



Dedham Public Schools Special Education Procedures

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Dedham Public Schools

Introduction

This Special Education Process and Procedure Guide is developed to provide staff with guidance on special education processes and procedures. It is critical that all special education staff review this Process Guide thoroughly at the beginning of each school year. In addition, it is expected that the Guide will be a reference tool throughout the year as we implement special education procedures and services for students eligible for special education services enrolled in the Dedham Public Schools.

Special education is a complex process which is highly regulated by federal (IDEA 2004) and state (M.G.L. c. 71B) laws and regulations. State regulations (603 CMR 28.00) provide mandates on how school districts are required to implement the requirements of the law. The Dedham Public Schools are committed to fully implementing the regulations and providing services to eligible students with disabilities that are in compliance with all federal and state laws and regulations. The cornerstone concepts of the law require that all public school districts meet the basic provisions of Free Appropriate Public Education (FAPE) within the Least Restrictive Environment (LRE) for all eligible students.

This Process and Procedure Guide outlines the procedural requirements of the Dedham Public Schools to ensure full compliance.

Federal and State Regulations

Special Education in the K-12 setting is regulated by both the federal and state governments. At the federal level, these regulations are known as the [Individuals with Disabilities Act](#) (IDEA). In response to IDEA, each state must establish their own regulations in order to receive funding associated with compliance in the implementation of IDEA. In Massachusetts, IDEA is addressed in 603 CMR 28.00 titled: “Special Education”. These regulations in their entirety can be found on the Massachusetts Department of Elementary and Secondary Education website here: [603 CMR 28](#). In response to the federal regulations under that Act at 34 CFR Part 300 and M.G.L. c. 71B, this handbook serves as a guide to the implementation of these requirements as overseen through the DESE Public School Tiered Monitoring System.

Public School Tiered Focused Monitoring System

District/charter schools are reviewed every three years through Tiered Focused Monitoring. This review process emphasizes elements most tied to student outcomes, and alternates the focus of each review on either Group A Universal Standards or Group B Universal Standards.

Group A Universal Standards address:

- Student identification
- IEP development
- Programming and support services

- Equal opportunity

Group B Universal Standards address:

- Licensure and professional development
- Parent/student/community engagement
- Facilities and classroom observations
- Oversight
- Time and learning
- Equal access

IDENTIFICATION

Referral

Referral for Initial Evaluation

A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. Under the regulations, school districts must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case-by-case basis. A parent's right to refer their child for a special education evaluation, however, is not limited and should never be delayed because the school district has not fully explored and/or attempted some or all of the available instructional support programs or any other type of interventions (i.e.: DCAP/RTI/IST). In any case where the parent or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school district must promptly send notice and seek permission to conduct an initial evaluation to determine if the student is eligible for special education. The school district has **5 school days** to respond in writing to a parent's request for evaluation by completing a Proposed Action Notice (N1) and Evaluation Consent Form (N1A). A copy of the Parental Notice of Procedural Safeguards should be included as well.

In the case of a request for an evaluation for the purpose of College Board testing, the district is not obligated to complete these evaluations.

Applicable legislation: 603 CMR 28.04; 603 CMR 28.05

DPS Procedures

School Referral

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

shall coordinate the evaluation process. See Section 2.5, Sending out Consent to Evaluate, below.

Parent Referral

If a parent or caregiver verbally requests an evaluation, the ETL should be notified immediately. The ETL should contact the parent to gather information regarding the concern(s) and suspected area of disability. District staff should inform parents about the instructional support process (i.e.: DCAP/MTSS/IST) available in their child's school and provide parents with an opportunity for this support process to take place as a first step. Parents should be encouraged, *but are not obligated* to access the instructional support process for their child. Parents should be told of their right to request a special education evaluation at any point. *Unless given parent permission, the instructional support process cannot delay a parent's request for a special education evaluation.* Parents are strongly encouraged to submit a written request for an evaluation before the referral process begins; however verbal confirmation of the parent decision to pursue a special education evaluation also necessitates that the referral process begin. The school district has **5 school days** to respond in writing to a parent's **verbal or written** request for an evaluation.

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

Private School Referral

When private school personnel submit a referral for a special education evaluation, the ETL or Principal must notify the parents immediately. The school district is obligated to conduct special education evaluations for students who attend private school at no cost to the private school or parents. An evaluation cannot be conducted without receipt of signed parent consent. The district must respond as described above.

When a parent of a private school student contacts the school district to request a special education evaluation, the same process as described in the above section, Parent Referral, should be followed. The ETL of the school the student would attend if in-district is responsible for responding to this type of parent referral.

If a student is residing in a neighboring state but attends a private school in Dedham, Dedham Public Schools is responsible for evaluating and/or providing services. The ETL at the appropriate level will determine which school will conduct the evaluations based on evaluation loads.

When a request for an evaluation has been received, the school district has **5 school days** to respond in writing. Once the ETL has contacted the parent to gather information about the request for an evaluation, they will mail a consent packet to the parents which includes:

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

- A notice of procedural safeguards

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

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

What To Do If a Parent Does Not Submit Signed Parental Consent:

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

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

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

Resources

[Parent Notice of Procedural Safeguards-All Languages](#)

[Parent's Notice of Procedural Safeguards](#)

[MA Special Education Laws and Regulations](#)

[DESE Administrative Advisory- College Boards SPED 2004-3](#)

SE 1: Assessments are appropriately selected and interpreted for students

1. Tests and other evaluation materials are:
 - a. Validated
 - b. administered and interpreted by trained individuals
 - c. tailored to assess specific areas of educational need and related developmental needs
 - d. selected and administered to reflect aptitude and achievement levels and related developmental needs
 - e. as free as possible from cultural and linguistic bias
 - f. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally
 - g. not the sole criterion for determining an appropriate educational program
 - h. not only those designed to provide a single general intelligence quotient
 - i. 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

- j. 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:
 - a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent
 - b. ensures that information obtained from these sources is considered
 - c. ensures that the placement decision conforms with placement in the least restrictive environment
 1. includes information related to enabling the student to be involved in and progress in the general curriculum

Applicable legislation: 603 CMR 28.04; 603 CMR 28.05

DPS Procedures

DPS TEAMS utilize a variety of assessment tools when evaluating students. Assessments typically include both formal and informal approaches. Informal assessments may include, but are not limited to, observation(s) of the student in testing situations and in the classroom, portfolio assessments, student interview, and work samples. Such informal assessments are conducted by appropriate members of the evaluation Team; results are included in subsequent reports. However, the majority of the assessment tools utilized in the evaluation process are criteria-based/norm-referenced tests appropriate to determining aptitude and achievement levels. Such standardized assessment materials are acknowledged as technically sound, validated, and free from cultural and linguistic bias. Students are assessed in their native language. Arrangements are made as needed for non-English speaking students (see Request for Translation/Interpreters form). The assessment(s) used shall be adapted to the age of the student. Assessments are conducted by appropriately credentialed staff according to state guidelines. The evaluation must include assessments in all areas related to the suspected disability, plus educational assessments (Educational Assessment Forms Part A & Part B) by a representative of the school district to include:

- A history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Common Core incorporating the Massachusetts Curriculum Frameworks and the district curriculum (Ed. Form A)
- An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults (Ed. Form B)
- The school district shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential (i.e. psychological, academic, observation)
- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination
- An academic/achievement assessment by a qualified special education teacher, psychologist or other qualified personnel

When interpreting evaluation data and making decisions, the IEP TEAM will:

- Use information from a variety of sources to gather relevant functional and developmental information,

- including information provided by the parent – including teacher reports, current grade reports, report from the guidance counselor, and parent questionnaire
- Ensure information obtained from these sources is considered
- Ensure the placement decision conforms with placement in the least restrictive environment for the student
- Include information related to enabling the student to be involved in and progress in the general curriculum to the greatest extent possible.

SE 2: Required and optional assessments

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(y) (ies) including consideration of any needed assistive technology devices and services and/or instruction in Braille.
 - Educational assessment by a representative of the school district, including a history of the student's educational progress in the general curriculum.
 - Assessment by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district's general education 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 student being assessed to determine eligibility for services at age three (3), an observation of the student's interactions in the student'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.
- b. Optional assessments: The Administrator of Special Education may recommend or the parent may request one or more of the following:
 - A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.
 - A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
 - A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent.
- c. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following:
 - that no further assessments are needed and the reasons for this; and
2. the right of such parents to request an assessment.

Applicable legislation: 603 CMR 28.04 (1) and (2); 34 CFR 300.304; 300.305; 300.324(a)(2)(v)

DPS Procedures

Required Assessments for an Initial Evaluation

1. An assessment in all areas related to the suspected disability.
2. An educational assessment by a representative of the school district, including
 - o Educational Assessment (28R/1) (Part A)
 - o Teacher Assessment (28R/1) (Part B)
 - o Specialists Assessment(s): All areas of suspected disability must be assessed.Functional behavioral assessments (FBA) must be conducted if the student's behavior interferes with learning.
 - o Observation of the student by someone other than the classroom teacher
 - a. A history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum; and
 - b. If necessary, an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
 - c. The school district shall also thoroughly evaluate and provide a narrative description of the student's educational / developmental status.
 - d. When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged.
 - e. For children who are receiving early intervention services, school districts are encouraged to use current and appropriate assessments from Early Intervention TEAMS, whenever possible, to avoid duplicate testing.

Optional Assessments

The Administrator of Special Education may recommend or a parent may request one or more of the following:

- A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.
- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
- A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of a parent. (Developmental History Form)
- Any other evaluation necessary to address referral questions or suspected areas of disability [assessments may include Speech/Language, Occupational Therapy, Physical Therapy, Adapted Physical Education, Home Assessment, Health assessment that identifies medical problems or constraints that may affect the student's education (see Home and Health Assessment)]
- When a child is being assessed to determine eligibility for services at age three, an observation of the child's interaction in the child's natural environment or early intervention program may be considered
- For children who are receiving early intervention services, current and appropriate early intervention

assessments may be used to inform team decisions

Educational Assessments A and B are required evaluations as part of all initial and re-evaluation process.

1. Educational Assessment A is a **student history**. This requires information on the student's educational history and should include all schools attended. Responsibility of the Student's Evaluation Team Leader.
2. Educational Assessment B is **current information** on the student. This form should be filled out by all the students' teachers (including specialists). Special Education Teacher/Case Manager is responsible for notifying instructors and collecting the documents.
3. These evaluations should be made available to parents 2 school days before the meeting.

Educational Assessment A

1. The Special Education Liaison sends the meeting invitations to all attendees for re-evaluations and initial evaluations.
2. When the teacher receives the invitation to the meeting, they will complete Educational Assessment A and return to the ETL by two days prior to the scheduled meeting.

Educational Assessment B

Communication with Regular Education Teachers

3. The Liaison sends the meeting invitation to all attendees. When the Special Education Special Education Teacher/Case Manager receives the invitation to the meeting they inform the student's teachers that it is time to complete Educational Assessment B and return to the Special Education Teacher/Case Manager.
4. When the Special Education Special Education Teacher/Case Manager collects all of the Educational Assessment B forms they will submit them to the ETL.

Additional Procedures

5. At least two weeks prior to the eligibility meeting, the ETL will send a reminder to the Special Education Special Education Teacher/Case Manager and teacher(s) to ensure that the Educational Assessments A and B are being completed.
6. These forms MUST be to the ETL at least 2 school days before the scheduled meeting.
7. The ETL or secretary will print and include Ed Assessments in the student file.

Special Education Teacher/Case Manager: observation (if SLD is suspected or if student has a current diagnosis of SLD using MA DESE SLD observation forms or narrative of observation for other suspected disabilities) and Ed Assessment Bs

ETL: Ed Assessment A's

Procedural Safeguards

Parents and guardians are provided with Procedural Safeguards when the student has his/her initial evaluation and then again at least once per year. On or around October 1st of each year, the Director of Student Services sends a copy of these Safeguards to all families of special education students. Parents are

encouraged to read the Safeguards and should expect that the Dedham Public Schools adheres to the provisions of rights for families and eligible students. Special education staff members are expected to take the time to read the Procedural Safeguards at least once per year.

Resources

****Sample Email to general education teachers from Special Education Teacher/Case Manager:***

A reevaluation/initial evaluation meeting has been set up for STUDENT(insert name). Please complete Educational Assessment B (located on staff Intranet under forms) and return to me by _____(insert date). Please let me know if you have any questions and thank you in advance for your support of STUDENT(insert name).

****Sample Email from ETL for reminder:***

This is just a reminder that we will be holding **Student's First and Last Name** initial eligibility or re-evaluation meeting on **Date** and that as part of the assessment, Educational Assessments A and B are required evaluations that are due to me 2 school days before the meeting so they can be made available to parents I need a copy of the following items:

[Exemplar Ed Assessment A](#)

[Exemplar Ed Assessment B](#)

[Procedural Safeguards- All Languages](#)

SE 3: Special requirements for determination of specific learning disability

When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not they have a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement.

Applicable legislation: 34 CFR 300.8(c)(10); 300.311

DPS Procedures

Assessments Required for Specific Learning Disabilities (SLD) Determination

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

Before referring a student for special education evaluation with a suspected disability of SLD, the Instructional Support Team should be able to answer two questions.

1. To ensure that underachievement in the area of concern is not due to lack of appropriate instruction in reading or math. Has the student been provided appropriate instruction in the general education setting and has that instruction been delivered by qualified personnel?

2. Has there been data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress and has this documentation been provided to the student's parents?

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

Process

If a student is suspected of having a Specific Learning Disability, during the initial or re-evaluation consideration of the "Specific Learning Disability Eligibility Team determination of eligibility" process, the Evaluation Team Leader will fill out the following forms:

SLD 1 – Historical Review and Educational Assessment

SLD 2 – Area of Concern and Evaluation Method

SLD 3 – Exclusionary factors (**cultural factors, environmental or economic disadvantage, limited English proficiency, a visual, hearing, or motor disability, intellectual disability, and/or emotional disturbance**)

SLD TA-2 – Specific Learning Disability Checklist

The ETL will be responsible for obtaining signatures or evidence of agreement/disagreement with the SLD classification on the DESE "Mandated form 28M/10". In an instance where a team member disagrees with the conclusion of the Team report, the ETL will obtain in writing a separate statement presenting their conclusions.

The Special Education Teacher/Case Manager will be responsible for filling out the following SLD form and notifying the ETL of its completion:

SLD 4 - Classroom Observation Checklist

All forms will be added to the student file for documentation purposes.

Additional resource(s):

SLD forms

Resources

[DESE Memorandum on LD](#)

SE 3A: Special requirements for students on autism spectrum

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

- 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 need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
- 7) and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Please see additional guidance at: [Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorder](#)

Applicable legislation: 34 CFR 300.8(c)(1)(i); Chapter 57 of the Acts of 2006, amends M.G.L. c. 71B, section 3

DPS Procedures

Whenever an evaluation indicates that a child has a disability on the autism spectrum, or a related disorder such as Rhett's Syndrome, as defined by the DSM-V, the IEP Team shall develop the IEP based upon the needs of the student.

Process

1. Prior to concluding the IEP meeting, the ETL will review the 7 components of the IEP development of a student with autism to determine:
 - A. If there is a need to address the item;
 - B. Whether the IEP already addresses the item and if so where/how;
 - C. If the item is a need but not addressed, where it can be addressed;
 - D. If the item is not a need, then notation of it in the meeting notes.
 - E. This information will be reflected in the meeting notes.
2. In the formal proposed IEP the components related to autism will be checked and elaboration will be provided in the additional information section of the proposed IEP.
3. The N1 will reflect the discussion of these items related to autism and will reflect the meeting notes consideration.

Autism

If the student is identified with a disability on the autism spectrum the following are considered at every IEP Team meeting:

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 need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
7. and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Resources

[Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorder](#)

[DESE Technical Advisory on DSM5 Changes and Autism SPED 2014-1](#)

[IRIS Center Diagnostic Comparisons Autism](#)

SE 9: Timeline for determination of eligibility and provision of documentation to parent

Within forty five (45) school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation, the school district determines whether the student is eligible for special education and provides to the parent either 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.

Applicable legislation: 603 CMR 28.05(1); 28.06(2)(e)

Referral for Initial Evaluation: A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. When a student is referred for an evaluation to determine eligibility for special education, the school district shall send written notice to the child's parent(s) within 5 school days of receipt of the referral.

Applicable legislation 603 CMR 28.04(1)

The evaluation assessments shall be completed within thirty (30) school working days after receipt of parental consent for evaluation. Summaries of such assessments shall be completed so as to ensure their availability to parents at least two (2) days prior to the Team meeting.

Applicable legislation 603 CMR 28.05(1)

DPS Procedures

1. Once a referral has been received, the ETL will have 5 school days to respond.
2. The ETL will send consents to parents/caregivers 1 month before evaluation is due with a due date return of 2 weeks from mailing.
3. If consents are not returned in 2 weeks the ETL will call or email home and if the parent/caregiver requires another consent one will be sent. This will continue every 2 weeks until the consent is received.
4. THE DAY the consent is received the ETL will notify the evaluation team and the meeting date will be set at about day 40.

