



# Special Education Parent Handbook

*Published by*

The Acton-Boxborough Special Education Parent Advisory Council

With Support from the Acton Public and Acton-Boxborough Regional School Districts

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## Foreword



**ACTON PUBLIC SCHOOLS ♦ ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT**

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Stephen E. Mills, Ed.D.  
*Superintendent of Schools*

November 2011

Dear parents and guardians,

It is my pleasure to welcome you to the Acton Public School and Acton-Boxborough Regional School Districts. In our schools we are committed to creating an environment that promotes the social, emotional and physical wellbeing of all students. We're also committed to preparing all of our students to achieve their full potential in life. We know that when students leave our halls they will enter a competitive, global marketplace. It is our intention to give them the best educational foundation we can to prepare them for this challenging and rewarding future.

As the parent or guardian of a student with special needs, your child may face additional challenges achieving his/her potential. We want to work closely with you to ensure that your child gets the supports he/she needs to be successful in school. We realize that the world of special education can be confusing and sometimes overwhelming to find your way through. It is our hope that this Parent Handbook will provide you with some important information about the special education process as well as specific programs and services available in our local school districts. Our Acton-Boxborough Special Education Parent Advisory Council has worked hard to pull this information together for you and we hope you'll find it helpful along your journey.

We look forward to building an open and collaborative partnership with you as we work together to provide your child (or children) with a positive, challenging and effective education.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Stephen E. Mills". The signature is fluid and cursive.

Dr. Stephen Mills  
Superintendent, Acton Public and Acton-Boxborough Regional Schools

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## Introduction

The Acton-Boxborough Special Education Parent Advisory Council (AB SpEd PAC) has created this handbook for you with support from the Acton and Acton-Boxborough Regional School Districts. Please note: we have drawn heavily from materials presented in “A Parent’s Guide to Special Education,” which is a joint publication of The Federation for Children with Special Needs and The Massachusetts Department of Education. If you have additional questions about any of the topics presented in this handbook, you may access the Federation’s Parent Guide at [www.fcsn.org](http://www.fcsn.org).

The Acton-Boxborough Special Education Handbook is designed to help guide you through the special education process whether you are new to the school district or someone whose child has recently been diagnosed with special needs. We know that entering the world of special education can be a daunting, emotional and often stressful time. We hope this handbook will help ease the transition and remove some of the confusion that often surrounds the special education process.

Students with disabilities can achieve great things in school when they receive the supports and services they need. While not every child with a disability will require special education services, every child whose disability affects their school progress is entitled to receive a Free and Appropriate Public Education (FAPE), which meets their unique needs. In this era of school reform, it is expected that high standards will guide the teaching of all students.

Because certain aspects of the special education process are driven by state and federal regulations, there are terms and requirements unique to the special education process. We will try to demystify the process by explaining frequently used terms, spelling out important special education timelines, and providing a list of resources you can access for more information. In addition to guiding you through the larger special education process, this handbook will also provide information about specific special education programs, services and practices that exist in the Acton Public Schools and the Acton-Boxborough Regional Schools.

We hope you will find the information contained in this handbook helpful. And we invite you to join the Acton-Boxborough Special Education Parent Advisory Council to connect with other parents in the school district and help advise the district on special education related issues and programs. If you have questions about any of the information presented in this handbook, feel free to contact the AB SpEd PAC for assistance. Contact information for the organization’s current Officers and other information including our Event Calendar are available on our website at [www.abspedpac.org](http://www.abspedpac.org).

### Special Thanks

A special thank you to Nancy Sherburne, Heather Stouch, Valerie Ryan, William Guthlein, Stephen Lowe and Sandy Cummings for their contributions to this Parent Handbook.

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## A. Community Resources

### 1. Acton-Boxborough Special Education Parent Advisory Council

The Acton-Boxborough Special Education Parent Advisory Council (AB SpEd PAC) is a state mandated organization of parents and any other interested individuals that serves as a resource to the school district and parents of children with special needs pre-school aged through high school graduation. The AB SpEd PAC consists of dedicated parents who meet regularly to share information and experiences, discuss issues of importance to the special education community, and offer support to one another. The AB SpEd PAC also provides educational opportunities to parents, staff and the wider community and advises the school district on special education policies and programs.

