



# **DRAFT Special Education Procedure Manual**

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## **SE 1 – ASSESSMENT OF STUDENT PROGRESS: ASSESSMENTS ARE APPROPRIATELY SELECTED AND INTERPRETED FOR STUDENTS REFERRED FOR EVALUATION**

STATE  
REGULATION(S):

28.04

FEDERAL REGULATION(S): 300.532, 300.535

### 1. Tests and other evaluation materials are:

- validated
- administered and interpreted by trained individuals
- tailored to assess specific areas of educational need
- selected and administered to reflect aptitude and achievement levels
- as free as possible from cultural and linguistic bias
- provided in the student's native language or other mode of communication where feasible
- not the sole criterion for determining an appropriate educational program
- not only those designed to provide a single general intelligence quotient
- are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure
- technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors

### 2. In interpreting evaluation data and making decisions, the district:

- uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent
- ensures that information obtained from these sources is considered
- ensures that the placement decision conforms with placement in the Least Restrictive Environment
- includes information related to enabling the student to be involved in and progress in the general curriculum

## STUDENT SERVICES PROCEDURE

1. When referring a student for Special Education Evaluation, a completed *Student Services Referral Form* should be submitted to the building principal. The referral form can be found in the [Shared Google Drive](#).
2. Following a student's referral through the principal, the signed referral will be sent to the Office of Student Services, at which time the Office of Student Services will enroll the student within Special Education in Aspen.
3. An Evaluation Consent (N1A) and Proposed Action Notice (N1) will be drafted by either the Special Education Liaison or the Evaluation Team Leader and mailed via US mail to the last known address of the student in the district's Student Information Management System (SIMS), sent via email, or placed in the student's backpack.
4. Once signed consent is received from the parent/guardian, the Special Education Liaison/ETL will complete the Evaluation Notification Form to notify evaluators that a consent has been received and an evaluation needs to be completed.
5. All testing will be completed within thirty (30) school-working days.
  - Student absences are not considered school-working days.
  - The SPED liaison will facilitate scheduling of testing and coordinate with the evaluator a team meeting date.
  - If a student has limited English proficiency the liaison will contact the district's EL teacher to set up interpretation services for that child and/or ensure evaluations are conducted in child's native language as may be required
6. The initial eligibility meeting will be held within forty-five (45) school-working days.
  - When the team convenes, they will review all testing results and available data.
  - They will complete the Special Education Eligibility/Initial and Reevaluation Determination (ED1) to determine whether the student is eligible to receive special education services and to identify if the family is satisfied with the school district's evaluations.
  - If the family is not satisfied with the district's evaluations, the family will be advised to contact the Director of Student Services regarding next steps.
  - If the student is **eligible**, an IEP will be drafted to ensure the student is served in the least restrictive environment.
  - If the student is **not eligible**, the district will make a finding of not eligible, and the meeting will be ended. The liaison will then complete a Notice of School District Refusal to Action (N2)

### ***Documentation Source(s)***

Student Referral Form

Assessment/evaluation reports

Notice of Proposed Action (N1)

Evaluation Consent Form (N1A)

Special Education Eligibility/Initial and Reevaluation Determination (ED1)

Notice of School District Refusal to Act (N2)



## SE 2 – REQUIRED AND OPTIONAL ASSESSMENTS

STATE REGULATION(S): 28.04(1) AND (2)

FEDERAL  
REGULATION(S):

300.532,  
300.346.(A)(2)(V)

1. Required Assessments: The following assessments are completed by appropriately credentialed and trained specialists for each referred student:
  - Assessment(s) in all areas related to the suspected disability(ies) including consideration of any needed assistive technology devices and/or instruction in Braille
  - Educational Assessment A: An assessment which includes a summary of a student’s educational history and progress in the general curriculum, which can be conducted by a district representative
  - Educational Assessment B: An assessment by a general education teacher or teachers with current knowledge regarding the student’s specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district’s curriculum, as well as an assessment of the student’s attention skills, participation behaviors, communication skills, memory and social relations with groups, peers, and adults

For a child being assessed to determine eligibility for services at age three (3), an observation of the child’s interactions in the child’s natural environment or Early Intervention program is strongly encouraged together with the use of current assessments from Early Intervention teams to avoid duplicate testing

  - Home Assessment: An assessment that may be conducted by a nurse, psychologist, social worker, guidance, adjustment counselor, behavior specialist or teacher, and includes information/pertinent family history and home situation. NOTE: This assessment may include a home visit, with the agreement of the parent depending on the nature of the assessment but may not be proposed/required for all assessments.
2. Optional assessments: The Director of Student Services may recommend, or the parent may request one or more of the following:
  - Health Assessment: A comprehensive review of student’s medical records and information by a school nurse that identifies medical problems or constraints that may affect the student’s education. The school nurse may add additional relevant health information from the student’s school health records.
3. At the re-evaluation of a student, if the TEAM decides that no additional assessments are needed to determine whether the student continues to be eligible for Special Education Services, the school district recommends to the student’s parents the following:
  - that no further assessments are needed and the reasons for this, and;
  - the right of such parents to request an assessment

## STUDENT SERVICES PROCEDURE

1. Evaluators will maintain certification and any additional credentials will be provided to the Superintendent's Office. The testing will be completed within thirty (30) school-working days.
2. Liaisons will observe the student and review the history including report cards, and complete Education Assessment A. The classroom teacher will fill out Education Assessment B, (attached to team invitation) or can be obtained from liaison (paper and electronic versions available). Preschool teachers will attempt to visit Early Intervention or home to observe students in a natural setting. Special Education teachers will update academics for 3-year re-evaluations.

### Optional Assessments:

- Health: The nurse will provide observational input or documentation from PowerSchool and his/her records. The nurse will contact the pediatrician's office and other relevant medical providers for updated information and to share the concerns.
3. Prior to re-evaluation due date the liaison should review the records and make a request for consent for an updated evaluation 2 months prior to the evaluation due date or request a waiver in the case where eligibility is not being questioned. In the case where a waiver is approved, the classroom teacher needs to fill out an Education Assessment B prior to the team meeting and all service providers should have current written data/input to reflect on current performance levels. Liaisons will check with the Director for 3-year testing needs and may be directed to request a record review and achievement testing for students who will be participating in a 3-year re-evaluation with no changes in delivery expected.
  4. For students with **September triennial due dates**, please populate an N1 & N1A and send that documentation to the Office of Student Services in June of the prior to the new school year.

### ***Documentation Source(s)***

Assessment Reports

Notice of Proposed Action (N1)

Evaluation Consent Form (N1A)

## SE 3 – SPECIAL REQUIREMENTS FOR DETERMINATION OF SPECIFIC LEARNING DISABILITIES

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

300.540-543

When the District proposes to evaluate a child suspected of having a specific learning disability, the following requirements are implemented:

TEAM Membership: The district ensures the TEAM includes required members under the law as well as a regular education teacher (appropriate to the age of the child) and at least one person qualified to review and interpret the individual diagnostic examination of the child.

### Criteria for Determining the Existence of a Specific Learning Disability:

- Team identifies 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 the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.
- As a result of disorder, student is not making effective educational progress for his/her age to meet ELA or math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention and/or there is a severe discrepancy between intellectual ability and achievement and the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age or ELA or Math Curriculum framework standards or intellectual development.

The TEAM has determined the lack of achievement in the area of concern is not a result of cultural factors; environmental or economic disadvantage; limited English proficiency; visual, hearing or motor disability; intellectual disability or an emotional impairment.

### Required Observation of the child:

- at least one TEAM member other than the child's regular teacher observes the child's academic performance in the regular classroom setting;
- if the child is less than school age, the observation is conducted in an environment appropriate for a child of that age

### Written Documentation of the TEAM's Determination of Eligibility due to the presence of a specific learning disability includes the following:

- statement whether the child has a specific learning disability
- the basis for making the determination
- the relevant behavior noted during the observation of the child
- the relationship of that behavior to the child's academic functioning
- the educationally relevant findings, if any

- statement whether there is a severe discrepancy between achievement and ability that is not correctable without Special Education and/or related services, and
- determination of the TEAM concerning the effects of environmental, cultural or economic disadvantage

Required Written Certification of TEAM Members: Each TEAM member certifies in writing whether the report reflects his or her conclusion. If not, the TEAM member submits a separate statement presenting his or her conclusions.

## **STUDENT SERVICES PROCEDURE**

1. Prior to the team meeting, the Liaison/School Psychologist will observe the student in the general classroom and fill out the appropriate SLD observation forms.
2. The liaison will pre-populate as much information as possible in ASPEN on the SLD forms (1-4) and the 28M determination of Eligibility.
3. At the team meeting, the liaison will ask all the criteria questions and if all are in agreement with SLD determination they will sign the 28M page.
4. Anyone disagreeing with the determination will submit their reasons in writing why they disagree and submit to liaison.
5. The liaison will submit all SLD forms with the IEP to the student services department.
6. Every three years, the team will determine continued SLD eligibility and resubmit the SLD forms with the new team's certification.

### ***Documentation Source(s)***

Written Determination of Specific Learning Disability-SLD forms/28 M  
IEP Checklist  
SLD Observation Forms

## SE 3A- SPECIAL REQUIREMENTS FOR STUDENTS ON THE AUTISM SPECTRUM

STATE REGULATION(S): Chapter 57 of the Acts of 2006, Amends M.G.L. c. 71B, section 3

FEDERAL REGULATION(S): 34 CFR 300.(c)(1)(i)

Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic 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, DSM-V, the IEP Team shall consider and shall specifically address the following:

1. The verbal and nonverbal communication needs of the child;
2. The need to develop social interaction skills and proficiencies;
3. The needs resulting from the child's unusual responses to sensory experiences;
4. The needs resulting from resistance to environmental change or change in daily routines;
5. The needs resulting from engagement in repetitive activities and stereotyped movements;
6. The needs for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
7. The other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

## **STUDENT SERVICES PROCEDURE**

1. When the IEP team is designing intervention, education and instruction for a student with ASD, the team must consider and address the seven specific focus areas of need as described above.
2. The liaison will initiate discussion on each area and the team will agree to what the student's individual level of performance is in each area and then assign the needed supports, instruction, and/or accommodations that are required for the student to make progress.
3. These needs will be described in the IEP under Present Levels of Performance A & B and corresponding supports, accommodations and goals may be developed accordingly.
4. The Bullying Statement will be provided in the Additional Information section of the IEP.
5. The liaison will complete the Autism Checklist in ASPEN (Response Page) to guarantee that all seven focus areas have been discussed and addressed during the team meeting.
6. The Director of Student Services will review the IEP to monitor the appropriate documentation of the seven focus areas for any student with ASD.
7. A completed IEP Summary Sheet must be submitted to the Office of Student Services by the liaison.

### ***Documentation Source(s)***

Notice of Proposed Action

Evaluation Reports

Eligibility Determination (ED1) if applicable

Individualized Education Plan (IEP)

Behavior Intervention Plan (BIP) if applicable

## SE 4 – REPORTS OF ASSESSMENT RESULTS

STATE REGULATION(S): 28.04(2)(c)

FEDERAL  
REGULATION(S):

300.532

1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.
2. Summaries of assessments are completed prior to discussion by the TEAM and, upon request, are made available to the parent at least two days in advance of the TEAM discussions.



## STUDENT SERVICES PROCEDURE

1. Each evaluator is responsible for uploading an electronic copy of their evaluation report to Aspen.
2. The Special Education Liaison/ETL should send a copy of completed evaluation(s) to the parent/guardian **two school days** prior to the team meeting. This can be done via paper or electronically via email.
3. Each evaluator should submit a **signed, paper copy**, of each evaluation to the student's Special Education Liaison.

### *Documentation Source(s)*

Aspen Documents

Evaluator Reports

## SE 5 – PARTICIPATION IN GENERAL STATE AND DISTRICT-WIDE ASSESSMENT PROGRAMS

STATE REGULATION(S):	603 CMR 30.05 (2),(3), (5)	FEDERAL REGULATION(S):	20 U.S.C. 1412 (a)(16)
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1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment Systems (MCAS) and other district-wide assessment programs.
2. The district's IEP TEAMS designate how each student will participate and, if necessary, provide an alternative assessment.
3. The Superintendent:
  - a. Files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal;
  - b. Obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of the student with a disability;
  - c. Include in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.

## **STUDENT SERVICES PROCEDURE**

1. It will be assumed that all students will participate in MCAS with testing accommodations provided parallel to those documented in PLEP A & B.
2. The team will determine what accommodations are appropriate based on regular use in the classroom.
3. These accommodations will be reviewed and updated every year at team meetings.
4. If the team agrees an alternative assessment is needed based upon the DESE guidance flowchart, the liaison will conduct the assessment throughout the school year collecting data to document progress.
5. The liaison is required to attend DOE MCAS alternative assessment professional development opportunities.
6. If a performance appeal is requested by the student's parent or guardian or the student, if 18 or over, the liaison will contact the Superintendent who will be responsible for filing the appeal.

### ***Documentation Source(s)***

IEP

DESE ALT Decision Flowchart

**SE 6 – DETERMINATION OF TRANSITION SERVICES**

STATE REGULATION(S):	M.G.L. Ch.71B, Sections 12A-C, 603 CMR 28.05 (4)(c)	FEDERAL REGULATION(S):	34 CFR 300.320(b), 300.321 (b), 300.322(b)(2);300.324(c)
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1. For a student who is 14 years of age, the TEAM annually considers the student’s post-secondary vision and the disability-related skills necessary for the student’s future goals and documents the necessary transition-related goals and services for the student as well as instructional, employment and community-based opportunities in the IEP **and** on the Transition Planning Form.
2. The TEAM reviews the IEP and Transition Planning Form annually and updates information on the form and the IEP, as appropriate.
3. For a student who is 16 years of age, or younger if appropriate, the TEAM includes in the IEP services that promote movement of the student from school to postsecondary education, vocational training, integrated employment, continuing education, adult services, independent living, or community participation.
4. The transition services are based upon the student’s needs, taking into account the student’s preferences and interests and includes specially designed instruction, community experiences, the development of employment or other post-school adult living objectives and if appropriate, the acquisition of daily living skills and functional vocational evaluation.
5. For any student approaching graduation or the age of twenty-two, the TEAM determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Director of Student Services makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c.71; 12A-12C (known as a Chapter 688 referral).
6. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the team reconvenes to identify alternative strategies to meet the transition objectives.
7. The district ensures that students age 14, or younger, if appropriate, are invited to attend TEAM meetings at which transition services are discussed or proposed.