*It is understood that special considerations will take place based on the return or non return of consents

5. All evaluators will complete all evaluations by the 30th day. All evaluations will be made available to parents 2 school days prior to the IEP meeting.

Private School

In the case of a student attending a private school, the ETL should encourage the parent to include a representative from the student's school to attend the Team Meeting with agreement by the parent. A Consent for Release of Information should be included with the Meeting Invitation so the Team can obtain student's current performance information.

SE 9A: Elements of the eligibility determination; general education accommodations and services

1. To determine whether a student is eligible for special education, the school district:
 - a. provides an evaluation or re-evaluation
 - b. convenes a Team meeting
 - c. determines whether the student has one or more disabilities
 - d. determines if the student is making effective progress in school
 - e. determines if any lack of progress is a result of the student's disability
 - f. 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, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program.
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.

Applicable legislation: 4 CFR 300.8; 300.306; 603 CMR 28.05(1) and (2)

DPS Procedures

Required Team Membership: The following membership roles must be filled at Team meetings:

- Parent(s) of the student with a disability;
- The student with a disability, when appropriate (in the year they turn 14 they must be invited to the meeting)
- Not less than one general education teacher (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher;

- A representative of the Local Education Agency (LEA) who has the authority to commit resources
- An individual who can interpret evaluation results; and
- At the parent or agency's discretion, other individuals who have knowledge of the student.

Initial and Reevaluation Meetings (These meetings determine eligibility)

3 components to the Eligibility Process

- Eligibility Determination (if student is found ineligible the process ends here)
- IEP Development (if student is found eligible), includes transition planning
- Placement Determination

Eligibility Determination

- The Team members*(all evaluators, ETL, any service provider, special education teacher, general education teacher, parent/guardian(s), STUDENT) will review the KEY findings of their evaluation reports that support their conclusions regarding disability findings. Team members should bring student work samples when appropriate to illustrate conclusions. The Team will then determine if the student has a disability, and if so which disability(ies) the student qualifies for according to State regulations CMR 603 28.04. Determine primary disability for state reporting purposes (Educational Environment/Placement PL-2).
- The Team reviews how the disability (if found) impacts progress in the general education curriculum. Educational History and Educational Assessment (Ed. Assessment A and B) reports are required for this component.
- Team members should describe, in educationally relevant terminology, how the disability presents itself in the classroom. The Team must then determine if the child requires specially designed instruction in order to make effective progress in school OR whether the student requires related services to access the curriculum (ie: speech and language, counseling etc). If the student does not require specially designed instruction OR related services but accommodations are required, next steps should be recommended and outlined in the N1(reevaluation) or N2(initial evaluation) letter.
- If the student has one or more of the disabilities defined at 603 CMR 28.02(7) and if, as a result of the disability(ies) the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the Team shall determine that the student is eligible. The Team must ensure that the student's inability to progress is a result of the disability(ies) and **NOT** a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading and math.

If the student meets all three of the components above then the student IS ELIGIBLE for Special Education services and an Individual Education Program (IEP) is written. In most cases, development of the IEP will occur within a single meeting after the determination of eligibility has been made (see section titled "Development of the IEP").

If the student does not meet one of the above components, the student IS NOT ELIGIBLE for Special Education services. The Special Education Teacher/Liaison will write a N1 (reevaluations) or N2 (initial evaluations) outlining the decision making process, evaluation results and next steps. Each question on the N1 or N2 should be answered completely. The N1 or N2 is mailed to the parents/guardian and placed in the student file with the evaluation.

A parent/caregiver has 30 days to reject the finding of NSN.

- If the parent/caregiver DOES NOT reject the finding of no special needs the special education Special Education Teacher/Case Manager will inform the student's Team including all general educators, and related service providers of the finding and that special education services are no longer being provided. This will be done in writing from Special Education Teacher/Case Manager to the Team. The Special Education Teacher or ETL will update the Student Information System. They will remove the IEP Icon and update all required reporting fields.
- If the parent/caregiver DOES reject the finding of no special needs the student has "stay put" rights to the last signed and accepted IEP, which is inclusive of all accommodations, modifications, goals and services.
- If a student is found not eligible and the Team recommends a consideration for a 504 a referral is created for 504 consideration, see additional resource link below.

No Eligibility

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

When the team makes a finding of No Eligibility for a student who has been receiving special education services, the written notice to the parent should contain the specific date, as agreed to by the Team, for special education services to end. Unless the parent is present at the Team meeting and clearly agrees to an immediate cessation of services, the written notice should specify a service-termination date **at least** thirty (30) days after the date of the notice, consistent with the parent response period.

The Team decision regarding each phase of Eligibility Determination needs to be Documented on the Eligibility Determination flow chart (ED1).

What if a Parent Disagrees with the Eligibility Finding?

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

appropriate. (See Independent Educational Evaluation).

Partial IEP

If the parents DO NOT agree the Team determines if there is enough agreement to develop any portion of the IEP. If the Team concurs that there is enough agreement the Team writes the IEP based on the areas of agreement. If there is not enough information to write either a partial or full IEP the Team may consider whether an Extended Evaluation should be conducted to gain the needed additional information.

Other Options

If a student is found to have a disability and does not require specially designed instruction in order to make progress, the student is not eligible for special education. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning. *If the student only requires accommodations, then that student is not eligible for special education.* General educators within the general education environment typically provide accommodations. Preferential seating, pencil grip use, or cooperative learning strategies are some examples of these kinds of typical accommodations. Accommodations do not involve modifying the material content, but do allow students to receive information in a more effective manner based on their individual needs. The **District Curriculum Accommodation Plan (DCAP) is an important document** and reference for additional information about general education supports and interventions, including best practice accommodations. The DCAP is available at each building.

A 504 Accommodation Plan may be Appropriate

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include learning. Determination of eligibility for a 504 Accommodation Plan is a separate process from the special education eligibility process and is coordinated through the Principal, Assistant Principal or Guidance Department.

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

Resources

[DESE Administrative Advisory No Eligibility SPED 2001-4](#)

[Dedham DCAP](#)

SE 10: End of school year evaluation

If consent is received between 30 and 45 school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed

IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.

Applicable legislation: 34 CFR 300.323; 603 CMR 28.05(1)

DPS Procedures

If consent for an evaluation is received between 30 and 45 school working days before the end of the school year, the IEP TEAM ensures a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding the student is not eligible no later than 14 days after the end of the school year.

If a parent provides the school with written consent for the evaluation less than 45 school days, but at least 30 school days before the last instructional day of the school year, the evaluation must be completed, and the report provided to the parent by June 30th. Then, not later than the 15th school day of the following school year, the Team will meet to review the results of the evaluation and determine eligibility for special education services.

Note: School days do not include any day a student is not in school, such as:

- Weekends
- Student Holidays
- Staff Development Days
- Spring Break
- Winter Break
- Summer Break
- School closure (snow day/emergency closing)

If a student is absent more than three (3) days after the consent for evaluation is signed, the school district may extend the 45-school day timeline by the number of absences with written notification.

For consents received fewer than 30 school days prior to the end of the school year, the timeline starts at receipt of consent, stops on the last day of school, and re-starts at the start of the following school year (See 603CMR28.05(1)).

SE 11: School district response to parental request for independent educational evaluation

If a parent disagrees with an initial evaluation or re-evaluation 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 student are to be justified when an individual assessment rate is higher than that normally allowed.

2. The school district has procedures to offer parents the option 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 a publicly funded independent educational evaluation (only if cost is 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 educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five (5) school days, proceeding to the Bureau of Special Education Appeals (BSEA) to show that its evaluation was comprehensive and appropriate. Where the BSEA finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.
5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. 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 recommends appropriate types of placements but does 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.

Applicable legislation: 34 CFR 300.502; 603 CMR 28.04(5)

DPS Procedures

Independent Educational Evaluation

Upon receipt of evaluation results, if a parent disagrees with an initial evaluation or re-evaluation completed by the school district, then the parent may request an independent education evaluation (IEE). Parents may obtain an independent education evaluation at private expense at any time. If the parent requests an IEE at public expense, the district must respond within **five school days**. The response will either state the District will pay for the IEE or request a determination from the BSEA that the district's evaluation was comprehensive and appropriate. The ETL should immediately notify the Assistant Superintendent of Student Services of any request for an IEE so that the appropriate response can be made and timelines followed. Most parents will request an IEE within 16 months of the original evaluation with which the parent disagrees. If more than 16 months have elapsed since the school district evaluated the student, the original assessment information may be out of date. In

that case, if a parent requests an IEE, the best practice would be for the district to seek consent from the parent to conduct its own updated assessments and evaluation of the student first, within the timelines required by the special education regulations.¹² If the parent consents to the evaluations by the district, then once the district has completed an up-to-date evaluation, if the parent disagrees with it, then the parent has the right to request an IEE, and the district's obligations with respect to payment for the IEE are as set forth in the regulations.

All Independent Educational Evaluations (IEEs) 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 student are to be justified when an individual assessment rate is higher than that normally allowed.

If the student is eligible for **free or reduced cost lunch** or is in the **custody of a state agency** with an **Educational Surrogate Parent** appointed in accordance with Federal law, then the school district shall provide, at full public expense, an independent education evaluation that is equivalent to the types of assessments done by the District. No additional documentation of family financial status is required from the parent/guardian.

If the family financial status is not known, the District shall offer the parent/guardian information about the sliding fee scale and the opportunity to provide family income information to determine if the family may be eligible for public funding of all or part of the costs of an independent education evaluation. Provision of financial information by the family is completely voluntary on the part of the family. The lack of financial information provided by the family will disqualify the family from such additional public funding of all or part of the costs of an independent education evaluation, but will not prevent the parents/guardians from requesting an independent education evaluation in accordance with Federal Law.

If the family agrees to provide financial information, such information shall include anticipated annual income of the family, including all sources of income and verifying documents. Financial information shall be reviewed by the District, shall be kept confidential during review by the District, shall not be copied or maintained in any form by the District except to note that information was provided and reviewed and met or did not meet sliding fee scale standards. Financial documents shall be promptly returned to the parent/guardian upon the District's determination of financial income status.

- a. If the family income is equal to or less than 400% of the federal poverty guidelines, the District shall pay 100% of the costs of an independent education evaluation.
- b. If the family income is between 400% and 500% of the federal poverty guidelines, the District shall pay 75% of the costs of an independent education evaluation.
- c. If the family income is between 500% and 600% of the federal poverty guidelines, the District shall pay 50% of the costs of an independent education evaluation.

d. If the family income is over 600% of the federal poverty guidelines, the District shall have no obligation to cost-share with the parent/guardian.

If the parent/guardian is requesting an evaluation in an area not assessed by the school district, or if the student does not meet, or the parent/guardian does not choose to share the financial documentation regarding the income eligibility standards for free and reduced cost independent educational evaluation, then the District responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within, five (5) school working days, proceeding to the Bureau of Special Education Appeals (BSEA) to show that its evaluation was comprehensive and appropriate. Where the BSEA finds that the school district's evaluation was comprehensive and appropriate, the District does not fund the independent educational evaluation requested by the parent/guardian.

Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent/guardian requests the independent educational evaluation. If publicly funded, the report is sent to the parent/guardian and **to the school district**. 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 recommends appropriate types of placements but does not recommend specific classrooms or schools.

Private Evaluation at Parent Expense

Student does NOT have an IEP

When a parent/guardian submits an Independent Evaluation to any staff member (general education/special education teacher/guidance counselor/school adjustment counselor/related service provider/administrator/etc) for a **student who is NOT on an IEP this will usually trigger an initial evaluation. This may include a student who is on an active 504.** The staff member should submit the report to the ETL immediately.

- The ETL will date stamp the report.
- The ETL will share the report with the School Psychologist to determine which evaluations will be conducted by the District
- It will be very rare for the District to begin an eligibility process without conducting its own evaluation. Any questions should be directed to the Assistant Superintendent.

Follow N1 and Evaluation Consent Process

1. Check parent and student primary language to determine interpreter and translation needs. (check home language survey)

2. Write N1 (see sample below)
3. Send a meeting invitation and attendance sheet.
4. Inform evaluators of signed consent.
5. Invite all meeting attendees

Student DOES have an IEP

When a parent/guardian submits an Independent Evaluation to any staff member (general education/special education teacher/guidance counselor/school adjustment counselor/related service provider/administrator/etc) for a **student who IS on an IEP it must be submitted immediately to the ETL.**

For students already receiving special education services whose parent(s) submit private evaluations, the school district has **10 school days** in which to schedule a Team meeting to review and consider information and recommendations included in the report. The ETL should be notified immediately of the receipt of the private evaluation so that they can schedule the Team meeting.

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

The Independent Evaluation will be **CONSIDERED** at the initial evaluation Team meeting.

- The ETL will date stamp the report.
- The ETL will create a meeting invitation and attendance sheet for a meeting **within 10 school days** of receipt of the evaluation.
- The ETL will mail meeting invitation and attendance sheet to the parent/guardian
- The ETL will set up a meeting (student, parent/guardian, ETL, school psychologist, general education teacher, special education teacher, related service provider, school adjustment counselor if applicable).
- The ETL will provide a copy of the evaluation to the school psychologist.
- At the meeting the Team will **CONSIDER** the findings of the report and if the Team determines that any of the findings are necessary for the student to receive FAPE, the IEP will be amended to reflect any changes.

Resources

[DESE Administrative Advisory Independent Educational Evaluations SPED 2004-1](#)

[DESE Administrative Advisory on Using a Sliding Fee Scale SPED 2001-3](#)

SE 12: Frequency of re-evaluation

1. When the student's needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that:
 - a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and
 - a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.
- b. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a general high school diploma or exceeded the age of eligibility.

Applicable legislation: 34 CFR 300.303; 300.305(e); 603 CMR 28.04(3)

DPS Procedures

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

Determination of Assessments

When a student is referred for a re-evaluation, existing evaluation data should be reviewed first. **IF** no additional information is needed to determine whether the student continues to be eligible, the district may request that a parent waive particular types of assessment(s).

The parent may either consent to waiver the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver.

When there are school-based recommendations for the assessment battery, the Special Education ETL should contact a parent/guardian directly to discuss the upcoming re-evaluation and the waiver process. The Special Education ETL will provide objective information about the student's possible eligibility/non-eligibility.

Discharge from Services-Evaluation Required

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

Discharge from Services-Evaluation NOT Required

An evaluation is not required before the termination of a child's eligibility if the termination of eligibility is:

Due to graduation from secondary school with a legitimate high school diploma; or Because the child exceeds the age of eligibility for a free public education under state law.

For a child whose eligibility under IDEA terminates under the circumstances described above, an LEA must provide the child with a **summary of his or her academic achievement** and functional performance, including recommendations on how to assist the child in meeting postsecondary goals.

No Consent

If evaluation consent is not returned, despite multiple efforts, the annual review meeting **MUST** be held in order to ensure the IEP does not expire.

References

Sliding Scale

List of Evaluators

Summary of Academic Performance

SE 19: Extended evaluation

If the Team finds a student eligible for special education 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 that, 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 an extended evaluation, the Team documents its 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 at intervals during the 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.

Applicable legislation: 603 CMR 28.05(2)(b); CMR 28.04(2)(a).

DPS Procedures

If the Team finds the evaluation information insufficient to develop an IEP, the Team, with parent consent, may agree to an extended evaluation period.

The extended evaluation period shall not be used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a **partial IEP** that, if accepted by the parent, shall be immediately implemented by the district while the extended evaluation is occurring.

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

Process

- **The ETL will complete the Extended Evaluation permission.**
- If the parent consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.
- The extended evaluation may extend longer than one week, but shall not exceed **eight** school weeks, and the **Team must convene at approximately half way through** the determined evaluation period to discuss progress.

The extended evaluation shall not be considered a placement.

Resources

[DESE Administrative Advisory Extended Evaluations SPED 2019-2](#)

IEP DEVELOPMENT

SE 6: Determination of transition services

1. The Team discusses the student's transition needs annually, beginning no later than when the student is 14 years old, and documents its discussion on the Transition Planning Form.
2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate.
3. Reserved
4. For any student approaching graduation or the age of twenty-two (22), the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education 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. 71B, §§12A-12C (known as Chapter 688).
5. 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.
6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.

Applicable legislation: 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c); M.G.L.c.71B, Sections 12A-C; 603 CMR 28.05(4)(c)

DPS Procedures

Transition Statement to be Included in the Key Evaluation Results Summary

In order to appropriately document the transition assessment process, please include the following statement in every students' IEP if the student is turning 14 within the IEP period or 14+ years old. *The Team, including (student), engaged in the process of collecting data on (student's) needs, preferences, and interests as they relate to the demands of current and future working, educational, living, and personal/social environments. This process consisted of the following*

Samples of Formal Assessments

- Learning style inventories
- Achievement testing
- Adaptive behavior scales
- Aptitude tests
- Interest inventories

Samples of Informal Assessments

- Observations in various academic and other relevant environments, e.g. work
- Interviews and questionnaires (talking with student about likes and dislikes)

- Environmental analysis (examining environment in which an activity normally occurs – setting up experiences to allow the student to try something of interest)
- Curriculum-based assessments (task analysis, portfolio assessments, work sample analysis, criterion-referenced tests)

Student transition at age 22.

