accommodations.
- Attention deficit disorders are discussed in more detail in Table 58.

SPECIFIC LEARNING DISABILITY

- Test scores cannot be single determinant of disability finding particularly in making a finding of a severe discrepancy. A balanced approach to assessment results is required.
- Federal requirements include that the team must determine that the student does not achieve commensurate with age and ability, if provided with learning experiences appropriate for the student’s age and ability (34 CFR 300.341 (a)); and

SPECIFIC LEARNING DISABILITY continued

- Team must ensure that finding of inability to make progress is not the result of other impairments or environmental, cultural, or economic disadvantage. (34 CFR 300.541(b)) (See also Table 58)
- Federal law requires that the Team find that the child has a severe discrepancy between intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension; written expression; basic reading skill; reading comprehension; mathematics calculation; and/or mathematics reasoning. (34 CFR 300.541 (a)(2))
- A written statement is required by the Team. (34 CFR 300.543) This statement must document the Team's determination of whether or not the student has a specific learning disability, the basis for the academic functioning: the educationally relevant medical findings, if any; and whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services. The written report must also include the determination of the Team concerning the effects of environmental, cultural, or economic disadvantage. Each Team member is required to indicate if such statement reflects his or her own conclusions and, if it does not, the Team member must submit a separate statement with his or her conclusions in these areas.
- Disability finding meshed with finding related to inability to make progress in education - cannot be considered separately like most of the other disability types.
- Consideration in relation to age, instructional history, cognitive abilities, and academic performance
- A pattern of strengths and weaknesses must be present.
- Particular attention must be paid to reading instruction (or lack thereof) when considering SLD. (See also Table 58)

TABLE 58 (3 pages)

SPECIAL CONSIDERATIONS RELATED TO STUDENTS WITH CERTAIN CHARACTERISTICS

Groups	Special Considerations
Students with suspected ADD or ADHD	<ul style="list-style-type: none"> ● Not eligible for special education solely by virtue of the diagnosis-assessment must show that attentional issues rise to the level of a disability. If so, most likely disability type will be “health impairment”. ● Diagnosis by General Practitioners must be considered in light of educational impact. Psychologists or Neurologists may be more precise in their use of this term in the educational context. ● Student needs may be able to be met through environmental accommodations or adaptations and may not require special education. ● Medical treatment options are controversial and parents may elect not to consider their use for students with such characteristics. ● Schools cannot make service contingent on use of medication for ADD or ADHD. ● If the student <u>does</u> use medication, then assessment must reflect performance with medication. ● Attentional issues may be components of other impairments or may co-occur with other impairments, and a careful consideration of emotional impairment, specific learning disability, neurological impairment, or other types of disabilities should accompany any discussion considering ADHD. ● Student’s attentional issues may significantly interfere with attention to the educational environment and may, therefore, significantly adversely affect educational performance. With no other presenting issues, the disability determination would be Health Impairment.
Young Children (3-5 years)	<ul style="list-style-type: none"> ● If the student is coming from early intervention programs, consideration should be given to assessment information already available. ● Assessment data may need to be gathered from natural environments such as the playground, the home, or other settings where the child spends time. ● Observational data should include the child in relation to activities alone and with others - both adults and other children. ● Young children develop at varying rates and according to the life experiences available to them. Great variation will be seen. The challenge is determining if the variation seen in the individual child’s performance is aberrant or significantly delayed. ● Many standardized norm referenced tests are not applicable to young children. Assessment sources may be primarily informal. ● Early childhood specialists and the child’s family may be the most effective informants to the Team’s decision-making. ● Concerns about the young child in relation to the general curriculum and the life in the school may consist of a review of typical play-based activities related to the developmental foundation for academic work and may not be based in a school environment.
Students with Different Linguistic or Cultural Background	<ul style="list-style-type: none"> ● Different linguistic or cultural background may only be used to determine <u>ineligibility</u> if different linguistic or cultural background is the <u>determinant</u> factor for a student’s inability to make progress and the student does not otherwise meet eligibility criteria. ● Different linguistic or cultural background is more of an assessment factor as outlined in the following bullets. ● Regulations require the use of tests that are linguistically and culturally free

<p>Students with Different Linguistic or Cultural Background continued</p>	<p>of bias; however, there are not sufficient unbiased assessment tools to provide comprehensive information.</p> <ul style="list-style-type: none"> ● Teams should ensure they have information available on the linguistic or cultural differences related to learning that may be applicable to the student being considered for special education eligibility. ● Assessment of the student's inability to make effective progress must go beyond simple determination of English language skills. Language proficiency, both receptive and expressive in relation to all aspects of school communication must be assessed to determine relationship of linguistic/ cultural background to school achievement. ● Cultural differences may impact the student's approach to school and learning and the student's educational history. ● Cultural differences of the parent may not be readily apparent in the student, but may affect the student's approach to school, learning, and assessment. ● When possible, information from a person fluent in the language and culture of the student and conversant with academic expectations of the school would be valuable to the Team's discussion. ● Information on the student's educational history should be considered very carefully and, if possible, information on educational history outside of the US should be obtained.
<p>Students Involved with Social Services or the Courts</p>	<ul style="list-style-type: none"> ● Involvement with Social Services or the Courts should not result in a presumption that a student requires special education nor that inability to make progress in education is caused by factors outside of the school environment. ● School must use the same standard to determine eligibility as for any other student.
<p>Students with Multiple Impairments</p>	<ul style="list-style-type: none"> ● Teams may make a determination of multiple disabilities if all disabilities are inextricably meshed and there is no primary disability. ● Determination of a primary disability would be appropriate if the Team believes that the educational impact of one type of disability is much greater than any other impairment of the student.
<p>Social Maladjustment</p>	<ul style="list-style-type: none"> ● The Team must determine that student behavior interfering with student achievement does not result from willful misbehavior or the effects of willful unconcern with education with no indication of a causal disability such as an emotional impairment. ● The determinations that a Team would make when considering if a student's misbehavior is a result of the student's disability are instructive. The Team would seek to determine if the student knew what was appropriate at the time of the misbehavior, was capable of appropriate behavior at the time of the misbehavior, and still willfully chose not to do the appropriate thing. ● Information related to use of alcohol or drugs may be a factor in making a finding that social maladjustment is causal to lack of progress, rather than a disability.
<p>Poor Performance on MCAS</p>	<ul style="list-style-type: none"> ● Statutory language explicitly requires that student not be found eligible for special education solely because of poor performance on the Massachusetts Comprehensive Assessment System (MCAS) tests. ● Poor MCAS performance should be considered one piece of assessment information that is appropriately considered when a student is referred for an evaluation because of a suspected disability.

Lack of Reading or Math Instruction	<ul style="list-style-type: none">• Ineligibility may only be found if lack of instruction is the determinant factor for lack of progress and the student does not otherwise meet the eligibility criteria.• Special education is <u>not</u> the appropriate service solely to provide instruction to a student who has not received instruction in the past.• Lack of instruction may occur for student coming into the US from under-developed countries.• Lack of instruction may occur for migrant students or students from families with transient histories.• Lack of instruction may occur when students have been homeless.• Lack of instruction may be considered by the Team when the Team has knowledge that the student received limited instruction with limited instructional variation, e.g., reading instruction that employed solely a whole language approach.
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PROCESSING THE IEP

Furnishing a Meeting Summary

The Program Manager gives the parent a copy of the Meeting Summary Sheet at the IEP meeting. This serves as a placeholder until the completed IEP is issued within two calendar weeks.

Issuance of the IEP

Parents will receive two copies of the proposed IEP to sign and return to the special education office in the student's school along with a self-addressed envelope. Once received by the school, the signed IEP is date-stamped and entered into the electronic IEP system by the special education secretary in that particular school. Accompanying the IEP is a form referred to as the "N-1" (Notice of Proposed District Action). This acts as a summary of the salient areas of the accompanying IEP.

Parent Response to the IEP

No later than 30 days after receipt of the proposed IEP and placement, the parents will accept or reject the IEP in whole or part and request a meeting to discuss rejected portions of the IEP. IEPs that are rejected in whole or part are sent to the Bureau of Special Education Appeals (BSEA). The IEP will also be sent to BSEA in those cases where parents have not returned the IEP within 30 days and attempts have been made to contact the parents.

Implementation Upon Receipt

Upon signed receipt, the District will implement all accepted elements of the IEP without delay. Should there be a question regarding resources, the Team must provide as many of the accepted services as possible, then immediately inform the parent in writing of any delayed services, reasons for the delay, and actions taken by the District to address the service. Compensatory services will be offered for accepted but delayed services.

Amendments

The Team can further develop or amend a signed IEP. The consultation for the amendment can take place with the parent and Team in person or via telephone. The N-1, Notice of Proposed Action, accompanying the Amendment will summarize the nature of the amendment. It should be noted, however, that amendments are only appropriate for small changes in an IEP. Any significant changes made to an IEP would require that a new IEP be issued and, again, the circumstances of the issuance of a new IEP would be summarized in the accompanying N-1.

EVALUATIONS IN PROCESS: PARENTAL AND STUDENT RIGHTS

All Special Education Evaluation Teams have been made aware of the following Rights & Responsibilities in regard to evaluations in process:

- The same protections afforded to students who have been found eligible for special education services apply to those students whose evaluations are in process.
- Timelines and discipline considerations for students whose evaluations are in process are treated as if the student had been found eligible.
- Protections afforded to students with disabilities are extended to those students whose evaluations are taking place.

These protections apply because the District can be viewed as “having a Basis of Knowledge” of the potential needs of the student and, so for that reason, protections are accorded.

The Basis of Knowledge applies when:

1. The parent of the student has expressed a concern in writing to an administrator or a teacher that the student may be in need of special education.
2. The parent has requested an evaluation.
3. The teacher of the student or other school personnel have expressed concerns about a pattern of behavior demonstrated by the child and said concern would have been expressed either to a principal, supervisor, or other administrator.

LEVELS OF INDEPENDENCE

MA DESE Special Education Technical Assistance Advisory SPED 2014-3 (revised) advises school districts and parents about concerns regarding inappropriate utilization of paraprofessionals. In an effort to reduce over-use of paraprofessionals in a transparent manner guided by best professional practices, Ipswich has created a mandated practice.

At the initial Annual Review or Re-Evaluation meeting held for a student who has had support personnel assigned to him/her, the Team must include in its Annual Review an assessment of the student's level of independence in areas of functioning. Further, a detailed plan should be discussed for fading this support.

The document included on the following page is the Technical Assistance Advisory, *Identifying the Need for Paraprofessional Support*. This is followed by the template for discussion currently used in the District. The intent of this consideration is not to deny services to students who need them; rather, it represents a focus on building student internalization of skills, with ultimately greater student independence.

Special Education

Technical Assistance Advisory SPED 2014-3 (revised): Identifying the Need for Paraprofessional Support

To:
Administrators of Special Education, Parents, and Other Interested Parties

From:
Marcia Mittnacht, State Director of Special Education

Date:
February 26, 2015

The purposes of this advisory are to:

- Advise school districts and parents about concerns regarding inappropriate utilization of paraprofessionals.
- Clarify when it may be appropriate to use a paraprofessional, as well as ensuring adequate training and supervision.
- Provide recommended actions and sample tools to increase school district capacity to support students with disabilities.
- Clarify the decision-making process for assigning paraprofessionals to individual students.

A. Introduction: Response to a Cry for Help

When school personnel or parents request a paraprofessional, they are asking for help. Something is amiss. Should a school district respond simply by assigning a paraprofessional to an individual student? Absolutely not.

"If schools respond exclusively to the request for a paraprofessional, without fully understanding the meaning behind the request, it increases the likelihood of masking the underlying issues and delaying attention to them."¹ Instead, "the task is to identify the underlying issues so that they can be addressed."²

The essential premise of this advisory is that the underlying learning needs of each particular student - that is, the root causes of the teacher's or parent's "cry for help" - must first be determined. Then there needs to be consideration of the full array of supports and services that may successfully address the student's unique needs. Districts must not restrict their consideration to use of a paraprofessional.

B. Concerns Regarding Inappropriate Use of Paraprofessionals

Data reflecting substantial increases in the number of special education paraprofessionals raises concerns about whether districts are effectively responding to the educational needs highlighted by requests for a paraprofessional.

The Department is particularly concerned by reports that, in some cases, paraprofessionals have been assigned simply on the basis of a student's educational profile or to provide a teacher with temporary relief from a demanding student. This may leave unaddressed key issues such as (a) improving teacher ability to educate a full range of students with disabilities; (b) building capacity in general education to design curriculum and instruction for mixed ability groups that include students with disabilities; and (c) changing or improving student behavior.

The Department is also concerned that paraprofessionals have been assigned responsibilities that require the skills of a licensed teacher - for example, making curriculum decisions, planning lessons or designing adaptations, as compared with implementing decisions made by the teacher. There have also been reports of inadequate training and supervision, making it impossible for a paraprofessional to be effective. And, paraprofessionals may continue to be assigned even though other services or supports could more appropriately address the student's learning needs. Inappropriate use of paraprofessionals may have detrimental consequences such as over-dependence, interference with peer interactions, insular relationships, stigmatization, provocation of behavior problems, or diminished student-teacher interactions.

This is not to say that paraprofessional services should never be used.³ As with any other special education service, paraprofessionals are inherently neither appropriate nor inappropriate for a particular student. Appropriate use of paraprofessionals depends, to a large extent, on whether the paraprofessional has the requisite skills to address effectively one or more aspects of a student's unique needs and whether the paraprofessional is adequately trained and supervised to be effective. Importantly, appropriate utilization of paraprofessionals also depends on consideration of whether there are other service or support options that would be a better choice because they would address effectively these same learning needs and offer additional advantages such as fostering greater independence. The process for weighing these considerations and making a decision as to whether a paraprofessional should be assigned to a particular student, will be discussed in section E of this Advisory.

C. Over-Archiving Goal of Promoting Students' Independence

It is the essential mission of elementary and secondary education to prepare all students for successful adult life, which may include independent living, competitive employment, further postsecondary education or training, and participation in the life of their community. State and federal special education laws recognize that independence is a key factor of adulthood and our public schools must always strive to build independence in our students, particularly as they begin to approach adult life.⁴

In order for these core educational principles to be realized, decisions regarding special education and related services (and, in particular, decisions regarding paraprofessional services) must be made in a way that allows the unique learning needs of each student to be met and that, at the same time, allows each student to become as independent as possible, particularly in preparation for the end of secondary education.

The following recommended actions are intended to respect and promote these essential principles.

D. Recommended Actions: School District Level

Whole school approach. School districts can develop greater regular education capacity to effectively serve diverse learners. School district leaders should review the use of paraprofessionals within the context of the whole school environment and consider adopting a tiered model of supports such as [Systems for Student Success \(SFSS\)](#). Data gathered in the analyses of students' needs can be compiled into a chart or matrix, and reviewed by school-based teams to make decisions regarding system-wide allocation of services and supports. Effective use of school-based student support teams (SSTs) may reduce the number of retentions, suspensions/expulsions, and referrals to special education. SSTs may also assist in reducing the inappropriate use of paraprofessionals. See the [SFSS quick reference guide for student support teams](#).