#### AB SpEd PAC Meeting & Activity Announcements

Information about AB SpEd PAC activities, including their time and location, is generally published in The Beacon and Action Unlimited as well as in AB SpEd PAC notices, which are distributed electronically to email list members as well as included in the Calendar section of the AB SpEd PAC's website at [www.abspedpac.org](http://www.abspedpac.org).

#### Current AB SpEd PAC Resources

The AB SpEd PAC maintains:

- A Website: [www.abspedpac.org](http://www.abspedpac.org) – Provides information about the organization including its mission statement, goals, by-laws, officers, event calendar, local and regional special education resources and service providers.
- Two Email Lists:
  1. The Parent-to-Parent Email List –Members receive general announcements and community event listings as well as have access to a parent only forum where questions, discussions and support are offered from parent to parent. Only parents are included on this email list.
  2. The AB General Email List –Members receive general announcements and community event listings but don't receive parent-to-parent communications. Parents, special education administrators, and some school committee members are currently included on this email list.
- A Newsflash – This email publication includes current happenings, educational opportunities, news releases and special education issues under discussion in our local and surrounding communities.

#### Current AB SpEd PAC Contact Information

For more information about the AB SpEd PAC, to join one of our email lists, or to contact any of the current AB SpEd PAC officers go to [www.abspedpac.org](http://www.abspedpac.org).

#### Boxborough PAC Contact Information

While all Acton and Boxborough residents are invited to participate in the Acton-Boxborough SpEd PAC, the Boxborough Public School district (K-6) has recently established a Boxborough SpEd PAC for families of children attending Blanchard Elementary School. In addition, Boxborough has also created its own Parent/Guardian Handbook for families of children attending Blanchard Elementary School. For more information about the Boxborough PAC or contact information for current Boxborough

PAC officers, contact the Director of Special Education in Boxborough by finding his/her email at [www.boxboroughschool.org/staff](http://www.boxboroughschool.org/staff).

## 2. Additional District & Community Resources

A. The Acton-Boxborough Pupil Services Department maintains:

- A Special Education Lending Library – Located at the Administration Building outside of the Pupil Services office.
- Information on Acton Public School and Acton-Boxborough Special Education Programs – At the district website: [www.ab.mec.edu](http://www.ab.mec.edu).
- A Monthly Newsletter – For special education families titled “On Team.” This newsletter keeps families abreast of Acton and AB district Pupil Services’ activities.

B. The Acton Public Library also maintains a substantial collection of special education books and CD titles that you may check out at any time free of charge.



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## B. District Special Education Programs

### 1. Early Childhood & Preschool Programs & Services in Acton

The following programs and services are available to students in Acton. For more information about early childhood and preschool programs and services available in Boxborough, please refer to the Boxborough Parent Handbook.

#### Acton Early Childhood Services

- Pre-referral observations, consultations, and screenings
- Transition from Early Intervention services beginning at age 2.6 years old
- Consultation with parents and staff working with children in area preschools and daycares
- Collaboration with other agencies serving young children and their families
- Preparation and assistance with transition to Acton Public School programs
- Referral and consultation with other agencies providing services to children with special needs, as necessary

#### Acton Preschool Services

- Preschool Screening – The Federal Individuals with Disabilities Act (IDEA), contains regulations that include screening of children ages 3-4. Parents may request screening if they have concerns regarding their child’s development
- Direct service to meet the therapeutic needs of individual children
- Comprehensive integrated preschool program

#### The Integrated Preschool and Applied Behavioral Program:

At the Integrated Preschool typically developing children and those with special education needs learn together in a developmentally based early childhood program. The needs of children on the autism spectrum are addressed in the Applied Behavioral Analysis (ABA) program. Students in the ABA program are also enrolled in integrated classes to provide opportunity for social and pragmatic skill development with typically developing peers. Services for each child are individualized through the IEP process to meet his or her particular social, emotional and academic needs.