The focus of transition planning is to prepare the student to assume an adult role. For every student who will be turning 14 years old within the new IEP period, the Transition Planning Form should be completed with the support of the student's Special Education Teacher/Case Manager prior to the IEP meeting. This is a document that will be reviewed and revised at every annual IEP meeting for the student. It should be used as a tool to develop the student's vision statement in conjunction with the Team's vision for the student and to identify necessary skills the student may need in transitioning from high school to postsecondary outcomes. Best practice in transition planning is that the team will consider instruction, employment, and community experiences/post school adult living as outlined in the Transition Planning Form (TPF). Transition becomes a major team focus when the student reaches age 16 and becomes an active member of the team.

Process

1. Beginning with the IEP year during which the student will turn 14, Transition Planning Forms are conducted at the transition meeting, and then completed yearly with input from the student and the entire Team.
2. Previous TPF's are reviewed and then updated and revised based upon the student's current aspirations and skills.
3. The ETL will UPDATE THE 688-referral spreadsheet with all students who qualify for services under the categories of Intellectual Disability, Autism Spectrum Disorder, and Serious Emotional Disturbance.
4. The Wechsler Adult Intelligence Scale (WAIS) will be administered to students who will potentially be referred for a 688-referral and who will be turning 16 during the life of the current IEP. (Potentially Spring of Sophomore year: May/June)
5. Once WAIS results have been received and reviewed with parent(s)/guardian(s), students, and school-based Team members, a formal 688-referral will be submitted. Information will be provided to the home-based Team members.
6. The ETL will complete 688 referral packets.
7. The ETL will update 688 referral spreadsheets and then submit referrals via the Virtual Gateway to the proper agency.
8. During Junior and Senior years, the ETL will consult with outside agencies to determine if a student has an assigned case manager.

9. The ETL will update the 688 Referral Spreadsheet to indicate which students have an active case and assigned manager from 688 agencies.
10. The ETL will notify the Special Education Teacher/Case Manager to ensure that outside agencies are invited to IEP meetings.

Resources

[DESE Administrative Advisory-Secondary Transition SPED 2018-2](#)

[DESE Technical Advisory Transition Planning at 14 SPED 2009-1](#)

[DESE Technical Assistance Advisory Transition Assessment SPED 2014-4](#)

[Chapter 688 vs. MRC referrals](#)

SE 7: Transfer of parental rights at age of majority and student participation and consent at the age of majority

1. At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. 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 18, the school district implements procedures to obtain consent from the student to continue the student's special education program.
3. The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below:
 - a. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
 - b. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to 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.
3. 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.

DPS Procedures

Age of Majority

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

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

All meeting notices and special education documentation must be sent to the student if the Age of Majority rights are solely with the student. If the rights are being shared with the parent/guardian then the parent and student will both receive the required documents and must co-sign all documents. If the parent, however, has sought and received formal guardianship of the student from a court with the appropriate jurisdiction, then the parent retains full decision making guardianship.

Age of Majority (between 16 and 17 years of age)

- The ETL or Vocational Specialist will provide the Age of Majority Notice and obtain parent and student signatures at eligible student sophomore or junior year IEP meetings, or at a meeting when the student is between the ages of 16 and 17 years old.
- The information regarding the Age of Majority will be included in the additional information section of the IEP and in the N1 letter, as well as updated on the SIS and the signature pages of the Age of Majority Notice will be placed in the student file

Age of Consent (18th Birthday)

- On a student's 18th birthday the student's Special Education Teacher/Case Manager or ETL will provide the student with a copy of the Age of Consent Decision Form, obtain the necessary signatures and reflect the decision of the student in the SIS. Students who have turned 18, and choose to act on their own behalf or share decision making rights, will be provided a copy of their IEP and the Special Education Teacher/Case Manager or ETL will obtain their signature.
- If a student turns 18 over the summer, a vacation or weekend the student's Special Education Teacher/Case Manager or ETL will provide the student with a copy of the Age of Consent Decision Form, obtain the necessary signatures and reflect the decision of the student, within 1-3 days of return to school. Students who have turned 18, and choose to act on their own behalf or share decision making rights, will be provided a copy of their IEP and the Special Education Teacher/Case Manager or ETL will obtain their signature.

- Documentation of the signing will be noted in the Additional Information section of the IEP, updated on the SIS Age of Majority Tracking section and a copy of the Age of Consent Form and signed IEP signature pages will be placed in the student file.
- The student's Special Education Teacher/Case Manager or ETL will notify guidance counselors, teachers, and other team members of the student's decision.
- If a student's parent/guardian has obtained guardianship, DHS will obtain evidence of guardianship, document the Age of Majority Tracking section in the Student Information System and provide the evidence of guardianship to the Office of Student Services to be placed in the student file.

SE 8: IEP Team composition and attendance

The following persons are members of the IEP Team and may serve in multiple roles:

1. The student's parent/caregiver.
2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.
3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson).
4. Special education and regular education teachers
 - a. If the student *may* be involved in a regular education program, a regular education teacher. If the student *is* involved in a regular education program, a regular education teacher of the student.
 - b. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student.
5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if they chooses.
6. Other individuals at the request of the student's parents.
7. Reserved
8. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 - 4 above.
9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.
10. 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 takes other steps to obtain the participation of these agencies.
11. Reserved
12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.
13. Members of the Team attend Team meetings unless:

- a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR
- b. the district and the parent agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed OR
- c. the district and the parent agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP Team prior to the meeting.

Applicable legislation: 34 CFR 300.116(a), 300.321, 300.328.

See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, to State Question #22; 603 CMR 28.02(21).

DPS Procedures

Required Team Membership

- The parents of the child
- Other individuals at the request of the parents
- Not less than one general education teacher of the child (if the child is or may be participating in the general education environment)
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the school district who has the authority to commit the resources of the District (and who may act as Chairperson);
- An individual who can interpret the instructional implications of evaluation results and who may also be one of the other listed members;
 - At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
 - The student, beginning at age 14 or sooner, when the purpose of the Team meeting is to discuss transition services.

At the discretion of the parent or Dedham Public Schools, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate, may be invited to the IEP Team meeting. The determination of the knowledge or special expertise of the individual shall be made by the party (parents or Dedham Public Schools) who invited the individual to be a member of the IEP Team. (34 C.F.R. 300.321(a)(6)).

Students 14 and older

In accordance with 34 CFR 300.321(a)(7), the Dedham Public Schools will invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under 34 CFR 300.320(b). When the purpose of the Team meeting is to discuss

placement, a person knowledgeable about placement options is always present at the meeting.

Excusal

If a member of the Team is unable to attend the meeting the ETL will inform the parent/guardian of the Team members inability to attend and ask for a member excusal or offer to reschedule the meeting.

If the parent/guardian agrees to proceed with the meeting in the absence of the required Team Member, the ETL will ensure the completion of the “Member Excusal Form” and will report out the written input from the excused Team member.

If the parent/guardian does not agree to the excusal, then then the ETL will coordinate with the parents to reconvene the meeting at a later date.

Attendance not needed

A required member of the Team (by role) does not have to attend the Team Meeting, in whole or in part, if the parents(s) and the district agree in writing that the Team Member’s attendance is unnecessary because the Member’s area of curriculum or related services will not be modified or discussed. (See form *Statement of Attendance Excusal*)

Scheduling the Team Meeting

The Special Education Teacher/Case Manager or ETL will schedule the Team Meetings within mandated timelines or as needed/requested. Forms required for scheduling Team Meetings include:

- Team Invitation (N3)
- Attendance Sheet (N3a)

Meeting Invitations must be provided to parents at least 10 school days prior to the Team Meeting. All efforts to schedule a Team Meeting must be documented and placed in the student’s file. Refer to *Guidelines for an Effective Team Meeting*.

Agenda

For efficiency and effectiveness, an agenda should be used at each Team Meeting (see *Sample Agendas*). The agenda should be reviewed at the opening of the Team Meeting with a check in to see if all desired components/discussion items are represented.

Responsibilities of an IEP TEAM

The Team is responsible for managing three important activities:

1. Eligibility Determination (Initial and Reevaluations – see Section 1)
2. Development of the IEP
3. Placement decision

Process

1. Review Student Information System with required fields for translation and/or interpretation needs.
2. If an interpreter is required for a meeting, please complete the interpreter request form (see below) at least two weeks before the meeting, unless it is an unforeseen circumstance move in, discipline, parent request, etc.
3. The Special Education Teacher/Case Manager will invite required team members to all IEP meetings. For annual reviews and re-evaluations
4. ***For Initial Evaluations a special education teacher will be assigned at the time consent is received.***
5. The ETL or Special Education Teacher/Case Manager will complete the attendance sheet (any student, in the year they turn 14 must be included on the printed attendance sheet) at the same time as the meeting invitation and provided to the parent/guardian at least two weeks before the meeting.
6. Staff members will receive a notification from the Google Calendar with the student name, date and time of the IEP meeting at least 2 weeks before the meeting.
7. The ETL or Special Education Teacher/Case Manager will obtain all initials or input initials into the SIS for members in attendance at the Team meeting.
8. A meeting can only be held without the parent/caregiver present after there have been THREE attempts to schedule and the parent has not attended. The district will work collaboratively with the parent/caregiver to arrange a meeting time that is agreeable.

All attendees are required to stay for the entirety of the meeting unless otherwise arranged and parents are informed. IF this occurs a parent must agree and sign a member excusal form if the Team member leaves the meeting. However, an interpreter is required for the duration of the meeting.

References

Guidelines for an Effective Team Meeting

Excusal Form

SE 13: Progress Reports and content

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 in the IEP.
3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his

or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.

Applicable legislation: 34 CFR 300.305(e)(3); 300.320(a)(3); 603 CMR 28.07(3)

DPS Procedures

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

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

Process

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

Questions:

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

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

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

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

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

Process

- Progress reports are required with the same frequency as report cards. Progress reports are due in the same timeframe as the general education report cards. Progress reports reflect progress towards the annual goals in the Individualized Education Program (IEP), including information on the extent to which progress is sufficient to enable the students to achieve their goals by the end of the school year.
- A Summary of Student Performance is sent out for students who are graduating or turning 22 years of age. The Summary reflects the students' academic achievement and functional performance, and includes recommendations on how to assist the student in meeting his/her post- secondary outcomes. This document is sent out towards the end of the fourth quarter of the student's senior year, or when the student approaches 22 years of age.
- Progress reports include content that demonstrates data reflecting the progressive criteria of the goal. Statements should be objective. Progress reports should be data driven and report on progress toward goals using data collected during the grading period

Resources

Summary of Performance

SE 14: Review and revision of IEPs

1. At least annually, on or before the anniversary date of the IEP, a Team meeting 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 may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.

Applicable legislation: 34 CFR 300.324(a)(4), (6) and (b); 603 CMR 28.04(3)

DPS Procedures

Annual IEP Meetings

At least annually, and generally 3-4 weeks prior to the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, and update the current IEP or refer the student for a re-evaluation. The Transition Planning Form (TPF), teacher reports, guidance counselor reports, consultant/speech/language reports, and any testing reports are submitted to the ETL to review and make available to parent/caregiver before the IEP meeting upon request.

If the student's record indicates a lack of educational progress towards the annual goals of an IEP, a Team Meeting must be scheduled to address the student's performance.

If the student's record indicates a lack of progress in the general curriculum, a Team Meeting must be scheduled to address the student's performance.

Should the student's attendance patterns and/or behaviors indicate academic, behavioral, social/emotional, and/or medical concerns, a Team Meeting must be scheduled to address the

student's issues. Immediately following the Team Meeting, the district will provide the parent/guardian with a detailed Team Meeting Summary which includes:

- A completed IEP service delivery grid describing the types and amounts of special education and related services proposed by the district
- A statement of the major goal areas associated with those services is also provided
- Placements are based on the IEP.

When the form “Meeting Summary” is created for discussion by the IEP Team, as in an initial IEP meeting, the document will clearly state “I have received the NOTES outlining the discussion at the Team meeting.” By signing I am “**acknowledging receipt of the Meeting Summary and do not necessarily agree with the determinations made by the Team.**”

IEP Amendment Process

If an IEP is required to be amended during the IEP period, before the anniversary date of the IEP, it may be amended, for small changes with the parent/caregiver approval, **without a Team meeting**. Discussion with the parent/caregiver is required.

1. Go to the ACTIVE IEP
2. Make necessary changes to the IEP.
3. Complete IEP Amendment Form
4. Write a new N1 indicating you are providing the parent/caregiver with an Amended IEP and outline the changes in the N1.

SE 18A: IEP development & content

1. Upon determining that the student is eligible for special education, 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.
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.

Applicable legislation: IDEA-97: 34 CFR Part 300, Appendix A, Question #22; 603 CMR 28.05(1) ;603 CMR 28.06(8)(a); CMR 28.05(3); G.L.c. 71 B, section 3, as amended by Chapter 92 of the Acts of 2010

DPS Procedures

Convening the Team.

Within forty-five (45) school working days after receipt of the parent's written consent to an initial evaluation or reevaluation, the school district shall: provide an evaluation; convene a Team meeting to review the evaluation data, determine whether the student requires special education and, if required, develop an IEP in accordance with state and federal laws; and provide the parents with a digital copy of the proposed IEP and proposed placement, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e)

Upon determining that the student is eligible for special education, the Team shall develop an IEP. The district ensures the IEP will not be changed outside of the IEP team meeting. The first question to ask parents is, "What concerns do you have for your child that you want to see addressed in this IEP?" The IEP should be developed using the evaluation data and current school performance data to guide the development of goals and objectives for the student.

Team Process

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

Summary of Meeting

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

DRAFT IEPs

It is **permissible to use a *draft* IEP** for Annual Review Meetings. If the Team chooses to use a draft IEP to facilitate the Team process, the draft must be clearly marked as such **and the Service Delivery Grid must be empty**. The unfilled Grid allows the Team to propose service delivery with no perception of predetermined decisions. **Never** use a draft IEP for Initial or Reevaluation Meetings as eligibility has not yet been determined.

Draft IEPs should reflect the last progress reporting. Teams should consider using the last IEP as the draft by which to begin the conversation.

Financial Authority

The Dedham Public Schools assigns the authority to commit funds and resources to the Dedham staff member in the role of Team Chairperson who is knowledgeable about the general education curriculum, qualified to supervise the provision of special education services, and knowledgeable regarding the District's resources. This authority is for the duration of the Team Meeting. No Team Chairperson seeks any other administrators' approval for decisions made at that meeting.

Contents of IEP

The IEP shall describe the special education and related services that the student requires and shall include all elements required under federal and state law.

- (a) The IEP shall include **specially designed instruction** to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or may consist solely of **related services that are necessary to allow the student to access the general curriculum**, consistent with federal and state requirements.
- (b) The Team shall carefully consider the general curriculum, the learning standards of the Massachusetts Curriculum Frameworks, the curriculum of the district, and shall include specially designed instruction or related services in the IEP designed to enable the student to progress effectively in the content areas of the general curriculum.
- (c) For any student approaching graduation or the age of twenty-two, the Team shall determine whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education shall make 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. 71B, § 12A through C (known as Chapter 688).
- (d) The daily duration of the student's program shall be 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 student. In such a case, the Team shall specify the daily duration of the program, and the Team shall state on the IEP the reason for such different duration.

Contents of IEP Process

The IEP document describes the special education and related services that the student requires and includes the following elements:

1. Parent and/or Student Concerns
2. Student Strengths and Key Evaluation Results Summary
3. Student/Parent Vision Statement
4. Two areas of Present Levels of Educational Performance (PLEP).

The first is based on current evaluation data in the general curriculum. The second describes present levels of educational performance in other areas of educational need such as the student's social/emotional needs, assistive technology devices and services, behavior, and participation in non-academic activities. Areas of occupational performance such as eating, toileting and mobility are included here. The impact of the disability on the student's participation in the general curriculum is presented. Only areas affected by the disability are included in the IEP.

5. Accommodations are included in the IEP and are typically implemented by classroom staff to help the student fully access the general education curriculum. Accommodations provide the student equal access to learning, and equal opportunity to demonstrate his/her knowledge. Accommodations do not substantially change the content of what is being taught.

6. The use of assistive technology can be considered an accommodation. IDEA requires schools to consider the student's need for assistive technology devices and services whenever an IEP is written.

7. Specially designed instruction includes modifications that alter the material being taught and/or the methods of the student's ability to master it.

a. Modified content, i.e., teach only key concepts, teach at a lower grade level.

b. Modified methodology, i.e., specially designed instruction or delivery of instruction, use of manipulatives

c. Modified performance criteria, i.e., oral rather than written quizzes, adaptations of performance criteria to reflect modified content.

8. Measurable goals and benchmarks or objectives based on current performance levels. Goals reflect what the student is expected to accomplish by the end of the IEP period. Benchmarks or objectives reflect the steps required for the student to reach the goal. Measurable goals are the key to identifying progress (Massachusetts Department of Education, June 2001, IEP Process Guide p.20).