District culture. Some may unconsciously believe that a one-to-one paraprofessional is always needed for a student with a particular kind of educational profile. It is important for the district community to examine its own assumptions and to challenge those that perpetuate a status quo that can result in unintended negative consequences. District leaders may find it fruitful to share data on the use of paraprofessionals and to discuss with students, their families and special educators together how to achieve the best instructional services, and aim for the best academic and non-academic outcomes for students. Involving families in this discussion will assist in fully considering how the community as a whole, not just the school, can help to achieve successful adult life outcomes for all students.

E. Recommended Actions: Individual Students

The IEP decision-making process. State and federal special education law require an IEP Team to make all decisions regarding the assignment of a paraprofessional to a particular student. The Team makes this decision solely on the basis of whether paraprofessional services are appropriate to meet the unique learning needs of the particular student so that he or she will have the opportunity to receive FAPE in the least restrictive environment and at the same time prepare for "further education, employment, and independent living."⁵

Breaking down the IEP Team decision-making into a three-step process, that considers use of paraprofessionals within a broader context, may substantially increase the likelihood of using paraprofessionals appropriately and effectively. First, at least one member of the Team should be fully informed about the general education environment and the expectations that typical students are expected to meet in the coming year. In that context, the Team examines information available from evaluations and other information which may include concerns of the parent, and previous progress with earlier IEPs. The Team then identifies all of a student's *special education needs* arising from the disability and presenting barriers to the student's learning. The Team must differentiate among needs that can and should be met in the general education environment with accommodations or minor modifications and needs that that must be met through the delivery of specially designed instruction⁶ so that the student receives FAPE.

Second, the IEP Team considers the goals that are most important for the student to accomplish during the upcoming year and considers these goals in the context of the general curriculum, its available support services as well as the *entire range of specially designed instruction, related services and accommodations* that can meet the student's particular needs.

Finally, the Team then determines the extent to which needed services can be delivered in the general education classroom and which services may require removal from the classroom. Research supports that most students with disabilities have better outcomes when they are fully included in the general education classroom, and the Team is tasked with carefully considering the risks and benefits to the student when removal appears to be necessary. It is at the intersection of these two important priorities -- the least restrictive environment (the general education classroom) and the promotion of independence, that the Team may consider the use of a one to one paraprofessional. If a one to one paraprofessional can increase the student's access to the general education environment or assist in moving toward more independence, then generally the Team should identify use of the paraprofessional.

This decision-making process offers the following advantages: (1) it assists the Team to assign paraprofessionals when necessary to meet the individual student's unique special education needs, (2) precludes assignment of a paraprofessional based on limited information - for example, solely on the basis of a student's diagnosis or the needs of a teacher, and (3) seeks to ensure that service or support options (other than a paraprofessional) are also considered and utilized if they would address effectively a student's learning needs and offer additional advantages such as fostering greater independence.⁷

Training and supervision. School districts have an affirmative obligation to ensure that all paraprofessionals are trained and supervised so that they will be able to provide the services for which they are responsible, as reflected in federal Office of Special Education Programs (OSEP) policy guidance. Therefore, once an IEP Team decides that a paraprofessional is needed for a student, the Team has a responsibility to determine the means by which a paraprofessional will have sufficient training and supervision. This may occasionally require additional services or consultation in the IEP.

Develop a plan for fading paraprofessional support. It is important that paraprofessional services continue in amount and duration only as needed. For many students, other services or supports can be substituted for some or all of a student's paraprofessional services. Therefore, whenever an assignment of paraprofessional services is initially made, the Team should discuss and develop a plan for reviewing the continued need for these services, including a process to review and monitor the student's progress and determine whether the student's need can be met with other services or supports. The Team may establish criteria which, if met by the student, will trigger initiation of the IEP amendment process to consider a change in services. The family is a critical partner in the planning process, with the family made well aware of any potential changes in the student's program and engaged throughout the process. There is no "standard" plan for fading paraprofessional services--each will be individually tailored for the particular student.

Anchor district policies and procedures with best-practices for student leadership. Depending on the age of the student involved, the student may be a "driver" but at all times will be a participant in whatever actions are taken. Keep the student's needs and desires at the center of discussions and to the extent possible, involve the student in the planning and actions taken. If, after all, the purpose is to promote independence, then the student should be able to take pride in actively working toward his/her increased independence and full participation in the life of the school. With the student central to the process, educators and families alike must remember that each student is different and may need different approaches, and different amounts of time to respond to different actions. Anticipate that some students may need paraprofessional support in one or more areas for years, while others may move forward in leaps and bounds toward independence.

F. Conclusion

Paraprofessionals may be an essential service for some disabled students. Yet, their inappropriate use can waste resources, limit a student's potential for independence, and leave key issues unaddressed. To respond to these potential challenges, system-wide changes can substantially increase the capacity of a school district to respond appropriately to a wide range of learners, and consideration of paraprofessional services for an individual student must be integrated into the IEP decision-making process for determining all of the student's unique special education needs and how they should be met.

The cause is important. The goal is the right one: successful adult life!

Attachment:



Examples



Student Needs Analysis (sample 1)



Student Needs Analysis (sample 2)



Student School Day Analysis (sample)

1 A Giangreco, M.F., Doyle, M.B., Suter, J.C., *Constructively Responding to Requests for Paraprofessionals: We Keep Asking the Wrong Questions*. Remedial and Special Education 33(6), October 2012, 362-373.

2 Giangreco, M.F., Halvorsen, A.T., Doyle, M.B., Broer, S.M., *Alternatives to Overreliance on Paraprofessionals in Inclusive Schools*. Journal of Special Education Leadership 17(2), October 2004, 82-90.

1 Giangreco, M.F., Doyle, M.B., Suter, J.C., *Constructively Responding to Requests for Paraprofessionals: We Keep Asking the Wrong Questions*, Remedial and Special Education 33(6), October 2012, 362, 363.

2 Id.

3 Paraprofessional services may be appropriate, for example, for a disabled student to learn in the least restrictive environment - that is, with non-disabled students to the maximum extent appropriate. The paraprofessional may be appropriate to allow the student to participate in extracurricular and other nonacademic activities, or to address a wide variety of other educational needs identified on a student's individualized education program (IEP). Assignment of a paraprofessional may also be an effective tool to foster independent living by teaching a student how to utilize a personal care attendant. See also the examples in the attachment to this Advisory.

4 See 20 U.S.C. § 1400(d)(1)(A) (a principal purpose of the IDEA is "to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to ... prepare them for further education, employment, and independent living"); 20 USC § 1414 (d)(1)(A)(i) (requiring transition planning and services beginning at age sixteen); *Hendrick Hudson Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 201, n.23 (1982) (in enacting the IDEA, Congress endeavored to enable disabled students to "achieve a reasonable degree of self-sufficiency" and "become productive citizens, contributing to society"); MGL c. 71B, s. 2 (requiring transition services beginning at age fourteen or sooner).

5 See 20 U.S.C. § 1400(d)(1)(A) (a principal purpose of the IDEA is "to ensure that all children with disabilities have ... services designed to ... prepare them for further education, employment, and independent living"); DESE IEP Process Guide, p. 12 (2001) "(the IEP must address the unique needs of the student and, therefore, must be tailored to the individual student needs as determined through the evaluation process)".

6 Or related services necessary for access to the general curriculum. 603 CMR 28.02(20)

7 For additional guidance regarding the appropriate utilization and support of paraprofessionals, see Giangreco, M.F., Doyle, M.B., Suter, J.C., *Constructively Responding to Requests for Paraprofessionals: We Keep Asking the Wrong Questions*, Remedial and Special Education 33(6), October 2012, 362-373.

LEVELS OF INDEPENDENCE DATA COLLECTION

Student Name: _____ Grade: _____

Special Education Liaison: _____ Meeting Date: _____

Type of Meeting: _____

Rate the amount of student independence in relation to special education personnel working within the classes below. (1-Most independent to 5-Dependence upon Special Education Personnel)

READING	1	2	3	4	5
MATH	1	2	3	4	5
WRITTEN LANGUAGE	1	2	3	4	5
SOCIAL STUDIES	1	2	3	4	5
SCIENCE	1	2	3	4	5
RELATED ARTS	1	2	3	4	5
RECREATIONAL	1	2	3	4	5
THERAPIES	1	2	3	4	5

Plan for Fading Support:

1. _____
2. _____
3. _____

PLACEMENT

Placement is the result of the IEP sequence: the **goals** for the student determine the **services** required that then determine the least restrictive setting or **placement** in which these services can be provided.

The following are guiding principles in the Team determination of placement:

1. The decision is made by the Team. It is not unilaterally predetermined by either family or school portions of the Team. Placement is based on the services to be provided to the student, types of settings in which those services will be provided, types of service providers, and location at which services will be provided.
2. The placement selected is to be the *least restrictive environment* (LRE) consistent with the needs of the student.
3. At least a limited evaluation must precede the decision to enact a change in placement that constitutes placing the student in a more restrictive setting. This is to ensure that updated data is used as the basis for the Team determination.
4. LRE - The Team will ensure that to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities. Special classes, separate schooling, and other removal from the general education program should occur only if the nature or severity of the disability necessitates that services cannot be delivered in the general education environment. This is documented in the *Non-participation Justification* section of the IEP.
5. Particularly in cases where a placement other than the District is being considered, the District practice is to develop a Decision Matrix, as included on the following pages. The Team will need to agree on various criteria against which potential placements will be evaluated.
6. The Team must give priority consideration to special education placements that are approved by the MA Department of Elementary and Secondary Education (DESE) to provide special education services. In cases where the unique needs of a student dictate the consideration of an unapproved placement, the Director, in accord with 603 CMR 28.06 (3) € (4) will complete documentation of Notification of Intent to Seek Approval for Individual Student Program. It should be noted that this approval must take place prior to student placement.
7. With older students, the Team will ensure options consistent with transition needs, as evident in their Transition Planning Form (TPF). These options include developing independent living skills, skills for self-management of medical needs, and career or job-related skills.

POST-MEETING SURVEY

It is the intent of all of the District's special education Teams that meetings represent best standards of professional practice. Inherent in the partnerships with families is an implicit expectation that meetings address the presenting concerns, be grounded in norms including mutual respect, and take place in a collaborative and welcoming atmosphere.

In the spirit of continual improvement, it is District practice for the school's special education secretary to include a post-meeting parent survey along with the IEP. This allows parents to give feedback concerning various measurable elements of the meeting process. These feedback forms are reviewed by the Director of Pupil Personnel Services on a regular basis and discussed with the Special Education Program Managers.

Section 4

Progress Reporting

PROGRESS REPORT DOCUMENTATION

1. Procedure

- Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress on non-disabled students.
- Progress Report information, which is sent to parents includes written information on the student's progress toward the annual goals in the IEP. Information is specific to the skills involved in the goal areas.
- Goals should be measurable; that is, their attainment should include quantifiable point of reference in terms of frequency, number, and duration.
- Team members reporting on progress toward goals have evidence reporting the progress.
- When Progress reporting on each goal, the provider should include a statement regarding whether the student is expected to meet the goal by the end of the IEP period. If it becomes clear that the student is not likely to meet the goal, the Team should reconvene to discuss the issues and consider adjusting both the goal and services being used to address the goal. If services are not effective in helping the student attain the goal over a reasonable amount of time, consideration should be given to alternatives.

2. High School Graduation or Aging Out

- When a student's eligibility terminates because the student has graduated from high school or has exceeded the age of eligibility (22 years old), the District provides the student with a summary of his/her academic achievement and functional performance, including recommendations regarding meeting post-secondary goals. This is called the *Summary of Student Performance*.

3. Maintenance of Progress Reports

- Copies of Progress Reports sent to parents are maintained in the student's special education file, which is kept in a locked cabinet in the special education office of each school building.

<p style="text-align: center;">PROVING BENEFIT/PROGRESS CHECKLIST FACTORS TO CONSIDER</p>

- Demonstrate/measure progress (“academic achievement and functional performance”) over time. [Compare this year to last year, 2 years ago, etc.]
- Review school work: save samples over time; compare September through May; this year to last, etc.
 - Review report cards over time
- Focus on student’s progress in the general curriculum
 - How did he/she do in comparison to others in his class?
 - How many students received As, Cs, Fs?
 - Save teacher grade books, electronic grading reports!
- Review MCAS and other standardized test results. Compare student with his/her school, district, state and if a gap exists, view in terms of disability
- Review other IEP goals/objectives, i.e. behavioral, social, etc.
 - Did student demonstrate increased independence?
 - What measures do you use?
 - How do you demonstrate progress?
- Review individualized test results.
 - PRACTICE TIP: Test at the same time each year on the same test instrument and report in the same way!
 - Review for progress on bell curve measurements; compare with progress on G.E. or A.E. measurements.
- Advancement from grade to grade; Did student earn it or was it a “social” promotion?
- If lack of progress, reconvene the IEP Team.
 - Review reasons. If it was a denial of a FAPE . . .
 - Does the District need to re-evaluate or revise the IEP?
 - Was it due to absences or student’s failure to hand in work?
 - Was it student’s failure to access extra help?

School District Name:

School District Address:

School District Contact Person/Phone #:

Progress Report

 on IEP Dated: from _____ to _____

Student Name:

DOB:

ID#:

INFORMATION FROM CURRENT IEP

Goal #:

Specific Goal Focus:

Current Performance Level: *What can the student currently do?*

Measurable Annual Goal: *What challenging, yet attainable, goal can we expect the student to meet by the end on this IEP period? How will we know that the student has reached this goal?*

Benchmarks/Objectives: *What will the student need to do to complete this goal?*

PROGRESS REPORT INFORMATION

Progress Report Date: _____

Progress Report # _____ of _____

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

Use multiple copies of this form as needed.

Section 5

Extended School Year (ESY)

EXTENDED SCHOOL YEAR

Most students with disabilities will attend school on the same daily and yearly schedule as their non-disabled peers. In certain circumstances, however, a Team will recommend services during the summer to prevent regression. Extended School Year (ESY) must be considered and recommended on an individual basis. Not all students will require ESY and not all students who require ESY will need the same level of services. A question-and-answer guide follows.

The Team's consideration of ESY must be based on:

1. The unique nature of any specially-designed instruction or created services needed due to the disability of the student, or
2. If the student has demonstrated, or is likely to demonstrate, substantial regression due to a break in services (such as the summer vacation period). In regard to regression, most students regress (lose progress, forget, or revert to previous behavior) to some extent between school years. It is the Team that must make the recommendation for ESY services.