Students Served	Available Related Services	Specialized Programs
Typically developing	Speech & Language Therapy	<i>Preschool ABA Program</i>
Developmentally delayed	Occupational Therapy	– 2:1 or 1:1 instruction
Broad spectrum of Special needs	Activities of daily living	– Consultation by Board Certified Behavioral Analyst (BCBA)
Autism Spectrum	Audiological/Educational Specialist	– Monthly clinics with parents – Daily home logs

## 2. Elementary Programs & Services

There are five elementary schools in Acton. Special education students attending area elementary schools have access to appropriate supports and accommodations within those schools. Related Services, or services that are necessary to facilitate success, are provided at all of the elementary schools. In addition, each elementary school has primary, or K-3, and intermediate, or 4-6, Learning Center Programs for special education children whose primary needs are typically in the areas of learning, communication, and/or executive functioning. More specialized services are provided at four of the five elementary schools through Specialized Programs. Services may take place in regular education and/or special education settings. The following are general guidelines to services provided in each school. Services are individualized through the IEP process to meet the needs of each child.

### A. Conant School

Conant Elementary School has K-3 and 4-6 Learning Centers that serve students with a broad range of special needs. It also has a specialized program called the Connections Program that primarily supports students on the Autism Spectrum.

Students Served	Learning Centers	Available Related Services	Specialized Programs
Broad range of Special needs Autism Spectrum	Primary K-3 Intermediate 4-6	Counseling Adapted physical ed. Vision Hearing Mobility Speech & Language Occupational Therapy Physical Therapy Activities of daily living	<i>The Connections Program – K-3 and 4-6</i> – Structured behavioral approach – Consultation by Board Certified Behavior Analyst (BCBA) – Small social skills and pragmatics groups – Supported mainstream inclusion opportunities – Individual or small group academic instruction – Speech & Language services that include social pragmatics

#### The Connections Program

The Connections Program at Conant is a systematic, structured, behavior-based approach to teaching children on the Autism Spectrum. Students in this program may exhibit difficulties with social/peer interactions, interpreting verbal and nonverbal communications and/or hyper-focused patterns of interest.

**B. Gates School**

Gates Elementary School has K-3 and 4-6 Learning Centers that serve students with a broad range of special needs. It also has a specialized K-3 program for students with learning and therapeutic issues.

Students Served Broad range of Special needs <i>issues</i>	Learning Centers Primary K-3 Intermediate 4-6	Available Related Services Counseling Adapted physical ed.	Specialized Programs <i>Specialized K-3 Program for learning and therapeutic</i>
Learning and Therapeutic Challenges		Vision Hearing Mobility Speech & Language Occupational Therapy Physical Therapy Activities of daily living	<ul style="list-style-type: none"> <li>– Structured behavioral teaching</li> <li>– Consultation by Board Certified Behavior Analyst (BCBA)</li> <li>– Individual or small group counseling</li> <li>– Peer modeling with supported mainstream inclusion opportunities</li> <li>– Small social skills groups</li> <li>– Individual or small group academic instruction</li> <li>– Speech &amp; Language services for phonemic awareness, social pragmatics and vocabulary development</li> </ul>

**Specialized K-3 Program**

Gates’ specialized program provides intensive therapeutic support and instruction for students with learning and therapeutic needs. Supports include academic, social pragmatics and behavioral focuses. Students may exhibit difficulties with: social/peer interactions; interpreting verbal and nonverbal communications; organization and academic production; executive functioning and self-regulation; sensory integration. Most students require adult support for academic, social and/or emotional/behavioral needs.

**C. McCarthy-Towne School**

McCarthy-Towne Elementary School has K-3 and 4-6 Learning Centers that serve students with a broad range of special needs. It also has specialized K-3 and 4-6 programs for students with learning and therapeutic issues.