9. Service delivery is recommended by the evaluator and determined by the team. Services should be directed toward helping the student work within the general education curriculum in the least restrictive environment. Services may be provided to address the following:

- To reach IEP goals
- To be involved and progress in the general curriculum
- To participate in nonacademic activities
- To allow the student to participate with non-disabled students while working towards the IEP goals

10. Non-participation Justification: the extent to which the student will be able to participate in general education, with rationale provided if the team determines that services outside the general education curriculum are necessary for the student.

11. Schedule Modification: describes the extent to which a student's school day or school year is modified, i.e., longer or shorter. The daily duration of the student's program shall be 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 student. In such a case, the Team shall specify the daily duration of the program, and the Team shall state on the IEP the reason for such different duration.

1. An extended year program may be identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.
2. If residential services are required, the IEP must clearly specify the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the goals and services on the student's IEP must reflect the comprehensive nature of the educational program required.
3. If a longer program is required, the student's IEP must specify why a longer program is necessary.

For any student approaching graduation or the age of twenty-two, the Team shall determine whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education shall make 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. 71B, § 12A through C (known as Chapter 688).

12. Transportation Services: describes transportation needs.

13. State or District-Wide Assessments: describes student's participation in state and district wide assessments.

- a. Team determines how the student should participate.

b. Testing accommodations are listed according to the most recent list of accommodations allowed by state in the Massachusetts Department of Education document MCAS Accommodation Guide.

Process

For initial Evaluations and Reevaluations, the elementary and/or secondary ETL serves in the role of Chairperson. Review meetings can be chaired by Building Principals and/or Special Educator/Special Education Teacher/Case Managers.

The Dedham Public Schools provide all parents/guardians with a Team Meeting Summary at the conclusion of the Team meeting which includes the key service components of the IEP, a statement of the major goals, the types and amounts of special education and/or related services proposed, as well as a summary of the decisions and agreements reached during the Team meeting.

Within two calendar weeks, the District issues a complete IEP, with a digital copy provided for the parent's signature and the original for the student's records.

- Post Meeting, the Evaluation Team Leader completes their assigned portions and the Special Education Teacher/Case Manager and service providers complete their portions of the IEP
- The Special Education Teacher/Case Manager informs the ETL that the IEP is complete
- ETL reviews IEP for necessary corrections and returns to Special Education Teacher/Case Manager if corrections are required.
- By **DAY 9**, Special Education Teacher/Case Manager returns the IEP to the ETL with corrections.
- The IEP is sent to the parent for digital signature. If the parent prefers a paper copy, the IEP will be mailed home for signature by the Student Services secretary or the ETL will send a copy home with the student.

Responsibilities of Team Members:

Please note, for initial and re-evaluation meetings, each evaluator will be responsible for providing a summary of their evaluation and entering it into the key evaluation results section of the IEP. In addition the case manager is responsible for entering the MCAS results (or note not applicable) as well as the disability category.

Responsibilities for Specific Sections

- A. Parent and/or Student Concerns: Special Education Teacher/Case Manager and ETL
- B. Student Strengths and Key Evaluation Results Summary:
 - i. Special Education Teacher/Case Manager is responsible for the update of current level of classroom performance, student strengths/interests, progress toward goals and MCAS results

- ii. School Psychologist is responsible for the input of key evaluation results summary, disability
- iii. Primary Disability: Special Education Teacher/Case Manager, for annual reviews; School Psychologist for Initial and Re-evaluations

C. Vision Statement: ETL

D. PLEP A: Special Education Teacher/Case Manager and checked by ETL

E. PLEP B: Service Providers and checked by ETL

F. Goals: Special Education Teacher/Case Manager and Service Providers and checked by ETL

G. Service Delivery: Agreed upon by team and written by ETL

H. Additional Information: Discussed by team and ETL

Timelines

1. Day 1 is the day of the meeting. The timeline starts at that time.
2. Days are calendar days, not work days (calendar days include weekends, holidays, vacations, days missed due to inclement weather, etc.)
3. Timeline includes 6 days for completion. This will allow for a little “wiggle” room in case of unexpected days off (snow days).

Use of Extended Evaluation

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

Extended Year Program

An extended year program may be identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.

If a longer program is required, the student's IEP must specify why a longer program is necessary.

Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction shall not be considered extended year programs.

Transportation

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

special equipment, assistance, and/or particular precautions are recommended by the team and submit it to Student Services. If the arrangements require a specialized vehicle, then those arrangements are made. Wheelchair accessible vehicles are provided for those students who require them. Recommendations for transportation are solely based on the individual needs of the student. Transportation considerations cannot be used to impact any part of the student's program, including length of day, for example.

If a program is not offered as part of a student's home school, the student will be provided transportation to the appropriate school but it is not considered special transportation. On IEP Schedule Page, IEP 6, check off, "no", and explain that the student is accessing services in a non-neighborhood school. Transportation to a special education placement is scheduled to ensure the ride is no longer than one hour each way, except with the approval of the team. 603 CMR 28.06(8)(a).

The ETL will schedule special transportation with the Student Services office by completing a Transportation form. New transportation requests may take up to 24 hours to process.

Resources

Writing an N1

Please note: All N1s follow the same format; however, the N1 should always reflect the unique nature of the particular case. This Guideline is simply a tool to provide support.

- An N1 can provide the basis of the history of a student's special education experience. Complicated cases should have N1 forms checked by the Department Head or Team Chair.
- Don't restate all the details already in evaluation reports and/or the IEP. Summarize!
- Don't forget that you are proposing Placements along with IEPs.
- Be careful about adding information that addresses more than what the questions ask, e.g. parent concerns.
- The N1 is a factual document, not an opinion document. You are stating the facts of the outcome of a meeting.
- Many N1 forms have information that is well stated and very clear in the IEP – don't restate the details!
- Don't mention specific test names, but use the broader language of type of evaluation, e.g. educational, psychological, etc.
- For students in our specialized district programs, describe in question #2 the components of the program and the types of highly specialized instructional methodologies the student

[Memorandum on the Implementation of 603 CMR 28.05\(7\): Parent response to proposed IEP and proposed placement](#)

ESY Form

Transportation Form

SE 18A: Bullying Prevention

6. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting.
7. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
8. The school district ensures that the IEP will not be changed outside of the Team meeting.
9. 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.
10. 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.

DPS Procedures

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

Requirements

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

- Whenever a student's team evaluation indicates that the student's disability affects social skills development.
- When the student's disability makes him/her vulnerable to bullying, harassment, or teasing.
- For *all* students on the autism spectrum.

Documentation

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

Resources

Sample Statement: Student is Vulnerable

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

Sample Statement: Student is not Vulnerable

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

Possible additional language: *(Student's name) has demonstrated and stated that there are trusted adults at school that they would feel comfortable going to should there be bullying, harassment, or teasing concerns.*

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

[DESE Technical Assistance Advisory SPED 2011-2](#)

SE 20: Least restrictive program selected

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 services that they need.
2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its 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 student from the general education classroom solely because of needed modification in the curriculum.
4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program.

Applicable legislation: 34 CFR 300.114-120; *M.G.L. c. 71B, § 3;*
603 CMR 28.06(2)

DPS Procedures

The school district shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The removal of a student from the general education setting is validated in the Nonparticipation Justification section of the IEP, which quotes the regulation describing the district responsibility outlined above.

Least Restrictive Environment (LRE)

Dedham is committed to a full inclusion model, which involves designing instruction and support services to supplement the general education program. Only students unable to make effective progress in the least restrictive environment are considered for additional specialized instruction and related services outside of the general education setting.

All administrators, teachers, and related service personnel have been well trained in the LRE regulations. Students in Dedham are placed in programs outside of the district only when their education cannot be delivered appropriately within a local school, despite the addition of supplementary aids and services.

For students placed out-of-district, the process of considering a students' readiness for a transition back to the public school is ongoing. Students are monitored through progress reports, site visits, and parent/guardian contact. Each year at the IEP meeting, a discussion is initiated by the Out-of-District Coordinator to determine the readiness of each student to return to the district or to a less restrictive setting. The IEP serves as the basis for this discussion and careful consideration is given to the student's need for a select type of environment, specialized instruction, and related services as well as to the achievement of the IEP goals and benchmarks. Safety can also be a major factor in determining a student's ability to return to a less restrictive setting.

Students placed outside of the district are there because their current placements are the least restrictive settings necessary for them to make effective educational progress. For students ready to move to LRE, a careful transition process is developed at the IEP Team meeting. Some students participate in a gradual transition, while others return to the district on a full time basis by a targeted date. The **Out-of-District Coordinator is the major facilitator** in this process and implements regular monitoring visits and communication to ensure success. Transition planning is always completed collaboratively and in great detail with the parent/guardian, outside placement staff, and the student if appropriate.

Procedures for Determining the Least Restrictive Environment in Accordance with the Individuals with Disabilities Education Act (IDEA) 2004

1. The student's eligibility for special education placement is determined by the Individual Education Program(IEP) Team

2. The student's specific educational needs (cognitive, affective, and psychomotor) are identified and discussed at the IEP Team meeting.
3. The specific special education and related services necessary to address the student's needs identified in step 2 are determined at the IEP Team meeting.
4. The IEP Team should give first consideration to the appropriateness of placement in the general education environment with modifications and support. The full continuum of services will be considered without regard to current availability and the school schedule will not dictate the placement.
5. The extent to which the student will **not** participate in general education programs is determined by the IEP Team.
6. In selecting the Least Restrictive Environment (LRE), consideration is given to any potential harmful effects on the student or on the quality of services they need (300.552b).
7. Upon receiving written notice, the parent then has a reasonable time to 1) accept the Teams decision as appropriate, 2) request mediation and/or a hearing related to eligibility, the individualized education program, or the placement decision, or 3) request another IEP Team meeting.

Placement Determination

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

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

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

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

SE 25: Parent consent

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

1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education.
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. 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.
5. 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.
6. 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 re-evaluation or to placement in a special education program subsequent to the initial placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the student. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the BSEA.
7. If the parent has given consent for special education services and then, at any time following, revokes their consent to the student's special education services in writing, the district is obligated to discontinue all special education 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 discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of their right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services.

Applicable legislation: 34 CFR 300.300; 603 CMR 28.07(1)

DPS Procedures

Evaluation Consent:

Initial Evaluations and Reevaluations

- Consents are sent to parents/caregivers 3 months before the evaluation is due with a due date return of 2 weeks from mailing not 1 month.

- If consents are not returned in 2 weeks a call is made home and if the parent/caregiver requires another consent one will be sent. This will continue every 2 weeks until we receive the consent.
- THE DAY the consent is received the spreadsheet will be updated and the meeting date will be set at about day 40.

*it is understood that special considerations will take place based on the return or non return of consents

Extended Evaluations:

Proposed IEP:

- IEP's will be sent electronically to parents/caregivers, unless a hard copy is requested 14 calendar days from the date of the IEP meeting.
- If the ETL has not received receipt of parent/caregiver response to the IEP by day 15 the ETL will email* the parent/caregiver.
- If the ETL has not received receipt of parent/caregiver response to the IEP by day 30 the Special Education Teacher/Case Manager will send a second email** and make a phone call to the parent/caregiver.
- If the ETL or Special Education Teacher/Case Manager does not hear from the parent/caregiver indicating their response to the proposed IEP by day 30 the Office of Student Services will process the IEP as a rejected IEP by notifying the BSEA. The compliance secretary sends the notice along with a copy of the rejected IEP.
- All copies of attempts to contact the parent/guardian must be collected from the Special Education Teacher/Case Manager by the ETL. The secretary will then place this information in the student file.

Parent/Caregiver refusal of consent to evaluate

- Parent/Caregiver is contacted to discuss the reason for refusal to consent. Discussion regarding any concerns or any questions. If after the conversation, and review of student academic progress data, the district does not have concerns that the student is being denied FAPE the district asks the parent/caregiver in writing to submit their request for the delay or denial of evaluation. The district acknowledges the parent/caregiver in writing. If the district has evidence that the student is being denied FAPE by the refusal to evaluate it will seek resolution of the dispute through the BSEA.
- Revocation of Consent to the student's special education services will result in the immediate removal of all special education services at the parent/caregiver request. The district will provide formal written notice in response.

Resources

[SAMPLE EMAILS](#)

SE 26: Parent participation in meetings

1. The district ensures that one or both parents of a student are members of any group that makes decisions on the educational placement of their student.
2. The Administrator of Special Education notifies parent(s) 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 parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.

Applicable legislation: 34 CFR 300.322; 300.501; 34 CFR §§300.300(c)(2); 603 CMR 28.02(21)

DPS Procedures

Parents and guardians are considered valuable members of the IEP Team. The District ensures that one or both parents of the student will be members of a Team that makes placement decisions regarding their child. Parent feedback is critical throughout the process. This philosophy is further promoted by the Parent/Guardian Team Meeting/IEP Process Survey sent out with every proposed Evaluation or IEP.

- The special education Special Education Teacher/Case Manager notifies the parent/guardian by telephone, e-mail, and/or postal mail about all IEP meetings. These meetings are scheduled, as best as possible, at the parent/guardians' convenience in an effort to encourage attendance and input.
- All efforts are made by DPS to ensure one or both parents/caregivers of a student are members of any group and make decisions on the educational placement of their student. The Liaison (or ETL) notifies parent(s) in writing of any Team meeting early enough to ensure they have an opportunity to attend. The school district schedules the meeting at a mutually agreed upon time and place; and documents such efforts.
- When the participation or consent of the parent is required and the parent fails or refuses to participate, the school district shall make and document multiple efforts to contact the parent. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone call, 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. The school

district shall ensure that its efforts to involve the parent and gain parental consent meet a reasonable measure standard as articulated in federal law at 34 CFR §§300.300(c)(2) and 300.322(d).

If the above efforts are attempted and documented and the district is unable to secure parental consent to a re-evaluation or placement subsequent to the initial placement in a special education program, the school district shall proceed in accordance with 603 CMR 28.07(1)(b). This provision shall not apply if the parent has revoked consent to all special education and related services as provided in 603 CMR 28.07(1)(a)(4).

If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing. In cases where the school district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participants.

Resources

IEP Survey

SE 29: Communications are in English and primary language of home

1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. 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 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) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice.

Applicable legislation: 34 CFR 300.322(e); 300.503(c); 603 CMR 28.07(8)

DPS Procedures

In general, the District ensures that all communications and meetings with parents and students pursuant to 603 CMR 28.00 meet the following standard:

- Communications are in simple and commonly understood words.
- Communications are in both English and the primary language of the home, if such primary language is other than English. Any interpreter used to implement this provision shall be fluent in the primary language of the home.
- Where the parents or the student are unable to read in any language or are blind or deaf, communications shall be made orally in English or with the use of a foreign language

interpreter, in Braille, in sign language, via TDD, or in writing, whichever is appropriate.

The Individual with Disabilities Education Act (IDEA) and "No Child Left Behind" legislation outlines requirements for communicating with non-English speaking parents/guardians, specifically, regarding interpretation and translation. In this regard, information must be provided "to the extent practicable, in a language parents/guardians can understand".

To facilitate interpretation for students with special needs, the Dedham Public Schools uses:

Baystate Interpreter Services

Catholic Charities Community Interpreter Services

For translation of documents for students with special needs, the Dedham Public Schools considers a number of options, including but not limited to:

POWERSCHOOL Translation Options

Xerox Easy Translator Services

As the District's primary data management tool, Powerschool, SPED Powerschool, and 504 Powerschool provides software that allows staff to immediately translate student IEPs, progress reports, and/or assessment reports on a routine basis.

In addition, Xerox Easy Translator Services, a first of its kind translation system, immediately translates documents into one of over 44 languages via e-mail and/or printed material, maintaining the format of the original document. The service further provides a more precise option for more sensitive records and documents; secondary readers, word for word language checks, etc. The program further translates both hard copy and digital documents at any time. This multifunction printer is leased on an annual basis and is housed in the Student Services offices of the Dedham Public Schools.

For accessing live interpreters for Team meetings, parent/guardian conferences, and more, staff are able to FAX requests directly to Catholic Charities (617-464-8151) or to Baystate Interpreters, Inc. (888-663-8000). A copy of the Request Form submitted is also forwarded to the Student Services office for record keeping and billing.

To ensure that communications with parents/guardians are in clear and commonly understood words, and are in both English and the primary language of the home, interpreters used are fluent in the primary language of the home and familiar with special education procedures, programs, and services.

For general education students, including English Language Learners, documents and requests should be forwarded to the ELL Department Chairperson..

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) of the content of the notice.

- Review all Home Language Surveys when they come in and update the student information system with required fields for translation and/or interpretation. (guidance)
- If an initial evaluation is requested we must determine if the family requires translation/interpretation.
- If an interpreter is required for a meeting please complete the interpreter request form at least two weeks before the meeting, unless it is an unforeseen circumstance (move in, discipline, parent request)
- Review the Student Information System with required fields for translation and/or interpretation needs.
- For translation of documents, please indicate on the IEP packet that translation is required.

Resources

Translation Request Form

PROGRAMMING AND SUPPORT SERVICES

SE 17: Initiation of services at age three and Early Intervention transition procedures

1. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the student 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 student'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.