When recommending ESY services, it is important to remember that a maintenance program to minimize or avoid regression is not the same as a school year program. Services should be recommended based upon what the student will require for instruction and/or related therapies to maintain current performance. Services will typically be less than during the school year.

Program Quality Assurance Services

Compliance and Monitoring

Question and Answer Guide on Special Education Extended School Year Programs

603 CMR 28.05(4)(d)

Introduction

The Department of Elementary and Secondary Education regularly receives inquiries from the public and school districts on the topic of "extended school year" (ESY) programs for children with special needs. ESY programs are described under state and federal special education requirements and have been further interpreted through case law and through advisories issued by the U. S. Department of Elementary and Secondary Education, Office of Special Education Programs (OSEP).

The following questions and answers are intended to provide school districts with an overview of the basic requirements for ESY programs as they proceed to implement these opportunities for children with special needs in Massachusetts.

1. Couldn't all children benefit from "extended year programs", not just children with special needs?

All children "regress"--lose progress, forget, revert to previous behavior--to some extent between school years. It must be determined whether a child's regression would likely be substantial, and whether the child would require a greater than usual time to "recoup"--to get back to the level the child had achieved before a break in service.

2. What if a school district doesn't offer "summer school"?

ESY programs are not "summer school"; therefore, school districts cannot categorically refuse to consider ESY programs because districts do not offer "summer school" to all children.

3. At what point does a school district decide whether or not a child with special needs is eligible for ESY programming?

At least once annually the child's Team must consider the need for an extended school year program and record its determination on page 6 of the IEP. A Team's determination regarding the need for an ESY program must be made on an individual basis.

4. May the TEAM "wait and see" if a child experiences substantial regression during a break in service before it determines whether ESY services should be proposed?

No. The child's Team must not put off a determination to offer ESY programming until the end of a break in service (i.e., summer vacation). The Team must consider the need for such services prior to the beginning of the break in service by anticipating whether substantial regression and problems with recoupment will occur in the absence of ESY services. ESY programs should be a continuation of the education benefits that accrue to a child during the regular school year and should be consistent with the child's IEP goals and objectives addressed throughout the regular school year; however, they don't necessarily have to be the same services delivered at the same frequency as provided during the regular school year.

5. Must local school districts establish written policy and procedures for special education extended school year programs?

Yes. School districts must have written policy and procedures regarding the provision of extended school year programs. Such ESY policy and procedures supplement assurances of the district in its Local Special Education Plan required by IDEA. The policy and procedures must detail the criteria used by a Team for individually determining the need for ESY programming and should embody all requirements discussed in this Question and Answer Guide. In order to ensure consistent staff implementation of its ESY policy, each school district must train all staff involved in Team evaluations to implement the ESY policy and procedures.

6. Which children are eligible for extended school year programs?

ESY programs may not be limited to children with special needs in certain program types (e.g., substantially separate settings) or to children with certain types of special needs. Decisions about ESY programs must be made on an individual basis, taking into consideration the unique needs of the child.

7. Must ESY services described on an IEP be provided at no cost to the child's parent(s)?

Yes.

8. May "recreation programs" be considered extended year programs?

Federal special education regulations under the Individuals with Disabilities Education Act (IDEA) do provide for "recreation programs" as related services. Therefore, an ESY program may consist of, or include, a recreation program. As with all special education services, educational goal(s) and objectives for a recreation program must be included in a child's IEP. Note, however, that state special education regulations indicate that camping or recreation programs provided **solely** for recreational purposes and with no corresponding IEP goals or specially designed instruction shall not be considered extended year programs.

9. How is the concept of "recoupment" used by a Team in determining the need for extended school year programming?

The Department of Elementary and Secondary Education interprets a child's difficulties with "recoupment" to be an aspect of "significant regression". Specifically, significant regression and recoupment consist of the following inter-related elements:

- (1) the loss of performance levels that were attained before a break in service,
- (2) the child's limited learning rate, which lengthens the amount of time the child requires to review and/or relearn previously attained objectives, and
- (3) the fact that the time for that child to accomplish such recoupment is greater than the period of time the school district allows all other children for review and/or relearning.

10. What other criteria should a Team apply in making a determination for needed ESY programming?

Any decision regarding needed ESY programming must take into account the child's history of significant regression and limited recoupment capability. In other words, a child's Team must look backward and forward when considering the need for ESY programming.

In addition to significant regression and/or limited recoupment, courts have set forth other ESY criteria to be applied by a Team, as follows:

- the degree of the child's impairment
- the parents' ability to provide structure at home
- the child's rate of progress
- the child's specific behavior and/or physical problems
- the availability of alternative resources
- the child's ability to interact with non-disabled children
- the specific curricular areas in which the child needs continuing attention
- the vocational and transition needs of the child
- whether the service requested is "extraordinary" rather than usual in consideration of the child's condition.

Only when all factors are considered together by the child's Team can a determination be made as to how much service will be offered.

11. Should ESY programming be considered by a Team even if there is no previous record of substantial regression over a summer vacation period?

When there is no previous record of a child's substantial regression after a significant break in service, a Team should still consider the need for an ESY program if the following circumstances are present:

1. there is lack of progress in meeting short-term objectives over two marking periods, resulting in little or no progress made over the school year,
2. there are significant regression/recoupment problems over short-term vacation periods or other breaks in the school year, and /or
3. the unique nature of any specially designed instruction or related services due to the disability of the student requires such extended school year programming.

12. How should a school district document a child's regression?

Since proposed ESY programming must take into account the probability of substantial regression, school districts should ensure that special education service providers maintain quantitative and qualitative data regarding the child, including anecdotal records on the rates of both learning and relearning, as well as a child's attainment of IEP goals and objectives.

13. Must ESY programming include all programs and related services to which the child is entitled during the regular school year?

ESY programs may include special education and/or related services and must be specified on the IEP. Since ESY services are proposed in order to avoid substantial regression, the portion of the child's IEP for ESY services may differ somewhat from the portion of the IEP that governs the provision of services for the regular school year. Such differences may be separately described on an additional IEP service delivery grid that specifically outlines the proposed extended school year services and their duration and frequency. The U.S. Department of Education, Office of Special Education Programs, has indicated:

*It is . . . reasonable for an extended school year IEP to concentrate on:
(1) the areas in which the child may experience regression, or (2) skills or programs that are not academic but are needed so that regression does not occur in academics. (Citation omitted) Myers, EHLR 213:255*

14. Are ESY programs also to be provided in the Least Restrictive Environment (LRE)?

Yes. As in regular school year placements, the principles of LRE apply to the provision of ESY services. (OSEP policy letter, December 18, 1989)

Parents and school personnel should contact the Department of Elementary and Secondary Education, Program Quality Assurance Services (781-338-3700), if further clarification is needed on the topic of Extended School Year Programs.

Section 6

Transition Planning and Age of Majority

TRANSITION PLANNING TIMELINE

1. Age 14

- Beginning at age 14, the student is invited to the IEP meeting. He/she may participate fully in the meeting, plan ahead of time with a professional who will represent him/her, or come at the summary of the meeting. The degree of participation will depend on the student's abilities, but it is important to have the student's voice in the meeting.
- The Transition Planning Form (TPF) must be completed on an annual basis, thereafter.
- The student's vision and a statement of needed transition services must also be included annually.
- The educational, like skills, wellness, and other goals should be in alignment with the student's vision.

2. Age 16-18

- When a student will need adult services, a Chapter 688 referral must be completed. Effective Summer 2016, this will be completed online.
- For students who will be accepting a high school diploma for whom Massachusetts Rehabilitation Commission services are a possibility, referral must take place by age 16.
- For students continuing in special education through age 22, referral must be completed prior to the student's 18th birthday. Following eligibility, the adult service representative is then invited to Team meetings.
- A description of high school transition supports is found on the PPS page at <https://sites.google.com/ipsk12.net/ihs-studentsupportservices/home?authuser=0>

3. Age 17

- The student's family will receive forms for transfer of rights at the age of majority so that they can investigate any need for guardianship.

4. Age 18

- Age of majority takes effect. The student must make educational decisions unless he/she has selected to share decision-making with parents or guardians.
- When the student retains decision-making authority, the student must sign all educational documents.

5. Age 21

- An Individual Transition Plan (ITP) meeting will be coordinated by the Chapter 688 liaison for the human service agency. The liaison is responsible for writing the ITP and submitting it to the Transitional Advisory Committee, which must approve, modify, or reject it. This decision can be appealed by the student and parent.

6. Age 22

- Special education services end as the transition from school to adult services is completed.

TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

Student:	SASID:	Age:
Date form completed:		
Anticipated date of graduation:	Current IEP dates from: _____ to: _____	
Anticipated date of 688 referral, if applicable:		

POST-SECONDARY VISION

Write the student's **POST-SECONDARY VISION** in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

DISABILITY RELATED NEEDS

Write the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

Student: _____ Date form completed: _____

ACTION PLAN

The **ACTION PLAN** should outline how the student can develop self-determination skills and be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision. Indicate how Special Education/General Education, family members, adult service providers or others in the community will help the student develop the necessary skills. **Disability related needs must also be stated on page 1.**

Develop the **ACTION PLAN** needed to achieve the **POST-SECONDARY VISION** by outlining the skills the student needs to develop and the courses, training, and activities in which the student will participate. Include information on who will help the student implement specific steps listed below in the Action Plan.

- **Instruction: Is there a course of study or specific courses needed that will help the student reach his/her post-secondary vision?** Consider the learning opportunities or skills that the student may need. This could include specific general education courses and/or special education instruction, career and technical education, and/or preparation for post-secondary outcomes such as vocational training or community college.
- **Employment: Are there employment opportunities and/or specific skills that will help the student reach his/her post-secondary vision?** Consider options such as part-time employment, supported job placement, service learning projects, participation in work experience program, job shadowing, internships, practice in resume writing/ interviewing skills, the use of a one-stop resource center and job specific skills in areas such as customer service, technology, etc.
- **Community Experiences/ Post School Adult Living: Are there certain types of community and/or adult living experiences that will help the student reach his/her post-secondary vision?** Consider options such as participation in community based experiences, learning how to independently access community resources, building social relationships, managing money, understanding health care needs, utilizing transportation options and organizational skills.

School District Name: Ipswich Public Schools
School District Address: 1 Lord Square, Ipswich, MA 01938
School District Contact:

Student: _____ Grade: ____ DOB: _____ LASID#: _____ SASID#: _____

Notice of Transfer of Parental Rights

Date:

The state of Massachusetts transfers rights to individuals at the age of majority. Therefore, all parental rights will transfer to the student and he/she becomes responsible to make all decisions regarding future educational services, unless a legal guardian or conservator has been appointed. If a guardian or conservator has been appointed, please notify the *Special Education Liaison*. Parent(s) will continue to receive any future notices required by state and federal laws and rules regarding educational programming. If you have questions, you may contact *Michelle Garvey* at .

cc: Evaluation Team Leader
Student
Parent/Guardian

The Ipswich Public Schools does not discriminate on the basis of race, color, gender, gender identity, religion, national origin, sexual orientation, age or disability in admission to, access to, employment in or treatment in its programs and activities.

State Regulations 28.08(7), Ch. 231, Sec. 3A.

Federal Requirements.300.347(c),300.517

School District Name: Ipswich Public Schools
School District Address: 1 Lord Square, Ipswich, MA 01938
School District Contact:

Student: _____ Grade: ___ DOB: _____ LASID#: _____ SASID#: _____

Notice of Transfer of Parental Rights

Transfer of Parental Rights at Age of Majority and Student Participation and Consent at the Age of Majority

1. One year prior to the student reaching age 18, the district informs the student of his/her right at age 18 to make all decisions in relation to special education programs and services.
2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student to continue the student's special education program.
3. The district continues to send the parent written notices and information but the parent will no longer have decision-making authority, except as provided below:
 - a. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
 - b. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his/her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness, and is documented in written form and maintained in the student record.
 - c. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his/her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.

cc: Evaluation Team Leader
Student
Parent/Guardian

The Ipswich Public Schools does not discriminate on the basis of race, color, gender, gender identity, religion, national origin, sexual orientation, age or disability in admission to, access to, employment in or treatment in its programs and activities.

State Regulations 28.08(7), Ch. 231, Sec. 3A.

Federal Requirements.300.347(c),300.517

School District Name: Ipswich Public Schools
School District Address: 1 Lord Square, Ipswich, MA 01938
School District Contact:

Student: _____ Grade: _____ DOB: _____ .ASID#: _____ SASID#: _____

Age of Majority Notice

From:

Date:

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

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

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

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

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

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

cc: Parent/Guardian
Student file

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

AGE OF MAJORITY NOTICE RECEIPT
Please sign & return one copy of this letter within ten days

(Student's signature)

(Date)

Parent/Guardian Signature

(Date)

The Ipswich Public Schools does not discriminate on the basis of race, color, gender, gender identity, religion, national origin, sexual orientation, age or disability in admission to, access to, employment in or treatment in its programs and activities.

School District Name: Ipswich Public Schools
School District Address: 1 Lord Square, Ipswich, MA 01938
School District Contact:

Student: _____ Grade: ___ DOB: _____ LASID#: _____ SASID#: _____

Age of Consent Decision Form

I understand my rights under Massachusetts special education regulations regarding the Age of Consent, as explained in the letter attached. I have made the following decision.

1. I wish to retain decision-making authority myself.

2. I wish to share decision-making authority with:

a. My parent(s)

b. Another adult (name and role):

3. I wish to delegate decision making authority to:

a. My parent(s)

b. Another adult (name and role):

(Student's signature)

(Date)

(TEAM member signature)

(Date)

(Witness signature)

(Date)

Copy to: Student file
Student
Other named above

Enc: Parent's Notice of Procedural Safeguards

Section 7

Students with Autism/ASD

SPECIAL CONSIDERATIONS FOR STUDENTS ON THE AUTISM SPECTRUM

Technical Assistance Advisory SPED 2007-1 addressed the requirement for Special Education Teams to address the various facets of need for students on the Autism Spectrum. Although school districts do not diagnose Autism, school teams can and must find students eligible for services under the Autism category based on their presenting characteristics.

During the process of a Team meeting, the Special Education Team must use the Autism Checklist to ensure that it has developed an IEP to meet the specific needs of students on the Autism Spectrum. A reminder to use the checklist is also a component of the Meeting Summary templates. It is not sufficient for Teams to simply complete the checklist; rather, the Team should take care to incorporate these details into goals, benchmarks, and accommodations in the student's IEP.

After the American Psychiatric Association revised the Diagnostic and Statistical Manual (DSM) to reflect a modification of previously separate diagnoses, technical Advisory SPED 2014-1 emphasized that federal and state special education laws and regulations, not the DSM-5, prescribe the criteria for eligibility determination for students on the Autism Spectrum.

It should also be noted that in Massachusetts, the Autism Insurance Law entitles families to access supplementary services through certain health insurances. These services are always in addition to, and never in lieu of, agreed upon Team recommendations. If needed, the District can provide support to families in obtaining these supplemental services.