Students Served Broad range of Special needs	Learning Centers Primary K-3 Intermediate 4-6	Available Related Services Counseling Adapted physical ed.	Specialized Programs <i>Specialized K-3 &amp; 4-6 Programs for learning and therapeutic issues</i>
Learning and Therapeutic Challenges		Vision Hearing Mobility	<ul style="list-style-type: none"> <li>– Individual or small group counseling</li> </ul>

Students Served	Learning Centers	Available Related Services	Specialized Programs
		Speech & Language Occupational Therapy Physical Therapy Activities of daily living	<ul style="list-style-type: none"> <li>– Small group social pragmatic instruction</li> <li>– Individual or small group multi-sensory, research-based instruction</li> <li>– Peer modeling with supported mainstream inclusion opportunities</li> <li>– Skill reinforcement system</li> <li>– Individual or small group academic instruction</li> <li>– Specialized executive functioning and sensory integration occupational therapy</li> <li>– Speech &amp; Language services for phonemic awareness, social pragmatics and vocabulary development</li> </ul>

#### Specialized Learning and Therapeutic Programs

These specialized programs provide a continuum of services (K-6) for students with learning and therapeutic needs who require intensive support and instruction. Academic, social pragmatic and behavioral support is provided. Students may have difficulties with: organization and academic production; anxiety (related to social/emotional diagnoses); distractibility and/or focusing/attention issues; executive functioning; self-regulation; sensory integration. Most students require adult support for academic, social and/or emotional/behavioral needs.

#### D. Merriam School

Merriam Elementary School has K-3 and 4-6 Learning Centers that serve students with a broad range of special needs. It also has specialized K-3 and 4-6 programs for students with learning and therapeutic issues.

Students Served	Learning Centers	Available Related Services	Specialized Programs
Broad range of Special needs Learning and Therapeutic Challenges	Primary K-3 Intermediate 4-6	Counseling Adapted physical ed. Vision Hearing Mobility Speech & Language Occupational Therapy Physical Therapy Activities of daily living	<i>Specialized K-3 &amp; 4-6 Programs for learning and therapeutic issues</i> <ul style="list-style-type: none"> <li>– Individual or small group counseling</li> <li>– Small group social pragmatic instruction</li> <li>– Individual or small group multi-sensory, research-based instruction</li> <li>– Peer modeling with mainstream opportunities</li> </ul>

Students Served	Learning Centers	Available Related Services	Specialized Programs
			<ul style="list-style-type: none"> <li>– Skill reinforcement system</li> <li>– Individual or small group academic instruction</li> <li>– Specialized executive functioning and sensory integration occupational therapy</li> <li>– Speech &amp; Language services for phonemic awareness, social pragmatics and vocabulary development</li> </ul>

**Specialized Learning and Therapeutic Programs**

Merriam’s specialized programs provide a continuum of services (K-6) for students with learning and therapeutic needs who require intensive support and instruction. Academic, social pragmatic and behavioral support is provided. Students may have difficulties with: organization and academic production; anxiety (related to social/emotional diagnoses); distractibility and/or focusing issues; executive functioning and self-regulation; sensory integration. Most students require adult support for academic, social and/or emotional/behavioral needs.

**E. Douglas School**

Douglas Elementary School has K-3 and 4-6 Learning Centers that serve students with a broad range of special needs. Students may receive support for reading, academics, language, organization and/or integration of information. Accommodations and/or classroom support are provided as needed for students to access the general curriculum.

Students Served	Learning Centers	Available Related Services
Broad range of Special needs	Primary K-3 Intermediate 4-6	Counseling Adapted physical ed. Vision Hearing Mobility Speech & Language Occupational Therapy Physical Therapy Activities of daily living

**3. Junior High School Programs & Services**

R. J. Grey Junior High School has three Learning Centers that serve students with a broad range of special needs. Students may receive support for reading, academics, language, organization and/or integration of information. In these Learning Centers accommodations and/or classroom supports are provided as needed for students to access the general curriculum.