Applicable legislation: 34 CFR 300.101(b); 300.124; 300.323(b); 603 CMR 28.06(7)(b)

DPS procedures

The District works with families and Early Intervention agencies to ensure the effective transition of young children with disabilities from Early Intervention programs into the public school system. This is accomplished through participation in transition planning meetings arranged by such programs and the development and implementation of an IEP for eligible children by the date of the child's third birthday.

Process: Student transition into the school system at age three.

- Children can be evaluated by the school district at age 2.6.
- An observation of the child's interactions in the child's natural environment or early intervention program is **strongly encouraged** when assessing a child to determine eligibility for services at age three.
- For children who are receiving early intervention (EI) services, school districts are encouraged to use current and appropriate assessments from EI teams, whenever possible, to avoid duplicate testing [CMR 28.04(2)(a) (v)].
- The IEP begins on the child's third birthday, regardless of the time of year.
- The goal focus changes from family centered to school related. EI services are provided via an Individualized Family Service Plan (IFSP) in which the family is the primary recipient of services to support the child's development. School services are *usually* provided via an Individualized Education Plan (IEP) in which the student is the primary recipient of services. In some cases, eligible preschool students have an IFSP.
- In EI, eligibility is determined by having a developmental delay. At school, the student must have an eligible disability that interferes with school participation. EI uses primarily a direct service delivery model. Services are provided in the natural environment or where non-disabled peers typically would be. School-based services use a continuum of service delivery options ranging from collaborative consultation to direct service using the least restrictive environment as a guide.

Resources

[OSEP Dear Colleague Letter on Preschool LRE](#)

SE 34: Continuum of alternative services and placements

The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is 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.

Applicable legislation: 34 CFR 300.109; 300.110; 300.115; 603 CMR 28.05(7)(b)

DPS Procedures

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

All students receiving special education services, regardless of placement (in- district or out-of-district) have the opportunity to participate in, and if appropriate, receive credit for access to the

general education curriculum as well as access to the non-academic and extra-curricular life of the school. These may include, but are not limited to art, music, chorus, band, work study and employment opportunities, community service, counseling and health services.

In addition, the Dedham Public Schools offer a range of evaluation, identification, educational and therapeutic support services. Related services include: but are not limited to:

- Transportation
- Speech or Language and Audiology Services
- Counseling and Psychological Services
- Interpreting Services
- Parent/Guardian Counseling and Training
- Physical and Occupational Therapy
- Applied Behavior Analysis
- Assistive Technology
- Orientation and Mobility
- Low vision
- Audiology and Hearing Consultation and Direct Service
- Speech and Language Services
- Rehabilitation Counseling and Transitional Planning
- School Health and Nursing Services

In-District

The Curran Early Childhood Center serves both preschool and kindergarten students. Preschool services include outreach to children served in community placements (e.g., child care) as well as school-based integrated and substantially separate classrooms. Inclusive and substantially separate programming is available in Kindergarten classrooms.

Within each elementary school, special education services and supports are provided in general education classroom settings and small group "pull-out" settings. In a general education inclusive model, a special educator, or related service provider, provides direct instruction to students within the general education environment for all or part of the school day. In a "pull-out" model, a special educator, or related service provider, provides direct teaching instruction outside the general education setting.

In addition, a number of district-wide specialized programs are located at specific schools to provide services to students with moderate to severe special needs. In general, specialized programs have a smaller number of students as these students require additional support within their general education classes and/or accommodations and modifications to the classroom curriculum. Students may be

provided with individual and/or small group instruction as needed to meet individual needs.

The school district shall ensure that options are available for students ages 18 to 22 years. Such options shall include continuing education, developing skills to access community services, developing independent living skills, developing skills for self-management of medical needs, and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus and shall be considered in-district programs if the program is operated by the public school and offers the student ongoing opportunities to interact with students or young adults without disabilities.

SE 37: Procedures for approved and unapproved out-of-district placements

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 students' files 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 program.
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 regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district program.
3. Preference to approved programs: The school district, in all circumstances, first seeks to place a student in a program approved by the Department 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 LRE 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.
4. Written contracts: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5).
5. Use of unapproved programs: 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 ensures 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 are entitled to the full protections of state and federal special education law and regulation.

6. Placement documentation: The following documentation is maintained by the school district pursuant to its placement of students in unapproved out-of-district programs:
- a. Search: The Administrator of Special Education documents the search for and unavailability of a program approved by the Department. The Administrator places such documentation in the student record.
 - b. Evaluation of facility: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the 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 evaluation determines 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 education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented 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.
 - c. 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 Education ensures that such school has received approval from the school committee where the private school is located under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.
 - d. Pricing: Pursuant to the requirements for Compliance, Reporting and Auditing for 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.
 - e. Notification of the Department of Elementary and Secondary Education: Prior to placement, if the Team determines that placement in such facility is appropriate, the Administrator notifies the Department of the intent to place the student and the name and location of the proposed placement before placing the student into the program by sending a completed mandated 28M3 form titled "Notice of Intent to Seek Approval for Individual Student Program" and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as 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. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.
 - f. 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 Education ensures that such school has received approval from the host state.

Applicable legislation: 34 CFR 300.2(c); M.G.L. c. 76, s. 1; 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09; 808 CMR 1.00

DPS Procedures

Approved and Unapproved Programs

The school district shall, in all circumstances, first seek to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference shall also be 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 choice of such program complies with LRE requirements. If the Team is unable to identify an appropriate placement in an approved school, the Administrator of Special Education may request assistance from the Department. 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. The Administrator of Special Education shall document the search for and unavailability of a program approved by the Department under 603 CMR 28.09. The Administrator shall place such documentation in the student record.

1. **Evaluation of facility:** The Administrator of Special Education or his/her designee shall thoroughly evaluate the appropriateness of any unapproved facility prior to placement of the student in such program.
2. **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 Education must ensure that such school has received approval from the local school committee under M.G.L. c.76, § 1 and that a copy of such approval is retained in the student record.
3. **Notification to the Department:** Prior to placement, the Administrator shall notify the Department of the intent to place the student and the name and location of the proposed placement.

SE 38: Special education in institutional settings (SEIS)

Department of Elementary and Secondary Education responsibility: In cases where the Department provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health, the Department retains the discretion to determine, based upon resources, the type and amount of special education and related services that it provides in such facilities.

School district responsibility:

1. The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law.

2. Where a student's IEP requires a type or amount of service that the facility 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).
3. The parent's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent's school district.

Applicable legislation: 603 CMR 28.06(9)

DPS Procedures

Special Education in Institutional Settings

Occasionally, an eligible special needs student's education program may be provided by the Department of Education in an institutional setting (SEIS). This could include programs operated by the Department of Mental Health, the Department of Youth Services, County House of Corrections or the Department of Public Health. In such instances, Dedham will work cooperatively with the appropriate department to ensure that the student receives evaluations as requested or indicated, an annual review, and an Individualized Education Program that is designed to meet his/her special educational needs. Further, if a special educational service is required which the Institution does not provide, Dedham will make the necessary arrangements to provide the service.

Dedham Public Schools will monitor the student's educational program and progress on a regular basis. Elements of the monitoring plan include:

- Regular review of quarterly and program reports
- Regular review of attendance records
- Review of Incident Reports
- Telephone contact with the student's LEA at out of district school as needed
- One annual visit to the program
- Telephone contact with the parents as needed, at least annually
- Regular contact with the student's caseworker(s) from the appropriate department

Resources

[DESE Technical Advisory Institutional Settings SPED 2021-3](#)

SE 39A: Procedures used to provide services to eligible students enrolled in private schools at private expense whose parents reside in the district

1. The district conducts student find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.
2. The district consults with private schools in accordance with federal requirements.
3. The district provides or arranges for the provision of an evaluation for any private school student whose parent resides in the district who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility; as part of its consultation with the private school, the district ensures that a representative of the student's

private school is invited to participate as a member of the Team pursuant to §28.05. The district provides an IEP for any such private school student who is found eligible for special education and/or related services.

4. 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 district, and does so according to a properly developed IEP. The district provides to such students genuine opportunities to participate in a public school special education program consistent with state constitutional limitations.
5. In providing or arranging for the provision of the special education and/or related services described by the student's IEP, 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 are provided on public or private school grounds. When the student attends a private school located outside of the district, the district makes reasonable efforts to provide or arrange for the provision of services for the student in the community where the school is located.
6. The district does not withdraw or withhold services from a student whose parents reside in the district solely because the district has met the spending requirements of federal law.
7. Special education services and/or related services for a private school student whose parents reside in the district are comparable in quality, scope, and opportunity for participation to those provided to public school students with needs of equal importance.
8. An expedited special education evaluation, which is limited to a student's physician statement unless there is a clear indication of the need or unless the parents request additional evaluation, is conducted and services provided to eligible students whose parents reside in the district within 15 calendar days of the district's receipt of the student's physician statement.
9. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) 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.

Applicable legislation: 34 CFR 300.130-144; 300.300(d)(4); M.G.L. c. 71B, section 2; 603 CMR 28.03(1)(e)

DPS Procedures

If a student attends a private school located within the Town of Dedham, Dedham Public Schools is responsible for Child Find activities for that student, **regardless of where the student actually resides**. Dedham conducts child find activities at all private schools, including religious, elementary and secondary schools that are located within the town of Dedham. If a student resides within the town of Dedham but attends private school **outside of the school district**, Dedham will be responsible to respond to any assessment requests to determine whether the student is eligible for

special education and related services and to develop an Individualized Education Program for the student.

In its execution of child find activities for private school students, Dedham Public Schools will:

- Provide timely and meaningful consultation with representatives of private schools regarding the special education process, including evaluation, determination of eligibility, and access to services. Dedham will also conduct such consultation with the parent/guardian of any student who participates in homeschooling.
- Maintain records reflecting the number of parentally placed private school students evaluated, determined to have disabilities, and served; and provide this information to DESE on an annual basis.

Resources

[Sample Child Find Notice](#)

[DESE Quick Reference Guide](#)

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

1. The district conducts student find activities--comparable to those for public school students--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 in accordance with state and federal requirements.
3. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) 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.

If the district provides services to any eligible private school student from out of state, it does so using an individual services plan.

Applicable legislation: 34 CFR 300.130-144; 300.301-311; 603 CMR 28.02(7); 28.04; 28.05(2)

DPS Procedures

Resources

[DESE Interactive on Proportionate Share](#)

[Sample ISP](#)

SE 40: Instructional grouping requirements for students aged five and older

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 of the general education classroom for 60% or less of the students' school schedule, group size does not exceed
 - a. 8 students with a certified special educator,
 - b. 12 students if the certified special educator is assisted by 1 aide, and
 - c. 16 students if the certified special educator is assisted by 2 aides
4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed
 - a. 8 students to 1 certified special educator or
 - b. 12 students to 1 certified special educator and 1 aide.
5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.
6. In such cases, the Administrator provides 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 such 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 paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.

Applicable legislation: 603 CMR 28.06(6)

DPS Procedures

SE 40 Instructional Grouping Requirements

DPS recognizes the impact of class size on student achievement and the School Committee has adopted a class size policy that is in effect throughout the school system. Special education also recognizes that instructional groups must be of a size and composition that allows for the learning opportunity outside of the general education program to be maximized.

Students Age 5 and Older – Class Size and Composition

The size and composition of instructional grouping for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups servicing students with complex special needs.

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 cannot exceed:

- 8 students with a licensed special educator
- 12 students with a licensed special educator and 1 teacher assistant
- 16 students with a licensed special educator and 2 teacher assistants

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

- 8 students with a licensed special educator
- 12 students with a licensed special educator and 1 teacher assistant

Instructional groupings are also respectful of age and developmental levels; the age span from the youngest to the oldest in any one group does not exceed forty-eight months. If after the school year has begun the instructional groups have reached their maximum size as described above, the Assistant Superintendent of Student Services may decide to increase an instructional group by no more than two additional students if the additional students have compatible learning needs and if the increase would allow the additional student(s) to receive services in their neighborhood school. When necessary a Request for Waiver and appropriate documentation is sent to PQA.

SE 41: Age span requirements

The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the Commissioner of Elementary and Secondary Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.

Applicable legislation: 603 CMR 28.06(6)(f)

DPS Procedures

Within DPS the ages of the youngest and oldest students in any instructional grouping do not exceed 48 months. A written request for approval of a wider age range is submitted to the commissioner of elementary and secondary education in cases where the district believes it is justified.

Such requests are implemented only after approval of the Department of Elementary and Secondary Education.

Age-Span Requirements

The ages of the youngest and oldest student in any special education instructional grouping cannot exceed a 48-month span. A written request for approval of a wider age range must be submitted to DESE with a justification statement. Such age span grouping can be implemented after approval from DESE.

Resources

[Cover Letter: Request for Waiver Cover Sheet](#)

[Form A: Age Span Waiver 48-71 Months](#)

[Form B: Age Span Waiver 72 Months](#)

SE 42: Programs for young children three and four years of age

General requirements:

1. The school district ensures programs are available for eligible students three and four years of age. Such programs shall be developmentally appropriate and specially designed for students ages three and four years.
2. Reserved.
3. Where appropriate, the school district elects, consistent with federal requirements, to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible students to public school services.
4. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday).

Types of Settings:

5. Inclusionary programs for young students are located in a setting that includes students with and without disabilities and meet the following standards:
 - a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.
 - b. For public school programs that integrate students with and without disabilities, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If

the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide.

6. Substantially separate programs for young students are located in a public school classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:
 - a. Substantially separate programs are programs in which more than 50% of the students have disabilities.
 - b. Substantially separate programs operated by the district limit class sizes to 9 students with 1 teacher and 1 aide.

Applicable legislation: 34 CFR 300.101(b); 300.124(b); 300.323(b); 603 CMR 28.06(7)

DPS Procedures

Dedham Public Schools Early Childhood Education Center (ECEC) offers services-only, integrated, and substantially separate programs for students with disabilities.

In the integrated special education program, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide.

- Discuss a Friendship screening and new procedures for lottery here

Resources

ECEC Student Find Screening notice

ECEC Friendship Screening notice

SE 43: Behavioral interventions

For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions and the possible need for a functional behavioral assessment.

Applicable legislation: 34 CFR 300.324(a)(2)(i)

DPS Procedures

When behavior interferes with a student's learning or with the learning of others, the IEP team will sometimes conduct a Functional Behavior Assessment screening to determine whether a (FBA) is needed to identify when and why the behavior occurs. The IEP Team will look at the cause of the behavior and develop positive strategies for change. While this is often part of the IEP, it is not required for the development of a 504 Plan. The FBA includes:

- Documenting the behavior
- Identifying where and why the behavior occurs
- Evaluating strategies successful in addressing the behavior

This information should usually be gathered by the **school psychologist and teachers**. If results from psychological or psychiatric evaluations, information about medications or input from the student's pediatrician or primary care physician, the Team will request access to information relevant to the issues. The

results of the FBA process will be more accurate if the assessment information is as complete as possible. The FBA will be used to write a **positive behavior intervention plan** becoming part of the IEP.

If a student has an IEP or a 504 Plan, a Behavior Intervention Plan (BIP) must be developed if the behavior is related to the disability and substantially interferes with the student's educational program. This plan can be incorporated as goals on the IEP or it can be a separate plan attached to either the IEP or the 504 Plan. The BIP should include **positive** ways to address the student's behaviors. This can include goals teaching the student coping or self-regulation strategies or detailed modifications to the classroom environment will decrease the chance of the behaviors occurring in the first place. If at any point, the behavior plan is not working, the IEP Team will reconvene to modify it. DPS may bring in a BCBA, health care provider or agency to **consult** on the development of a plan.

Resources

[Roles and Responsibilities Behavioral Health Personnel](#)

SE 48: Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education

Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education

All students receiving special education, 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.

Programs, services and activities include, but are not limited to:

1. art and music
2. vocational education, industrial arts, and consumer and homemaking education
3. work study and employment opportunities
4. counseling services available at all levels in the district
5. health services
6. transportation
7. recess and physical education, including adapted physical education
8. athletics and recreational activities
9. school-sponsored groups or clubs
7. meals

Applicable legislation: 34 CFR 300.101 - 300.113; 603 CMR 28.06(5)

DPS Procedures

DPS complies with all facets of 603 CMR 28.06(5) and 34 CFR 300.101- 113. All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if

appropriate, receive credit for vocational, supportive, or remedial services that may be available as part of the general education program as well as non-academic and extracurricular programs of the schools.

Support is provided to students who wish to participate in electives, vocational opportunities, extra-curricular activities, such as athletic and recreational activities, dances, school sponsored groups or clubs or elective classes such as music, art, health and PE.

Students who attend Out of District (OOD) schools are able to participate in after school activities and are provided transportation from their placement to the in-district activity. If the student requires support, it is provided by the district. High school students who attend an OOD high school are able to participate on an in district sport team if that sport is not offered at the OOD school.

All students within DPS receiving special education, regardless of placement, have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.

Programs, services, and activities include, but are not limited to:

- vocational education
- co-operative employment education
- counseling services available at all levels in the district
- health services
- food services
- transportation
- physical education, including adapted physical education
- athletics and recreational activities
- school sponsored groups or clubs
- enrichment programs

SE 49: Related services

For each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:

1. speech-language pathology and audiology services
2. psychological services
3. physical therapy
4. occupational therapy
5. recreation, including therapeutic recreation
6. early identification and assessment of disabilities in children
7. counseling services, including rehabilitation counseling
8. orientation and mobility services (peripatology)

9. medical services for diagnostic or evaluation purposes
10. school health services, including school nurse services
11. social work services in schools
12. parent counseling and training, and
13. interpreting services.