## STUDENT SERVICES PROCEDURE

1. Within the school year that the student turns 14, the liaison will **meet with the student to discuss and generate a draft transition plan to review at the annual team meeting.**
2. The student will be invited to the team as reflected on the sign in sheet.
3. The student or team may determine the length of time the student joins the team.
4. Students are encouraged by their liaison to conduct their team by graduation.
5. The liaison will begin the team with review of the TPF with the student present and finalize it and transition-related IEP goals and services with the team.
6. The liaison will ensure that the above transitioning considerations are discussed and documented in the transition plan, then reflected in the IEP, attendance sheet, and Chapter 688 Form.
7. MRC referrals will be proposed at 16 years of age and MRC caseworkers will be invited to the team with written parent permission.
8. The liaison will complete a summary of performance for graduation or 22.

### ***Documentation Source(s)***

IEP

Transition Planning Form

Chapter 688 Referral

Completed IEP Checklist showing TPF Complete and Submitted

## SE 7 – TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY AND STUDENT PARTICIPATION AND CONSENT AT THE AGE OF MAJORITY

STATE REGULATION(S): 603 CMR 28.07 (5) FEDERAL REGULATION(S): 34 CFR 300. 320(c), 300.520

1. One year prior to the student reaching age 18, the district informs the student of his or her right at age 18 to make all decisions in relation to Special Education programs and services. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under Special Education law will transfer to the 18-year-old.
2. Upon reaching the age of eighteen, 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 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 the 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 decisions to the contrary, may choose to share decision making with his or 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
  - c. 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 or 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.

## STUDENT SERVICES PROCEDURE

1. The Liaison will review the ages of students on their caseloads in the Fall of each school year.
2. Liaisons should print the Age of Majority notice 1 calendar year prior to the student turning 18.  
**NOTE: Liaisons should NOT wait until a student's annual review or triennial meeting. This criterion is based on student age.**
3. The Liaison will ensure that the Age of Majority forms are witnessed and completed as described above and sent to the Office of Special Services.
4. Completed Age of Majority forms should be submitted to the Office of Student Services as soon as they are received.

### ***Documentation Source(s)***

Documentation of the manner and date the district provided notice to the student and the parent.

“Additional Information” section of IEP

Age of Majority Form

## SE 8 – IEP TEAM COMPOSITION AND ATTENDANCE

STATE REGULATION(S): 28.02(21)

FEDERAL  
REGULATION(S):

34 CFR 300.116(a)

The following persons are members of the evaluation TEAM and may serve in multiple roles:

- The child's parents
- A representative of the school district who acts as Chairperson and who is: (1) qualified to supervise or provide Special Education Services, (2) knowledgeable about the general curriculum, and (3) is knowledgeable about the availability of the resources of the district
- A representative of the school who has recently had or currently has the student in a classroom or other teaching situation. If the student is involved or may be involved in a regular education program, a regular education classroom teacher must be included as a TEAM member
- The student, age fourteen and older, if he/she chooses with parental permission
- At least one teacher or specialist trained in the area of the student's suspected area of disability
- A regular education teacher (preferably a teacher who works directly with the student)
- A Special Education teacher
- Related service providers in the areas where a student receives services or is being evaluated
- Individuals who are qualified to interpret the instructional implications of evaluation results
- Other individuals who may be necessary to write an IEP for the child, as determined by the Director of Student Services, including relevant related service providers in student's related service areas.
- Other individuals knowledgeable about the student at the request of the student's parents.
- When one purpose of the TEAM meeting is to discuss transition services, the student age sixteen or older (or younger, if appropriate) is a part of the TEAM process. If the student does not attend the TEAM meeting, the school district ensures that the TEAM is informed of the student's interests and preferences.
- When one purpose of the TEAM meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the TEAM meeting. If the representative(s) does not attend the meeting, the school district makes other steps to obtain the participation of these agencies with parental consent.
- When one purpose of the TEAM meeting is to discuss placement, a person knowledgeable about placement options is present.
- Members attend the TEAM unless the parent and district agree to alternative means, such as a conference call, OR they agree in writing, that the attendance of the member is not



necessary because the member's area of the curriculum or related services is not being modified or discussed, OR they agree in writing, to excuse a required TEAM member and the excused member provides written input into the development of the IEP to the parent and the IEP team prior to the meeting.

## STUDENT SERVICES PROCEDURE

1. The Liaison acting as Chairperson, will invite the above noted mandatory participants to every team meeting.
2. The liaison will use Google Calendar to set up meetings for the year and indicate student initials and members needed.
3. **Meetings will be scheduled to meet the annual timelines.**
4. **Meetings may be held earlier, but no later than the annual due date.**
5. The liaison will generate a Meeting Invitation in ASPEN and will send a copy of the official meeting invitation to the student's parent/guardian via email, US mail, or in their backpack.
6. Liaisons may be asked to set dates tentatively for the year on set building days in order to plan substitute coverage of members.
7. Any member who cannot attend the team will submit in writing their relevant input and give it to Liaison, who will share it with the parent at least **two school** days prior to team meeting.
8. That member may also contact the parent prior to the meeting to discuss their input. The parent may choose to reschedule if they do not wish to excuse that member.
9. A parent may excuse any member of the team at the meeting by signature notation on the attendance sheet (attachment to N3).
10. The **original** Attendance Sheet must be submitted to the Office of Student Services with all team documentation on the checklist.
11. The liaison will send a note or call the parents at least two school days prior to the meeting in order to remind them of the team meeting.
12. Parents may reschedule the team once and then if cancelled or a no show- liaison will hold the meeting offering to have a phone-in conference. Parent invite, absence, and rescheduling should be noted on the additional information page of the IEP, as well as in the N1.
13. The team may hold the team meeting in the **absence of the parent after two no shows.**

NOTE: Parental input should still be sought.

14. The Office of Student Services will review attendance sheets for compliance on team member attendance and excusals when the IEP packet is received. Liaisons will receive feedback from a member of the Office of Student Services, as needed.

### ***Documentation Source(s)***

Meeting Invitation (N3)

Attendance Sheet (N3A)

Proposed Action Notice (N1)

Any additional district evidence to support participation

Additional Information Section of the IEP (page 8)

## **SE 9 - TIMELINE FOR DETERMINATION OF ELIGIBILITY AND PROVISION OF DOCUMENTATION TO PARENT**

STATE REGULATION(S): 603 CMR 28.05(1);  
28.06(2)(e)

FEDERAL  
REGULATION(S):

Within 45 school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation, the school district is required to determine whether the student is eligible for Special Education Services and provides to the parent a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility.

A proposed IEP must include the following components:

- Parental Concerns
- Key Evaluation Results
- Disability Category
- Team Vision Statement
- Proposed Goal Areas
- A completed Service Delivery Grid
- Non-participation Justification Statement
- Bullying Statement
- Autism Checklist (if applicable)
- Transition Planning form (if applicable)

NOTE: SE 9 is related to State Performance Plan Indicator 11. (See

<http://www.doe.mass.edu/sped/spp/>.)

## STUDENT SERVICES PROCEDURE

1. Once a referral packet is submitted (e.g., as a result of a building-based team meeting, parent request, or staff member request), the packet will be submitted to the building Principal.
2. Once reviewed, the referral will be approved by the building Principal by signature and sent to the Special Education Coordinator/Team Liaison as soon as possible.
3. The SE Coordinator or Team Liaison will review the file for completeness and determine needed assessments.
4. Consent for evaluation will be mailed home to parents and/or guardians.
5. Upon parent/guardian signature and return to the Office of Student Services, the SE Coordinator/Team Liaison will assign evaluators.
6. The evaluators will have 30 working school days from the receipt of the signed evaluation consent to complete the evaluation.
7. The Liaison will set an eligibility team meeting prior to the 45 working school days timeline from the consent date.
8. The Liaison will monitor the status of the evaluation(s) via ASPEN.
9. If the parent rejects or does not sign for initial evaluation, the referral is considered terminated.

### ***Documentation Source(s)***

Evaluation Consent (N1A)

Other district provided evidence of receipt of consent

Meeting Invitation (N3)

Attendance Sheet (N3A)

IEP and written summary/checklist

Notice of Proposed (N1) or Notice of Refusal to Act (N2) in case of ineligibility

## SE 9A – ELEMENTS OF THE ELIGIBILITY DETERMINATION; GENERAL EDUCATION ACCOMMODATIONS AND SERVICES FOR INELIGIBLE STUDENTS

STATE REGULATION(S): 603 CMR 28.05(1) and (2) FEDERAL REGULATION(S): 34 CFR 300.8; 300.306

1. To determine whether a student is eligible for Special Education, the school district:
  - provides an evaluation or reevaluation
  - convenes a Team meeting
  - determines whether the student has one or more disabilities
  - determines if the student is making effective progress in school
  - determines if any lack of progress is a result of the student’s disability
  - determines if the student requires Special Education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum
2. If a Team determines that a student is not eligible for Special Education, but may be eligible for accommodation(s) for disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that general education program.
3. When the student does not need any direct services (specialized instruction and/or related services), the Team makes a finding of no eligibility and appropriate services are provided through the district’s general education program (District Curriculum Accommodation Plan).
4. When the student’s lack of progress is due to a lack of instruction in reading or mathematics, limited English proficiency, social maladjustment, or is due to an inability to meet the school discipline code but is not due to a disability, the district makes a finding of no eligibility for Special Education and may refer the student to a more appropriate instructional program or support service.

## **STUDENT SERVICES PROCEDURE:**

1. After evaluations are complete, the team meeting will be held.
2. The (ED1) eligibility flow chart will be used to determine presence of disability, effective progress/lack of progress, and services needed (if any). SLD forms will be utilized if necessary for determination.
3. If a student does not qualify as determined by the ED1 for Special Education Services, they may be eligible for other accommodations. A referral for a 504 can be made if there is an eligible disability and significant impact to a life function.
  - a. The liaison will indicate on the checklist if a 504 referral will be made and submit Notice of Refusal to Act (N2), ED1 and Attendance Sheet to the Office of Special Services.
  - b. The liaison will notify the Director of Student Services and 504 Coordinator. The 504 Coordinator will contact the parents for a consent to review records or evaluate for a possible 504.
4. Following initial evaluation and finding of no special needs, an N2 will be completed that includes tiered instructional support services within regular education.
5. Following a reevaluation with the finding of no special needs, an N2 will be used to propose to change the status from eligible to ineligible and termination of service date.
  - a. The N2 will be mailed along with the Parent's Rights brochure. The parent has the right to appeal the decision.
  - b. When a student is determined ineligible for direct services or 504 Plan, accommodations can be considered as outlined in the District Accommodation Plan (DCAP).
  - c. Special education services end as of the meeting date.

### ***Documentation Source(s)***

Notice of Proposed Action (N1)

Notice of Refusal to Act (N1)

Eligibility Determination Flowchart (ED1)

Meeting Notes

## SE 10 – END OF SCHOOL YEAR EVALUATIONS

STATE REGULATION(S): 603 CMR 28.05(1)

FEDERAL  
REGULATION(S):

34 CFR 300.323

If consent is received within forty-five (45) school-working days before the end of the school year, the district ensures that a TEAM meeting is scheduled.

## STUDENT SERVICES PROCEDURE

1. Upon receipt of a signed evaluation consent, the Director of Student Services will assign evaluators.
2. The SE Coordinator/SE Liaison will complete an electronic *Evaluation Notification Form* that is sent to each evaluator and includes the following information:
  - Student demographics;
  - Case Manager/ SPED Liaison;
  - Requested evaluations/assessments;
  - Assigned evaluators;
  - 30 school-working day date;
  - 45 school-working day date.
3. Testing will be completed within thirty (30) school-working days.
4. A TEAM meeting to determine eligibility will occur within forty-five (45) school-working days.

### ***Documentation Source(s)***

Evaluation Consent (N1A)

Team Meeting Invitation

Completed Meeting Summary



## SE 11 – SCHOOL DISTRICT RESPONSE TO PARENTAL REQUEST FOR INDEPENDENT EDUCATIONAL EVALUATION

STATE REGULATION(S): 603 CMR 28.04(5)

FEDERAL  
REGULATION(S):

34 CFR 300.502

If a parent disagrees with an initial evaluation or reevaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:

1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed.
2. The school district has procedures to offer parents the options of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.
3. The district extends the right to publicly funded independent education evaluation (only of the cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.
4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent education evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to the Bureau of Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Bureau of Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent education evaluation requested by the parent.
5. Whenever possible, the independent educational evaluation is completed and a written report sent not later than thirty (30) days after the day the parent requests the independent educational evaluation. If publicly funded, the report is sent to the school district, which will then share the report with the parents. The independent evaluator's report summarizes, in writing, procedures, assessments, results and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator may recommend appropriate types of placements, but may not recommend specific classrooms or schools.
6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the TEAM reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.

## STUDENT SERVICES PROCEDURE

1. Independent evaluations are set up through the Office of Student Services, which has a list of qualified evaluators approved by the state.
2. The Director of Student Services will review and make arrangements accordingly.
3. Families have the right to request testing for up to 16 months after the date of the last evaluation.
4. **If parents or guardians are in disagreement with the district evaluations, further testing can be requested by contacting the Director of Student Services directly.**
5. Whenever possible, the Independent Educational Evaluation (IEE) is completed and a written report sent no later than 30 days after the date of the parent request for the independent educational evaluation. If publicly funded, the report is sent to the school district and the district will forward the results to the parents. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator may recommend appropriate types of placements, but may not recommend specific classrooms or schools.
6. If a private evaluation is shared by a parent/guardian, the team must request the evaluation results in whole. Partial or altered evaluations will not be considered.
7. Within ten school days of the receipt of the IEE the team will reconvene and consider the IEE and determine if a new or amended IEP is appropriate.

### ***Documentation Source(s)***

Team Meeting Invitation (N3)

Meeting Attendance List (N3A)

Notice of Proposed Action (N1)

Evaluation Consent (N1A) or Extended Evaluation Form (EE 1 and EE 2)

**SE 12: FREQUENCY OF REEVALUATION**

STATE REGULATION(S): 603 CMR 28.04 (3) FEDERAL REGULATION(S): FR 300.303; 300.305  
34

Every three years, or sooner if necessary and requested, the school district, with parental consent, conducts a full three-year reevaluation consistent with the requirements of federal law provided that:

1. A re-evaluation is conducted every 3 years unless the parent and district agree that it is unnecessary and
2. A re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.
3. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for Special Education Services, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a regular high school diploma or exceeded the age of eligibility.