SPECIAL REQUIREMENTS FOR STUDENTS ON THE AUTISM SPECTRUM CHECKLIST

Whenever an evaluation indicates that a child has a disability on the Autism Spectrum, which includes Autistic Disorder (autism), Asperger's Disorder, Pervasive Developmental Disorder (PDD) not otherwise specified, childhood disintegrative disorder, and Rhett's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV, 2000), the IEP Team shall consider and specifically address the following:

- The verbal and non-verbal communication 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

- Any other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Special Education

Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorder

To:
Special Education Administrators and Other Interested Parties
From:
Marcia Mitrnacht, State Director of Special Education
Date:
August 25, 2006

This advisory represents "best practice" guidance from the Department of Elementary and Secondary Education to address a change to the special education law enacted in the spring of 2006 that affects special education programming for students with disabilities on the autism spectrum. The purpose of this advisory is to assist school districts and other interested parties in understanding these new requirements and in implementing best practices for meeting the needs of these students as schools resume instruction for the 2006-2007 school year. My appreciation is also extended to a number of individuals working closely with students on the autism spectrum and who are engaged in providing and promoting best practices for students with autism spectrum disorders on a daily basis. Contributions from these individuals provided much of the content in this advisory.

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, which amends M.G.L. c. 71B, § 3, requires that IEP Teams consider and address in the IEP discussion certain specific needs of students with disabilities on the autism spectrum. The full text of Chapter 57 is as follows:

SECTION 1. Chapter 71B, Section 3 of the General Laws is hereby amended by inserting at the end of paragraph six the following sentence:

Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhett's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), 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.

The purpose of this advisory is to provide guidance on the ways that the Individual Education Program (IEP) Team may effectively frame complete and thorough discussions of the strengths and needs of a student with Autism Spectrum Disorder (ASD). While Chapter 57 does not increase documentation requirements, it describes specific areas of review and requires the Team to comprehensively discuss students' needs that are consistent with best practices for addressing the needs of students diagnosed with ASD. This advisory is intended to offer information and guidance to supplement the IEP process.

Both federal and state law define "autism" as a disability inclusive of each of the diagnoses on the autism spectrum, and these diagnoses are identified in Chapter 57. The IEP of an eligible student with a documented disability on the autism spectrum should identify the disability category of autism to ensure that the IEP Team considers all areas of development that are affected by ASD. However, it is also important to note that some students with an autism spectrum disorder have one or more other disabilities and may have a primary disability other than autism; these students also have the right to a full discussion of the impact of their autism spectrum disorder in the development of their IEP, therefore we recommend that if a student has an ASD, it is identified on the student's IEP whether or not it is considered the primary disability.

The IEP Team is responsible for designing intervention, education and instruction to meet the individual needs of students with ASD. As described in Chapter 57, the IEP Team must consider and address seven specific areas of need when developing the IEP for a student with ASD. Although each focus area described in the law is addressed separately in this technical assistance advisory, the Department understands that the Team will consider the student's needs in an interactive, comprehensive manner across areas. This guidance is intended to inform the Team's discussion of the student's needs and to facilitate the creation of an appropriate educational program for the student.

- **The verbal and nonverbal communication needs of the student:** Impairment in communication is one of the defining characteristics of ASD; therefore communication skill development should be addressed as an essential piece of the student's IEP. When considering the verbal and nonverbal communication needs of a student with ASD, the Team should review:

- the student's current level of communication,
- the system of communication most effective for the student,
- the functions for which the student uses and understands language,
- the student's ability to use and understand non-verbal communication (e.g., eye gaze, facial expression, gesture), and
- any emerging communication skills reported by the family or other Team members.

The IEP must include information about the student's current strengths with communication modalities, skills that need further development and the specific supports and interventions necessary to increase the student's ability to effectively communicate and understand others. Alternative augmentative communication (AAC) is often effective for students with ASD who are non-verbal. AAC can be used in lieu of, or in combination with, oral communication. There are many products on the market that support AAC including picture communication products, book boards, and touch devices. Assistive technology assessments are useful for determining whether a student would benefit from using an AAC system. When evaluating a student with ASD, the instrument must be appropriate to the student's modality of communication (e.g., using non-verbal scales for students who do not use oral communication).

- **The need to develop social interaction skills and proficiencies:** In the most severe expression of qualitative impairments in this area, a student with ASD may seem distant or avoidant when it comes to social interactions, even those with immediate family members. In the least severe cases, s/he may appear to frequently misunderstand the social situation and/or be unable to maintain a conversation on a subject other than his/her high interest topics. A young student with ASD may have a lack of variation in spontaneous or social imitative play, or may have unusual play with toys (e.g., lining up video cases end to end). When examining a student with ASD's needs in the area of social skill development, the Team should consider:

- the student's ability to respond appropriately to the social approach of others,
- the types of social interactions the student is capable of initiating,
- the student's pragmatic language skills, and
- anecdotal information about the student's abilities within small and large group settings and in typical activities for students of that age.

For students with ASD, social interaction skills are largely associated with the ability to communicate within a situation. The IEP Team should determine if a social impairment is the result of a language deficit. Impairments in social interaction may be mistaken for behavior problems in students with ASD. A functional assessment is useful for identifying factors that affect the student's social proficiencies. Where behavior plans are warranted, they should include the teaching of new social skills to prevent the occurrence of inappropriate behaviors serving a similar function.

Progress in social skill development is a likely focus within the IEP of every student with ASD. Social skills instruction should be at the student's skill level and appropriate for his/her age (e.g., "pull out" instruction in high school may be stigmatizing to the student). Collecting and analyzing data on the student's social proficiencies will assist in the development of his/her IEP goals.

- **The needs resulting from the student's unusual responses to sensory experiences:** The IEP Team should consider whether a student with ASD exhibits under- or over-sensitivity to particular stimuli. The following questions may be helpful in addressing this area:

Tactile:

does the student with ASD demonstrate a lack of awareness to his/her body in space, and/or a need for a higher level of input in tactile experiences?

Visual:

Is the student's eye gaze avoidant of, or fixated on, particular sights?

Sound:

How does the student with ASD respond to auditory events?

Smell/Taste:

does the student with ASD respond in an atypical fashion to olfactory events or tastes?

The Team should consider all elements of the student's environment and note any specific environmental modifications or accommodations that are necessary for participation and effective progress in the general education curriculum. Frequently family members are a valuable source of information on the student's unusual responses to sensory experiences. Additionally, functional behavioral assessments and sensory integration assessments can be useful to the Team's discussion.

- **The needs resulting from resistance to environmental change or change in daily routines:**

Students with ASD often have unusual or intense responses to a change in their environment such as moving the location of a piece of classroom furniture, or a change in daily routine even when part of a familiar schedule. Preparing for transition with visual supports, timers and verbal reminders often helps to ease the students transition and promote greater success, flexibility, and independence. Visual supports are evidence-based strategies for supporting a student with ASD in managing change and transition. Providing a preview before initiating change in an environment or schedule can support a student with ASD to be able to adjust to the change. A visual schedule can teach the student to rely on written (or pictorial or object schedule) information to manage moving between activities and it allows the student to anticipate change and rely less on a rigid memory of the order in which events occur. Even the most capable of students with ASD would benefit from using a visual schedule to manage the activities of the day, to reduce anxiety, and allow the student to better focus on the important activities within each day, rather than on their sequence.

The Team must consider the most successful modality for communicating the coming change or transition. The IEP Team is encouraged to consider the use of a schedule and other visual supports when working to address the needs resulting from a student's resistance to environmental change or change in daily routines, as well as to consider other evidence-based methods for introducing new content to the student.

- **The needs resulting from engagement in repetitive activities and stereotyped movements:** Students with ASD may exhibit ritualistic behaviors or repetitive phrases in physical activities

and in verbal exchanges. For instance:

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

The Team should consider their function and the extent to which these activities interfere with engagement in other, more appropriate, activities such as socialization or academic lessons. Informal observation and/or formal daily data collection (for more significant behaviors) may be used. This information will assist the Team in determining how and when to allow and/or modify the behavior within a student's day. As appropriate, Teams should consider using positive behavior supports to encourage participation in learning and other activities. Depending on the nature of the behavior, practices for addressing engagement in repetitive activities and stereotyped movements may include:

- Modifying an interfering behavior to be more socially acceptable (such as modifying a behavior of constantly shaking hands to occur only when introduced to a person).
- Teaching the student appropriate "replacement behaviors" that will lead to more interest or "on task" behavior in academic learning.
- Teaching the student appropriate "replacement behaviors" that will enhance increased and appropriate participation in social activities with peers.
- Providing the student with frequent breaks in the form of motivating and pleasant sensory activities.
- Having sensory therapies take place in the classroom when it is compatible with the learning activity and does not take away the student's focus from learning, in order to decrease frequency in high rates of repetitive movement.
- Using special equipment to reduce frequency of movement such as a cushion for the student to sit on during group reading time in order to decrease rocking behavior.
- Developing curriculum activities around the student's topic of interest and slowly expanding the student's interest to involve other topics.

Reinforcement strategies should also be considered in order to reduce frequency of activities or movements and as an accompaniment to replacement behaviors. Data should be used to determine the reinforcement rate and monitor effectiveness of the intervention strategy. The plan to address concerns in this area should be described within the student's IEP.

- **The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder:** Because of the complex developmental, learning and adaptive needs of students on the autism spectrum, they often exhibit behaviors that are challenging in their intensity, frequency, or interference with engagement in appropriate activities. The IEP Team should consider and discuss the need for a functional behavioral assessment (FBA) of the student's behavior(s). The intensity level of the FBA should match that of the presenting problem behavior. For a behavior that has a relatively clear pattern, an FBA can be completed by obtaining some simple frequency data and antecedent-behavior-consequence information. Significant repetitive behaviors (such as hand flapping or rocking) or self-injurious behaviors warrant a full functional behavioral assessment to determine the reason for, and function of, the behavior and possible alternatives to it. It is important to use the assessment data to determine why the behavior is occurring. Knowing the function that the behavior serves will help the Team determine whether positive behavior interventions, strategies and supports are necessary, and which replacement behaviors are appropriate for reducing or eliminating the interfering problem behavior. The Team should select the least amount of intervention that is likely to be effective, efficient, and produce the minimum unwanted effects. (e.g., ignore a behavior rather than issue a "time out".) Given the characteristic combination of social, communication and behavior challenges exhibited by students with ASD, a well-written and appropriately implemented behavior intervention plan is an essential piece of many IEPs.
- **Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development:** A student with ASD often exhibits deficits in executive function, the ability to organize and the ability to generalize learned skills into other environments/activities or functional routines. The student may have a tendency to perseverate or over-focus on unimportant features, which may distract him or her from the learning of the "whole". The IEP Team should consider whether there is a need to provide structure in the student's classroom environment and learning activities, including but not limited to:
 - intervention strategies for social skill development (self-advocacy, peer interaction);
 - reviewing classroom and individual expectations;
 - organizational supports (including visual organizers such as color coded folders and organized environments so that the environment has limited distraction factors);
 - previewing information;
 - direct instruction in order to learn new skills or to generalize learned skills; and
 - repeated instruction and practice in multiple environments with a variety of materials and people, in order to master a single skill.

Quite often a student with ASD has a visual learning style that can be used to help accomplish new tasks and learn new skills. Schools can also use this strength to assist students with ASD to move toward independent individual success.

The Department acknowledges the challenges faced by schools and families when seeking to provide appropriate educational experiences for students with ASD. The Department recommends pre-service as well as ongoing in-service training for all teachers and school staff who are working with students who have a disability on the autism spectrum. Partnership and sharing of training information with families are best practices for supporting these students in making effective progress. It is our belief that well-framed discussions on the topics addressed in Chapter 57 and in this technical assistance advisory will support positive relationships between schools and families and ensure positive outcomes for students with ASD.

Thank you for your attention to this advisory and for your work on behalf of students with disabilities in the Commonwealth.

Special Education

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

To:
Administrators of Special Education, Parents, and Other Interested Parties

From:
Marcia Mittnacht, State Director of Special Education

Date:
July 30, 2013

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

While special education eligibility is not a medical decision or a diagnosis, making a determination of eligibility often includes medical assessment and diagnostic terminology. In the past, the Department of Elementary and Secondary Education (Department) has emphasized that eligibility for special education is an educational determination¹ made by a Team of people familiar with the child and with assessment information available about the child. However, the DSM is used by health care professionals in the United States and much of the world as an authoritative guide for making diagnoses. Therefore, changes to the DSM deserve special mention.

The purpose of this advisory is to:

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

Background DSM-5 Changes:

The latest version of the DSM, the DSM-5, modifies previously separate DSM sub-categories of diagnoses in the area of Autism; including, Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS), Asperger's Disorder and Autistic Disorder. All these subcategories are no longer separately named in the DSM-5; they are now subsumed under the broad classification of Autism Spectrum Disorder.²

This diagnostic name change may be alarming to parents of students with these current diagnoses who worry that their children's eligibility for special education services will be affected based solely on the DSM-5 changes. It is important to note, however, that the DSM-5 Committee stated that all individuals who currently have a DSM-4 diagnosis of Asperger's Disorder, PDD-NOS, or Autistic Disorder should be given the diagnosis of Autism Spectrum Disorder.³ This technical change in diagnostic category in the DSM-5 will not alter a student's current eligibility status or IEP, in part because there is no substantive change in the DSM-5 with respect to the criteria for each disorder, but also because special education eligibility and IEP determinations are based on federal and state special education regulations, which include definitions of "disability" for purposes of special education eligibility.⁴

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

The DSM-5 contains a new diagnostic category called Social Communication Disorder. Students who struggle with social (pragmatic) communication will typically fall into one of two diagnostic categories in the new DSM-5: Autism Spectrum Disorder (ASD) or Social Communication Disorder (SCD). According to the DSM-5, ASD must be ruled out before a diagnosis of SCD may be given.⁶

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

For students on the autism spectrum, readers are also reminded that G.L. c. 71B, §3⁶ requires IEP Teams to consider seven areas of need when developing the IEP of a student on the spectrum.

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

Conclusion:

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

¹ See "Is Special Education the Right Service".

² American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Washington, DC, American Psychiatric Association, 2013. Discussion of Autism Spectrum Disorder occurs beginning on p.51.

³ The diagnostic criteria in DSM-5 for ASD identify two key areas: "persistent deficits in social communication and social interaction across multiple contexts..." as well as "restricted, repetitive patterns of behavior, interests, or activities..." The DSM-5 provides significant detail on both of these areas, and indicates that either of these criteria may be met through information provided "currently or by history." See also: [DSM-5 Implementation and Support website](#)

⁴ See Section 28.02(7) of the Massachusetts Special Education Regulations.