Students Served	Learning Centers	Available Related Services	Specialized Programs
Broad range of	LC 1	Counseling	<i>Language Learning Program</i>
Special needs	LC 2	Adapted physical ed.	<i>The Connections Program</i>
	LC 3	Vision	– Small group academic instr.
Learning and		Hearing	– Supported regular ed. classes
Therapeutic		Mobility	– Executive functioning skills
Challenges		Speech & Language	– Social pragmatic instruction
		Occupational Therapy	– Sensory diet support
		Physical Therapy	– Therapeutic & behavioral support
		Activities of daily living	<i>Center for Learning and Student Services (CLASS)</i>
			– Peer modeling in inclusive experiences
			– Small group academic instr.
			– Supported regular ed. classes
			– Individual and small group counseling
			– Behavioral programming and reinforcement
			– Coordination with outside counseling

#### R.J. Grey Junior High School Specialized Programs

In addition to three general Learning Centers, the Junior High also has three specialized programs. Each of the specialized programs at the Junior High School is attached to one of the 7<sup>th</sup> and 8<sup>th</sup> grade regular education teams. These programs are described below:

##### The Language Learning Program (LLP)

This program is designed for students with moderate to severe language based learning and/or communication disabilities. Students in this program may exhibit one or more of the following difficulties: oral and written expression; reading acquisition and/or comprehension; math computation and applications; anxiety (related to learning issues); distractibility and/or focusing/attention issues; executive functioning; organization and academic production. Some students in this program may be functioning below grade level in one or more academic areas.

##### The Connections Program

This program provides an inclusive education for students who may be diagnosed with one or more of the following: Asperger's Syndrome; Pervasive Developmental Disorder, NOS; Communication; Non-Verbal Learning Disability. Students are generally able to access grade level curriculum within the regular education classroom. However, the Connections Program offers flexibility within the schedule to allow for periods of more or less inclusion, as needed.

##### The Center for Learning and Student Services (CLASS)

The CLASS program offers a therapeutic model to students facing emotional challenges. Students may exhibit difficulties with: organization and academic production; anxiety (related to social/emotional diagnoses); distractibility and or

focusing/attention issues; or executive functioning. Most students in this program participate in outside counseling and this program allows for opportunities to coordinate strategies between counselors to support the student.

#### 4. High School Programs & Services

The Acton-Boxborough Regional High School (ABRHS) has five general Learning Centers that serve students with a broad range of special needs. Students may receive support for reading, academics, language, organization and/or integration of information. In these five Learning Centers accommodations and/or classroom supports are provided as needed for students to access the general curriculum.

Students Served	Learning Centers	Available Related Services	Specialized & Alternative Programs
Broad range of Special needs	LC 1 LC 2 LC 3 LC 4 LC5	Counseling Adapted physical ed. Vision Hearing Mobility Speech & Language Occupational Therapy Physical Therapy Life skills Employability training	<p><i>Occupational Development Program (ODP)</i></p> <ul style="list-style-type: none"> <li>– Inclusive opportunities as student is able</li> <li>– Small group instruction with remediation as needed</li> <li>– Schedules based on employability &amp; academic needs</li> <li>– Community based learning</li> <li>– Employability training with community opportunities</li> <li>– Work behaviors training</li> <li>– Individual &amp; small group counseling</li> <li>– Post-secondary transition support</li> </ul> <p><i>Supported Career Education (SCE)</i></p> <ul style="list-style-type: none"> <li>– Small group academic instr.</li> <li>– Emphasis on transitional programming for post-secondary educational opportunities &amp; training</li> </ul> <p><i>REAL Program – Relational/Emotional/Academic Learning</i></p> <ul style="list-style-type: none"> <li>– Supported classes as needed</li> <li>– Individual and/or small group counseling</li> <li>– Therapeutic support throughout day as needed</li> <li>– Performance &amp; attendance monitored</li> <li>– Consistent communication between home &amp; school</li> </ul> <p><i>STAR Center</i></p> <ul style="list-style-type: none"> <li>– Alternative program</li> <li>– Tutorial services</li> </ul>
Learning and Therapeutic Challenges			