## STUDENT SERVICES PROCEDURE

1. At the beginning of the new school year the liaison will review his/her caseload to determine which students are eligible for 3-year reevaluations.
2. The liaison will fill out the consent for evaluation forms (N1 and N1A) and notify the Office of Student Services in order for evaluations to occur prior to a team meeting.
3. The Director will review the N1A and review the file for Evaluator assignments prior to mailing for consent.
4. Evaluators will have 30 working school days from the date that parental consent is received to complete their assessment.
5. Consent may be mailed to parents/ guardians from the Office of Student Services or if no response, may also be sent home by liaison via student to facilitate a signature.
6. The evaluation can be waived with parent and district agreement.
7. The liaison will fill out the request for waiver of evaluation and summarize the reasons on an N1, which will be sent to the Office of Special Services.

NOTE: Educational Assessment B and service provider current achievement performance levels cannot be waived. A record review is preferred in place of waivers.

8. Liaisons and the Office of Student Services will monitor the reevaluation process in order to ensure timeline compliance.

### ***Documentation Source(s):***

Administrative Data Sheet (ADM1)

Meeting Invitation (N3)

Attendance Sheet (N3A)

**SE 13: PROGRESS REPORTS AND CONTENT**

STATE REGULATION(S):	603 CMR 28.07 (3)	FEDERAL REGULATION(S):	34 CFR 300.305(e)(3);300.320(a)(3)
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1. 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 of non-disabled students.
2. Progress report information sent to parents includes written information on the student’s progress ***toward the annual goals and toward each objective in the IEP***, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.
3. When a student has graduated or exceeds the age of eligibility the Liaison will provide a summary of his/her achievement and functional performance reflecting post-secondary goals using the Summary of Student Performance form found on Special Programs.

## STUDENT SERVICES PROCEDURE

1. Liaisons and related service providers and teachers (as appropriate) will update parents on student's progress in relation to their goals and objectives on their IEP and service delivery. These reports will be sent home by liaisons on the report card schedule of the respective building.
2. The Director of Student Services will send a memorandum annually that outlines the dates that IEP progress reports are due for submission, as well as Progress Report Procedures.
3. When a student has graduated or exceeds the age of eligibility the Liaison will provide a summary of his/her achievement and functional performance reflecting post-secondary goals using the Summary of Student Performance form found on Special Programs.

**NOTE: The Summary of Student Performance form should be completed and submitted to the Office of Student Services by June 1, 2022.**

4. Liaisons will monitor that all progress on goals and services are documented in ASPEN. The liaison will send a copy of all progress reports to the Office of Student Services file and will provide a copy to their building secretary for distribution with the student's report card.
5. If a student achieves a goal prior to the end of the IEP cycle, with parental notice and input, the district may propose an amendment to adjust the goal accordingly or, after evaluating the student's performance through formal/informal measures, including data collection and documentation, terminate the service.

### ***Documentation Source(s)***

Progress Reports (PR1)

Summary of Student Performance

**SE 14 – ANNUAL REVIEW TEAM MEETING AND REVISION OF IEPs**

STATE REGULATION(S): 603 CMR 28.04(3)      FEDERAL REGULATION(S): 34 CFR 300.324 (a)(4)(6)(b)

1. At least annually, on or before the anniversary date of the IEP, a TEAM meeting (including the major service providers and the parent) is held to consider the student’s progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
  
2. Amendments to the IEP: In between annual IEP meetings the district and parent, after a TEAM meeting or by discussion between district and parent without a TEAM meeting, may agree to make changes to a student’s IEP. The TEAM’s proposed changes must be documented in writing and proposed to the parent. The district cannot implement proposed changes until the parent accepts in writing.

## STUDENT SERVICES PROCEDURE

1. The Liaison will review their caseload and schedule annual review meetings fourteen days prior to the anniversary dates of student IEPs in order to provide a window for rescheduling and compliance with timeline regulations.
2. This schedule will be shared by **October 1<sup>st</sup>** with the building SE Coordinator/Office of Student Services. This schedule will include information on team invitees, annual or triennial date, and or transition needs. Building principals will monitor meeting calendars and substitute coverage.
3. The district and the parent may amend the IEP with or without convening a meeting for small changes of services. **An IEP amendment may not be used to modify a student's placement.** If an IEP amendment is required, the liaison will:
  - contact the parent to discuss the proposed change and the right to convene a meeting;
  - contact the Office of Student Services to have a revision of the active IEP generated;
  - complete an IEP Amendment and make the proposed revision within draft revised IEP;
  - submit a complete IEP Amendment Packet (refer to IEP Amendment Checklist) to the Office of Special Services;
  - the IEP Amendment will be received by the Director of Student Services, who will serve as the LEA Representative;
  - a copy of the proposed revision, in conjunction with a revised Service Delivery Grid, and a proposal outlining the amended services and reason why (including N1 and Amendment Data Forms) will be sent to the parents for review and signature prior to any changes being made to services.
4. Parents have 30 calendar days to submit a response to the district's proposed IEP. If a response is not received within 30 calendar days a 2nd Notice will be sent to the family via US mail. If a response is not received within 2-weeks, the IEP will be considered **rejected** and the IEP will be forwarded to the Bureau of Special Education Appeals (BSEA). At that time, the team will need to reconvene the team to discuss why the IEP was considered rejected.
5. The Office of Student Services will mark the proposed IEP in ASPEN as rejected in full and will generate a revised IEP draft for liaisons to utilize when the team reconvenes.

### ***Documentation Source(s)***

Administrative Data Sheet (ADM1)

Meeting Invitation (N3)

Attendance Sheet (N3A)

Documentation of the Amendment



## SE 15: OUTREACH BY THE SCHOOL DISTRICT (CHILD FIND)

STATE REGULATION(S): 34 CFR 300.111

FEDERAL  
REGULATION(S):

300.131;300.209

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

- professionals in the community
- private nursery schools
- day care facilities
- group homes
- parent organizations
- clinical/health care agencies
- early intervention programs
- other public/private/parochial schools
- other agencies/organizations
- the school itself, including charter schools
- agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children

## **STUDENT SERVICES PROCEDURE**

The Northampton Public Schools participates in ongoing child find activities. These activities include, but are not limited to the following:

1. The Early Childhood SE Coordinators/Early Childhood Department will regularly visit Early Intervention.
2. The Early Childhood SE Coordinators/Early Childhood Department meets with representatives from local community organizations and child-care centers on a regular basis.
3. The Director of Student Services consults regularly with the three private schools within our geographic boundaries (Smith Campus School, Lander Grinspoon, and Northampton Montessori).
4. The Director of Student Services is a member of the Western Massachusetts Special Education Directors' Association and works with other school districts during student transfers.
5. The Director of Student Services serves as the liaison to the Department of Children and Families (DCF) and meets monthly with the Department regarding foster care students currently enrolled in the district.
6. The Director of Student Services serves as the McKinney-Vento Liaison and meets monthly with DCF.
7. The district holds multiple Special Education Parent Advisory Council (SEPAC) meetings and trainings over the course of the school year.
8. Preschool and Kindergarten Screenings are held annually.

### ***Documentation Source(s)***

Screening schedules

Agency meeting notes/referrals

## SE 16: SCREENING

STATE REGULATION(S): 603 CMR 28.03(1)(d) FEDERAL  
REGULATION(S):

1. The school district conducts screening for three and four-year-old children, as well as for all children who are of age to enter kindergarten. Such screening is designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for Special Services.
2. Participation in the screening program for three and four-years-old children is optional on the part of the parents.
3. All kindergarten age students are screened universally.

## STUDENT SERVICES PROCEDURE

1. The district holds two annual preschool and kindergarten screenings.
  - Preschool screening is typically held in the Spring.
  - Kindergarten screening is typically held in the Fall.
2. The dates are set with Pre-K and Kindergarten staff and the building principal.
3. The Office of Student Services posts preschool screening announcements in various media, radio, and newspaper outlets, as well as on the district website. Additionally, handouts are distributed through school age children, pediatricians' offices, and various community organizations.
4. The screening team convenes to review the findings and make recommendations.

### ***Documentation Source(s)***

Postings of screening dates

Schedule of student appointments/summary of results

**SE 17: INITIATION OF SERVICES AT AGE THREE AND EARLY INTERVENTION  
TRANSITION PROCEDURES**

STATE REGULATION(S): 603 CMR 28.06(7)(b) FEDERAL REGULATION(S): 34 CFR 300.101(b); 300.124; 300.323(b)

- 1. The school district encourages referrals from the Department of Public Health, other agencies and individuals for young children when or before the child turns two- and one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child’s third birthday in accordance with federal requirements.
  
- 2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs.

**Part 1 of SE 17 is related to State Performance Plan Indicator 12.**  
(See <http://www.doe.mass.edu/sped/spp/>.)

## **STUDENT SERVICES PROCEDURE**

1. Early Intervention agency directors from ServiceNet/REACH and Criterion each have a bi-weekly phone call with the Preschool Evaluation Team Leader.
2. The Evaluation Team Leaders meets weekly with the Preschool Coordinator for caseload planning purposes. The Preschool Coordinator meets weekly with the Director of Student Services and in that meeting raises the topic of caseloads as needed.
3. The Evaluation Team Leader works with the Evaluation Team to plan and conduct evaluations as well as to plan and hold eligibility meetings. Evaluation Team Leader advises the Associate Director of Students Services of any service needs that may include the need for nursing and or higher levels of staffing than is currently in place.
4. The Evaluation Team Leader attends the Early Intervention transition planning meeting and supports the family through the evaluation and eligibility process.

### ***Documentation Source(s)***

Student Record

Meeting invitation (N3)

Attendance Sheet (N3A)

Evaluation Data

Notice of Proposed Action (N1)

IEP/IFSP

## SE 18A: IEP DEVELOPMENT AND CONTENT

STATE REGULATION(S): 603 CMR 28.05(3)

FEDERAL  
REGULATION(S):

IDEA-97: 34 CFR  
Part 300, Appendix A,  
Question #22

1. Upon determining that the student is eligible for Special Services, the Team, including the parent(s), develops an IEP at the Team meeting.
2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
3. The school district ensures that the IEP will not be changed outside of the Team meeting, unless district and parent otherwise agree in writing.
4. 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.
5. 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.

## **STUDENT SERVICES PROCEDURE**

1. Immediately following the completion of the eligibility flow chart (ED1) the team will draft an IEP to meet the needs of the student.
2. If eligible, the IEP team will document the discussion of the child's social skills development in Additional Information.
3. If a child is on the autism spectrum, the team must also complete the Autism Checklist in ASPEN
4. IEPs will be created in ASPEN and will not be changed outside of the team meeting unless amended with parent permission.
5. Liaisons will review and monitor that all areas of the IEP are complete using the checklist and immediately submit it to the Office of Special Services.
6. The Director of Student Services will monitor submitted plans for completeness and serve as the LEA representative.

### ***Documentation Source(s)***

IEP/checklist

Notice of Proposed District Action (N1 form)



## **SE 18B: DETERMINATION OF PLACEMENT; PROVISION OF IEP TO PARENT**

STATE REGULATION(S): 603 CMR 28.05(6) and (7); 28.06(2) FEDERAL REGULATION(S): 34 CFR 300.116 ; 300.325

1. At the TEAM meeting, after the IEP has been fully developed, the TEAM determines the appropriate placement to deliver the services on the student's IEP.
2. Unless the student's IEP requires some other arrangement, the student is educated at the school that he or she would attend if the student did not require Special Education Services.
3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which the services are to be provided, the types of service providers and the location at which the services are to be provided.
4. The placement selected by the TEAM is the Least Restrictive Environment consistent with the needs of the student.
5. Immediately following the development of the IEP, the district provides the parents with two copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provision of CMR 28.06(2)(e) in a limited number of cases.

## STUDENT SERVICES PROCEDURE

1. The liaison will lead the discussion of the team to determine the appropriate setting for the proposed services to be provided (B-grid or C-grid) and by whom those services should be provided.
2. The district will strive to service the student in the school that he or she attends in the least restrictive setting.
3. Parents will receive a complete IEP Meeting Summary/Proposed IEP document at the conclusion of each team meeting. The liaison will document in Additional Information how this summary was provided to the parent (i.e., electronically and/or in person).
4. The liaison will immediately submit all team documents with the checklist to the Office of Student Services via interoffice mail.
5. The Office of Student Services will mail the parents/guardians two copies of the proposed IEP and placement with Notice (N1). Parents will be provided with the Parents Rights brochure at the minimum yearly.
6. The N1 will indicate that the parent has received 2 copies.
7. If a student is considered for out of district placement, the PL 1 or 2 forms will be filled out when the student is accepted in that program.
8. Liaisons of young children will need to fill out BOTH PL1 and PL2 forms. These forms will provide placement information for the child while they are under the age of 5, as well as when they turn 6.

### ***Documentation Source(s)***

Meeting Invitation (N3)

Attendance Sheet (N3A)

IEP and written summary

Notice of school district action (N1)

Team Determination Educational Placement (PL 1)

## SE 19: EXTENDED EVALUATION

STATE REGULATION(S): 603 CMR 28.05(2)(b) FEDERAL  
REGULATION(S):

If the TEAM finds a student eligible for special education services and finds the evaluation information insufficient to develop a full or partial IEP, the TEAM, with the parents' consent, agrees to an extended evaluation period.

1. The extended evaluation period is not used to deny programs or services determined to be necessary by the TEAM. If, prior to the extended evaluation, the TEAM determines that sufficient information is available to determine in part, necessary annual goals and services, the TEAM writes a partial IEP, which if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring.
2. The extended evaluation period is not used to allow additional time to complete the required assessments.
3. If the parent consents to the extended evaluation, the TEAM documents their findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The TEAM may decide to meet all intervals during an extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete.
4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks.
5. The extended evaluation is not considered a placement.

## STUDENT SERVICES PROCEDURE

1. Extended evaluation can occur at an initial eligibility, a program review, or following a three-year re-evaluation meeting.
2. An extended evaluation will only be considered when the team needs more information to develop a full IEP or to inform placement.
3. The liaison will fill out the Extended Evaluation Forms (EE1 and EE2), a Notice of Proposed Action (N1), a partial IEP and complete IEP Packet to the Office of Student Services.
4. The documentation will be reviewed by the Director of Student Services who will serve as the LEA Representative and the completed documents will be mailed home by the Office of Student Services.
5. An extended evaluation can be for related services, home visits or other optional assessments.
6. The liaison will schedule the reconvening of the team to consider the result of the extended evaluation.
7. An extended evaluation conducted in a new more restrictive setting will generally require two meetings during the evaluation period to review progress and a written summary at the conclusion of the evaluation.
8. The team would reconvene as soon as the evaluation was complete to discuss the findings.
9. The extended evaluation is not a placement. If another setting with specially trained staff is necessary to evaluate student-programming needs, the reason will be clearly explained in the N1 proposal with the EE1.