⁵ The DSM-5 definition of social (pragmatic) communication disorder includes persistent difficulties in the social uses of verbal and nonverbal communication. Because social communication deficits are one component of autism spectrum disorder (ASD), it is important to note that social (pragmatic) communication disorder cannot be diagnosed in the presence of restricted repetitive behaviors, interests, and activities (the other component of ASD). See also: [DSM-5 Implementation and Support website](#)

⁶ See also "Technical Assistance Advisory SPED 2007-1".

Section 8

Bullying Prevention



Ipswich Public Schools

One Lord Square
Ipswich, MA 01938
Phone: 978-356-2935
Fax: 978-356-0445
www.ipsk12.net

BULLYING PREVENTION AND INTERVENTION FOR STUDENTS WITH DISABILITIES PROCEDURE

In May 2010, Governor Deval Patrick signed into law comprehensive legislation that addresses bullying prevention and intervention. This law has specific requirements for how schools address bullying and retaliation effectively for students with disabilities.

Requirements

IEP Teams must consider and specifically address social skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing

- whenever a student's Team evaluation indicates that the student's disability affects social skills development;
- when the student's disability makes him/her vulnerable to bullying, harassment, or teasing; and/or
- for all students on the autism spectrum.

Documentation

IEP Teams must document that issues of bullying, harassment, and teasing were considered at all Team meetings based upon the student's presenting social/emotional profile. It is critical to document that the conversation took place *even if* some Team members do not feel that the student falls into one of the three categories listed above. The documentation is important as it indicates that the conversation occurred and all Team members had a voice in the determination of vulnerability to bullying, harassment, and/or teasing.

The language below should be incorporated into all students' IEPs as indicated:

Student is Vulnerable

Insert the following statement in the N1 and PLEP B:

The Team considered and discussed the implications of M.G.L. Ch 71, Section 370, MA Bullying Prevention Legislation at (student's name) Team Meeting. At this time, the Team, including (student's name)'s parents and (student, if appropriate) feel that (student's name) is vulnerable to bullying and would benefit from additional supports in the form of (list what has been incorporated into the IEP, e.g. services and/or accommodations) to help (student's name) throughout the school day. Skills and proficiencies are address in Goals # (insert goal numbers here).

Student is Not Vulnerable

Insert the following statement in the N1 and Additional Information:

*The Team considered and discussed the implications of M.G.L. Ch 71, Section 370, MA Bullying Prevention Legislation at **(student's name)** Team Meeting. At this time, the Team, including **(student's name)**'s parents and **(student, if appropriate)**, do not have any concerns in regard to bullying. If, in the future, concerns arise, the Team will immediately reconvene to discuss what supports are needed and address skills and proficiencies focus areas.*

Optional addition to this statement: **(Student's name)** *has demonstrated and stated that there are trusted adults at school that he/she would feel comfortable going to should there be bullying, harassment, or teasing concerns.*

Teams must be mindful that any goals, benchmarks, and services that relate to bullying, harassment, and teasing are addressed within the IEP in a manner that is clear to the parents.

For expanded information, please refer to the Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention within this section of the Procedural Guide.

Complete access to Ipswich Public Schools Bullying Prevention information (including the Bullying Prevention Plan, School Committee Bullying Prevention Policy, and forms for reporting) can be found on the district website home page under Quick Links: <https://www.ipsk12.net/domain/407>



IPSWICH PUBLIC SCHOOLS BULLYING PREVENTION & INTERVENTION PLAN

STATEMENT OF PURPOSE

The Ipswich Public Schools Bullying Prevention and Intervention Plan was developed to meet the requirements of M.G.L. c. 71, section 370 and is modeled after the Massachusetts Department of Elementary and Secondary Education (DESE) Model Plan for dealing with bullying behaviors in schools. The Plan complements the Ipswich School Committee Bullying and Harassment Policy JICFB found online at <https://www.ipsk12.net/domain/23>. The Plan includes Ipswich's best practices for identifying, reporting, and responding to bullying behaviors, as well as prevention efforts. This Plan is supported by the District's current student wellness, social/emotional skills curriculum, restorative justice, and discipline policies. In accord with practices advised by the Massachusetts Department of Elementary and Secondary Education (DESE), this plan is reviewed and updated on a regular basis in order to reflect continual analysis and improvement in practices and protocols.

LEADERSHIP

The District acknowledges that school leaders, especially building principals, teachers, and counselors play a critical role in modeling appropriate social interactions, and in teaching students to respect and understand diversity and individual student differences. The District works in partnership with parents and the community at large to establish a positive school climate that is safe for all students, and in particular, those who are most vulnerable. The District recognizes that research has established a clear relationship between a positive school climate and student achievement, as well as positive overall mental health.

CLEAR AND CONSISTENT PROCEDURES

As required by M.G.L. c. 71, section 370, the original Ipswich Public Schools Bullying Prevention and Intervention Plan was developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. The District invited all interested community members and groups to provide public comment relative to this proposed Plan before its original adoption by the District in 2010. Subsequently, the Plan has been examined and reviewed on a regular basis so that it remains current with changes in both presenting bullying concerns, as well as in the development of new and effective prevention practices.

The Ipswich Public Schools Bullying Prevention and Intervention Plan provides the District with a blueprint for enhancing our capacity to prevent and respond to issues of bullying within the context of our other positive school climate initiatives. As part of the planning process we continue to assess the adequacy of our current programs; review our current policies and procedures; examine our data on bullying and behavioral incidents; and draw upon current resources including curricula, training programs, and behavioral health supports.

ONGOING ANALYSIS AND OVERSIGHT

As a District, we examine both our own local data and that of the Department of Elementary and Secondary Education, including the Youth Risk Behavior Survey (YRBS) Views of Climate and Learning (VOCAL) survey. Examination of the data allows us to analyze the prevalence, characteristics, and many manifestations of bullying. This information guides our identification of patterns of behaviors and areas of concern, and impacts our selection of prevention strategies including, but not limited to, adult supervision, professional development, age- appropriate curricula, schoolwide initiatives, and in- school support services. The District recognizes that certain students may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. As a result, we have worked to create safe, supportive environments for these vulnerable populations in the school community in order to provide all of our students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing. Our endeavors have also focused around ensuring a climate where there is no place for hate or victimization, either within or outside the school community.

The Ipswich Public Schools Bullying Prevention and Intervention Plan identifies the building principal/designee as the individual who receives and has oversight over all reports on bullying. The building principal/designee is responsible for collecting and analyzing building data to assess the presenting problems and examine outcomes. Input from faculty, staff, and parents/guardians is also factored into the determination of these school climate needs. The building administrator tracks incident reports, and accesses information related to targets and aggressors. The District also annually reports bullying incidence data to DESE. The data reported include: 1) the number of reported allegations of bullying or retaliation; 2) the number and nature of substantiated incidents of bullying and retaliation; 3) the number of students disciplined for engaging in bullying or retaliation; and 4) other information required by DESE.

The District, including the collaborative administrative team of building principals and other administrators, as well as the mental health school staff members, collaborates in creating the ongoing professional development that is required by the law. The building principal or his/her/their designee has ultimate responsibility for the customization of supports that are responsive to the individual circumstances and needs of both targets and aggressors. Each building administrator owns the responsibility for implementing the Ipswich Public Schools Bullying Prevention and Intervention Plan, and for amending student handbooks and codes of conduct in their buildings to reflect the District's plan. At the building level, administrators also oversee the development of parent/family engagement initiatives, parent information materials, and the review of these efforts each year. The Superintendent (or designee) has final oversight over the development of new or revised practices and protocols under the Ipswich Public Schools Bullying Prevention and Intervention Plan, including the Internet safety policy, and designation of key staff charged with reviewing and updating plans on an annual basis. The School Committee is ultimately responsible for the approval of any policy updates.

The Ipswich Public Schools Bullying Prevention and Intervention Plan represents a comprehensive approach to addressing bullying and cyberbullying. Each school in the District is committed to working with students, staff, families, law enforcement agencies, and the community to prevent harassment, violence, or malintended/insensitive behaviors. In consultation with these stakeholders, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The overarching expectation in the District is that all members of the school community will treat each other in a respectful manner, with empathy and tolerance for differences.

TRAINING AND PROFESSIONAL DEVELOPMENT

The Ipswich Public Schools maintains ongoing professional development to reflect the requirements of M.G.L. c. 71, section 370. Ongoing professional development is targeted to the experiences and needs of all staff members, including but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, and paraprofessionals.

Annual mandated training for all school staff on the Ipswich Public Schools Bullying Prevention and Intervention Plan includes current research on bullying and effective interventions; staff responsibilities under the law; a review of the steps that the principal/designee will follow upon receipt of a report of bullying or retaliation; and an overview of the bullying prevention curricula offered at all grades throughout the school buildings. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired.

The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, respectful communication, sensitivity to the needs of others and tolerance for differences. Professional development builds the capacity of staff members to prevent, identify, and respond to bullying. The content of school-wide and professional development is informed by research and includes information on:

- Developmentally/age appropriate strategies to prevent bullying;
- Developmentally/age appropriate strategies for immediate, effective interventions to stop bullying incidents;
- Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- Research findings on bullying, including information about specific categories of students who have been shown to be particularly vulnerable to bullying in the school environment;
- Information on the incidence and nature of cyberbullying; and
- Internet safety issues as they relate to cyberbullying.

Professional development also addresses ways to prevent and respond to bullying or retaliation for students with disabilities. This includes a particular focus on the needs of students with autism or other students whose disability affects social skills development.

Additional areas of professional development include:

- promoting and modeling the use of respectful language;
- fostering an understanding and respect for diversity and differences;
- building relationships and communicating with families;
- constructively managing classroom behaviors;
- using positive behavioral intervention strategies;
- applying constructive and restorative disciplinary practices;
- teaching students skills including positive communication, anger management, and empathy for others;
- engaging students in age appropriate planning and decision-making;
- maintaining safe and caring classrooms for students

Written notice of the Ipswich Public Schools Bullying Prevention and Intervention Plan including sections related to staff responsibilities, can be accessed on the opening page of the District website.

ACCESS TO RESOURCES AND SERVICES

Creating a positive school climate requires that the underlying emotional needs of all students are addressed. At least every four years, the District administers a student survey to assess school climate and the needs of students. These students include targets, aggressors or bystanders of bullying or cyberbullying. In addition, the emotional needs of these students' families are also examined. The Ipswich Public Schools Bullying Prevention and Intervention Plan includes strategies for providing support and services necessary to meet these needs and for enhancing the District's capacity to effectively prevent, intervene and respond to bullying.

The District currently has many services available for students and families that are used to address the needs of targets, aggressors and bystanders. These services include needs analysis by the District's Intervention Teams, individual and group counseling, and referral to appropriate services for students and family members.

On at least an annual basis, school teams review staffing and programs in regard to their impact in creating positive school environments with appropriate intervention to prevent negative dynamics, engage individuals or groups of students, and to provide services at an appropriate level of intensity. At the same time, school teams develop recommendations and action steps to address resource and service gaps. The Ipswich Public Schools has worked in collaboration with local and state agencies to adopt evidenced-based curricula and to provide additional preventative services to students, parents/guardians, faculty and staff. Among the agencies we work with are the Essex County District Attorney's Office, Massachusetts Partnerships for Youth (MPY), the Massachusetts Aggression Reduction Center (MARC), Safe and Supportive Schools, Suffolk University Restorative Justice, KL Greer consulting (digital citizenship presentations), and Northeastern Massachusetts Law Enforcement Council (NEMLEC).

School counselors, nurses, school psychologists and special educators currently provide a variety of skill-based services to students within the educational setting that include ongoing emotional support, risk assessment, crisis intervention, and help with community-based counseling referrals when appropriate. School counselors meet with students, parents and teachers as needed to collaboratively address students' academic, emotional and behavioral concerns. The District provides linguistically-appropriate resources to identified families, drawing upon the expertise of interpreters and translators as appropriate. School counselors, school psychologists and special needs educators and other mental health support personnel maintain up-to-date information on community-based mental health referrals, outside agencies and services for Medicaid eligible students. They work collaboratively to develop positive behavior plans and other interventions enhancing social skills for students. They also work to support parents, through offering parent workshops, as well as informing parents about outside resources to bolster parenting skills and provide for the needs of children.

Among the services offered in various school buildings are the following:

- Individual and small group counseling
- Building-based student support teams (MTSS, Child Study) brainstorm wraparound supports
- Collaboration which takes place with outside agencies and therapeutic supports
- Crisis intervention support
- Facilitation of classroom meetings to resolve problems
- Restorative Justice circles
- School counseling curriculum which focuses on issues of respect, sexual harassment, student success skills, social-emotional learning, executive functioning, self-advocacy, and social skills
- Peer Mediation

- School wide initiatives such as Kindness Club , Ipswich Advisory and Mentoring (IAM) Club, PRIDE Club (middle school), Gay Straight Alliance (high school), Transition And Growth (TAG) Club, and Teaching Tolerance to promote a prosocial culture within the school
- Lunch Bunch/friendship groups
- Parent-teacher meetings
- Transition planning
- Behavioral Support Plan development
- Classroom observations
- Teacher consultation
- Multilingual Leaders Club
- Diversity, Equity, and Inclusion (DEI) Committees at the school level
- No Place for Hate Initiatives

The District holds ongoing parent and staff training through collaboration with the Massachusetts Aggression Reduction Center (MARC) at Bridgewater State University with Dr. Elizabeth Englander, and dynamic, nationally-known speakers for families such as Lynn Lyons, LICSW, and Jessica Minahan, PhD, BCBA. Our building-based teams meet on a weekly basis to examine student needs and collaborate on effective strategies for individual and group needs.

For students with disabilities, the IEP Team examines student vulnerabilities in regard to exhibiting bullying or being bullied. When the Team determines the student has a disability that affects social skills development or the student is vulnerable to bullying, harassment, or teasing because of their disability, the Team creates individualized social emotional supports that are included in the student's IEP. These may include social pragmatics groups, individual or small group counseling, incentivizing Behavior Support Plans and other interventions.

The Ipswich Public Schools has current practices in place for referring students and families to outside services. School counselors and other specialists help students and families access appropriate and available services. Referrals comply with relevant laws and policies. Referrals to outside providers are evaluated on a regular basis in reference to their availability, expertise for particular needs, and their accessibility to families.

ACADEMIC AND NON-ACADEMIC ACTIVITIES

The Ipswich Public Schools provides age-appropriate instruction on bullying prevention in each school.

Bullying prevention curricula are based on evidence-based research that, among other things, emphasizes the following approaches:

- empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
- emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications;
- engaging students in a safe, supportive school environment that is respectful of diversity and differences; and
- providing parents and guardians with information regarding the school bullying prevention curricula

Initiatives also educate students about the student-related sections of the Ipswich Public Schools Bullying Prevention and Intervention Plan through the Student Handbook, school assemblies and/or small group meetings.