*Merriam Alternative Program  
(MAP)*

- Alternative program
- School to Work Alternative Program (SWAP)*
- Alternative program
- Transitions Program*
- Alternative program
- Team concept continuation
- Classroom assistant
- Academic support

**ABRHS Specialized Programs**

In addition to five general Learning Centers, the High School also has three specialized programs and four alternative programs. In general, the specialized programs within the high school emphasize the development of self-advocacy skills with greater independence and responsibility for learning. Students are encouraged to prepare for post-secondary opportunities. Starting at age 14 all students are encouraged to be part of the IEP and transition planning process. The High School's specialized programs are described below:

**The Occupational Development Program (ODP)**

The ODP program provides functional and inclusive education for students with moderate to intensive special needs. Highly individualized instruction is provided. Most students in ODP are working toward a Certificate of Completion and typically attend school until age 22. Some students participate in small group special education classes outside of the ODP classroom. These courses fulfill graduation credit requirements and provide MCAS preparation.

**Supported Career Education Program (SCE)**

SCE is a highly structured program for students who need close monitoring and a high degree of staff/student involvement. For specific students, small group academic instruction in all four major academic subjects is offered for high school credit. Students may require employability and life skills training leading to independence building. Some students may have a unique learning style, communication disability, a Specific Learning Disability that results in below grade level performance, Autism Spectrum Disorder, or executive functioning issues. Students in this program are often struggling to access the regular education curriculum or have significant social pragmatic issues. These students may have difficulty with: oral and/or written communication; reading and/or comprehension; math computation and applications; high levels of anxiety, distractibility and/or focusing/attention issues; organization and academic production.

**The Relational/Emotional/Academic Learning Program – (REAL)**

The REAL program offers a therapeutic model to students with emotional disabilities. These students are often “at risk” with behavioral, social and/or emotional needs. Typically students have experienced difficulty in school. All students participate in counseling with the school psychologist. Most of these students participate in outside counseling and the program offers the opportunity to coordinate strategies between



school and private counselors to support the student's needs. All students are capable of both performing grade level academic work and earning a high school diploma.

#### ABRHS Alternative Programs

In addition to three specialized programs the High School also offers four alternative programs, which provide support to both regular and special education students in a less traditional school model. These programs are described below:

##### The STAR Center

The STAR center provides tutorial services for students struggling with a medical or social/emotional issue requiring stabilization. Students may participate in this program for a short time or for a full year depending on their individual needs.

##### Merriam Alternative Program (MAP)

This alternative program is designed for students struggling to participate in a large classroom setting. Students in this program are provided grade level academics and opportunities to participate at the high school. A special educator is an integral part of this educational program.

##### School to Work Alternative Program (SWAP)

SWAP is an alternative program for 11<sup>th</sup> and 12<sup>th</sup> grade students who have a job. Academics are taught two nights per week at the high school. Students in this program must have a job and be motivated learners.

##### Transitions Program

This program is for 9<sup>th</sup> grade students who require a continuation of the junior high school "team" teaching model. For students in this program who are on IEPs, a special educator is available for academic support and an assistant is part of the classroom design to ensure reinforcement of academic skills and the acquisition of organization and self-advocacy strategies.

#### 5. Out-of-District (OOD) Placements

A small number of students cannot have their educational needs met through in-district programs due to the type, nature, and/or severity of their needs. For those students the Team will propose and refer families to various out-of-district programs/placements that meet the student's individual needs. Out-of-district (OOD) options include:

- Self-contained classes within public school buildings, which are offered by educational Collaboratives such as the Concord Area Special Education (CASE) Collaborative in which our district participates
- Private, approved day schools
- Private, approved residential schools
- 45 day stabilization programs
- Home or hospital programs

Most students who attend out-of-district placements are transported to and from school by CASE transportation. The Out-of-district Coordinator in Pupil Services makes the transportation arrangements for students with CASE transportation. However, parents who need to contact CASE transportation may call them directly at (978) 635-9151.