### ***Documentation Source(s)***

Extended Evaluation Form (EE1 and EE2)

Notice of Proposed Action (N1)

IEP or IEP Amendment

OR

Refusal to Act (N2)

## SE 20: LEAST RESTRICTIVE PROGRAM SELECTED

STATE REGULATION(S): M.G.L. c. 71B, s. 3, 603 CMR 28.06(2) FEDERAL REGULATION(S): 34 CFR 300.114-120

1. The program selected is the least restrictive environment for students with consideration given to any potential harmful effect on the student or on the quality of the services that he or she needs.
2. If the student is removed from the general education classroom any time the TEAM states why removal is considered critical to the student's program and the basis for conclusion that education of the student in a less restrictive environment with the use of supplementary aids and services could not be achieved satisfactorily.
3. The district does not remove an eligible child from the general education classroom solely because of needed modification to the classroom.
4. If a student's IEP necessitates Special Services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires Special Services and support to promote the student's transition to placement in a less restrictive program.

## STUDENT SERVICES PROCEDURE

1. The team will ensure the child is in the most inclusive (least restrictive) setting by developing an IEP with appropriate supports and services.
2. If the child is removed from the general education classroom, the liaison will justify the reason why on IEP page 6, Nonparticipation Justification.

**NOTE: The Nonparticipation Justification statement must clearly articulate why the proposed services cannot take place in a less restrictive setting.**

3. Transition planning to a less restrictive setting will be part of every team meeting. This planning will allow the student to successfully be re-integrated into a more inclusive setting. This discussion should be documented in Additional Information.
4. Annual review meetings will review the types of services needed and how consultation and in class provision can meet the student's needs.
5. If progress monitoring indicates a more restrictive setting is necessary for success, the team will discuss the amount of time necessary to promote growth.

### ***Documentation Source(s)***

Team Determination of Educational Placement (PL 1)  
IEP

## SE 21: SCHOOL DAY AND SCHOOL YEAR REQUIREMENTS

STATE REGULATION(S): 603 CMR 28.05(4)(d) and (5)(c), Chapter 69, section 1G FEDERAL REGULATION(S): 34 CFR 300.106

1. The TEAM routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day or year, and/or residential services and indicates on the IEP why the shortened or longer program is necessary.
2. The daily duration of the child's program is equal to that of the regular school day unless the team states that a different duration is necessary to provide a free appropriate public education to the child. In this case, the team specifies the daily duration of the program and states the reason for the different duration on the IEP.
3. Specialized transportation schedules do not impede a student's access to a full school day and program of instruction.
4. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or learning skills and/or substantial difficulty in relearning such skills compared to average, non-disabled peers if an extended program is not provided.
5. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student's IEP reflect the comprehensive nature of the educational program required.
6. Camping or recreational programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction is not to be considered for extended year programs.

## STUDENT SERVICES PROCEDURE

1. The district provides full day programming for students who receive special education services. A TEAM may base a student's need for a shorter or longer school day on an updated medical note and/or evaluation (provided at least annually) explaining the rationale. The TEAM may disagree with the medical provider and/or make a recommendation for a shorter or longer school day based on the district's current evaluations and current performance levels.
2. Recommendations for Extended School Year Services will be determined at annual meetings after reviewing substantial regression documentation. All shortened and lengthened school days and years will be documented in the IEP under Schedule Modification and will include **why the recommendation is being made and detail as to what is being recommended.**
3. Liaisons will review transportation of students at the beginning of the school year to ensure the schedule does not impede access to a full school day. If the transportation schedule impacts a student's access to a full school day, the liaison will notify the principal and Director of Student Services immediately. The bus company will be notified to correct any errors in scheduling.
4. **Extended School Year Services:** At annual review and triennial reevaluations meetings, the liaison should have historical data along with current performance data to indicate if substantial regression is documented, as well as data that indicates the need for substantial time for recoupment of skills. Based upon this data and other appropriate input, the team determines whether an extended year is required. In the Schedule Modification section of the IEP the liaison will check yes or no; if yes - the liaison must indicate how the schedule will be modified. Additionally, the liaison should include the following statement: "Extended School Year Service dates are subject to change and are at the sole discretion of the district."
5. Each spring the Office of Student Services will request a list and documentation from every liaison and related service provider of students needing extended school year services based upon their IEP. The Office of Student Services will then set up appropriate services.
6. **Both Extended School Year and Summer Related Services should be spelled out on the student's Service Delivery Grid.**
7. **If a child requires 1:1 support during ESY, that additional service should also be reflected on the child's service delivery grid.**

### *Documentation Source(s)*

IEP (see page 6)

IEP (compare page 6 to 4 & 5)

Extended School Year (ESY) Documentation



## SE 22: IEP IMPLEMENTATION AND AVAILABILITY

STATE REGULATION(S): CMR 28.05(7)(b),  
28.06(2)(b)(2)

FEDERAL  
REGULATION(S):

34 CFR 300.323

1. Where the IEP of the student in need of special education services has been accepted in whole or in part by the student's parent, the school district provides the mutually agreed upon services without delay.
2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.
3. Each teacher and provider described in the IEP is informed of his or specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student.
4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offer alternative methods to meet the goals on the IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.

## STUDENT SERVICES PROCEDURE

1. Each year the Office of Student Services will contact liaisons via email with a list of eligible student caseloads for the upcoming school year by the end of August.
2. The liaisons will review their list and the corresponding active IEPs in ASPEN, providing verification to the Office of Student Services that they have reviewed each IEP.
3. Each child's complete special education file will be available for liaison review in the Office of Student Services.
4. Every eligible student's IEP accepted in whole or in part, will be in effect and agreed upon services will immediately implemented at the start of each school year. Liaison's responsibilities include:
  - Confidential dissemination of IEPs with all relevant team members and staff including regular education teachers, paraprofessionals, and other providers that will provide direct services and/or consultation. IEPs may be securely viewed using Special Programs and/or reviewed in person with the liaison prior to school start.
  - As new students arrive, the liaison will again meet and share the IEP services to staff immediately.
  - Document and date fall dissemination efforts to staff –update as necessary and share when requested to the Special Services Office.
  - Notify each teacher and provider of his/her specific responsibilities in order to implement the IEP and specific accommodations, modifications, and supports without delay.
  - **If a need arises that may delay services (space, personnel, etc.), the liaison will immediately notify the Building Principal, Associate Director of Student Services, Director of Student Services for parent notification and rectification of the situation.**
  - Monitor compliance with the IEP with staff as needed.
  - Check that IEP paperwork is signed and up to date and appropriate for the grade level the student is starting in the fall. Notify the Office of Student Services of any need for immediate attention.
5. As new special education students enter the district, a liaison will be assigned and notified by the Office of Special Services.
  - a. The liaison will be responsible for convening a review meeting within 10 school days and disseminate the IEP responsibilities immediately to teaching staff, services providers and any paraprofessionals that may be providing services to the new student.
  - b. The liaison will also be responsible for generating a Comparable Placement IEP as a result of the review meeting and should submit a complete IEP packet to the Office of Special Services.

6. Liaisons will notify the building principal and Director of Student Services if barriers arise.

***Documentation Source(s)***

Staff documentation of IEP dissemination to appropriate staff

**SE23: CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION**

STATE REGULATION(S):	603 CMR 23.0 (Students Records Regulations)	FEDERAL REGULATION(S):	300.560-576 Family Educational Rights and Privacy Act (FERPA)
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The district protects the confidentiality of any personally identifiable information that is collected, used or maintained in accordance with federal or state law.

## STUDENT SERVICES PROCEDURE

### General:

Both general and special education records are maintained within secure cloud-based servers provided by ASPEN. Special education records are maintained within ASPEN and are maintained by the Office of Student Services. General education records are maintained within the ASPEN Student Information System (SIS).

### Electronic Messages:

All electronic messages sent from the Northampton Public Schools are archived in conformance with Massachusetts and Federal Public Records law.

Any **correspondence** through **email** referencing a student needs to be conducted only through district email. Care should be taken whenever posting, sending, forwarding student referenced emails to ensure that it goes only to the parties that share responsibility for the student under the IEP. A new email should be started for each correspondence to help limit the length of “email string” and curtail the chance that student information can merge.

Emails and other electronic correspondence that are about particular students may be student records if the records are relevant to the educational needs of the student and other email records may be public records, if not specifically exempted under the law. Additionally, email and other electronic messages may be discoverable for litigation purposes even if they are not student records and/or public records.

### Student Records:

The **official records** are maintained in the Office of Student Services. A signature sheet is included in each file as a record of anyone who has requested and reviewed files including the name of the individual of who is receiving the information, position held, signature, the date, and the purpose of access (this excludes authorized school/district personnel directly providing services to the student). If a student or parent requests access to their special education file they need to contact the Office of Special Services, who will provide access within ten (10) days of request. They also have the right to have their record interpreted by qualified school personnel. The District maintains the right to charge for copying of records (unless it presents a barrier to access). Non-custodial parent is eligible to obtain access to student records unless they have been denied legal custody or ordered supervised visitation based on a threat to the safety of the student specifically noted in the custody/supervised visitation order, denied visitation, temporary or permanent protective order unless order allows access to information in the student recorder, and/or order of probate court limiting distribution of records. Non-custodial parent must submit written request for student records to school administration. Upon receipt, the school must notify the custodial parent by written and certified mail of request. The school will provide access after 21 days of request. School must delete any notations identifying address, phone number, work or home location of custodial parent and mark records to indicate they shall not be used to enroll student in another school prior to sharing with non-custodial parent.

Students or parents who wish to add information, comments, data, or any other relevant written material to the student record; or, delete or amend any information contained in the student record, excluding information inserted by Evaluation Team, will submit a written request to the Office of Student Services. Such information inserted by an Evaluation Team shall not be subject to such a deletion/amendment request until after the acceptance of the IEP, or, if the IEP is rejected, after the completion of the special education appeal process. If the student or parents wish to add relevant information, comments, data, or any other relevant written material, the district shall agree to add;

unless, it deems the request not relevant. The District shall inform the parent in writing of its decision to reject the request to include additional information/materials for relevancy. For amendment/deletion requests, the student or parent has the right to a conference to address the request for deletion or amendment with the Director of Student Services. The Director of Student Services will respond to the student or parent with a decision within one week of the conference. If the decision is in favor of the student or parent, the Director shall promptly take steps to put the decision into effect.

If denied, the student or parent has the **right to appeal** the decision in writing to the Superintendent of Schools. The Superintendent has two weeks of appeal to review and render a decision. This decision is final and not appealable.

Upon **transfer to a new school**, outside of the district, a signed release of records is preferable prior to transfer of all records. In the alternative, the district may notify parents in writing that the district is sending the student's records to a school where the student intends to transfer or has transferred.

Except as authorized by federal and state student records laws, no **third party** will be provided access to student records without prior written approval from parents (guardian) or student.

Any **educator files**, referencing students, should be housed in a secure location and shredded/destroyed at the end of the school year. Any personal notes not shared with anyone else referencing students need to be clearly marked "personal notes." Personal notes are not student records, unless they are shared with another person, but are still discoverable for litigation purposes.

The Office of Student Services destroys records seven years after graduation or after the age of 22. Before files are destroyed, the parent and student are notified giving them the opportunity to receive the file or copy prior to the destruction. The Office of Student Services will post a notice annually.

Each evaluator should retain their original testing protocols.

***Documentation Source(s)***

PowerSchool SIS and Special Programs

Release Forms

Notification of Destruction of Records

**SE 24: NOTICE TO PARENT REGARDING PROPOSED OR REFUSAL TO INITIATE OR CHANGE THE IDENTIFICATION, EVALUATION OR EDUCATIONAL PLACEMENT OF THE CHILD OR THE PROVISION OF FAPE**

STATE REGULATION(S): 603 CMR 28.04(1)      FEDERAL REGULATION(S): 34 CFR 300.503;300.504(a)(1)

1. A student may be referred in writing for an evaluation by a parent or any person in a caregiving or professional position concerned with the student’s educational development.
2. When a student is referred for an evaluation to determine eligibility for special education services, the school district sends written notice to the child’s parents within five school days of receipt of the referral along with the district’s notice of procedural safeguards. The notice seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express concerns or provide information on the student’s skills or abilities and to consult regarding the evaluators to be used.
3. The district gives notice within a reasonable time for all other actions.
4. The school district provides parents with an opportunity to consult with the Director of Student Services or their designee to discuss the reasons for the referral and the nature of the proposed evaluation.
5. The district provides the parents with an opportunity to consult with the Director of Student Services or their designee regarding the evaluators to be used and the proposed content of all required and optional assessments.
6. The school district does not limit a parent’s right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district’s curriculum accommodation plan, including any pre-referral program.

## STUDENT SERVICES PROCEDURE

1. Parents or caregivers may refer their child in writing to the Director of Student Services. The Office of Student Services has 5 days to respond to the referral and seek consent for an evaluation. The Office of Student Services will provide the parent with a Notice of Proposed Action (N1) and Evaluation Consent Form (N1).
2. Prior to a referral for special education services being requested, school staff will go through the referral process, which includes Building Based Team process and collecting documentation to support areas of concerns. Therapists, through screening or observation, may refer immediately in writing. Any building staff who refers a student must fill out a referral form for principal review.
3. Parents receive consent and procedural safeguards within 5 school-working days of request. Parents will be provided the opportunity to speak with the Director or designee to express concerns, nature of evaluation, evaluator designated, and content of assessments. Liaison will be notified of all assigned referrals regardless of initiator, in order to monitor the return of consent. Unless mailed in, all consent forms must be sent to the Student Services Office immediately upon receipt with a follow up email.
4. District will act upon parent requests in a timely manner regardless of prior Building Based Team (BBT) or Student Support Team (SST) action typically followed by staff.
5. Upon referral for an initial special education evaluation, the student will also be referred to the BBT/SST teams, if they have not already.