Applicable legislation: CFR 300.34; 300.323(c); 603 CMR 28.02(18)

DPS Procedures

For each student with special education needs found to require related services, DPS provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:

- Speech-language Pathology and Audiology services
- Psychological services
- Physical Therapy
- Occupational Therapy
- Recreation, including therapeutic recreation
- Counseling services, including Rehabilitation Counseling
- Orientation and Mobility services
- Medical services for diagnostic or evaluation purposes
- School health services, including School Nurse services
- Social Worker services
- Parent counseling/training
- Interpreting services

Related services are developmental corrective and other supportive services. Within Massachusetts, related services **necessary to access the general curriculum** are considered special education and may be provided alone or in combination with specially designed instruction. If the student only requires accommodations, then that student is not eligible for special education. Accommodations are adaptations to presentation or setting that can typically and easily occur in general education (such as preferential seating, wearing eyeglasses, giving extra time on tests).

LICENSURE and PROFESSIONAL DEVELOPMENT

SE 50: Administrator of Special Education

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

Applicable legislation: M.G.L. c. 71B, § 3A; 603 CMR 28.03(2)

DPS Procedures

DPS has an appropriately licensed Assistant Superintendent of Student Services. The Assistant Superintendent supervises all special education for the school district and ensures compliance with all federal and state special education laws. As appropriate, and in accordance with the requirements of M.G.L. c.71B, §3A, the Assistant Superintendent may designate other school district personnel to carry out some of his/her district duties.

SE 51: Appropriate special education teacher licensure

Except at Commonwealth charter schools, individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.

Commonwealth Charter Schools – Special Education Teacher Qualifications

Applicable legislation: 34 CFR 300.18; 300.156; M.G.L. c. 71, s. 38G; s. 89(qq); 603 CMR 1.07; 7.00; 28.02(3)

DPS Procedures

Individuals who design and/or provide direct special education services described in IEPs are appropriately licensed. Licensure renewal and compliance is the responsibility of the individual educator and not of the school district. It is the responsibility of the educator to provide the district with a current teaching license to be kept on file in the DPS Human Resources Department. The files are reviewed annually to ensure DESE licensure is current and SLP/Counseling/School Psychologist educational and specialty clinical license(s) are enforced.

SE 52: Appropriate certifications/licenses or other credentials -- related service providers

Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.

To come into compliance with IDEA, Commonwealth charter schools must use “qualified” teachers to provide specialized instruction or have a “qualified” teacher consult with or provide direct supervision for someone who is not qualified but is delivering specialized instruction. This is an IDEA requirement.

“Qualified” teachers must hold a valid license in special education or have successfully completed an undergraduate or graduate degree in an approved special education program.

Please see additional guidance at:

http://www.doe.mass.edu/charter/tech_advisory/07_1.html# (update 2/2011)

<http://www.doe.mass.edu/charter/sped/staffqualifications.html> (update 3/23/2012).

Applicable legislation: 34 CFR 300.34; 300.156(b); 603 CMR 28.02(3),(18)

DPS Procedures

Any person within DPS including non-educational personnel who provide related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession. It is the responsibility of the service providers to maintain their own licensure and the requirements for recertification at all times.

In-service training for hired contracted transportation providers DPS contracts with Van Pool Bus Company for transportation and Van Pool provides the necessary training as part of their contract with DPS.

SE 52A: Registration of educational interpreters

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.

Applicable legislation: 34 CFR 300.34; 300.156(b); 603 CMR 28.02(3),(18)

DPS Procedures

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.

DPS has a professional relationship with several interpreting agencies in the area who can provide interpreters fluent in specific languages should students or parents require interpreting services. DPS is also proud to have a multilingual parent Special Education Teacher/Case Manager group.

SE 54: Professional development

1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.
2. The district ensures that all staff, including both special education and general education staff, are trained on:
 - a. state and federal special education requirements and related local special education policies and procedures;
 - b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;
 - c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom;

3. The district provides in-service training for all locally hired and contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student 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 general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.

Applicable legislation: M.G.L. c. 71, §§ 38G, 38Q and 38Q ½; 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)

DPS Procedures

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

- State and federal special education requirements and related local special education policies and procedures
- Analyzing and accommodating diverse learning styles of all students in order to achieve the objective of inclusion in the general education classroom for students with diverse learning styles
- Methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom
- Emerging issues or relevant topics are identified through review of staff Professional Development Plans or through staff surveys and feedback

Parent/Student/Community Engagement

SE 15: Outreach by the School District (Student Find)

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

1. professionals in community
2. private nursery schools
3. day care facilities
4. group homes
5. parent organizations
6. clinical /health care agencies
7. early intervention programs
8. private/parochial schools
9. other agencies/organizations
10. the school or schools that are part of the district, including Horace Mann charter schools
11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Students

Applicable legislation: 34 CFR 300.111; 300.131; 300.209

DPS Procedure

Each year the Special Education Department coordinates the “Student Find” notification process. A letter is sent to all private schools located within the town of Dedham as well as to all preschools and daycare centers. Included in the Student Find process are meetings and consultation between the district, private schools, and early intervention providers. The Student Services administration is committed to identifying any children who reside in Dedham as well as students attending private schools located in Dedham who may be eligible for special education services.

The first part of Dedham’s Student Find effort is to identify any young children, ages 3 to 5, who may be eligible for special education and/or related services. Throughout the year, the Dedham Early Childhood Education Center (ECEC) hosts Childfind screening clinics. The community is made aware of these opportunities through local publicity (newspaper, local TV channel etc.), notices to local preschools and day care centers, and direct response to parent inquiries. In addition, the Student Services administration holds a preschool screening in the spring for community children who are interested in participating in the preschool program as peer partners. The ECEC team also conducts a developmental screening of all incoming kindergarten students every spring. Kindergarten screening is provided to children who attend private kindergarten programs upon request. Finally, under the supervision of the Director of Nursing Services, provisions are made for ongoing and periodic screening of all students as required by the Department of Public Health (vision, hearing and posture).

Another component of Student Find in Dedham is community involvement. For example, representatives from the student services department participate in the local Directors of Early Childhood Programs meetings. This type of engagement provides the opportunity for regular networking with the private preschool and kindergarten programs, day care centers and home childcare programs within the community and offers an efficient way to distribute information to preschool providers. As a result of ECEC participation, local programs become more aware of the special education services available, understand the referral process and feel more comfortable in encouraging their parents to contact the Student Services office with any concerns.

The Dedham Early Childhood Education Center has an established working relationship with Thom Neponset Valley Early Intervention and Enable, Inc. Early Intervention. As a result, these agencies notify the ECEC of young children with disabilities who may need services well in advance of those children turning three (3) years old. Dedham’s staff participates in arena assessments and transitional planning conferences, observe the children in EI settings, and invite members of the early intervention team to participate in the IEP assessment and planning process in Dedham.

The parents of children who participate in screening receive a follow up letter indicating the results of the screening process. They are thereby informed promptly as to whether their child is performing within normal limits developmentally or whether an evaluation is indicated. Where an evaluation seems warranted, the parent is also provided with information regarding special education evaluations, including the *Notice of Procedural Safeguards*, a list of the proposed areas for further assessment, and a form for parental consent for the evaluation. At both the preschool and the kindergarten level, Dedham utilizes observation, the *Brigance Screening Test*, and developmental checklists for screening purposes.

Outreach is also provided to the private schools in Dedham. Each year, the Student Services administrator provides these schools with information regarding special education and the referral process for students for whom there may be a concern. Private schools are invited to collaboration meetings at least three times per year. The Student Services administration also receives inquiries and referrals from other nearby private schools in which Dedham students are enrolled. Students who require evaluation are then seen by the special education team in the schoolhouse where the child would be attending if they were not in private school.

Finally, as opportunities arise the Student Services administrator participates in town-wide activities that provide the opportunity for the interface of the Student Services administrator with professionals, community members and local agencies.

Resources

Sample Student Find Notice

SE 32: Parent advisory council for special education

1. The school district has established a district-wide parent advisory council on special education.
2. Membership on the council is offered to all parents of students with disabilities and other interested parties.
3. The parent advisory council duties include but are not limited to: advising the 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 education programs.
4. The parent advisory council has established by-laws regarding officers 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 education laws.

Applicable legislation: M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)

DPS Procedures

The Dedham Public Schools has established a district-wide Parent Advisory Council for special education. Membership on the Council is offered to all parents/guardians of students with disabilities and other interested parties.

The Parent Advisory Council duties include but are not limited to:

- advising the 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 education programs.

The Parent Advisory Council has established by-laws regarding officers and operational procedures. The Parent Advisory Council further receives assistance from the Dedham School Committee without charge upon reasonable notice, and subject to the availability of staff and resources.

The Dedham Public Schools conduct, in cooperation with the Parent Advisory Council, at least one workshop annually within the District on the rights of students with special needs including but not

limited to an overview of federal and state special education laws, and special education process, including the resolution of differences. Other workshops are offered to parents/guardians throughout the school year, coordinated by the Parent Advisory Council in collaboration with the Student Services office. Annual special education mailings to all families of children with special needs include a Special Education Parent Advisory Council brochure which offers information on the support provided by the Parent Advisory Council.

Resources

SEPAC Brochure

SEPAC Bylaws

SE 56: Special education programs and services are evaluated

Special education programs and services are regularly evaluated.

Applicable legislation: M.G.L. c. 71B, section 2

DPS Procedures

Every year, the Dedham Public Schools conducts a program review of its special education programs.

The purpose of a program review is to:

- Examine the current special education population and determine whether the District has sufficient programming to meet the needs of that population
- Review the continuum of services to ensure there are no gaps in services
- Plan for continuous improvement, program development, and shifts in programs in response to shifts in student needs, demographics, and numbers.

The current annual review includes the following trend indicators:

- Enrollment trends by demographic indicators such as socioeconomic status, disability type, ethnicity, and age/grade
- Enrollment of students in Out of District Placements by grade and type of placement
- Changes in populations served that may demand a change in programming
- Identification rates
- Staffing ratios
- Move-in trends

These demographics allow the District to look at problem indicators such as disproportionality, intersectionality, annual yearly progress by subgroup, and needs at different grade levels for different disability subtypes.

Finally, the annual program review includes an assessment of current programs and services in juxtaposition with special education costs as a function of the total enrollment as well as the various populations served.

DPS evaluates the special education programs, services and administrative areas every year, in a 3-year cycle. The use of the 3-year cycle allows identification of specific issues or emerging problems with time to be resolved or addressed. In the 3rd year of the cycle a re-examination of the areas or issues is done to ensure resolution. DPS hires outside consultant evaluators in an effort to avoid bias, encourage open discussion and independent examination of issues.

FACILITIES AND CLASSROOMS

SE 55: Special education facilities and classrooms

The school district provides facilities and classrooms for eligible students that

1. maximize the inclusion of such students into the life of the school;
2. provide accessibility in order to implement fully each student's IEP;
3. are at least equal in all physical respects to the average standards of general education facilities and classrooms;
4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and
5. are not identified by signs or other means that stigmatize such students.

Applicable legislation: Section 504 of the Rehabilitation Act of 1973; 603 CMR 28.03(1)(b)

DPS Procedures

DPS provides facilities and classrooms for eligible students that

- Maximize the inclusion of such students into the life of the school
- Provide accessibility in order to implement fully each student's IEP
- Are at least equal in all physical respects to the average standards of general education facilities and classrooms
- Are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students
- Are not identified by signs or other means stigmatized such students

OVERSIGHT

SE 36: IEP implementation, accountability & financial responsibility

1. Reserved.
2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a student's parents.
3. Reserved.
4. The district provides all programs and services without expense to the student's parents.
5. Reserved.

Applicable legislation: 34 CFR 300.17(a); 300.101-104; 300.154; 603 CMR 28.06(3)

DPS Procedures

DPS oversees, in an ongoing manner, the full implementation of each IEP it proposes, for which consent has been obtained from the student (if age 18 or older) and the student's parents/guardians/educational surrogate. DPS provides all programs and services without expense to the student's parents and/or guardians.

Receipt of Signed IEPs

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

Receipt of Partially Rejected and Rejected IEPs

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

The IEP must be implemented immediately

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

Amendments

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

IEP Revisions and review

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

The IEP is reviewed at least annually, on or before the anniversary date. During the annual review, the IEP TEAM considers the student's progress and develops a new IEP.

SE 4: Reports of assessment results

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 discussion.

Applicable legislation: 603 CMR 28.04(2)(c)

DPS Procedures

When a student is evaluated to determine eligibility in the Dedham Public Schools, the professional completing the assessment shares in writing the results obtained, his/her diagnostic impressions, defines the student's area (s) of needs, and offers a specific means by which the need can be addressed. The evaluator may recommend an appropriate type of service or placement, but cannot recommend a specific location (e.g. a specific school name).

All assessments are completed prior to the IEP Meeting and are written in educationally relevant format using common language. Upon request, parents/guardians may receive assessments at their child's school, **two days in advance** of the IEP Meeting, or the school will send such assessments home so that parents/guardians have an opportunity to thoroughly read and review all information before attending the meeting.

At the IEP meeting, the Team, including the student's parents/guardians, discuss all evaluation results. Careful consideration is given to the classroom teacher's assessment who has the opportunity to see and work with the student most every day. In reviewing assessments and current functioning in the classroom, the existence of a learning disability is considered and required documents are completed. Each member of the Team signs off indicating agreement or disagreement with evaluation findings.

A severe discrepancy between ability and achievement that cannot be rectified without specialized services, or little to no progress with the tiered systems of intervention (MTSS) can be the criterion used to move to the IEP development process. A special education Eligibility/Initial and Re-evaluation Determination Form is also completed.

The procedures employed, the results and the diagnostic impression, completed prior to discussion by the Team and copies made available to all Team members at least **two days in advance** of the Team meeting.

SE 5: Participation in general State and district-wide assessment programs

1. All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.
2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.
3. The superintendent of a school district--or, for a public-school program that is not part of a school district, the equivalent administrator:
 - 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 a student with a disability;
 - c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.

Applicable legislation: 20 U.S.C. 1412(a)(16); St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)

DPS Procedures

State/District Wide Assessment Accommodations

All identified students with disabilities, both in-district students and students who are funded by the district in out-of-district placements participate in the MCAS. Teams continue to be responsible for deciding how all students will participate in state and district-wide assessments. However, if no assessments are planned during a particular IEP period, the Team should note that no testing would occur and leave the remainder of the page blank. All students participate in state and district wide assessments with accommodations outlined in the IEP. Testing accommodations outlined on IEP 7 must be consistent with accommodations students generally receive in their curriculum as listed in PLEP A and follow the state guidelines for accommodations.. Students who require alternative assessments will continue to be evaluated through the MCAS-Alt until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

If a student is not able to meet proficiency standards there is a process by which such a student can appeal the eligibility for graduation; this is through the Performance Appeal process.

Every IEP TEAM must apply consistent guidelines when considering the way in which students with disabilities will participate in any state-wide assessment program, such as MCAS. Students with disabilities are required to participate in all state mandated assessment programs. Students will not be

exempt from participation because of their disability and/or because of the degree of which their disability impacts academic performance. The IEP TEAM is responsible for determining HOW a student will participate, not IF the student will participate. If a student is to be alternately assessed in any area, the parent/guardian must sign several consent forms, review the portfolio submissions, and provide a signature indicating they have reviewed the portfolio selections. The Massachusetts DESE has developed specific information for the purpose of guiding the IEP TEAM in ensuring that all students with special needs have access to state and district-wide assessments. This important information follows:

1. All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district wide assessment programs.
2. Accommodations need to be consistent with the daily accommodations in the child's IEP and be used during curriculum based assessments during the school year and NOT added only for the MCAS and/or district assessment programs.
3. Accommodations provide a child with "equal access to and an opportunity to demonstrate their knowledge" on the state developed MCAS. They do not alter the test questions in any way.
4. The district's IEP TEAMS designate how each student will participate and, if necessary, provide an alternate assessment.
5. Any child who will be alternately assessed in any area of MCAS is to be identified to the Principal at the beginning of each school year.
6. The superintendent of a school district or (designee) or executive director of a charter school, approved private special education school, educational collaborative, or special education in an institutional setting (SEIS) program:
 - a. files an MCAS performance appeal for a student with a disability when the student's parent/guardian 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/guardian or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability;
 - c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.

Access MCAS Link for DOE Accommodations & Additional Information: State Requirements: St. 2003, c. 140, s. 119. 603 CMR 30.05(2), (3), (5). See also Administrative Advisories SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements - Participation in MCAS Testing and High School Graduation Standards. A Guide to the MCAS Performance Appeals Process (2015-2016)

ACCESS Accommodations must be determined at an IEP Team meeting and include appropriate staff to determine what accommodations are used and must be consistent with accommodations students receive and use in their daily practice.