The Out-of-district Coordinator will serve as the liaison for the student between our school district and the student's out-of-district placement. In that role he/she will:

- Visit and observe students in out-of-district placements throughout the school year
- Communicate with out-of-district staff
- Review progress reports
- Attend Team meetings for IEP development
- Coordinate reevaluations and IEP meetings

An out-of-district placement is considered an extension of the school district.

Consequently, Acton and Acton-Boxborough School Districts remain responsible for the IEPs and reevaluations of students in out-of-district (OOD) placements. However, OOD staff play a major role in this process since they are the primary service providers for OOD students. The Acton/Acton-Boxborough OOD Coordinator will send IEP and Reevaluation consent forms to parents and guardians. However, progress reports are typically sent directly from staff at the OOD placement to parents/guardians.

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## C. Special Education Overview

### 1. What is Special Education?

Special education refers to specially designed individualized and/or group instruction and related services that meet the unique learning needs of students with identified disabilities. The purpose of special education is to allow a student to successfully develop his or her individual educational potential. Along with providing services to the child, if necessary, services may also be provided to parents and to teachers to allow the student to benefit from special education. The school district provides special education programs and services to children ages 3–22 (or until high school graduation with a standard diploma) at no cost to parents or guardians.

### 2. Special Education Laws

In Massachusetts the special education system is based on the federal special education law, the Individuals with Disabilities Education Act (IDEA), in combination with the state's special education law (MGL c.71b). These laws protect students with disabilities who are eligible for special education and guarantee them an Individualized Education Program (IEP) to meet their unique needs.

### 3. The Six Guiding Principles of Special Education Law

Special education law is organized around the following six principles:

#### Principle 1. Parent and Student Participation

Parents and students are partners with the school district throughout the entire special education process. As a parent you know your child best and have seen him or her in many different situations over time. As such you have a window into your child's needs that professionals don't have. Special education law provides protections to make sure your concerns are listened to and addressed throughout the special education process.

Students are the focus of the special education process. The Team should be aware of the interests and concerns of the student, no matter what his or her age. As the student gets older his or her active participation in the process is important. Once your child is 14 years old (or earlier if appropriate), the law instructs the Team to include the student at Team meetings as an active participant. As members of the Team, the student and parent have a voice in all discussions. When your child is 17 years old the school district must discuss with you and your child the change in rights that occurs on the student's 18<sup>th</sup> birthday. In Massachusetts a student is considered an adult on his or her 18<sup>th</sup> birthday and thus responsible for making all of his or her own medical and educational decisions. This includes agreeing or not agreeing to the special education services proposed by the school district.

In addition to parents participating in the special education process on behalf of their child, they may also participate in their local Parent Advisory Council (PAC). The PAC helps to guide the special education services provided to all eligible students in a school district. In Massachusetts, each school system is required by state law to have a Parent Advisory Council. The purpose of the

PAC is to allow parents of students with disabilities the opportunity to talk about common areas of interest and to advise the school committee about the education and well being of students with disabilities.

**Principle 2. Appropriate Evaluation**

The law provides a number of protections to ensure that each student receives regular, appropriate, and comprehensive evaluations. Before a determination can be made as to whether or not a child is eligible for special education, an evaluation of the student's educational strengths and needs must occur.

If your child is having difficulty in school, you may want to talk with the school about why he or she is having difficulty before you make a referral for a special education evaluation. When a student shows signs of difficulty in school, one of the first steps may be to observe the student in the classroom or other school areas to see if changes can be made to help your child do better. Simple things like changing seats in the classroom, discussing the daily schedule each morning, or finding different ways for your child to share what he or she has learned may help your child do better. These types of supports in the classroom are known as instructional supports and should be reviewed within 4-6 weeks to determine whether or not they have been helpful to your child.

In our school districts there is a pre-referral process designed to encourage families to try reasonable accommodations, modifications and/or instructional supports for their child prior to referring the child for special education assessment. Sometimes this is all a child requires to be successful in school. This pre-referral process is coordinated by a group of individuals called a Child Study Team (CST). Each school in our district has a Child Study Team. Anyone can refer a student to the Child Study Team for evaluation though it is usually a parent or classroom teacher who makes this request. The team will review and identify your child's learning strengths and challenges, design and implement strategies and instructional supports for your child, and establish a time frame within which to meet and review the impact of these supports on your child's progress. Parents are an integral part of this process.