### ***Documentation Source(s)***

Referral Notice/Parent request

Evaluation Consent (N1A)

Notice of school district action (N1)

Team Determination of Educational Placement (PL 1)



## SE 25: PARENTAL CONSENT

STATE REGULATION(S): 603 CMR 28.04(1) FEDERAL REGULATION(S): 34 CFR 300.300

In accordance with state and federal law, the school district obtains informed parental consent as follows:

1. The school obtains written parental consent before conducting an initial evaluation or making an initial placement of a student in a Special Services program. Written parental consent is obtained before conducting a re-evaluation and before placing a student in a Special Services placement subsequent to the initial placement in Special Services.
2. The school district obtains consent before initiating extended evaluation services.
3. The school district obtains consent to the services proposed on a student's IEP before providing such services.
4. The school district obtains consent prior to placing a student in an initial Special Services placement and for any subsequent placement.
5. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as a condition of any benefit to the child.
6. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation.
7. If, subsequent to initial evaluation and initial placement, and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or placement in a Special Services program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in denial of a free appropriate education to the student, it may seek resolution of the dispute through the Bureau of Special Education Appeals.
8. If the parent has given consent for special education services and then, at any time following, seeks to terminate special education eligibility and services in writing, the district is obligated to terminate student's special education eligibility and services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district's proposal to terminate special education eligibility and services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards as soon as practicable. After the district provides written notice of termination, it must terminate services immediately. If a parent subsequently seeks to reinstate eligibility, the district shall follow its initial evaluation and eligibility process for the student.

## STUDENT SERVICES PROCEDURE

1. The SE Coordinator or SE Liaison mails the initial Evaluation Consent (N1A), Notice of Proposed Action (N1), and a copy of the Procedural Safeguards to the student's parent/guardian.
2. Liaisons will send evaluation consents (N1 and N1A) for conducting a 3-year re-evaluation to the Office of Student Services for review. Liaison will monitor a return of consent in order to meet timelines so they can resend, make phone calls, etc., to facilitate its return.
3. Liaisons will fill out an Extended Evaluation Form (EE1 and EE2) before initiating any additional services and will monitor its consent.
4. Liaisons will check at the beginning of the school year that a student's current plans are signed before beginning services. They will check with the Office of Student Services to follow up on those, which are unsigned.
5. The Liaison will prepare placement pages for initial and annual team meetings. No change in placement will occur without parent consent.
6. Parents may revoke consent for special education eligibility and services in writing at any time.
7. Reasonable effort must be made and documented showing attempts to resolve the reasons for revocation; following which a letter (N2) will be sent by the Director of Student Services to parent documenting termination of special education eligibility based on parent's revocation of consent and right to terminate and information on how to obtain a copy of Procedural Safeguards as soon as practicable.
8. Once notice is provided, the district must terminate the student's special education eligibility and services immediately. Parental request to reinstate services shall be treated as an initial eligibility request.
9. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. Where permitted under the regulations, if parent consent cannot be obtained in a reasonable amount of time, the district may file with the Bureau of Special Education Appeals.

### ***Documentation Source(s)***

Evaluation Consent (N1A)

Letters to Parents

IEP (see page 8)

Team Determination of Educational Placement (PL 1)

School District Refusal to Act (N2)

## **SE 25A: SENDING A COPY OF NOTICE TO SPECIAL SERVICES APPEALS**

STATE REGULATION(S): 603 CMR 28.08(3)(b) FEDERAL  
REGULATION(S):

Within five calendar days of receiving a notice that a parent has partially or fully rejected an IEP, proposed placement, or finding of no eligibility for special education services, the school district sends a copy of the notice to the Bureau of Special Education Appeals.

## **STUDENT SERVICES PROCEDURE**

1. Within five calendar days of receiving a notice that a parent has partially or fully rejected an IEP, rejected a proposed placement, or rejected the district's finding of no eligibility for special education services, the school district sends a copy of the notice to the Bureau of Special Education Appeals.
2. If a parent sends partial or full rejections to the principal, classroom teacher, or liaison, they will immediately forward the notice to the Director.

### ***Documentation Source(s)***

Copy of Notice to the BSEA

## SE 25B RESOLUTION OF DISPUTES

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.510

1. Within 15 days of receiving notice that a parent has made an official hearing request to the Bureau of Special Education Appeals, the district convenes a resolution meeting with the parent and the relevant members of the IEP team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead.
2. If the dispute is resolved at the resolution session, the parent and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court.

## **STUDENT SERVICES PROCEDURE**

1. Within 15 days of notice of a parent hearing request at the Bureau of Special Education Appeals, the Northampton Public Schools Student Services Department will contact the parent to offer a resolution team meeting, or agree to waive resolution session and/or pursue mediation by agreement.
2. The mediator or district counsel will draft a legally binding agreement for both parties to sign. The Director of Student Services has the authority to sign such documents.

### ***Documentation Source(s)***

Notice of Proposed Action (N1)

Documentation of the resolution session, including any resulting legally binding agreement

Copy of any pertinent waiver of the required resolution session

## SE 26: PARENT PARTICIPATION IN MEETINGS

STATE REGULATION(S): 603 CMR 28.02(21) FEDERAL REGULATION(S): 34 CFR 300.322; 300.501

1. The district ensures that one or both parents of a child are members of any group that makes decisions about the eligibility, IEP and placement of their child.
2. The Director of Student Services notifies parents in writing of any TEAM meeting early enough to ensure that they have an opportunity to attend.
3. The district schedules the meeting at a mutually agreed upon time and place, and documents such efforts.
4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.
5. In cases where the district, after reasonable efforts, is unable to obtain the parent's participation in TEAM meeting discussions and decisions, the district conducts the TEAM meeting and documents attempts to facilitate the parents' participation.

## STUDENT SERVICES PROCEDURE

Each year the Office of Student Services notifies liaisons in late-August of caseloads for the upcoming year. Liaison's responsibilities are:

1. Review the IEPs assigned to them for current parent contact information and contact the office for missing information.
2. Review due dates of annual and triennial IEPs and schedule team meetings at least two weeks prior to the expiration dates using Google Calendar and ASPEN Meeting Invitation. A list of team meetings for the school year will be submitted to the Office of Student Services before October 1<sup>st</sup> of each school year. This list will include all members of the team, location, and time of the meeting as well as the type of meeting.
3. The SE Coordinator/SE Liaison will mail out invitations to all team members 10 days prior to the meeting. Liaisons will send reminders home or make a call to parent as the date approaches.
4. If a parent calls the liaison to reschedule, the team will be rescheduled to convene at the more convenient time as reasonable, or provide assistance for overcoming barriers to attendance.
5. Liaisons will notify the Office of Student Services and team members immediately about rescheduled meetings and document the parent contact efforts on the additional information page of the IEP and/or the N1 Notice of Proposed Action letter.
6. Conference and/or video calls may be offered as an alternative to in-person participation.
7. The team may be rescheduled once to demonstrate reasonable effort for participation, and then the team will meet regardless. A parent may also give permission to the liaison to hold the meeting without them; however, the liaison must receive documentation from parent in writing and will document how the information on the IEP and/or questions will be addressed on the N1.
8. The liaison will document all efforts to ensure parent participation on the N1 Notice of Proposed Action letter.

### ***Documentation Source(s)***

IEP, see pages 1-8, N1

Any additional district evidence to support participation

Meeting Invitation (N3)



## SE 27: CONTENT OF TEAM MEETING NOTICES TO PARENTS

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR  
300.322(B)(1)(I)

The parent notice of any TEAM meeting states the purpose, time and location of the meeting as well as who will be in attendance.

## STUDENT SERVICES PROCEDURE

1. The Liaison should complete a Meeting Invitation (N3) in ASPEN at least 10-days prior to the scheduled team meeting. The Liaison should send home a copy of the N3 to the student's parent/guardian via email, US mail, or within the student's backpack.

NOTE: The Liaison should contact the building principal if coverage is required.

2. The Meeting Request Form includes the following information:
  - the purpose (review, re-evaluation, initial, etc.),
  - date,
  - time,
  - location, and
  - team members (names and roles)
3. A list of team members will also be provided with contact information for those outside invitees that parents may request.

### ***Documentation Source(s)***

Google Calendar

Meeting Invitation (N3)

**SE28: PARENT PROVIDED THE IEP OR NOTICE OF NO ELIGIBILITY TOGETHER WITH NOTIFICATION OF PROCEDURAL SAFEGUARDS AND PARENTS' RIGHTS.**

STATE REGULATION(S): 603 CMR 28.05(7) FEDERAL REGULATION(S): 34 CFR 300.345(f)

Immediately following the development of the IEP and without undue delay, the district provides the parents with a copy of the proposed IEP or a written explanation of the finding of no eligibility for special education services together with the required notice of procedural safeguards and parents' rights.

## STUDENT SERVICES PROCEDURE

1. Liaisons will oversee the creation of a proposed IEP at the team meeting. The proposed IEP, at minimum, will contain the following components:
  - Parental Concerns
  - Key Evaluation Results
  - Disability Category
  - Team Vision Statement
  - Proposed Goal Areas
  - A completed Service Delivery Grid
  - Non-participation Justification Statement
  - Bullying Statement
  - Autism Checklist (if applicable)
  - Transition Planning form (if applicable)
2. Both the Liaison and parent/guardian will sign that they have received a copy of the Meeting Summary/Proposed IEP.
3. A signed copy of the Meeting Summary/Proposed IEP will be provided to the parent and the original will be included in the completed IEP packet.
4. A final version of the proposed IEP will be mailed within 10 school-working days.
5. If found ineligible, an N2 will be drafted by the liaison and the Office of Student Services will mail this notice, as well as a copy of the Procedural Rights and Safeguards within 10 school-working days.

### ***Documentation Source(s)***

Meeting Summary/Proposed IEP

Draft IEP

Notice of Proposed Action (N1)

Notice of Refusal to Act (N2)

## SE 29: COMMUNICATIONS ARE IN ENGLISH AND PRIMARY LANGUAGE OF HOME

STATE REGULATION(S): 603 CMR 28.07(8) FEDERAL REGULATION(S): 34 CFR 300.322(e) ; 300.503(c)

1. Communications with parents are in both English and the primary language of the home if such primary language is other than English. Any interpreter and translator used in fulfilling these requirements is fluent in the primary language of the home. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and that all such communications are documented.
2. If the district provides notices orally, or in some other mode of communication that is not written language, the district keeps written documentation
  - a. that it has provided such notice in an alternate manner,
  - b. that the content of the notice and
  - c. the steps taken to ensure that the parent understands the content of the notice.

## STUDENT SERVICES PROCEDURE

1. Within the ASPEN Student Information Management System all faculty and staff have the ability to filter for translation/interpretation needs of students within their building/class.  
NOTE: Families are identified for language support through the Registrar's Office/Coordinator who receives this information from the Home Language Survey.

### 2. Translation Services Procedure

If there is a translation service request from a family please send the school's and student's classroom (written) information home in the language they requested.

Email Michele Jarvis with any school or classroom translated document requests.

- o Please send documents to [Michele Jarvis](#) in word or a Google doc with editing permissions enabled.
- o Please be mindful of the scope of the work and allow additional time for lengthy documents to be translated.

If the document is related to special education services please contact [Stacy Chickering](#) from the Office of Student Services.

### 3. Interpretation Services Procedure

If there is an interpretation service request from a family then staff can use [Lionbridge](#) interpretation services to communicate with families in their preferred language and the [Talking Points Messaging App](#).

If there is an interpreter needed for a special education meeting then the request should be made to [Stacey Chickering](#) from the Office of Student Services.

If there is an interpreter request for a family that is *not* related to special education that *cannot* be done using Lionbridge please send your request to the [Executive Assistant to the Superintendent](#).

### 4. Bilingual Evaluation Requests

Any requests for bilingual evaluations should be made to the Office of Student Services. Please email requests to [Stacy Chickering](#).

#### ***Documentation Source(s)***

All Team related documents translated into the primary language of the home if other than English  
Meeting Invitation (N3)  
Attendance Sheet (N3A)  
Documentation of alternate communication

**SE 31: STATE AND DISTRICT RESPONSIBILITY FOR EDUCATIONAL SURROGATE PARENTS**

STATE REGULATION(S): 603 CMR 28.07(7) FEDERAL REGULATION(S): 34 CFR 300.322(e);300.503(c)

If the Department of Children and Families (DCF) appoints a special educational surrogate parent (SESP), or a court orders the appointment of a Guardian Ad Litem (GAL) with educational decision-making rights, the SESP or the GAL, as may be applicable, has all the rights and responsibilities of a parent in making decisions regarding special education eligibility and services for the assigned student.

## **STUDENT SERVICES PROCEDURE**

Once the district receives proper notice of SESP appointment, or GAL with educational decision-making rights, the district shall provide the SESP or GAL with all rights and responsibilities of parent for student, including inviting to all TEAM meetings and sending all notices and special education documents.

### ***Documentation Source(s)***

Meeting Invitations



## SE 32: PARENT ADVISORY COUNCIL FOR SPECIAL SERVICES

STATE REGULATION(S): Chapter 71B, Sec. 1C FEDERAL  
603 CMR 28.07(4) REGULATION(S):

1. The school district has established a Special Education Parent Advisory Council (SEPAC).
2. Membership on the council is offered to all parents of children with disabilities and other interested parties.
3. The parent advisory council duties include, but are not limited to, advising the school district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development and evaluation of the school district's Special Services programs.
4. The parent advisory council has established bylaws regarding officer and operational procedures.
5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice and subject to the availability of staff and resources.
6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal Special Services laws and makes written materials explaining such rights available upon request.

## STUDENT SERVICES PROCEDURE

1. The Northampton Public Schools Special Education Parent Advisory Council (SEPAC) has been established and a yearly membership request is sent in writing from the Director of Student Services to all families of students with disabilities.
2. The district works with neighboring districts and Title I to pool resources in order to provide training to parents.
3. The district has also purchased membership to MassPAC for free leadership training and workshops.
4. Each year a parent's rights and procedural safeguards workshop is offered.
5. Copies of the by-laws will be provided to members and electronic versions will be accessible through the district website.
6. If appropriate, the district may seek a waiver from the Department of Elementary and Secondary Education for SEPAC regulation requirements.

### ***Documentation Source(s)***

SEPAC flyers/notes/presentations

Form C1: Request for Waiver from Special Education Regulations: Special Education Parent Advisory Councils 603 CMR 28.03(5)

### **SE 33: INVOLVEMENT IN THE GENERAL CURRICULUM**

STATE REGULATION(S): 603 CMR 28.05(4)(a) and (b) FEDERAL REGULATION(S): 34 CFR 300.320(A)(1)(I); 300.321

1. At least one member of all IEP TEAMS is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum.
2. In the IEP the district documents that student's participation in the general curriculum.

## **STUDENT SERVICES PROCEDURE**

1. If the student currently participates in any general education classes (including electives), at least one general education teacher with knowledge of the student's ability and grade level curriculum/social skills will attend the team meeting.
2. This participation will be documented in the attendance sign-in sheet as well as in the current performance level on the goal pages of the IEP and for applicable re-evaluations, the Educational Assessment A & B forms.
3. A general education teacher may be excused from attending the Team meeting, in whole or in part, if the parent and district, in writing, consent to the excusal and the general education teacher submits, in writing to the parent and the team, input into the development of the IEP prior to the meeting.
4. If applicable, observation of the student in the general education setting will be documented in the observation forms in Special Programs and team notes.