The following core components have been essential in establishing a safe and supportive school environment that form the basis for the District's efforts in bullying intervention and prevention activities:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including for students with disabilities, students of the LBGT community, and homeless students;
- communicating with parents and guardians regarding the schools' goals and expectations for students and students' safety
- using appropriate and positive responses and reinforcement, even when students require discipline;
- using positive behavioral supports;
- encouraging adults to develop interest in, and positive relationships with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- using positive approaches to behavioral health, including collaborative problem-solving,
- conflict resolution training, restorative justice, and positive behavioral supports.
- learning about becoming responsible digital citizens and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

The Ipswich Public Schools has established policies and procedures for receiving and responding to reports of bullying or retaliation. These policies and procedures ensure that all members of the school community, including students, parents, and staff know what will happen when incidents of bullying occur.

REPORTING PROCEDURES

Reports of bullying or retaliation may be made by staff, students, parents/guardians, or others in the larger community, and may be oral or written. Staff members have been instructed that oral reports made by, or to, a staff member must be recorded in writing. All employees are required to immediately report to the building administrator any instance of bullying or retaliation the staff member becomes aware of, or witnesses. Reports made by students, parents/guardians, or other non-employees may be made anonymously. The district makes the reporting forms available to the community in each school office, counseling and nursing offices and on the District website, accessed by a quick link on the opening page under "Bullying Prevention . "

Forms can be found on the district website (link here) [Report a Bullying Incident](#) or via the QR code here:



At the beginning of each school year, the District provides the school community, including administrators, staff, students, and parents/guardians, with notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal (or designee), is incorporated into student handbooks and on the District website, so that information about the Ipswich Public Schools Bullying Prevention and Intervention Plan is readily available to parents/guardians.

Staff members have been advised that they must immediately report to the principal (or designee) when they witness or become aware of conduct that may be bullying or retaliation. The requirement to report to the principal (or designee) does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with the school's policies and procedures for behavior management and discipline.

PRACTICES TO PROTECT THE TARGETED STUDENT

The District expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the building administrator. Reports may be made anonymously, but no disciplinary action can be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents/or guardians, and others may request assistance from a staff member to complete a written report. Students are provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member. This is both to ensure their comfort with the process, as well as to prevent retaliation from the aggressor.

Before fully investigating the allegations of bullying or retaliation, the principal (or designee) assesses the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. There may be circumstances in which the principal/ designee contacts parents/guardians prior to any investigation. Notices are consistent with state regulations found in 603 CMR 49.00. Responses to promote safety include: creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who is prepared to act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal /designee can take additional steps to promote safety during the course of, and after, the investigation, as necessary.

The principal/designee implements appropriate strategies for protection from bullying or retaliation when a student has witnessed or reported bullying or retaliation, or provides information during an investigation. The confidentiality of students and witnesses reporting alleged acts of bullying is maintained to the extent possible given the school's obligation to investigate the matter.

Upon determining that bullying or retaliation has occurred, the principal/ designee promptly notifies the parents/guardians of the target and the aggressor of the incident and discusses the planned response.

OBLIGATIONS TO NOTIFY OTHERS

If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, administrators are aware that the principal/designee) first informed of the incident promptly notifies by telephone the principal (or designee) of the other school/s about the incident so that each school may take appropriate action. All communications are in accordance with state and federal privacy laws and regulations, and 603 CMR.

At any point after receiving a report of bullying or retaliation, including after an investigation, if the

principal/designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal/ designee notifies the local law enforcement agency. Notice is consistent with the requirements of 603 CMR 49.00 and the District's locally- established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal/ designee contacts the local law enforcement agency if there is a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the principal, consistent with the Plan and with applicable school and District policies and procedures, consults with local law enforcement/School Resource Officer (SRO), and other individuals the principal deems appropriate.

INVESTIGATION

The principal promptly investigates all reports of alleged bullying or retaliation by considering all available information, including the nature of the allegation(s) and the ages of the students involved. During the investigation the principal/designee may interview students, staff, witnesses, parents/guardians and others as necessary. The principal informs the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and can result in disciplinary action. Interviews are conducted by the principal /designee, and other staff members or counselors as appropriate. To the extent practicable, and given the obligation to investigate and address the matter, the principal maintains confidentiality during the investigative process. The principal also maintains a written record of the investigation.

Procedures for investigating reports of bullying and retaliation are consistent with District policies and procedures for investigations and for possible disciplinary action. If necessary, the principal consults with the Superintendent regarding consultation with legal counsel pertaining to the investigation of the alleged report.

DETERMINATION

The principal makes a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal/designee takes steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal will:

- 1) determine what remedial action, if any, is required, and
- 2) determine what actions and/or disciplinary action are necessary.

Depending upon the circumstances, the principal/ designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents/guardians, to identify any underlying social or emotional issues that may have contributed to the bullying behavior and to assess the level of need for additional social skills development or counseling. In the case of students with special education needs, the principal will confer with the IEP team to ensure that appropriate attention is given to the student's identified disability (ies).

The principal/designee promptly notifies the parents/guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notices to parents comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal does not report specific information to the target's parents/guardians about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to enforce violations.

SKILL BUILDING

The Ipswich Public Schools have a range of individualized strategies and interventions that may be used in response to remediate a student's social skills or to prevent further incidents of bullying and/or retaliation.

Upon determining that bullying or retaliation has occurred, the law requires that the district use a range of responses that balance the need for accountability with the need to teach appropriate behavior, consistent with M.G.L. c. 71, ch 370(d)(v). Skill-building approaches that the principal considers include:

- offering individualized skill-building sessions based on the district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with school counselors and other appropriate school personnel;
- implementing a range of academic and non-academic positive behavioral supports to help students understand prosocial ways to achieve their goals;
- meeting with parents/guardians to engage parental support and to reinforce the anti-bullying curricula and social skills-building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

TAKING DISCIPLINARY ACTION

If the principal decides that disciplinary action is appropriate, the disciplinary action is based on the facts found during the investigation, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline is consistent with the Ipswich Public Schools Bullying Prevention and Intervention Plan, the school's code of conduct as outlined in the student handbook and applicable state and federal law, the federal Individuals with Disabilities Education Improvement Act (IDEA), and state laws governing discipline procedures for students with disabilities. If the principal determines that a student knowingly has made a false allegation of bullying or retaliation, that student may be subject to disciplinary action consistent with the school's code of conduct/student handbook.

PROMOTING SAFETY

The principal considers what adjustments, if any, are needed in the school environment to enhance the sense of safety for the target and others. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal follows up with the target to determine whether there has been a recurrence of the prohibited conduct and if additional supportive measures are needed. If so, the principal then works with appropriate school staff to implement these measures.

COLLABORATION WITH FAMILIES

The Ipswich Public Schools Bullying Prevention and Intervention Plan includes strategies to engage and collaborate with students' families in order to increase the capacity of our schools and District to prevent and respond to bullying. Communication with families is necessary for effective collaboration. Provisions for informing parents/or guardians about the bullying prevention and intervention curricula used by the schools include sharing information about the following:

- how parents/guardians can reinforce the curricula at home and support the District Plan;
- the dynamics of bullying; and
- online safety and cyberbullying.

Parents/guardians are notified each year about the student- related sections of the Ipswich Public Schools Bullying Prevention and Intervention Plan.

The District collaborates with School Councils and parent organizations such as the PTA, and other parent groups to offer resources, information and programs to parents/guardians on the parental components of the anti-bullying curricula and social skills curricula used by the district, along with online safety and cyberbullying. Information is made available to parents/ guardians in hard copy and electronic formats, and will be available in the language/s most prevalent among parents/guardians. The Ipswich Public Schools Bullying Prevention and Intervention Plan and related information is posted on the District website.

PROHIBITION AGAINST BULLYING AND RETALIATION

The Ipswich Public Schools does not tolerate unlawful or disruptive behavior, including bullying, cyberbullying, or retaliation, in school buildings and grounds, on school buses or in school activities. The District investigates all reports and complaints of bullying, cyberbullying, and retaliation, and takes prompt action to end that behavior and restore the target's sense of safety. The Ipswich Public Schools supports this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent/guardian involvement. Acts of bullying, which include cyberbullying, are prohibited:

- on school grounds, at school-sponsored activities, functions or programs whether on or off school grounds, on schools buses, or through the use of technology or electronic devices owned, leased, or used by the district, and
- at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who witnesses and reports bullying, provides information during an investigation of bullying, or has reliable information about bullying is also prohibited. As stated in M.G.L. c. 71, section 370, nothing in this Plan requires the District or school to staff non-school related activities, functions, or programs.

PROBLEM RESOLUTION SYSTEM

The District informs the parents or guardians of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

Parents are informed that, in the event that they do not believe they or their children have been afforded the necessary assistance to resolve the bullying behavior, they have recourse to the DESE Problem Resolution System (PRS) at <https://www.doe.mass.edu/prs/> to file a complaint and seek additional support.

Any parent wishing to file a claim/concern or seeking assistance outside of the District may do so with the DESE Problem Resolution System. Emails can be sent to [compliance@ does.mass.edu](mailto:compliance@does.mass.edu) or individuals can call 781-338-3700. This information is also available in the Superintendent's office.

DEFINITIONS

Several of the following definitions are transferred directly from M.G.L. c. 71, section 370.

AGGRESSOR is a student who engages in bullying, cyberbullying, or retaliation.

BULLYING as defined in M.G.L. c. 71, section 370, is the repeated use by one or more students of a written, verbal, or electronic expression or physical act or gesture or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the target's property
- places the target in reasonable fear of physical harm or damage to personal property
- creates a hostile environment at school for the target
- infringes on the rights of the target at school, or
- materially and substantially disrupts the education process or orderly operation of a school.

CYBER-BULLYING is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, section 370 for the legal definition of cyberbullying.

HOSTILE ENVIRONMENT, as defined in M.G.L. c. 71, section 370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

RETALIATION is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

STAFF includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, and athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

TARGET is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the Ipswich Public Schools, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. Nothing in the Ipswich Public Schools Bullying Prevention and Intervention Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or district policies. In addition, nothing in the Ipswich Public Schools Bullying Prevention and Intervention Plan is designed or intended to limit the authority of the school or District to take disciplinary action or other action under M.G.L. c. 71, section 37H or 37H3/4, other applicable laws, or District policies in response to violent, harmful, or disruptive behavior, regardless of whether this Plan covers the behavior.

Special Education

Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention

To: Superintendents, Charter School Leaders, Principals, Administrators of Special Education, Directors of Approved Special Education Private Schools, Directors of Educational Collaboratives, and Other Interested Parties

From: Marcia Mitnacht, State Director of Special Education

Date: February 11, 2011

Introduction

The purpose of this advisory is to provide guidance to address changes to Massachusetts educational practice relating to students with disabilities stemming from enactment of the bullying prevention and intervention law. This advisory covers the following topics:

- The Massachusetts Bullying Prevention and Intervention Law
- Leadership and Schoolwide Efforts
- Evaluating Social Skills Development
- Skills and Proficiencies Students Need to Respond to Bullying, Harassment, or Teasing
- Implications for the Individualized Education Program (IEP)
- Students with Disabilities under Section 504

I. The Massachusetts Bullying Prevention and Intervention Law

In May 2010, Governor Patrick signed into law comprehensive legislation to address bullying in public and non-public schools. Chapter 92 of the Acts of 2010 (*An Act Relative to Bullying in Schools*)¹ requires school leaders to create and implement strategies to prevent bullying, and to address bullying and retaliation promptly and effectively if they occur. Sections 7 and 8 of the law have specific implications for the IEP process and for students with disabilities.

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

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

In August 2010, the Department released a Model Bullying Prevention and Intervention Plan² (Model Plan) for districts to use in creating their local plan. The Model Plan is organized in a format that parallels the Behavioral Health and Public Schools Framework.³ School districts are encouraged to approach the special requirements related to students with disabilities in Section 7 and Section 8 of the bullying prevention and intervention law in the same whole school context as they approach the development of their local plan for bullying prevention and intervention.

II. Leadership and Schoolwide Efforts

Strong leadership and schoolwide climate improvement efforts are essential and must go hand-in-hand with individual student supports if schools are to address effectively the prevention of bullying of students with disabilities. This integrated approach consists of schoolwide efforts, as outlined in the Model Plan, and the individual student supports provided through the IEP process that will build students' skills and proficiencies to avoid and respond to bullying. It will require communication, coordination, and cross-training between general and special education staff, and between staff and parents, to ensure that the schoolwide efforts address the needs of students with all types of disabilities.

Efforts to review bullying prevention and intervention policies with an understanding of the needs of students with disabilities and explicit ways of including all students in the schoolwide bullying prevention and intervention curriculum will foster supportive and safe school environments. These efforts also will support IEP Teams as they meet to address the needs of individual students. Additionally, an effective social skills curriculum⁴ that must be part of all schools' bullying prevention efforts will support the needs of most students with disabilities, as well as students without disabilities. By combining whole-school efforts with those taking place on behalf of individual students with disabilities, schools and districts can reduce the

threat of bullying of and by this population, and continue to make progress toward school safety and the effective inclusion of all students in their school communities.

III. Evaluating Social Skills Development

Since disabilities can affect multiple aspects of a student's life, the student's individual evaluation must be comprehensive in order to identify areas affected by the disability and to allow for appropriate supports to ensure student success. During the evaluation process, the IEP Team must gather relevant data and information related to the student's social skill development. Massachusetts regulations require initial evaluations to include: "an assessment of the student's attention skills, participation behaviors, communication skills, memory, and **social relations with group, peers, and adults.**"⁵ Similarly, federal IDEA regulation 34 CFR 300.304 (c)(4) requires that "the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, **social and emotional status**, general intelligence, academic performance, communicative status, and motor abilities." (Emphasis added.) Generally speaking, this means that well planned evaluations will contain the information that IEP Teams need to address the special requirements of the bullying prevention and intervention law for students with disabilities.

Sections 7 and 8 of the bullying intervention and prevention law refer to three groups:

Students with disabilities

- on the autism spectrum;
- when the disability affects social skills development; and
- when the disability may result in a vulnerability to bullying, harassment, and teasing.

The Department recommends that IEP Teams for these students carefully consider the supports needed to build each student's social skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

IV. Skills and Proficiencies for Students

The Department reviewed a wide range of information on available skill building programs and offers this list from The Collaborative for Academic, Social, and Emotional Learning (CASEL).⁶ CASEL has reviewed current research and identified specific skills and proficiencies needed to avoid or respond to bullying, harassment, and teasing. The skills and proficiencies that a school district may incorporate into its general curriculum, or that an IEP Team may identify in the student's IEP, may include but are not limited to the following core categories identified by CASEL:

- **Self-Awareness:** accurately assessing one's feelings, interests, values, and strengths/abilities, and maintaining a well-grounded sense of self-confidence.
- **Self-Management:** regulating one's emotions to handle stress, control impulses, and persevere in overcoming obstacles; setting personal and academic goals and then monitoring one's progress toward achieving them; and expressing emotions constructively.
- **Social Awareness:** taking the perspective of and empathizing with others; recognizing and appreciating individual and group similarities and differences; identifying and following societal standards of conduct; and recognizing and using family, school, and community resources.
- **Relationship Skills:** establishing and maintaining healthy and rewarding relationships based on cooperation; resisting inappropriate social pressure; preventing, managing, and resolving interpersonal conflict; and seeking help when needed.
- **Responsible Decision-making:** making decisions based on consideration of ethical standards, safety concerns, appropriate standards of conduct, respect for others, and likely consequences of various actions; applying decision-making skills to academic and social situations; and contributing to the well-being of one's school and community.