Home/Hospital Instruction and other Settings - For the small number of students who are enrolled in a school but are unable to physically attend school, and therefore receive tutoring services from the district, every effort must be made to administer the MCAS tests to the students in school. If this is not possible, school principals must submit a request to the student in an alternate setting off-site by using the form in the Principal's Administration Manual.

DYS and 45-Day Placements - For the small number of students who are enrolled in a school and are in the temporary custody for DYS or are attending a temporary 45-day placement, every effort must be made to administer the tests at the

ent's placement. The principal at the sending school is responsible for following the steps as outlined in the Principal's Administration Manual.

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

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

Resources

[DESE Decision Tool MCAS ALT](#)

SE 16: Screening

1. The school district conducts screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening is designed to review a student's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services.
2. Participation in the screening program for three and four year olds is optional on the part of the parents.

Applicable legislation: 603 CMR 28.03(1)(d)

DPS Procedures

On an annual basis, the Dedham Public School District conducts regularly scheduled developmental screenings for preschool children. The purpose of the screening is to identify preschool children (aged 3-5) who are suspected of having a disability. The screening instruments used are designed to review a child's development. For more information regarding screening and evaluation for students ages 3-5, contact Rebecca McCabe, Director of Early Childhood at ECEC.

Resources

ECEC Student Find notice

SE 18B: Determination placement; provision of IEP to parent

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 in the school that he or she would attend if the student did not require special education.

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

4. Reserved

5. Immediately following the development of the IEP, the district provides the parent with two (2) 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 provisions of 603 CMR 28.06(2)(e) in a limited number of cases.

Applicable legislation: 34 CFR 300.116; 300.325; 603 CMR 28.05(6) and (7); 28.06(2)

DPS Procedures

Least Restrictive Environment (LRE)

The school district shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The removal of a student from the general education setting is supported in the Non-participation Justification section of the IEP, which quotes the regulation describing the district's responsibility outlined above.

TEAM discusses placement, the least restrictive environment will be selected as it correlates with the student's To the extent possible, students with disabilities will be educated with their non-disabled peers. TEAMs should er in-district settings as they relate to the student's needs. These settings include the general education classroom, a g center/resource room, separate classroom, or district placement. If a student's IEP cannot be met within the public setting, an out-of-district placement may be explored. If the TEAM designates an out-of-district placement, the shall state the basis for its conclusion that education of the student in a less restrictive environment with the use of mentary aids and services could not be achieved to provide the student with a free, appropriate public education in the strictive environment.

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

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

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

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

The TEAM's decision regarding a student's placement is made only after the IEP is fully developed and must be based exclusively on the specific needs of the individual student. An IEP must never be written "to fit" a particular placement. Every member of an IEP TEAM is both individually and collectively responsible for ensuring that the IEP is written to address the unique needs of the student.

The TEAM Placement Consent Form must be included with the IEP. If a placement decision is not possible at the IEP meeting, a separate meeting must be held within ten school days to discuss options available.

Once the IEP has been developed, the TEAM meets to consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services, or, if necessary, in a Least Restrictive Environment in a separate classroom or school.

The parent/caregiver is provided with a digital copy of the meeting summary which include placement, or a DRAFT IEP. a digital copy of the final proposed IEP are provided to the parent/caregiver through the mail or electronically if parent/caregiver agrees.

Placement Meeting

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

Social Skills

According to the bullying legislation, Chapter 92, school districts have several responsibilities regarding students with social skills disabilities. We have an obligation to teach all of our students the skills that are needed to avoid and respond to bullying, harassment and teasing. Additionally, those students who have disabilities that result in poorly developed social skills require special attention.

Autism and LRE

For students with Autism and other disabilities affecting social skills development, this obligation requires a thoughtful, considered approach at Team Meetings because these students are more vulnerable to teasing and are not skilled in responding. This is a consideration included on the ASD checklist that is referenced by the ETL during all Team meetings for a student who is identified as ASD.

The state law requires specific steps in order to ensure that students with autism and social skills disabilities are taught the skills they need, at their level, to learn to respond to bullying effectively. How the IEP Team addresses this requirement is based on understanding the social and communication skill levels of the student and insuring that the student will:

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

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

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

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

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

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

The Team should document the discussion within the IEP of how it will address a student’s social skills development r to avoid or respond to bullying if a student lacks effective strategies.

SE 21: School day and school year requirements

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 shorter or longer program is necessary.
2. The daily duration of the student'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 student. 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 her learning skills and/or substantial difficulty in relearning such skills 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 recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially

Applicable legislation: 34 CFR 300.106; M.G.L. c. 69, § 1G; 603 CMR 28.05(4)(d) and (5)(c)

DPS Procedures

ESY/ESD

Within DPS, the student's IEP Team will routinely consider the need for an educational program less than or more than the regular school day or school year, including extended day or year and indicate on the IEP why the shorter or longer program is necessary. If a student requires residential services in order to receive FAPE (free and appropriate education), DPS invites the student's sending school district for discussion in regards to services and placement.

The student's specific type of disability does not determine eligibility. DPS does not limit ESY (Extended School Year) or ESD (Extended School Day) services to particular categories of disability. DPS does not unilaterally limit the type, amount, or duration of ESY/ESD services., we do not have a policy restricting ESY/ESD services to the same period of time it conducts its regular school programs for all students and does not use a lack of resources as a reason for not examining a student's possible need for ESY/ESD services or for not providing ESY services to an eligible student.

Determining a student's need for ESY/ESD services is part of the Team Meeting process. The IEP team considers the need for ESY/ESD services at the initial IEP meeting for a student who is newly eligible

for special education and at each IEP meeting thereafter. However, if necessary, an IEP meeting can be called for the express purpose of considering the student's need for ESY/ESD services.

Criteria Used to Determine Eligibility:

DPS uses the following criteria for determining the need for ESY services - regression and recoupment. This involves two findings:

- The IEP team must determine if the student is likely to lose critical skills during the time when services are not delivered — called regression.
- If the likelihood of regression is established, then the IEP team must determine whether the time the student will require re-learning the skills lost — called recoupment — is excessive, particularly when compared to the time it takes a nondisabled student to regain skills lost during a school break.

Determinations about regression and recoupment can be either retrospective (looking back at documentation of a student's previous rates of regression and recoupment) or prospective (looking forward at the potential rate of regression and recoupment based on such information as expert judgments and observations regarding the student's performance after very short breaks such as long weekends). It is not necessary for a student to demonstrate previous regression in order to be eligible for ESY services. However, the determination should be based on objective data from a variety of sources.

Along with regression and recoupment, the IEP Team might consider:

- The nature and severity of the student's disability. While the student's type of disability alone does not determine whether or not there is a need for ESY services, the IEP team should examine whether the nature and severity of his disability are likely to significantly jeopardize his ability to benefit from the instructional program if he experiences a lapse in instructional support.
- The student's degree of progress toward IEP goals. How quickly is the student progressing from year to year without ESY services? Will the loss of services during the school break significantly jeopardize the student's progress toward the goals? Failure to achieve one or more IEP goals does not necessarily mean the student is eligible for ESY services.
- The student's emerging skills and breakthrough opportunities. Is the student at a breakthrough point in a critical skill or skills, such as reading? Will the interruption of services and instruction significantly jeopardize the educational benefit the student is receiving from the specialized instruction or related service(s)?
- The student's behavior(s), for example the student's stereotypic, ritualistic, aggressive or self-injurious interfering behaviors preventing the student from receiving some educational benefits from his/her program during the school year (non-regression). Management of such behaviors should be part of the student's current IEP.

Special circumstances or other factors: Are there other special circumstances or factors that will significantly jeopardize the student's receipt of educational benefit during the normal school year? These factors might include:

- The specific areas of the student's curriculum need continuous attention. For example, does the student require an Extended School Day in order to improve in decoding/encoding through a one-on-one reading program?
- The educational structure in the student's home (e.g., having parents who are willing and able to give the child adequate learning support and reinforcement).

Several types of information should be reviewed, such as:

- Current and previous IEP goals
- Classroom tests and grades
- Classroom observations (by qualified professionals such as a school psychologist or social worker)
- Standardized tests, including statewide assessments in key academic subjects such as reading and math
- Student work samples
- Progress monitoring data
- Attendance information (e.g., frequent illness has kept the student out of school, causing him to lose ground academically)
- Parent interviews and input
- Expert opinions from professionals outside the school

Some additional factors to keep in mind are:

- The determination of whether a student is eligible for ESY/ESD should not be made so late in the normal school year the family would not be able to exercise its due process rights to challenge the decision.
- Eligibility for ESY/ESD services one year does not guarantee future eligibility. The determination is made every year — preferably as part of the student's annual IEP meeting.
- Eligibility for ESY/ESD services includes the provision of transportation to and from the location of the services. If the IEP team determines the student needs specialized transportation from home to the location where the child receives ESY/ESD services, such transportation must be provided.
- ESY/ESD services are not required in order to maximize a student's potential. Just as students without disabilities do not have a right to an education designed to maximize their potential, neither are school districts required by IDEA to maximize the potential of students with Disabilities.

ESY services are not:

- a mandated twelve (12) month service for all students with disabilities;
- related to child care or respite
- necessarily a continuation of the total IEP provided during the regular school year;
- intended to teach new skills
- required to be provided all day, or each day during the normal school break;
- automatic from year to year
- a service limited to specific categories of disabilities

- Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction shall not be considered extended year programs.

Finally, ESY/ESD services are not necessarily a continuation of the same instructional program and related services the student receives during the normal school year as prescribed by his/her IEP. DPS has flexibility in determining what ESY/ESD services might be needed. For example, ESY/ESD services may take the form of teachers and parents working together by providing materials for home use with progress monitored by the teacher. Independent service providers or agencies - such as those used by the school district to provide supplemental educational services (SES) under Title I of No Child Left Behind — might be used to deliver ESY/ESD services, such as individualized reading instruction. Once the IEP team agrees upon ESY/ESD services, specifics about those services, where the student will receive the services, and how his progress will be measured and reported will be included in the student's IEP.

SE 24: Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE

1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.
2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the student's parent(s) within 5 school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used.
3. For all other actions, the district gives notice complying with federal requirements within a reasonable time.
4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation.
5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her 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.

7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.

Applicable legislation: 34 CFR 300.503; 300.504(a)(1); M.G.L. c. 71B, § 3; 603 CMR 28.04(1)

DPS Procedures

Procedure for Notice to Parent Regarding Proposal or Refusal to Initiate or Change the Identification, Evaluation, or Educational Placement of the Student or the Provision of FAPE

A student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development.

When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the student's parent(s) within 5 school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, and seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used.

For all other actions, the district gives notice of complying with federal requirements within the specified time. DPS provides the student's parent(s) with an opportunity to consult with the ETL to discuss the reasons for the referral and the nature of the proposed evaluation. The district provides parents with an opportunity to consult with the ETL regarding the evaluators to be used and the proposed content of all required and optional assessments. DPS 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 may be described in the district's curriculum accommodation plan, including any pre-referral program. DPS will refuse to conduct an initial evaluation only when the circumstances of a student make clear there is no suspicion of a disability and there is no concern about the student's development.

Resources

[N1 Templates](#)

SE 25A: Sending of copy of notice to Special Education Appeals

Within five (5) calendar days of receiving a notice that a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the school district sends a copy of the notice to the BSEA.

Applicable legislation: 603 CMR 28.08(3)(b)

DPS Procedures

Within 5 calendar days of receiving a notice a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the Student Services office sends a copy of the notice to the BSEA (Bureau of Special Education Appeals)

Resources

[Rejected IEP Letter to BSEA](#)

[BSEA communication IEP Rejection/Failure to Respond Notice](#)

[Failure to Respond Letter to BSEA](#)

SE 25B: Resolution of Disputes

1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) 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(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three (3) business days of the signing.

Applicable legislation: 34 CFR 300.510

DPS Procedures

DPS maintains a problem resolution procedure allowing parents/guardians to present concern/concerns to the ETL and receive a response related to the concern/concerns in a timely manner. DPS does not delay or deny a parent's right to access other dispute resolution mechanisms. If the dispute cannot be resolved within the school district a parent or a school district, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with disabilities with the BSEA. A parent of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.

Within 15 days of receiving notice a parent has made an official hearing request to Special Education Appeals, DPS convenes a meeting with the parent(s) and the relevant member(s) 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.

If the dispute is resolved at the resolution session, the parent(s) and the Assistant Superintendent of Student Services, a representative with the authority to do so, sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within 3 business days of the signing.

SE 27: Content of Team meeting notice to parents

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

Applicable legislation: 34 CFR 300.322(b)(1)(i)

DPS Procedures

In order to provide parents/caregivers the opportunity to prepare and more fully participate in the Team meeting, discussions, and decisions, the parent notice of any Team meeting states the purpose, time, and location of the meeting as well as who will be in attendance. Parents/caregivers are sent a meeting invitation as well as an attendance sheet in English as well as their identified primary language if applicable. Parents/caregivers are notified early enough to ensure they will be able to attend (minimum of 2 weeks), and meetings are scheduled at a mutually agreed upon time and location. If a parent/caregiver is unable to attend the district offers alternative dates and times as well other methods of meeting, such as virtual or telephone participation.

SE 33: Involvement in the general curriculum

1. Reserved
2. Reserved
3. 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.
4. In the IEP the district documents the student's participation in the general curriculum.

Applicable legislation: 34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii); 603 CMR 28.05(4)(a) and (b)

DPS Procedures

At least one member of all students' IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. The Team member may include, but is not limited to, the student's guidance counselor, a general education teacher of the student or the student's Special Education Teacher/Case Manager. The IEP TEAM documents the student's participation in the general curriculum on an annual basis and the Team's recommendations for placement in subsequent school years. Placement in the general curriculum may vary from one school year to the next based on a student's needs and the appropriateness of access to the general curriculum for the student.

SE 35: Assistive technology: specialized materials and equipment

1. Specialized materials and equipment specified in IEPs are provided.

1. The school district provides evidence that assistive technology is considered for each eligible student and—if the student needs it in order to receive a free, appropriate public education--described in the IEP and provided by the district.

Applicable legislation: 34 CFR 300.105; 300.324(a)(2)(v); 300.5 & 300.6; 300.324(a)(2)(iv); 300.324(a)(2)(iii); 20 U.S.C. 1401(1)(A); 20 U.S.C. 1414(d)(3)(B)(v); (20 U.S.C. 1400 (2)(E)&(F); 20 U.S.C. 1400(c)(5)(H)

DPS Procedures

The Individuals with Disabilities Education Act (IDEA) requires schools to consider a student's need for assistive technology (AT) under Special Factors §300.324(a)(2)(i)-(v). Assistive technology is defined as " . . . 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 functional capabilities of individuals with disabilities" (20 U.S.C. 1401(1)(A)). Assistive technology provides functional independence by helping a student to work around challenges regarding access to information, output of information, or the meaningful organization of information so that it can be retrieved and used when needed. It is important to understand that AT is *not used as a replacement for direct instruction and remediation*.

Assistive technology does not have to be “high tech.” For example, a slant board may help students with low vision to access classroom materials. Generally, low-tech tools require little or no training or ongoing support from an AT specialist. Mid-tech tools may require some initial training, depending on the teacher and student, but generally do not require ongoing training or support from an AT specialist. Examples of mid-tech tools are text-to-speech, word prediction, or screen masking software. High-tech tools tend to be more specialized and generally require training and follow-up services from an AT specialist. An example of high-tech AT is braille translation software. This type of software converts electronic documents into braille code, sends it to a special braille machine, and prints it out in tactile format.

DPS adheres to all regulations and requirements to consider the assistive technology needs of all children with disabilities (20 U.S.C. 1414(d)(3)(B)(v)). Assistive technology devices and services will be considered in order “to maximize accessibility for children with disabilities.” (20 U.S.C. 1400(c)(5)(H)). DPS adheres to the Federal Requirements (300.105) and the definitions within the requirements (300.5 & 300.6).

Assistive Technology Evaluation

If the IEP team determines a possible need for assistive technology, the IEP team will refer the student for a consultation by an assistive technology specialist. An assistive technology evaluation may include a functional evaluation of the student in school or at home. Observation and/or consultation may indicate the need for a formal evaluation. The evaluation will be considered in the development of the IEP. The Assistive technology specialist will participate in the Team meeting to identify and recommend appropriate technology tools to support the student’s progress.

Additional Information

Devices and services include, but are not limited to (20 U.S.C. 1400 (2)(E)&(F)) :

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

IEP Teams will consider the need for assistive technology devices and/or services as part of the child's IEP team meeting for all students receiving special education services, regardless of placement. IEP Teams will consider the unique needs of the child when determining assistive technology devices and services options (20 U.S.C. 1401(1)); (20 U.S.C. 1401 (2)) including the child's ability to:

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

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

Other Special Factors related to Assistive Technology include:

Communication §300.324(a)(2)(iv):

Augmentative and Alternative Communication (AAC) is a form of assistive technology that can assist students with disabilities that impede their ability to communicate, access the curriculum, and participate with nondisabled peers. AAC should be considered for any student who cannot communicate with oral speech, including but not limited to students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, and muscle disease.