### ***Documentation Source(s)***

IEP (see page 2)

Meeting Invitation (N3)

Attendance Sheet (N3A)

General Education Report Cards/Schedule

## SE 34: CONTINUUM OF ALTERNATIVE SERVICES AND PLACEMENTS

STATE REGULATION(S): 603 CMR 28.05(7)(b) FEDERAL REGULATION(S): 34 CFR 300.109; 300.310; 300.115

1. The district provides or arranges for the provision of each of the elements of the IEPs of eligible students from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements are available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.

## STUDENT SERVICES PROCEDURE

1. The team will discuss the continuum of services and placements to meet individual student needs. At the age of 14, or earlier, if necessary, student post-secondary vision and disability-related transition needs are considered and incorporated into the proposed IEP and Transition Planning Form (TFP), which are both reviewed at least annually.
2. With consent, relevant state outside agencies will be invited to participate in TEAM meetings prior to termination of special education services.
3. The Northampton Public Schools continuum of services and placements includes, but is not limited to:
  - Consultation Services
  - Specialized Transportation
  - Extended Day/Year Services
  - Related Services
  - Vocational Opportunities
  - Specialized instruction and supports in the general education setting
  - Specialized instruction and supports in a substantially separate setting
  - Full inclusion placements (most services in general education setting)
  - Partial inclusion placement (some services in general education setting and some in a substantially separate setting)
  - Substantially separate classroom placement (most services in substantially separate setting within traditional public school)
  - Substantially separate school placement (all services in a public or private day/residential school for students with disabilities)

### ***Documentation Source(s)***

Brochures of programming and outside agencies

Contracts

Transition Planning Form

Team Vision (IEP)

## SE 35: ASSISTIVE TECHNOLOGY: SPECIALIZED MATERIALS AND EQUIPMENT

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.105,  
300.324(A)(2)(V)

1. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.
2. Augmentative and alternative communication: The IEP Team must consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.
3. Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:
  - a. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
  - b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
  - c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - d. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
  - e. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
  - f. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

In developing each student's IEP, the IEP Team must consider whether the student needs assistive technology devices and services. Each public agency must ensure that assistive technology devices and services are made available to a student with a disability if required as a part of the student's special education, related services, and/or supplementary aids and services.

If the Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process.

In instances when assistive technology devices and/or services are determined as required, the Team must further determine and document which settings (classroom, home or other) in which the student needs access to those devices and services in order to assure provision of FAPE.

## STUDENT SERVICES PROCEDURE

1. Specialized equipment and materials requested by the team will be processed through the Office of Special Services. A requisition form with all identifying information, price, and vendor will be submitted by the liaison to the Director for approval and purchase.
2. On the PLEP B page, all teams will consider the need for assistive technology for eligible students. Teams should first consider resources of the district using the Assistive Technology (AT) Screening Checklist, and conduct trials of assistive technology (AT) generally from low to high tech, unless student's needs dictate otherwise. These trials should be documented. Therapists, technology staff, and special educators should have input on the effectiveness of the assistive technology. Any AT utilized and recorded on the PLEP B page should be indicated at the top of the page with the checkbox filled in for Assistive Technology and description below. If the student requires other supports, services and goals related to AT, the Team shall describe these in the student's IEP as may be appropriate.
3. If in-district resources are not appropriate for effective access, a request for an outside assistive technology screening or evaluation may be considered. The request to the Office of Student Services will be made through a completed *Assistive Technology/Augmentative Communication Assessment Referral Form*, as well as an extended evaluation or N1A form. The **area of needed assistance** will be provided and the reason the assistance is requested. The Director will assign an evaluator and a meeting will be held to review the AT evaluation and, if AT proposed, set up implementation of AT. Any AT should be listed on the PLEP B page with detailed description of type of AT required and for what purpose. For example, "When given written assignments, student will have access to a word processor with text to speech, spell check, and word prediction". If the AT requires specialized instruction, it should be reflected on the service delivery grid and a goal set for its use.

### ***Documentation Source(s)***

Assistive Technology (AT) Screening Checklist  
IEP PLEP A and B  
N1A  
Extended Evaluation  
Evaluation Reports



## **SE 36: IEP IMPLEMENTATION, ACCOUNTABILITY AND FINANCIAL RESPONSIBILITY**

STATE REGULATION(S): 603 CMR 28.06(3) FEDERAL REGULATION(S): 34 CFR 300.17, 300.101-104;300.154

1. The district ensures that IEPs are implemented without delay upon parental consent
2. The district oversees in an ongoing manner the full implementation of each in-district and out-of-district IEP it proposes which has been consented to by a child's parents.
3. The district provides all programs and services without expense to the child's parents.
4. If student is eligible for public insurance (MassHealth) and the school district proposes to access the student's MassHealth to support the costs of providing qualified School-Based Medicaid Program services to the student, the school district obtains the parents' consent one time and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.

### **STUDENT SERVICES PROCEDURE**

1. Upon consent, the Liaison will coordinate all services and oversee the implementation of the IEP and placement. The Director of Student Services or their designee will oversee out-of-district placements.
2. The Student Services department will send Medicaid permission notices home to parents yearly. Regardless of the response, all services will be provided free of charge.

#### ***Documentation Source(s)***

28M/13

OOD Monitoring Forms/Notes

## SE 37: PROCEDURES FOR APPROVED AND UNAPPROVED OUT-OF-DISTRICT PLACEMENT

STATE REGULATION(S): 603 CMR 18.00; FEDERAL 34 CFR 300.2(C)  
28.02(14), REGULATION(S):  
28.06(2)(f)(3); 28.09,  
808 CMR 1.00

1. **Individual student program oversight:** The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the student's file for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district placement.
2. **Student right to full procedural protections:** The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulations. Any TEAM meetings conducted during the time that a student is enrolled in an out-of-district program are initiated by the school district in coordination with the out-of-district placement.
3. **Preference to approved programs:** The school district, in all circumstances, first seeks to place a student in a program approved by the Department of Elementary and Secondary Education pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with least restrictive environment requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department of Elementary and Secondary Education.
4. **Written Contracts:** At a minimum, the school district enters into written contracts with all public and private out-of-district placements. Such contracts meet the content requirements of 28.06(3)(f)(1-5).
5. **Use of unapproved programs:** If the Team is unable to identify an appropriate placement in an approved school, the district may request approval from the Department of Elementary and Secondary Education in writing to place student in an unapproved school. A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 must ensure that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs shall be entitled to the full protections of state and federal special education law and regulation, including but not limited to those protections specified in 603 CMR 28.09 and in 603 CMR 18.00.
6. **Placement Documentation:** The following documentation is maintained by the school district pursuant to its' placement of children in unapproved out-of-district programs:
  - **Search:** The Administrator of Special Services documents the search for and unavailability of a program approved by the department. The Administrator places such documentation in the student record.

- **Evaluation of Facility:** The Administrator of Special Services or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of such student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluations additionally determine whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal Special Services law. Such evaluation is documented in detail and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility. The school district may, however, contract directly with a person to conduct such evaluation activities.
7. **School district approval to operate a private school in Massachusetts:** If services in an unapproved program are provided in a school setting, the Administrator of Special Services ensures that such school has received approval from the local school committee under MGL c. 76 sec., 1 and a copy of such approval is retained in the student record.
  8. **Pricing:** Pursuant to the requirements for compliance, reporting and auditing of Human and Social Services at 808 CMR 1.00, the Administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program.
  9. **Notification of the Department of Elementary and Secondary Education:** Prior to placement, if the TEAM determines that placement is appropriate, the Administrator notifies the Department of Elementary and Secondary Education of the intent to place the student and the name and location of the proposed placement. In addition, the Administrator forwards the notices of proposed placement and completed pricing forms to the Department of Elementary and Secondary Education along with the information on the proposed terms of the contract that will govern such placement and documentation of a monitoring plan pursuant to 603 CMR 28.06 (3)(b). The District maintains any documentation of the Department's objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly funded students as set by the state agency responsible for setting program prices.
  10. **Out of state programs:** If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Services ensures that such school has received approval from the host state. No placements of Massachusetts students may be made in out-of-state programs without approval of the program by the host state or, if the host state does not have an approval process, then the program must provide documentation of reputable accreditation.

## STUDENT SERVICES PROCEDURE

1. *Out-of-District School* shall provide the Director of Special Education, or his/her designee, with detailed documentation of the school's compliance with all elements of the IEP through written quarterly progress reports. The Director of Special Education, or his/her designee, will review quarterly progress reports to ensure the student is receiving a FAPE.
2. *Out-of-District School* shall provide the Director of Special Education, or his/her designee, with copies of all records and correspondence regarding the student, including but not limited to all incident and restraint reports, and report cards. The Director of Special Education, or his/her designee, will review copies of all records and correspondence regarding the student, including but not limited to all incident and restraint reports, and report cards to ensure that the student is afforded all substantive and procedural rights pursuant to IDEA.
3. *Out-of-District Schools* will report serious incidents and restraints immediately by telephone, as well as in writing, to the Director of Special Education, or his/her designee. The Director of Special Education, or his/her designee, will review these reports and conduct an on-site investigation if warranted to ensure the health and safety of the student.
4. *Out-of-District School* shall provide the Director of Special Education, or his/her designee, with copies of all monitoring reports written by the appropriate School Committee and/or Massachusetts Department of Elementary and Secondary Education in accordance with its approval process. The Director of Special Education, or his/her designee, will review all monitoring reports written by the appropriate School Committee and/or Massachusetts Department of Elementary and Secondary Education in accordance with its approval process to ensure the school maintains the authority to operate. If necessary, the Director of Special Education, or his/her designee, will conduct an on-site monitoring visit.

### ***Documentation Source(s)***

Copies of Monitoring Plan Documentation

Contracts

Notification of Intent to Seek Approval for Individual Student Program Form and Supporting Documentation

Student Records

## SE 38: SPECIAL EDUCATION IN INSTITUTIONAL SETTINGS (SEIS)

STATE REGULATION(S): 603 CMR 28.06(9) FEDERAL  
REGULATION(S):

### Department of Elementary and Secondary Education Responsibility:

In cases where the Department of Elementary and Secondary Education provides certain IEP services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County House of Corrections or the Department of Public Health. The Department of Elementary and Secondary Education retains the discretion to determine, based upon resources, the type and amount of special education and related services that it provides in such facilities. Decisions about admission to and discharge from institutional facilities are within the authority of institution administrators, not the school district. Non-educational services such as residential, medical and clinical services shall be provided by the state agency that controls the facility.

### School District Responsibility:

School districts are responsible for students in institutional settings in accordance with 603 CMR 28.10. Such students have the same rights for referral, evaluation, and the provision of special education in accordance with state and federal law as students in public schools.

1. Where a student's IEP requires a type or amount of service that the facility/SEIS does not provide, it remains the responsibility of the parent's school district to implement the student's IEP by arranging and paying for the provision of such service(s).
2. The parent's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and Special Services as identified at a TEAM meeting convened by the parent's school district.

## **STUDENT SERVICES PROCEDURE**

1. The Institutional setting will notify the Director of Student Services of placement and any special education and related services SEIS is not able to implement.
2. The Director shall seek out any services the facility doesn't provide.
3. The Director or their designee will monitor the placement and services provided by the facility and coordinate meetings, annual reviews, re-evaluations as needed according to the timelines.
4. A monitoring chart will be kept in the student's special education file and indicate site visit dates, meetings held, IEP progress reports, report cards, etc.

### ***Documentation Source(s)***

Mandated notices, IEP forms issued by the district as required under SE 25, SE 28 and SE 29 IEP and/or other district documentation

**SE 39A: PROCEDURES USED TO PROVIDE IEP SERVICES TO ELIGIBLE STUDENTS ENROLLED IN PRIVATE SCHOOLS AT PRIVATE EXPENSE RESIDE IN THE DISTRICT AND TO PROVIDE PROPORTIONATE SHARE SERVICES TO ELIGIBLE STUDENTS WHO ARE ENROLLED IN PRIVATE SCHOOL AT PARENT EXPENSE LOCATED WITHIN NORHTMAMPTON**

STATE REGULATION(S): 603 CMR 28.03 (e) FEDERAL REGULATION(S): 34 CFR 300.130-144;300.300

1. The district conducts child find activities, including initial evaluations and eligibility determinations, for all students ages 3-21 who reside or attend school located within the district, regardless of whether student attends public, private or home school. The evaluation may take place in the public school or an appropriate contracted facility/neutral location.
2. Under federal law, the district spends a proportionate share of each of the Part B of IDEA funds (grants 240 and 262) to provide special education and related services to eligible students enrolled in private schools at private expense geographically located within the district, regardless of whether student resides in or outside of the district. Under state law, the district provides special education and related services to eligible students who reside within the district enrolled in private school at private expense located within or outside of district boundaries.
3. For students who attend private school at private expense (including homeschooled students) located within the district, the district consults with representatives of private schools and homeschool students, engages in child count calculation, expenditure of proportionate share and development of proportionate share service plans in accordance with federal requirements.
4. For eligible students who reside within the district and attend private school at private expense located within or outside of the district, the district shall provide student and parent with all substantive and procedural special education rights, including annual reviews, re-evaluations, IEP development and provision of special education and related services. The district shall ensure that a representative of the child’s private school is invited to participate as a member of the TEAM pursuant to 603 CMR 28.05.
5. The district provides special education and/or related services designed to meet the needs of eligible students who are attending private schools at private expense and whose parents reside in the jurisdiction of the school district. The school district provides to such children genuine opportunities to participate in the proposed public school special education program consistent with state constitutional limitations.
6. The district ensures that special education services funded with state or local funds are provided in a public-school facility or other public or neutral site. When services are provided using only federal funds, services may be provided on public or private school grounds.
7. For students who reside within the district, the district does not withdraw or withhold services from a child because the school district has met the proportionate share spending requirements of federal law.
8. Special education and/or related services provided by the district to a private school child are comparable in quality, scope and opportunity for participation to that provided to public school children with needs of equal importance.