V. Implications for the Individualized Education Program (IEP)

Because the IEP serves as a vehicle for improving the educational experience and achievements of a student with disabilities, the IEP Team uses a variety of information sources, including evaluations, assessment information, and its discussions of the student's present level of educational performance and social acumen, to inform the development of the IEP. The IEP Team's discussion focuses comprehensively on the student's educational needs and on the student's overall involvement in the school, including participation in the general curriculum and in extracurricular and other nonacademic activities. In this process, the IEP Team considers the student's disability and the impact of the disability on the student's interaction and communication with others.

- For all three groups of students with disabilities named in the bullying prevention and intervention law, the IEP Team must consider how the student's disability affects his/her learning the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. Many students will receive support in developing appropriate skills and proficiencies through general instruction. In such cases, the Team should include in the IEP any supports the student needs to learn the needed skills through the existing curriculum. As appropriate, the

Team should include in the IEP needed accommodations to the general education program, or goals and objectives and special education services related to student's learning the necessary skills.

- Because of the nature of Autism Spectrum Disorders (ASD), progress in positive social skill development is already a likely focus within the IEP of every student with ASD. Social skills instruction should be at the student's skill level and appropriate for his/her age. The focus of the IEP in relation to the bullying intervention and prevention law will be to aid the student in accessing social and emotional learning to handle more effectively challenges in his/her academic, social, and communication realms.
- IEP Teams should consider ways that the age-appropriate instruction on bullying prevention and intervention incorporated into the school's general curriculum already assists a student with a disability in these areas and should reflect this discussion in the IEP. As noted earlier, the IEP should address those skills and proficiencies that the Team has determined the student would be unlikely to learn solely within the general curricular program, or any supports the student needs to make learning possible in the general curricular program.
- IEP Teams should consider whether modifications or services are needed for students with all types and severities of disabilities to be involved and progress in the school's or district's bullying prevention and intervention program that is incorporated into the school's or district's general curriculum. Also, Teams should ensure that students can participate fully in all procedures related to the reporting and investigation of bullying incidents. The district must ensure that the IEP Team includes a member of the school's staff who is knowledgeable about the school's bullying prevention and intervention general education curriculum when those issues are discussed at a Team meeting.
- Incorporated within the Team meeting process and the Team's discussion of a student's skills and proficiencies to respond to bullying, harassment, or teasing may also be education for families about the district's bullying prevention and intervention plan, the general education curriculum the school is using to instruct all students about bullying prevention and intervention, and the reporting mechanisms that are in place within the school.

School districts are not required to reconvene IEP Team meetings for currently eligible students solely to discuss the law's new requirements for bullying prevention or intervention. However, each time the IEP Team convenes, the Team should consider whether the student has been involved in any bullying incident, and use that information to inform its discussion of the student's needs. Additionally, the district should convene the IEP Team if the parent or any staff member believes that the student is at risk of being bullied or is exhibiting bullying behavior and such risk or behavior is directly tied to the student's disability. In many cases, effective school special education practices will have already identified social skills instruction and other bullying prevention measures in eligible students' IEPs.

The following are sample considerations that the Team may include in a student's IEP, as appropriate:

- Provide instructional personnel or supplementary aids and services during identified periods of the school day (e.g., lunch, recess, study hall, bus) when the student requires additional support.
- Identify a "safe" adult to whom the student can go for support when feeling vulnerable or targeted.
- Provide additional counseling for skill-building supports to prevent or respond to bullying.
- Provide a communication skills/social pragmatics skills group.
- Provide a Functional Behavioral Analysis and develop a Behavioral Intervention Plan that identifies target or aggressor behaviors, identifies antecedents to these behaviors, and proposes interventions for teaching the student to reduce and/or avoid these behaviors.
- Teach appropriate responses to bullying, harassment, and teasing.
- Provide opportunities for the student to develop and practice a safety action plan.
- Identify skills or accommodations necessary for school success - educationally and socially.

These considerations are illustrative of several ways that the Team may address a student's identified needs. Teams must consider the individual circumstances and needs of each student in order to ensure that the skills and proficiencies needed to address and respond to bullying, harassment, and teasing are supported in the IEP. IEP Teams cannot prevent or respond to bullying alone; the Team's efforts to help individual students develop the necessary skills and proficiencies to prevent or respond to bullying must also be supported and informed by the broader bullying prevention and intervention initiatives taking place at the school and district level.

A Department resource document entitled "*Addressing the Needs of Students with Disabilities in the IEP and in School Bullying Prevention and Intervention Efforts*" is available for IEP Teams and districts to consult as they serve Massachusetts students with disabilities. In addition, the Department publishes links to other bullying prevention and intervention resources on its website at [Bullying Prevention and Intervention Resources webpage](#).

VI. Students with Disabilities under Section 504

Students with disabilities who are eligible for aids and services under Section 504 of the Rehabilitation Act of 1973, as amended, must have access to bullying prevention and intervention programs, activities, and protections.⁷ Pursuant to Section 504, no student with a disability may be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of a school's programs.⁸ This includes the district or schoolwide bullying prevention and intervention curricula, programs, services, or initiatives. Under Section 504, schools must ensure that any 504-eligible

student, regardless of the nature or severity of the student's disability, receives a free appropriate public education. Schools must provide services and/or accommodations in academic, non-academic, and extra-curricular programs and activities in such a manner as is necessary to afford the student equal access and opportunity.⁹

Closing

In closing, the Department acknowledges the challenges faced by schools and families when dealing with the issues of bullying, harassment, and teasing of all students and, most particularly, students with disabilities. The Department is continuing to develop resources for schools to use to implement the requirements of the bullying prevention and intervention law, and to support districts' and schools' comprehensive efforts to ensure safe and supportive learning environments for all students. Resources focusing on bullying prevention and intervention are available on the Department's website at [Bullying Prevention and Intervention Resources webpage](#). Working together, we can help to ensure that all students are able to access a free and appropriate education in a safe, civil, and supportive learning environment.

¹ [Session Laws: Chapter 92 of the Acts of 2010](#)

² [Model Bullying Prevention and Intervention Plan](#)

³ [Behavioral Health and Public Schools Self-Assessment Tool for Schools website](#)

⁴ The bullying prevention and intervention law requires the Department to publish guidelines for implementing social and emotional learning curricula by June 30, 2011. This timeline is contained in Section 16 of the [bullying prevention and intervention law](#).

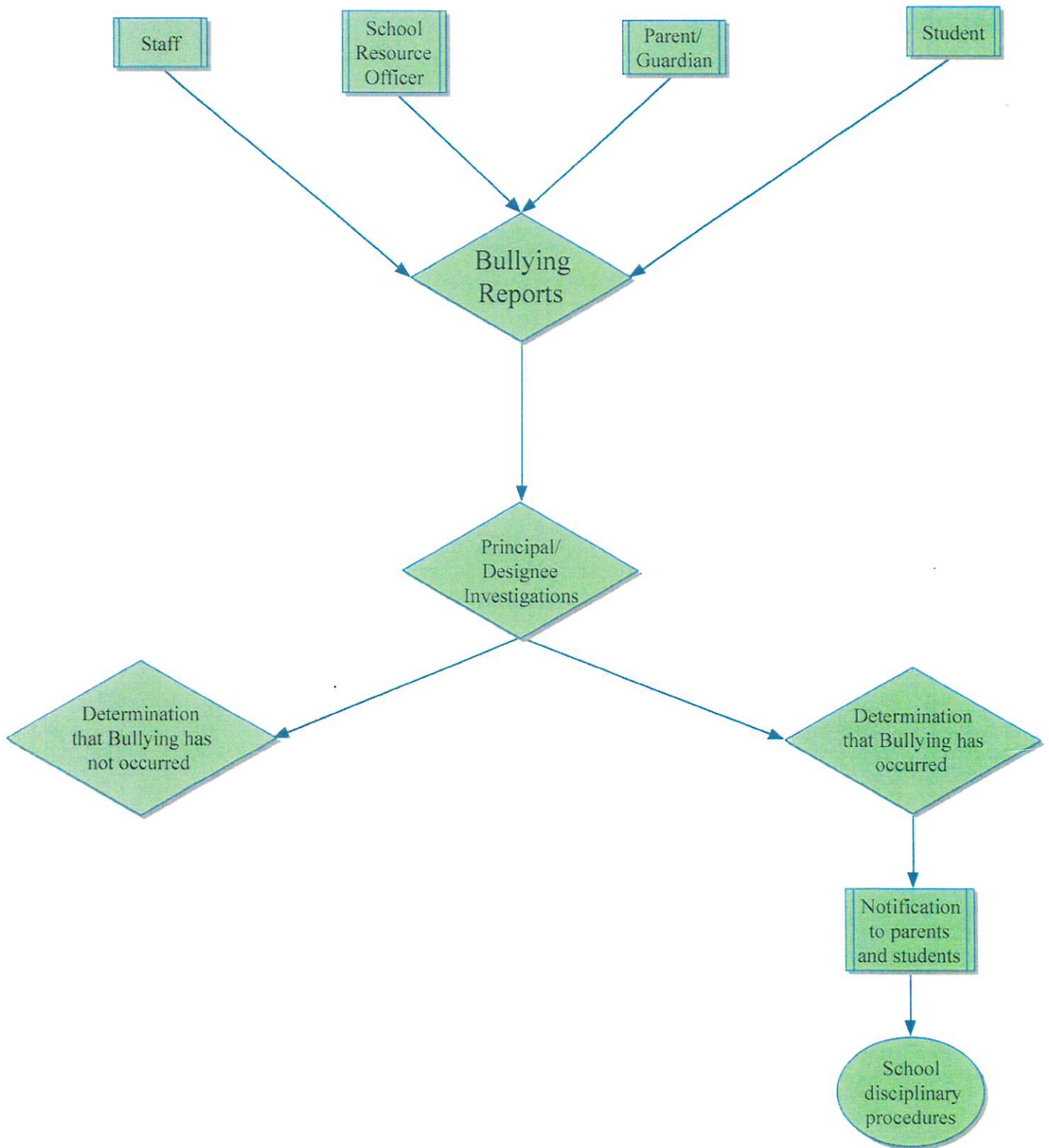
⁵ 603 CMR 28.04 (2)(a)(2)(ii) (emphasis added).

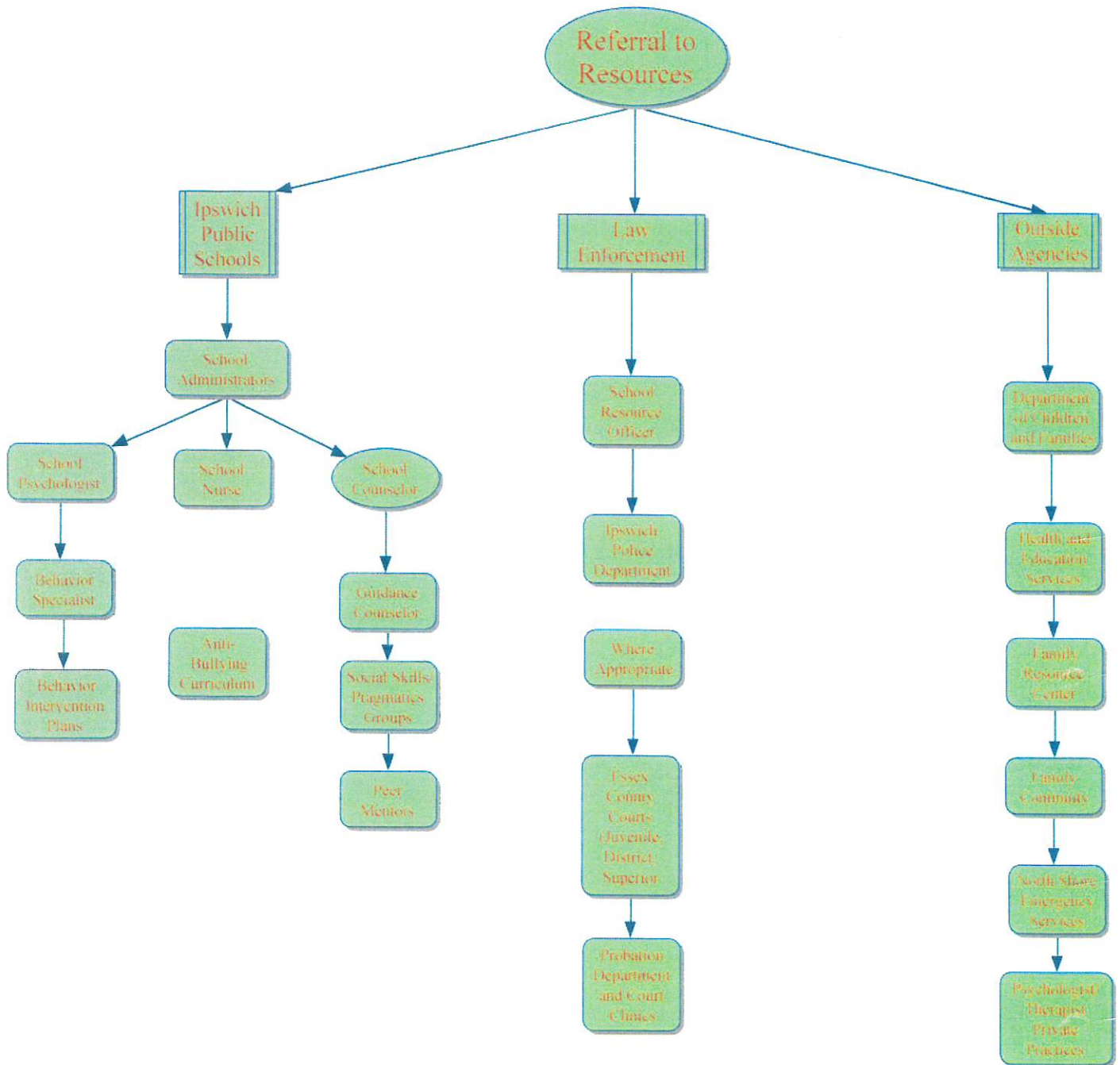
⁶ [The Collaborative for Academic, Social, and Emotional Learning \(CASEL\)](#) is an organization formed in 1994 that provides national and international leadership to enhance scientific research on social and emotional learning (SEL) and to expand the effective practice of SEL in schools. SEL is defined by CASEL and in the bullying prevention and intervention law (Section 16), as the process by which children acquire the knowledge, attitudes, and skills necessary to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions, and constructively handle challenging social situations.