Blindness/visual impairment §300.324(a)(2)(iii):

Accessible Instructional Materials (AIM) are designed to be accessible by the widest possible range of learners and include digital, print, audio and video media. For example, printed books can be converted into Braille format, large print, audio, high contrast, or digital formats that can be read with screen reading technologies such as TextHelp.

IDEA 2004 requires school districts to provide accessible educational materials (AEM) for students who are unable to use print materials (IDEA Sec. 300.172). There are two free interactive resources designed to simulate print adaptations and to help IEP teams make decisions about AEM.

Dedham Public Schools also recognizes the responsibility to continually monitor and improve the general accessibility of our environments and curricula. Universal Design for Learning is the guiding principle behind this work. Examples of UDL include, but are not limited to:

- Installation of sound field systems and small-group sound field modules in all elementary classrooms.
- A technology initiative that provides 1:1 computing.
- Accessibility applications such as the TextHelp suite of tools provided to all students and staff.
- Accessibility features embedded in the District website
- Application of an accessible LMS system

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

- Purchase, lease, or otherwise provide for the acquisition of assistive technology devices;
- Selecting designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans or programs;
- Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.
- Training includes ongoing consultation, professional development, and demonstrations from specialists such as AAC consultants, low vision specialists and teachers of the visually impaired, teachers of the hearing impaired, etc. Training may also include the updating, customizing, programming, and maintenance of equipment.
- The IEP Team meets and identifies the need for an Assistive Technology (AT) evaluation, training or consultation.
- During development of the IEP, the Team identifies the student's needs and considers possible technology devices or services that may benefit the student.
- The Team utilizes an Assistive Technology Consideration Checklist.
- The IEP is updated if needed, with the AT. Included under the PLEP A or B. Any needed training for staff or the student is included in the Additional Information section of the IEP.
- If assistive devices are needed, training on the devices are arranged and purchases facilitated.

Resources

[DESE Technical Advisory AAC SPED 2018-3 Checklist](#)

The [AEM Navigator](#) is an interactive decision-making tool that helps the user determine need, select the appropriate media format(s), and determine necessary supports (National Center on Accessible Educational Materials).

The [AIM Explorer](#) simulates e-books and websites and allows the user to try out tools such as magnification, high contrast, and text-to-speech (National Center on Accessible Educational Materials)

SE 44: Procedure for recording suspensions

The district has a procedure to record the number and duration of suspensions from any part of the student's program, including suspensions from special transportation prescribed by the IEP.

Applicable legislation: 34 CFR 300.530; IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715

DPS Procedures

All students, including students receiving special education services, are expected to meet the requirements for behavior as set forth in the Student Handbook. Due process regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district **knows or has reason to know might be eligible** for such services. The number and duration of suspensions is documented in the Student Information System and reported annually to the Department of Elementary and Secondary Education.

SE 45: Procedures for suspension up to 10 days and after 10 days

1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.
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 to continue to receive a free and appropriate public 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 (if there is a pattern of suspension) in any school year.

Applicable legislation: 34 CFR 300.530-300.537; M.G.L. c. 76, §§ 16-17

DPS Procedures

Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act, are, generally, also entitled to increased procedural protections prior to imposing discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short term removals exceeding ten (10) school days in a given year.

The IEP for every student eligible for special education or related services shall indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified to address the student's individual needs.

Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "change of placement," building administrators, the parent/guardian and relevant members of the student's IEP or 504 Team will meet to determine the relationship between the student's disability and behavior manifestation determination.

During disciplinary exclusions exceeding ten (10) school days in a single school year, the special education student shall have the right to receive services identified as necessary by the Team to provide him/her with a free appropriate public education during the period of exclusion.

If building administrators, the parent/guardian(s) and relevant members of the student's IEP or 504 TEAM determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education (FAPE) to those students with Special Education Procedural Manual 2019-2020 52 IEPs. Where appropriate, the student's IEP or 504 Team will develop a functional behavioral assessment (FBA) plan.

If building administrators, the parent/guardian(s), and relevant members of the student's IEP or 504 TEAM determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent/guardian(s) consent to, a new placement, or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The Student's TEAM shall also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment.

If a special education student possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

If the IEP or 504 TEAM determines that an alternative placement may be required, the TEAM will notify the student's school district and invite that district's participation in the placement decision

SE 46: Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district

1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP- "a manifestation determination."
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
 - a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
 - b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
 - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
 - b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is "substantially likely" to injure him/herself or others.

Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.

5. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.

6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

Applicable legislation: 34 CFR 300.530-537

DPS Procedures

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

Background Information

In *Honig v. Doe*, 559 IDELR 231 (EHLR 559:231) (U.S. 1988), the U. S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and related services under the IDEA). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if his/her misconduct was caused by, or was directly and substantially related to, his/her disability. A disciplinary change in placement occurs when a student is suspended in excess of ten (10) consecutive school days or subjected to a pattern of short term suspensions in excess of ten school days which constitute a pattern of removal. If the misconduct includes bringing a weapon or drugs to school, if the student has inflicted serious bodily injury on another person, or if they otherwise poses a danger to him/herself or others, then different rules governing removal from school will apply. In all events, suspension of more than 10 school days is subject to **special rules and limitations** when the student is disabled under either the IDEA or Section 504. Further, districts must continue to provide a free appropriate public education to IDEA-eligible students with disabilities who have been suspended for more than 10 school days or expelled. During disciplinary exclusions exceeding ten (10) school days in a single school year, the special education student shall have the **right to receive services identified as necessary by the Team** to provide him/her with a free appropriate public education during the period of exclusion. If building administrators, the parent/guardian(s) and relevant members of the student's IEP or 504 TEAM determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students **but will continue to provide a free appropriate public education (FAPE)** to those students with Special Education IEPs.

Where appropriate, the student's IEP or 504 Team will conduct a functional behavioral assessment (FBA). If building administrators, the parent/guardian(s), and relevant members of the student's IEP or 504 TEAM determine that the conduct giving rise to disciplinary action **was** a manifestation of the student's disability, the **student will not be subjected to further removal** or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent/guardian(s) consent to, a new placement, or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement.

The Student's TEAM shall also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment. If a special education student possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days. If the IEP or 504 TEAM determines that an alternative placement may be required, the TEAM will notify the student's school district and invite that district's participation in the placement decision pursuant to 603 C.M.R. 28.06.

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

- The Individuals with Disabilities Education Improvement ACT (IDEA) and Section 504 of the Rehabilitation Act pose additional procedural requirements when excluding students with disabilities for disciplinary reasons.
- Students with IEPs **or** 504 Plans **or** any student whom the District had reasons to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education are entitled to the additional procedural protections.
- A Manifestation Determination **must** be conducted prior to any removal constituting a disciplinary change of placement.
- **When appropriate**, an FBA (Functional Behavioral Assessment Plan) **must** be developed or a review of an existing Behavioral Intervention Plan **must** be conducted.
- A Functional Behavioral Assessment is required **only** after determining that the conduct was a manifestation of the student's disability or when found to be appropriate by the Team.
- A Manifestation Determination **must** be held within 10 school days of any decision to impose discipline that would result in a **change of placement** to determine whether the conduct giving rise to discipline was a manifestation of the student's disability.
- Provision of services/FAPE (Free Appropriate Public Education) **must** be provided to IDEA-eligible students at the **11th cumulative day of removal**.

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

- The principal **may** impose sanctions applicable to all students.

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

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

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

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

- Possession of a dangerous weapon on school premises or at a school- sponsored or school-related event.
- Possession or use of illegal drugs on school premises or at a school-sponsored or school-related event.
- Solicitation of a controlled substance on school premises or at a school- sponsored or school-related event.
- Causing serious bodily injury.
- Enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the IEP.
- Provide services and modifications designed to address the behavior that gave rise to the removal and to prevent the behavior from recurring.
- **End** at the conclusion of the 45 school day period **and** the student shall be returned to his/her previous placement **unless** the parent/guardian/student consents to an extension of the IAES or an Order is obtained authorizing the student's continued removal.

Each school administrator tracks discipline, including the number of days of suspension, in the student data information system. This system also flags special education and 504 status, so principals and assistant principals are aware of the cumulative suspension records of all students. When a **cumulative record** of a student with disabilities or a student suspected of having disabilities **approaches ten days**, the building ETL or department head is notified to **convene a Conduct Manifestation team meeting**. District level suspension and discipline data is maintained by the student information system administrator.

Resources

[Manifestation Determination Form](#)

[OSEP Dear Nathan Letter RE: Delaying CM in Cases of Suspected Disability](#)

SE 47: Procedural requirements applied to students not yet determined to be eligible for special education

1. If, prior to the disciplinary action, a district 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 knowledge if:

- a. The parent had expressed concern in writing; or
- b. The parent had requested an evaluation; or
- c. District staff had expressed directly to the Director of Special Education 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 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 consistent with federal requirements to conduct an expedited evaluation to determine eligibility.

3. If the student is found eligible, then they receives all procedural protections subsequent to the finding of eligibility.

Applicable legislation: 34 CFR 300.534

DPS Procedures

If, prior to the disciplinary action, DPS had knowledge that the student may be a student with a disability, then DPS will make all protections available to the student until and unless the student is subsequently determined not to be eligible. DPS will be considered to have prior knowledge if:

- a. The parent/guardian had expressed concern in writing;
- b. The parent/guardian had requested an evaluation; or
- c. DPS staff had expressed directly to an administrator of special education, Evaluation Team Leader or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

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

IF DPS has no reason to consider the student disabled, and the parent/guardian requests an evaluation subsequent to the disciplinary action, DPS will conduct an **expedited evaluation** to

determine eligibility. If the student is found eligible, then they will receive all procedural protections subsequent to the finding of eligibility.

DPS admits students and makes available to them its advantages, privileges, courses of study and support without regard to race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homelessness or limited English speaking ability

SE 53: Use of paraprofessionals

1. Reserved
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.

Applicable legislation: 34 CFR 300.156

DPS Procedures

Paraprofessionals are provided professional development and employee protections as outlined in their Local DEA Union contract. They are not responsible for designing instruction.

Paraprofessionals are responsible for implementing instruction, providing accommodations, supporting self-care and ADLs, collecting and recording data, and monitoring of students **under the supervision of** an appropriately certified or **licensed** professional.

SE 59: Transfer of student records

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

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

Applicable legislation: 34 CFR 300.323(g)

DPS Procedures

The Student Services Administration maintains a register of all students who have current, accepted Individualized Education Programs. This register is used in order to file a report each fall (effective October 1st) that lists the number of students receiving special education and/or related services either within the district or out of the district through a contract. This count represents an unduplicated

number of students with IEP's, but does not reveal the identity of any student or his/her parents. The count includes identified students with disabilities who attend private schools at private expense and are receiving publicly funded services. The count does not include students who are no longer receiving services as of October 1st. The count does not include students for whom Dedham has no programmatic responsibility, even if it has financial responsibility. Dedham makes every effort to see that proposed Individualized Education Programs for students are finalized with the signature of the student's parent or the student themselves if 18 years of age.

When an eligible student with an IEP transfers between two school districts, whether those districts are both with the Commonwealth of Massachusetts or not, every effort is made by both the sending and the receiving districts to provide the receiving district with a **complete set** of the student's records, including the most recent IEP, as soon as possible. When notified that a special needs student will be moving into Dedham the ETL at the individual receiving schoolhouse contacts the family to obtain a signed release of information; the ETL then contacts the sending district to learn more about the student's individual needs and to request the release of the student's records. If the schoolhouse is not readily apparent, if the parent contacts Dedham during the summer, or if the student is in an out-of-district placement the Student Services Administrators handle the transfer. When an eligible student enters or leaves Dedham, Dedham fully cooperates with the appropriate district to facilitate the timely transfer of records.

Process

- **Transfer of Student Records Students Transferring From DPS**

The student's guidance counselor will assist the student or parent/guardian and provide him/her with the necessary forms that must be completed; written parent/guardian permission is also required. When a student transfers to a new school system, DPS will provide the student's complete school record, including any special education records, to the new school system. Parent/caregiver signature on release of records forms are required.

- **Students Transferring into DPS**

When a student transfers into DPS the guidance counselor or ETL will obtain all of the student's records from the sending school. Student records that indicate that the student had been receiving special services will be forwarded to the building ETL.

CR 7: Information to be translated into languages other than English

1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages.

2. School or program recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills.

Applicable legislation: M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04

DPS Procedures

- Review all Home Language Surveys when they come in and update in the Student Information System with required fields for translation and/or interpretation needs. (Guidance)
- Provide copies of HLS to ETL, if the child is a special education student. If an initial evaluation is requested, we must determine if the family requires translation/interpretation.
- If the student is on an IEP, the ETL will update the translation and/or interpretation field in the IEP system.
- If an interpreter is required for a meeting, please complete the interpreter request form (see attachment) at least two weeks before the meeting, unless it is an unforeseen circumstance move in, discipline, parent request, etc.
- For translation of documents, please make a request to the Student Services Office.

Parent Request for Observation

The legislature recently amended section 3 of G.L. c. 71B, the state special education law, to require school committees, upon request by a parent, to grant timely and sufficient access by parents and parent-designated independent evaluators and educational consultants (both of whom are referred to in this guidance as "designees") to a child's current and proposed special education program so that the parent and named designees can observe the child in the current program and any proposed program. The law, referred to in this advisory as "the observation law," limits the restrictions or conditions that schools may impose on these observations. The purpose of the law is to ensure that parents can participate fully and effectively in determining the child's appropriate educational program. The observation law can be found at [Session Laws: Chapter 363 of the Acts of 2008](#). It is effective January 8, 2009.

Long-standing "best practice" related to parent and designee observation in many Massachusetts schools will likely be unchanged with the implementation of this law. School staff and parents and their designees have successfully collaborated for many years to achieve timely and sufficient access to programs for observations that have helped parents and their designees better understand the school programs that serve students with disabilities. In so doing, they have safeguarded the confidentiality interests of students and minimized disruption in the classroom and school. By codifying a parent's program observation right, the legislature has made clear that local practices that unreasonably restrict or unduly delay observations are no longer acceptable.

Before issuing this guidance, Deputy Commissioner Karla Baehr and other Department staff met with a focus group of stakeholders, representing superintendents, principals, special education administrators, parents, advocates, and independent education evaluators, to identify particular areas of concern or confusion. School districts are encouraged to use this guidance to develop and/or review their policies and practices to assure alignment with the observation law. The Department will receive comments and questions on the implementation of the law and this guidance through June 30,

2009. Based on that feedback, we will determine whether additional guidance or any other action by the Department is necessary to assist in implementing the observation law.

Applicable legislation: *SPED Advisory 2009-2*; [Session Laws: Chapter 363 of the Acts of 2008](#)

DPS Procedures

The Dedham Public Schools collaborate with parents to provide timely response to requests received for observation of their children's current or proposed special education programs. The parent or his/her designated private evaluator or educational consultant may conduct observations. Dedham will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress.

The following guidelines apply to arranging for such observations:

- **Prior** to the observation occurring, parents must complete an Agreement for Observation of Student/Program, providing consent for an observation to be conducted, as well as a Consent for Release of Information. The observer must then sign the confidentiality agreement **prior** to the observation taking place.
- The ETL will provide a copy of the request to the building principal. In order to assist in timely scheduling, **Dedham staff will contact the identified observer directly within a week of parental request for observation with potential dates and times for the observation.**
- A designated school staff member **will accompany the observer** during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to **limit the impact** on instruction and operation of the classroom.

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

Resources

[DESE Technical Assistance Advisory-Observation of Programs SPED 2009-2](#)

Consent for Observation
Release of Information

| Required Timeline | Procedure |
|--|---|
| <ul style="list-style-type: none"> Referral <p>Within 5 days</p> | <p>Notice of Proposal N1 Evaluation Consent N1A Procedural Safeguards</p> |
| <ul style="list-style-type: none"> Parental Consent Received <p>Within 30 days</p> <p>-Complete all assessments -Developmental History -Release of Information (for private evaluations)</p> | <p>Meeting Invitation N3</p> |
| <ul style="list-style-type: none"> Parental Consent Received <p>Within 43 days</p> <p>-Assessment Reports completed and sent to parent two days before meeting</p> <p>Within 45 days</p> <p>-Team meeting held -IEP developed if applicable</p> | <p>Reports sent 2 days before meeting</p> |
| <ul style="list-style-type: none"> Team Meeting <p>-Determine eligibility -Develop IEP if applicable -</p> | <p>Attendance Sheet N3A Eligibility guidance checklist(s) or SLD Eligibility Documentation SLD Eligibility Flowchart Eligibility/Initial/Re-eval Determination ED1 Data Page ADM1 IEP IEP 1-8 OR Summary of Services IEP Summary Form Notice of Proposal N1</p> |
| <p>No later than 3 school days after the TEAM meeting, a completed IEP is submitted to the parents/guardian for signature. If parent was given a summary of goals/services the district then has 10 school days to send the proposed IEP for parent signature.</p> | <p>Individual Education Plan IEP 1-8 Team determination of Placement PL1 Notice of Proposal N1</p> |
| <ul style="list-style-type: none"> Team Meeting <p>-Determination of No Eligibility</p> | <p>Notice of Refusal to Act N2</p> |

| | |
|---------------|--|
| Within 3 days | |
|---------------|--|