## **STUDENT SERVICES PROCEDURE**

1. The Director of Student Services or their designee will contact private schools and homeschool families located within district geographical bounds during the summer for timely and meaningful proportionate share consultation and child find activities in compliance with federal requirements.
2. The district shall obtain a written affirmation of consultation and notify the Department of Elementary and Secondary Education if it is unable to obtain one.
3. Team meetings will be set and evaluations conducted following the same procedures as in the public setting.
4. Child Find activities will be shared with the principals of each private school for Preschool and Kindergarten screenings.
5. Team meetings will be held to facilitate the attendance of the school representative and district staff. Special education and related services will be offered in district or neutral locations if a child is found eligible for special education services.
6. An IEP, or individual services plan, as may be applicable, will be proposed for the services.
7. If a parent declines services, a letter will be requested by the Director from the parents informing the district that they do not wish to avail themselves of the services at this time.
8. The Director will send an N1 letter with their parental rights offering to provide the services if they change their mind.

### ***Documentation Source(s)***

IEP/Team meeting invitation (N3)/ Completed proportionate share worksheets

Individual Service Plans

Proportionate Share Consultation Meeting Invitation, Child Find Notice Form and Written Affirmation Form

Cross check w/ student count documentation under SE 57/SIMS report



**SE 39B: PROCEDURES USED TO PROVIDE SERVICES TO ELIGIBLE STUDENTS WHO ARE ENROLLED AT PRIVATE EXPENSE IN PRIVATE SCHOOLS IN THE DISTRICT AND WHOSE PARENTS RESIDE OUT OF STATE**

STATE REGULATION(S):	603 CMR 28.02(7);28.04;28.05(2)	FEDERAL REGULATION(S):	34 CFR 300.130- 144;300.301-311
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1. The district conducts child find activities for all students enrolled at private expense in private schools in the district.
2. For students enrolled at private expense in private schools in the district and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility and develops individual services plans in accordance with state and federal requirements.
3. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240 and 262) required to be spent on eligible private school students and documents the spending of at least this amount of federal entitlement funds (fund code 240 and 262) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state.
4. If the district provides services to any eligible private school students from out of state, it does so using an individual services plan.

## **STUDENT SERVICES PROCEDURE**

1. The Director or their designee will consult with the private schools within the district bounds for Child Find activities and expenditure of proportionate share funds required under federal law annually.
2. The district shall evaluate and develop individual services plans, as needed for allocation of proportionate share spending, in consultation with the student's parent/guardian.

### ***Documentation Source(s)***

Cross check w/ student count documentation under SE 57

SIMS Report

Completed proportionate share worksheets

Individual Services Plan(s)

Proportionate Share Consultation Meeting Invitation, Child Find Notice Form and Written Affirmation Form

## SE 40: INSTRUCTIONAL GROUPING REQUIREMENTS FOR STUDENTS AGED FIVE AND OLDER

STATE REGULATION(S): 603 CMR 28.06(6) FEDERAL REGULATION(S):

1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP.
2. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs
3. When eligible students are assigned to instructional groupings outside the general education classroom for 60% or less of the student's school schedule, group size does not exceed
  - eight students with a certified Special Education teacher,
  - twelve students if the special educator is assisted by one aide, and
  - sixteen students if the certified special educator is assisted by two aides.
4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% or the student's school schedule, the district provides instructional groupings that do not exceed
  - eight students (8) to one certified special educator, or
  - twelve students (12) to a certified special educator and an aide.
5. After the school year has begun, if instructional groups have reached maximum size as delineated in three and four above of this criterion, the Administrator of Student Services and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students with compatible instructional needs and then can receive services in their neighborhood school.
6. In such cases, the Administrator provides written notification to the Department of Elementary and Secondary Education and the parents of all group members of the decision to increase the instructional group size and the reasons for the decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.
7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in bullet 3 or 4 of this criterion for subsequent years. Such steps are to be documented by the district.

## STUDENT SERVICES PROCEDURE

1. Prior to the beginning of the school year, special education liaisons are requested by the Director of Student Services to set up service delivery schedules that meet the needs of the students' IEPs. Staff is assigned accordingly to meet 1:1, classroom support, pull-out interventions, therapies, APE, etc.
2. Special education liaisons will submit grouping assignments for themselves and for their assigned staff (if any) utilizing the Department of Elementary and Secondary Education's grouping guidelines and template.
  - a. This template will be completed and submitted to the Office of Student Services by October 1.
  - b. The grouping sheet will indicate the number of students per period, number of paraprofessionals, and ages of students in the groups.
  - c. This template will be maintained and updated throughout the year by the Liaison to reflect transfers of special education students in and out of district.
  - d. It may be requested at any time by the Office of Student Services.
3. If any groupings exceed the maximum limit, the liaison will immediately notify the principal of the building to see if staffing or schedules can be modified to correct the numbers to acceptable limits.
4. If that is not possible, the special education teacher providing services to that group and the Director of Student Services may decide to increase the size of an instructional grouping by no more than two additional students with compatible instructional needs.
5. In such cases, the Director of Student Services will provide written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for the decision.
6. The Director of Student Services and building principal will set a corrective action plan to correct the groupings in subsequent years.

### ***Documentation Source(s)***

Grouping sheets

## **SE 41: AGE SPAN REQUIREMENTS**

STATE REGULATION(S): 603 CMR 28.06(6) (f) FEDERAL  
REGULATION(S):

1. The ages of the youngest and the oldest child in any instructional grouping do not differ by more than forty-eight months.
2. A written request for approval of a wider age range is submitted to the Department of Elementary and Secondary Education in cases where the district believes it is justified.

## STUDENT SERVICES PROCEDURE

1. Prior to the beginning of the school year, special education liaisons are requested by the Director of Student Services to set up service delivery schedules that meet the needs of the students' IEPs. Staff is assigned accordingly to meet 1:1, classroom support, pull-out interventions, therapies, APE, etc.
2. Special education liaisons will submit grouping assignments for themselves and for their assigned staff (if any) utilizing the Department of Elementary and Secondary Education's grouping guidelines and template.
  - a. This template will be completed and submitted to the Office of Student Services by October 1.
  - b. The grouping sheet will indicate the number of students per period, number of paraprofessionals, and ages of students in the groups.
  - c. This template will be maintained and updated throughout the year by the Liaison to reflect transfers of special education students in and out of the district.
  - d. It may be requested at any time by the Office of Special Services.
3. If any groupings exceed the maximum age limit, the liaison will immediately notify the principal of the building and Director of Student Services.
4. The building principal and Director of Student Services will review staffing and/or schedules to modify instruction groupings to correct the ages to acceptable limits.
5. If that is not possible, the district shall seek a waiver from the Department of Elementary and Secondary Education.

### ***Documentation Source(s)***

Grouping Chart

Form B: Request for Waiver from Special Education Regulations Instructional Grouping Requirements  
Age Span 603 CMR 28.06(6)(f)

## SE 42: PROGRAMS FOR YOUNG CHILDREN THREE AND FOUR YEARS OF AGE

STATE REGULATION(S): 603 CMR 28.06(7) FEDERAL REGULATION(S): 34 CFR 300.101(b) 300.124;300323

### General Requirements:

1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four.
2. Where at all possible, the school district accepts referrals from the Department of Public Health, Early Intervention and other agencies and individuals for young children when or before the child turns two- and one-half years of age in order to ensure the continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements.
3. The IEP TEAM may decide at their discretion to offer to use an IFSP in lieu of an IEP, with parental consent, for the first year of the child's services after age three. The IFSP must be developed in accordance with the requirements of state and federal law. If the school district chooses to offer an IFSP instead of an IEP for the year that the student turns three, the district must provide the child's parents with a detailed explanation of the differences between an IFSP and an IEP.
4. Where appropriate, the district TEAM may propose the child remain in a program designed for three- and four-year-old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday).

### Types of Settings:

1. Inclusionary programs for young children are located in a setting that includes children with and without disabilities and meet the following standards:
  - Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.
  - For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one (1) teacher and one (1) teacher aide with no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7), then the class size does not exceed fifteen (15) students with one (1) teacher and one (1) teacher aide.
2. Substantially separate programs for young children are located in a public-school classroom or facility that serves primarily or solely children with disabilities. Substantially separate programs adhere to the following standards:

- Substantially separate programs are programs in which more than 50% of the children have disabilities.
- Substantially separate programs operated by the district limit class sizes to nine (9) students with one (1) teacher and one (1) aide.



## **STUDENT SERVICES PROCEDURE**

1. The Director of Student Services or their designee maintains an agreement with community organizations and child-care centers for Child Find activities and referral services.
2. The SE Coordinator, Associate Director of Student Services and/or special education teachers in the preschool setting attend regular meetings to review upcoming student needs as they transition from early intervention to the Northampton Public Schools.
3. Teachers are encouraged to be part of the transition and evaluation team with the Early Intervention staff.
4. Upon receipt of a referral, the SE Coordinator/SE Liaison will generate a Notice of Proposed Action (N1) and Evaluation Consent (N1A).
5. The SE Coordinator/SE Liaison will mail the evaluation consent to the parent/guardian.
6. Upon receipt of a signed consent, the SE Coordinator/SE Liaison will assign a special education liaison.
7. The SE Coordinator/SE Liaison will generate an Evaluation Notification Form.

### ***Documentation Source(s)***

Agreements

Referrals

Meeting Notes

## SE 43: BEHAVIORAL INTERVENTIONS

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34CFR 300.324  
(a)(2)(i)

1. For a student whose behavior impedes their learning or the learning of others, the team considers the student's disability-related behavioral needs, including student's potential need for a Functional Behavioral Assessment, behavioral interventions, supports and services students may require in order to receive a free and appropriate public education.

## **STUDENT SERVICES PROCEDURE**

1. The teacher and special educator will collect data on behaviors and document how the behaviors impede student's learning and/or the learning of others.
2. The behavioral interventions tried and their outcomes should be reviewed with the team.
3. Consideration of a student's disability in relation to the behavior should be considered and the IEP should address disability-related behavioral needs supported in the PLEP B page, as well as through goals and services, as may be appropriate for the individual student.
4. A Functional Behavioral Assessment should be considered if the frequency and duration of student's interfering behaviors is severe, or a variety of behavioral interventions have not been effective for the student.
5. District Board Certified Behavior Analyst (BCBA) and Director of Student Services should be contacted for consultation.
6. If needed, the Director or District BCBA can propose an extended evaluation or Functional Behavior Assessment (FBA).

### ***Documentation Source(s)***

IEP (see pages 2 and 3)

Behavior data/FBA requests

## SE 44: PROCEDURE FOR RECORDING SUSPENSIONS

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.530  
34CFR 300.324  
(a)(2)(i)

1. The district has a procedure to record the number and duration of disciplinary removals, including any emergency removals, in-school suspensions, out-of-school suspensions and expulsions from any part of the student's IEP program (including transportation).

## **STUDENT SERVICES PROCEDURE**

1. Each building principal reviews the number and duration of suspensions, including any suspensions from any part of the student's IEP program.
2. The principal and/or Dean of Students and the liaisons keep track of the disciplinary actions in PowerSchool.
3. The principal and/or Dean of Students, in conjunction with the Director of Student Services and School Psychologist, should hold a Manifestation Determination TEAM prior to the 10th day of cumulative or consecutive days of disciplinary removal in a school year.
4. The Manifestation Determination TEAM determines if the student's conduct was a manifestation of the student's disability and if it is not a manifestation of disability, what the student requires in order to receive a free and appropriate public education during long-term suspensions (more than 10 consecutive or cumulative days in a school year) or expulsions.
5. The building principal or special education liaison will notify the Office of Student Services in order to set up the services the student requires to receive a FAPE during long-term disciplinary removal.

### ***Documentation Source(s):***

PowerSchool Discipline Log

Manifestation Determination Form

Manifestation Determination Meeting Notes

## **SE 45: PROCEDURES FOR SUSPENSION UP TO 10 DAYS AND AFTER 10 DAYS: GENERAL REQUIREMENTS**

STATE REGULATION(S): MGL c. 76 sec. 16-18 FEDERAL REGULATION(S): 34 CFR 300.530-537

1. Any eligible student may be suspended (including emergency removal) up to 10 days in any school year without implementation of procedures described in SE Criterion 45 and 46.
2. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student, as determined by the TEAM, to continue to receive a free and appropriate education.
3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days in any school year,

## **STUDENT SERVICES PROCEDURE**

1. The TEAM would determine services needed in order to provide FAPE to the student in the alternate setting during any disciplinary removals beyond 10 days in a school year.
2. The building principal or special education liaison will notify the Director of Student Services in order to set up those services.
3. The building principal will notify the parent of the decision and provide them a copy of the procedural safeguards.

### ***Documentation Source(s)***

PowerSchool Discipline Log

Manifestation Determination Form

Manifestation Determination Meeting Notes

**SE 46: PROCEDURES FOR SUSPENSION OF STUDENTS WITH DISABILITIES WHEN SUSPENSIONS EXCEED 10 CONSECUTIVE OR 10 CUMULATIVE DAYS IN A SCHOOL YEAR; RESPONSIBILITIES OF THE TEAM; RESPONSIBILITIES OF THE DISTRICT.**

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.530-537

1. A suspension of longer than 10 consecutive or cumulative days in a school year is considered a change in placement.
2. Prior to a suspension that constitutes a change in placement of a student with disabilities, the TEAM convenes to hold a Manifestation Determination Meeting. The purpose of the Manifestation Determination meeting is to review relevant information in the student's record to determine whether the student's conduct in question was a manifestation of the student's disability.

The TEAM is required to answer two questions:

1. Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?
  2. Was the conduct in question the direct result of the non-implementation of the student's IEP?
3. If the TEAM's answer to either question is **yes**, the TEAM finds the student's conduct was a manifestation of the student's disability.
  4. If the TEAM's answer to both questions is **no**, then the student's conduct was not a manifestation of their disability.
  5. If the student's conduct in question **is** a manifestation of their disability, unless district and Parent agree otherwise, the student shall return to their IEP program and placement and cannot be suspended or expelled for the offense.
    - The TEAM also develops a plan for conducting a Functional Behavior Assessment (FBA) for the student, unless a Behavior Intervention Plan (BIP) based on a recent FBA already exists. and will be implemented.
    - If a BIP based on a recent functional behavioral assessment exists, the TEAM will review the BIP and modify, as necessary to address the conduct in question
  6. If the student's conduct in question **is not** a manifestation of their disability, the district may suspend or expel the student consistent with policies applied to any student without disabilities and the TEAM will determine what specialized supports and services the student requires during disciplinary removal in order to continue to receive a free and appropriate public education.
  7. Regardless of the outcome of the Manifestation Determination, the district may place the student in an interim alternative educational setting for up to 45 school days without parental



consent/approval, if the student's conduct during school, on school grounds or at a school related event, involves: possession of a weapon; possession, use, sale, or solicitation of controlled substances (including cocaine, marijuana, prescription drugs, but excluding nicotine and alcohol), or inflicts serious bodily injury on another person.