⁷ Sections 7 and 8 of the bullying prevention and intervention law do not apply to a student identified as a student with a disability under Section 504, because Sections 7 and 8 apply solely to students eligible for special education services under c. 71B.

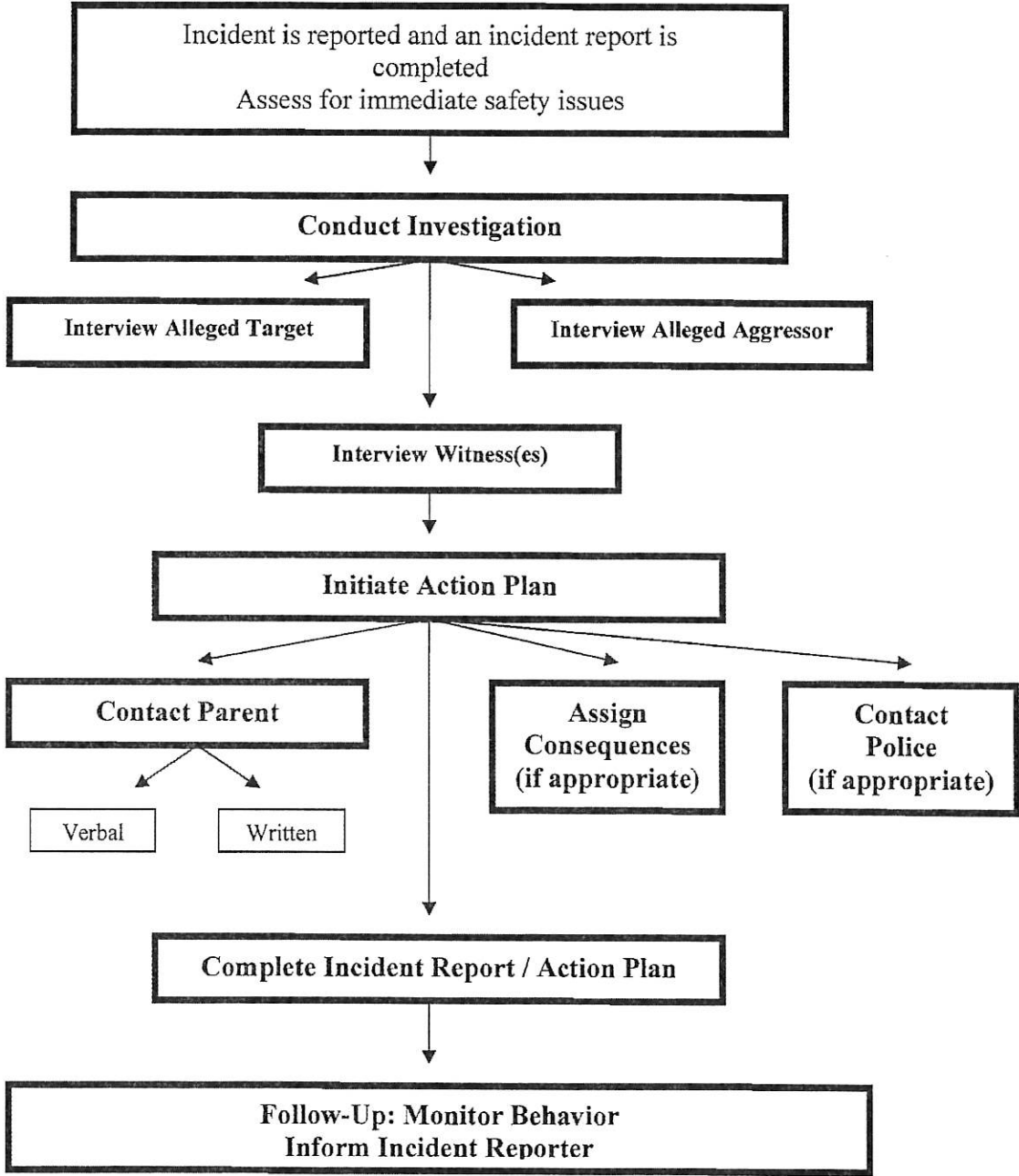
⁸ Section 504 applies to programs or activities that receive federal financial assistance. 34 CFR 104.4.

⁹ Bullying conduct may also constitute harassment under Section 504 and violate a student's civil rights. For more information, see [October 26, 2010 Dear Colleague letter](#) from U.S. Department of Education, Office for Civil Rights.





**Process for Responding to a Report of Bullying
Flow Chart**



Section 9

Discipline Procedures for Special Education Students

Discipline

Each school has a Student Handbook that describes the rules for student conduct for that school. Students with disabilities are expected to follow the rules of conduct for their school unless specifically noted in the IEP. Under circumstances where the student's disability precluded the student being able to follow certain school rules, or where accommodations are necessary because of the student's disability, this will be specifically noted in the IEP.

The goal of the disciplinary process is not to punish students, but rather, to educate students regarding the expectations and rules of conduct that will govern their lives in a post-school environment. Although general disciplinary regulations permit a suspension of up to ten (10) days before meeting, this practice is discouraged. Suspensions, even those referred to as "in-house", remove a student from typical educational supports. Students with disabilities are entitled to access their special education services when suspended; therefore, arrangements must be made to provide these services.

Functional Behavior Assessment (FBA)

Best Practice, rather than allowing suspensions to accumulate, dictates that the Team examine the factors in the student's environment that may be triggering the unacceptable behavior. This can be investigated in an organized manner through a Functional Behavior Assessment (FBA) conducted either by a Board Certified Behavior Analyst (BCBA) or school psychologist trained in completing FBAs. The purpose of the FBA is to identify the triggers for the unacceptable behaviors and create alternatives via a system of Positive Behavioral Supports. A sample FBA template is included in this section. A Behavior Intervention Plan (BIP) may be written as a result of the FBA to reinforce positive supports.

Manifestation Determination

When a student with disabilities approaches an exclusion of ten (10) days, the Team must convene to determine whether the behavior is a direct result of the student's disability. This is called a Manifestation Determination. If the Team determines that the behavior is not a direct result of the disability, then the school may discipline the student according to the school's code of student conduct, although the District must continue to provide the student with special education services during the period of suspension or expulsion. If the Team, however, determines the behavior to be a direct result of the disability, the student may not be excluded from the current education placement (except in the case of weapons, drugs, or serious bodily injury) until the Team develops and the parents consent to a new IEP.

In the event a student possesses, uses, sells, or solicits a controlled substance or possesses a weapon or seriously injures an individual at school or a school function, the student may be placed in an Interim Alternative Education Setting (IAES) for up to forty-five (45) days, upon determination that the current placement is likely to result in injury to the student or others. When a parent disagrees with the Team decision regarding placement, the parent has a right to request an expedited due process hearing from the Bureau of Special Education Appeals (BSEA).

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

Students identified as receiving Special Education and/or related services are expected to meet the requirements for behavior, unless otherwise determined by the IEP process as set forth in the school handbooks. Additional provisions that can be made for students in special education include the following:

1. The student's IEP will indicate if the student's disability requires a modification of the discipline code.
2. The school principal must notify the school's special education program manager of the suspension offense within one school day. The program manager will immediately notify the Director of Pupil Personnel Services.

The provisions also apply to:

1. Students who have had concern expressed in writing by parents;
2. Students for whom staff have expressed concerns regarding a pattern of concerning behavior. This concern may have been expressed by the principal, program manager, or PPS Director.
3. Students who are in the process of having been referred for an evaluation or suspected as having a disability.

These provisions do not apply to students whose parents have refused an evaluation or special education services. They also do not apply to students who have been evaluated and found ineligible.

The school principal, special education staff, counselors, and other related service providers have all been trained in understanding the regulations regarding the following:

- **Free and Appropriate Public Education (FAPE):** The Ipswich Public School District is responsible for providing FAPE to all students. A special education student may not be suspended for more than ten (10) days without the provision of FAPE. Schools are responsible for ensuring that students receive educational services that allow access to the general curriculum and can make progress toward IEP goals.
- **Manifestation Determination:** For suspensions that will extend beyond ten (10) school days, the special education Team must determine if the behavior that warranted the disciplinary action was caused by or had a direct relationship to the disability, or was a direct result of the school district's failure to implement the IEP.
- **Functional Behavioral Assessment (FBA):** An FBA must be completed within 10 school days after the 11th day of suspension. In the Ipswich Public Schools, the standard practice is to closely monitor student suspensions and patterns and proactively begin an FBA at or around the 7th day of suspension. The goal of the FBA is to determine the function or reason for the problematic behavior(s) and proactively develop a positive Behavior Intervention Plan (BIP).
- **Interim Alternative Educational Setting (IAES):** An IAES is a change in placement that allows the student to receive educational services. Teams must decide, based on a student's unique circumstances, when an IAES is appropriate for suspensions that extend beyond ten

(10) days. Teams must work with the PPS Director to discuss IAES options that are appropriate and available.

Special circumstances exist when a student engages in a behavior that includes the following:

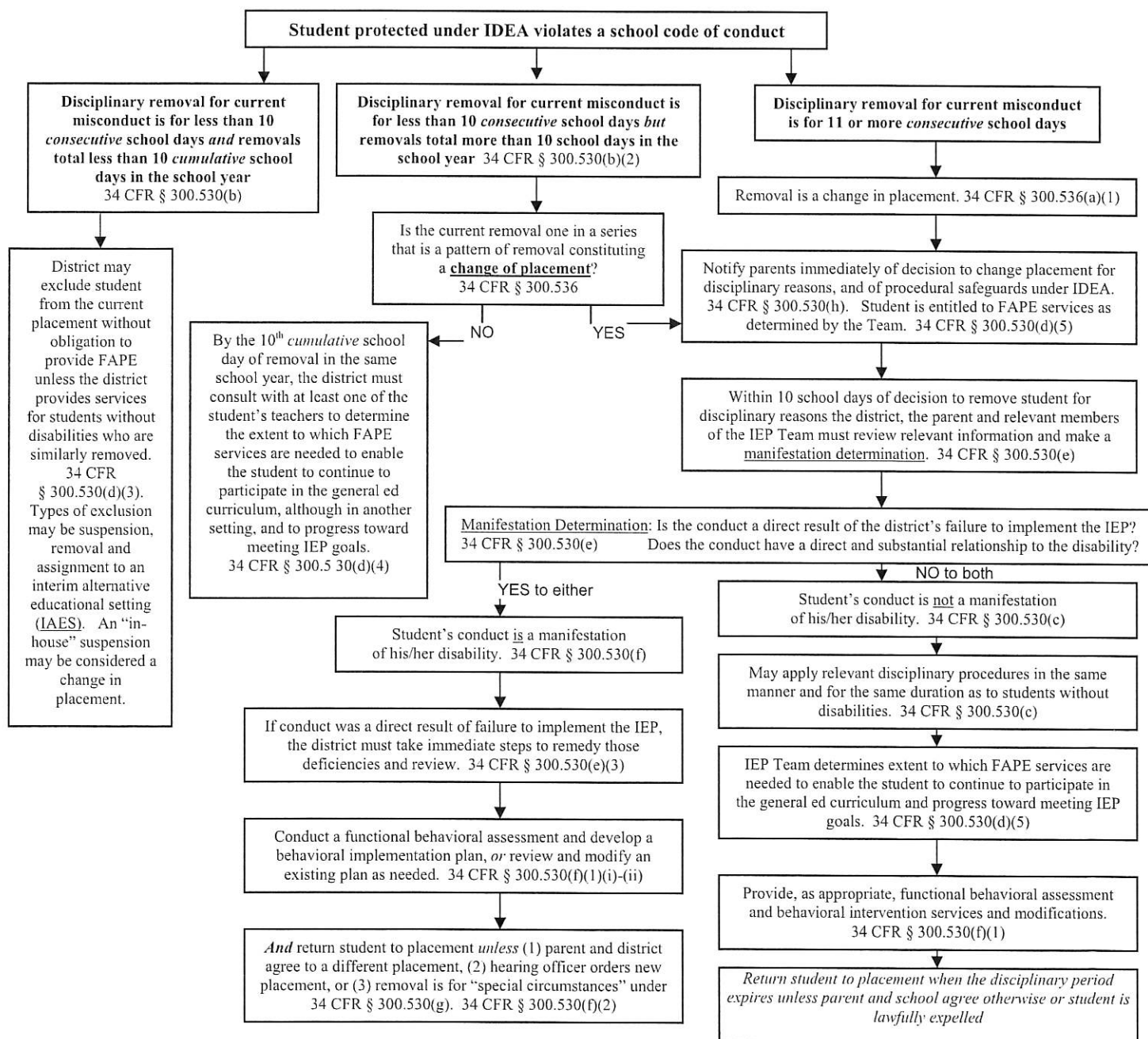
1. Possession of a weapon
2. Possession of drugs
3. Potential to cause serious bodily harm

If the behavior includes one or more of the above, the principal of the school may order the student to an IAES for up to 45 school days or beyond, if deemed appropriate. Parents will have been informed of this process through provision of both oral and written notice regarding the opportunity for a hearing. In the case of the special education student, the Manifestation Determination Meeting will be held to examine the potential nexus of the offense to the disability. Early scheduling of this meeting allows the Team to examine the patterns of behavior, and discuss appropriate responses to support the student, including assessments and/or changes to the IEP.

Discipline of Special Education Students Under IDEA 2004

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

- This chart should be read in conjunction with discipline procedures in state law, M.G.L. c. 71, §§ 37H & 37H1/2, and district-wide and school-wide student codes of conduct.
- Protections in the IDEA apply to students who have been found eligible for special education and to students for whom the school is deemed to have knowledge that the child might have a disability (i.e., students who have not yet been found eligible but the school had a basis of knowledge of a disability, including students who have been referred for initial evaluation). 34 CFR § 300.354
- Beginning on the 11th school day of a student's disciplinary removal during the school year, and if removal is a change in placement, the student must be provided free appropriate public education (FAPE) services during the period of removal to allow him/her to continue to participate in the general education curriculum and progress towards IEP goals, even if in a different setting. 34 CFR § 300.530(b) & (d).
- If the conduct that the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination. 34 CFR § 300.530(g). The IEP Team must determine the IAES.
- Although the following flowchart lays out the steps that a school district must take when disciplining a student with a disability, it is important to remember that at any point the parent and school district can agree to change a student's placement for disciplinary reasons. Agreements should be in writing, and signed by the school personnel and the parent.



Appeals Process for Disciplinary Placement Decisions for Students with Disabilities Under IDEA 2004: 20 U.S.C. § 1415(k) and 34 CFR §§ 300.532-300.533

Who may file an appeal of a disciplinary decision?

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