- The TEAM must determine what interim alternative education settings enables the student to continue the opportunity to receive a free and appropriate public education.
8. If the TEAM determines that the behavior **is** a manifestation of the disability, then the district takes steps to consider changes to the IEP, placement and behavior plan to address student's disability-related behavioral needs.
  9. No later than the date of the decision to take disciplinary action, the school notifies the parents and provides them with written notice of procedural safeguards. If the parent chooses to appeal the disciplinary action or manifestation finding, the student remains in the disciplinary placement, unless the decision is overturned or the suspension period ends.
  10. The district may file an expedited Hearing Request at the Bureau of Special Education Appeals to seek an order to change the student's placement, if the district believes that maintaining the student's last accepted placement is likely to result in injury to student or others. During the pendency of the dispute, unless parent and district otherwise agree.

## STUDENT SERVICES PROCEDURE

1. Each building principal reviews the number and duration of suspensions, including any suspensions from any part of the student's IEP program.
2. The principal and/or Dean of Students and the liaisons keep track of the disciplinary actions in PowerSchool.
3. The principal and/or Dean of Students, in conjunction with the Director of Student Services and School Psychologist, should hold a Manifestation Determination TEAM prior to the 10th day of cumulative or consecutive days of disciplinary removal in a school year.
4. The Manifestation Determination TEAM determines if the student's conduct was a manifestation of the student's disability and if it is not a manifestation of disability, what the student requires in order to receive a free and appropriate public education during long-term suspensions (more than 10 consecutive or cumulative days in a school year) or expulsions.
5. The building principal or special education liaison will notify the Office of Student Services in order to set up the services the student requires to receive a FAPE during long-term disciplinary removal.

### ***Documentation Source(s)***

Suspension records

Team meeting invitation (N3)

Team meeting attendance (N3A)

Notice of school district action (N1)

Functional behavioral assessment

IEP amendment

Behavioral Intervention Plan

Evaluation consent form (N1A)

Notice of School District Action (N1)

IEP-Documentation of incident or finding of hearing officer, Description of instructional content of alternative setting

## **SE 47: PROCEDURAL REQUIREMENTS APPLIED TO STUDENTS NOT YET DETERMINED TO BE ELIGIBLE FOR SPECIAL SERVICES**

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.534

1. If, prior to disciplinary action, the district has had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior information if:
  - a parent had expressed concern about special education eligibility in writing, or:
  - the parent had requested an initial special education evaluation; or
  - school staff had expressed concern that the student had a disability directly to the director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education eligibility and services, or if an evaluation of the student has resulted in a determination of ineligibility.

2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures to conduct an expedited evaluation to determine eligibility, but the district is not required to hold a manifestation determination meeting.
3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

## **STUDENT SERVICES PROCEDURE**

1. The principal will notify the Director of Student Services or their designee of any child who may be considered eligible for special services based upon parent concern or staff observations.
2. The principal will notify the Director or their designee of any child who may be considered eligible for special services based upon parent concern or staff observations.
3. The Director or their designee will send out a consent for an evaluation and procedural safeguards.
4. A liaison will be appointed by the Director and a team meeting scheduled for eligibility.

### ***Documentation Source(s)***

Parental Request for Testing

Evaluation Consent Form (N1A)

Notice of Proposed Action (N1) and accompanying notice of Procedural Safeguards

**SE 48: FAPE (FREE APPROPRIATE PUBLIC EDUCATION): EQUAL OPPORTUNITY TO PARTICIPATE IN EDUCATIONAL, NONACADEMIC, EXTRACURRICULAR AND ANCILLARY PROGRAMS, AS WELL AS PARTICIPATION IN REGULAR EDUCATION**

STATE REGULATION(S): 603 CMR 28.06(5)

FEDERAL  
REGULATION(S):

34 CFR 300.101-  
300.113

1. All students receiving special education services, regardless of placement, shall have an equal opportunity to participate in, and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.
  
2. Programs, services and activities include, but are not limited to:
  - art and music
  - vocational education, industrial arts, and consumer and homemaking education
  - work study and employment opportunities
  - counseling services available at all levels in the district
  - health services
  - transportation
  - recess and physical education, including adapted physical education
  - athletics and recreational activities
  - school-sponsored groups or clubs
  - meals

## **STUDENT SERVICES PROCEDURE**

1. The Liaison will review student schedules with guidance or elementary teachers prior to the start of the school year in order to ensure eligible students are receiving FAPE as described above. Any barriers to access will be brought to the building principal's attention in order to remedy the situation using district resources.

### ***Documentation Source(s)***

Student Handbook

Schedules

## SE49: RELATED SERVICES

STATE REGULATION(S): 603 CMR 28.02(18) FEDERAL REGULATION(S): CFR 300.34 ;300.323(C)

1. For each eligible student who is found to require related services, the school district provides of the necessary related services, as determined appropriate by the IEP Team and may include, but are not limited to:

- speech-language pathology and audiology services
- psychological services
- physical therapy
- occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in children
- counseling services, including rehabilitation counseling
- orientation and mobility services (peripatology)
- medical services for diagnostic or evaluation services
- school health services –including school nurse services
- social work services in schools
- parent counseling and training, and
- interpreting services

## **STUDENT SERVICES PROCEDURES**

1. During the IEP team meeting, the Team will discuss student's related services needs and the liaison will indicate in the student's IEP the decisions in regard to related services on the PLEP B and service delivery pages.
2. The Office of Student Services will review delivery grids and assign staff for these services.
3. Special Services staff and contracted service providers will receive a list of students requiring related services by the start of each school year.
4. Related service staff will be invited to team meetings by the liaison for students eligible for their services.

### ***Documentation Source(s)***

Meeting Invitation (N3)  
IEP Service Delivery Grids



## SE 49A: SPECIAL TRANSPORTATION

STATE REGULATION(S): 603 CMR 28.05(5)(b)) FEDERAL  
REGULATION(S):

If the IEP specifies that the student's disabilities require transportation or specialized transportation arrangements in order to access and benefit from educational services, the district implements these provisions of the student's IEP.

1. The TEAM determines necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required by the student and documents such determinations on the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school district makes such arrangements.
2. The district arranges to have eligible students who use wheelchairs transported in vehicles that do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided however, that this requirement is not applicable where a TEAM or the student's physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons.
3. The TEAM specifies whether the student requires assistance in or out of the home, on or off of the vehicle, and in or out of the school. If such assistance is specified, the district ensures that it is provided.
4. The TEAM specifies if the student has a particular need or program that may cause difficulties during transportation, such as seizures, a tendency for motion sickness, behavioral concerns, or communication disabilities.
5. The school district does not allow transportation considerations to influence, modify or determine the educational program, including the length of the school day, required by any student.

## STUDENT SERVICES PROCEDURE

1. The Team will determine disability-related transportation needs based upon data including but not limited to:
  - bus referrals,
  - physical limitations, and
  - evaluation results.
2. The liaison will indicate on the IEP the transportation needs as described above.
3. If the team determines that a child requires special transportation, but a parent declines, the liaison will note this in the transportation section of the IEP.
4. The Office of Student Services will review these needs each summer to set up appropriate vehicles and staff to provide students safe and appropriate transportation.
5. The liaison will check that the transportation does not interfere with the schedule of the student's programming.
6. The team will review transportation needs each year to ensure safety and least restrictive environment.

### *Documentation Source(s)*

IEP

## SE 50: DIRECTOR OF STUDENT SERVICES

STATE REGULATION(S): 28.03 (3) FEDERAL  
Chapter 71, sec. 38Q REGULATION(S):  
and 38Q1/2

1. The school district has an appointed person to be its Director of Student Services.
2. The Director of Student Services supervises all special education services for the school district and ensures compliance with all federal and state special education laws.
3. The Director of Student Services is appropriately licensed or holds a current waiver for an appropriate license or otherwise demonstrates that he or she has the qualifications to perform all the duties of the Director.
4. As appropriate, and in accordance with the requirements of MGL c. 71B 3A, the Director may designate other school district personnel to carry out some of the duties of the Director.

## **STUDENT SERVICES PROCEDURE**

1. The Director of Student Services will maintain licensure and participate in the evaluation process.

## SE 51: APPROPRIATE SPECIAL SERVICES TEACHER CERTIFICATION

STATE REGULATION(S): 603 CMR 28.02(3) FEDERAL 34 CFR 300.18;  
603 CMR 7.00 REGULATION(S): 300.156

1. Individuals, who design and/or provide direct specialized instruction described in IEPs, or who supervise the provision of specialized instruction by other teachers or paraprofessionals, are appropriately qualified and licensed in line with federal and state requirements.

## **STUDENT SERVICES PROCEDURE**

1. Northampton Public Schools special education teachers will maintain required licensure and participate in the educator evaluation process.

### ***Documentation Source(s)***

Certifications on file in district office

**SE 52: APPROPRIATE CERTIFICATIONS OR OTHER CREDENTIALS – RELATED SERVICE PROVIDERS**

STATE REGULATION(S): 603 CMR 28.02(3)      FEDERAL REGULATION(S): 34 CFR 300.34; 300.156(B)

1. Any person, including non-educational personnel, who provide related services or, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the regular or special classroom teacher are appropriately qualified and licensed by the relevant professional standards board or agency for the profession.

## **STUDENT SERVICES PROCEDURE**

1. All Northampton Public Schools related service providers will maintain required licensure and participate in the educator evaluation process.

### ***Documentation Source(s)***

Certifications on file in district office



## **SE 52A: REGISTRATION OF EDUCATIONAL INTERPRETERS**

STATE REGULATION(S): 603 CMR 28.02(3), FEDERAL 34 CFR  
(18) REGULATION(S): 300.34;300.156(B)

1. Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.

## **STUDENT SERVICES PROCEDURE**

1. If needed, the Director of Student Services will hire interpreting services that are registered with the Massachusetts Commission for the Deaf and Hard of Hearing.

### ***Documentation Source(s)***

Registration documentation on file

## SE 53: USE OF PARAPROFESSIONALS

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.156

1. Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately qualified as required by federal regulations and trained to support students as indicated in student's IEP.
2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.

## **STUDENT SERVICES PROCEDURE**

1. The Northampton Public Schools will hire paraprofessionals, preference given for Associate's Degree or higher. The district will provide professional development opportunities each year as per contract.
2. Paraprofessionals will implement instruction under the direction of a licensed teacher and/or related services provider, who is readily available to provide supervision.

### ***Documentation Source(s)***

PD schedule

Paraprofessional Para Pro documentation or similar documentation

## SE 54: PROFESSIONAL DEVELOPMENT REGARDING SPECIAL SERVICES

STATE REGULATION(S): Chapter 71, sec. 38g  
300.382  
603 CMR 28.03(1)(a)  
28.06(8)(b)(c)  
Chapter 71, sec. 38Q  
and 38Q1/2

FEDERAL  
REGULATION(S):

1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings which at a minimum include the following training topics offered on an annual basis:
  - State and federal special education requirements and related local special education policies and procedures;
  - Confidentiality of student records;
  - Training in analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles;
  - Methods of collaboration among teachers, paraprofessionals, and teacher assistants to accommodate diverse learning needs of all students in the regular classroom;
  - Training for all locally hired and contracted transportation providers on the unique needs of all students being transported in regular and special transportation vehicles; it also provides written information on the nature of any needs or problems that may cause difficulties along with information on appropriate emergency measures. Transportation providers include drivers of regular and special transportation vehicles and any attendants or aides identified by a TEAM for either type of vehicle.
  - In cooperation with the Special Education Parent Advisory Council (SEPAAC), at least one workshop annually under the state and federal special education law and makes written materials explaining such rights available upon request.
  - Local restraint and behavioral support policies and procedures as required by state law.
  - All other trainings required to be provided annually to staff under state or federal law

## **STUDENT SERVICES PROCEDURE**

1. The District Professional Development Committee designs a calendar of events per contract schedule.
2. The Director of Student Services and/or their designee attend the committee and assist in the coordination of resources to provide the training described above.
3. Liaisons will notify the Office of Student Services of unique transportation training needs of drivers as Dufour is an outside contractor.
4. The Office of Student Services will ensure these unique needs are communicated and that appropriate additional training may be provided (i.e., nurse trains drivers in emergency protocol).

### ***Documentation Source(s)***

Professional Development Committee Notes/Documentation

Professional Development Events Log

Maintenance of PD Agendas, Sign-in Sheets, and/or Presentation Materials

## **COMPONENT VII: SCHOOL FACILITIES (SE 55)**

### **SE 55: SPECIAL EDUCATION FACILITIES AND CLASSROOMS**

STATE REGULATION(S): 603 CMR 28.03(1)(b)

FEDERAL  
REGULATION(S):

SECTION 504 OF THE  
REHABILITATION  
ACT OF 1973

1. The school district provides facilities and classrooms for eligible students which maximize the inclusion of such students into the life of the school;
2. Provide accessibility in order to implement fully each child's IEP;
3. Are at least equal in all physical respects to the average standards of general education facilities and classrooms; and
4. Are given the same priority as general education programs for access to a use of instruction and other space in public schools in order to minimize the separation or stigmatization of eligible students.
5. Are not identified by signs or other means that stigmatize such students.

## **STUDENT SERVICES PROCEDURE**

1. The building principal will review special education needs in his/her building and assign special education teaching staff to appropriate classrooms.
2. The principal will review all alternative settings a child will attend and ensure accessibility.
3. Liaisons and teachers will notify the principal immediately if a setting is not accessible or providing inclusive opportunities.

### ***Documentation Source(s)***

Building Assignments





## STUDENT SERVICES PROCEDURES

1. The special services department has developed the following methods for continuous program improvement:
  - staff, parent, student surveys
  - data review teams
  - IEP/progress report review
  - outside consultant reviews
  - Indicator data
  - Tiered Focus Monitoring review

***Documentation Source(s):***

See Above

## SE 59 TRANSFER OF STUDENT RECORDS

STATE REGULATION(S):

FEDERAL  
REGULATION(S):

34 CFR 300.323(G)

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

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

## **STUDENT SERVICES PROCEDURE**

1. The Building Administrative Assistant will notify the Office of Student Services of any newly enrolled student whose parent indicated that they had special education services in the prior school.
2. The parent will sign a release of records so the Office of Student Services can request records from the prior school.
3. The building administrative assistant will notify the Office of Student Services if a student is withdrawing from the district and moving to another district.
4. The parent will sign a release of records form so the Office of Student Services can forward records to the new school.

### ***Documentation Source(s)***

Release of Records