If your child continues to have difficulty, a referral for special education should be considered. You can make a referral for special education at any time. Providing instructional support cannot be used to delay the evaluation of your child. If a student is referred for an evaluation, documentation of the use of instructional supports is part of the evaluation information reviewed by the Team.

**Principle 3. Individualized Education Program (IEP)**

Your child's Individualized Education Program (IEP) is developed at a Team meeting jointly by all Team members (including you) and represents a formal agreement about the supports and services the school will provide for your child's special education needs. The IEP is like a contract between you and the school. As with any contract you should make sure you fully understand

the terms to which you are agreeing and make certain that everything that was agreed to verbally is written into the IEP.

Parent and student input is essential to the IEP. The first few sections of the document identify parent and/or student concerns, key evaluation results, and the parent and/or student's vision for the future. In addition, the IEP documents what supports (accommodations or modifications) the student needs to make effective progress in the general curriculum (the same curriculum non-disabled students are learning). Non-academic special needs are also included, such as needs related to behavior, communication, assistive technology, Braille, or other special considerations unique to your child.

After the Team has discussed the student's current educational performance and the types of assistance he or she will need to make effective progress, the Team develops annual goals that identify the expected growth in your child's skills and knowledge over the next year as a result of those special education supports. Based on the annual goals the Team will determine what special education services the student will need to achieve these goals during the next year. These services may include special teaching services, consultative services, teacher training, transportation, psychological or counseling services, orientation and mobility services, etc. The Team will document all of your child's special education services on a one-page form in the IEP called the "Service Delivery" page.

Finally, the IEP will also specify *how* your child will participate in the Massachusetts Comprehensive Assessment System (MCAS) – the state's student testing program. MCAS tests based on the Massachusetts Curriculum Frameworks are given at different grade levels. *All students in the state who receive an education at public expense must participate in the state assessment.* The Team must determine whether or not your child can take the standard MCAS tests or whether he or she needs accommodations. Generally MCAS accommodations are similar to those the student uses during regular classroom instruction. A small percentage of students may not be able to take the standard MCAS tests due to the nature and severity of their disability. In this case the Team will designate that the student will participate in the MCAS Alternate Assessment.

Either at or immediately after the Team meeting (within 5-10 school days), the school district will provide you with a copy of the IEP. Note: you must receive the IEP no later than 45 school days after the district's receipt of your written consent to evaluate. You (or your adult child) must sign and return the IEP within 30 days of receiving it from the school. *Special education services cannot begin until the school district receives a signed copy of your child's IEP.* You may accept the IEP as developed, reject the IEP as developed or reject a portion of the IEP. Once the school district receives your consent, special education services will begin immediately. For more information about the IEP, reference the IEP Development section of this handbook.

**Principle 4. Free and Appropriate Public Education (FAPE)**

A child who is eligible for special education services is entitled by federal law to receive a Free Appropriate Public Education (FAPE). FAPE ensures that all students with disabilities receive an appropriate public education, including all needed services at no expense to the family. FAPE differs for each student because each student has unique needs.

FAPE guarantees that for students who are found eligible for special education, school districts must be prepared to provide services according to an IEP beginning no later than the child's third birthday. If a student continues to be eligible, services may continue until he or she graduates from high school with a standard diploma or turns 22, whichever comes first.

FAPE also means that students receiving special education services have access to and make meaningful progress in the general curriculum (i.e., the same curriculum as students without disabilities). It also provides students the right to participate fully in the life of the school, which means your child is not only entitled to access the academic portion of school but also to participate in extracurricular and other activities sponsored by the school. Full participation means that students with disabilities are entitled to the aids and services needed to assist them in participating in all areas of school life. FAPE is closely tied to a principle known as the "Least Restrictive Environment," which is described in the next section.

**Principle 5. Least Restrictive Environment (LRE)**

The federal law, IDEA, mandates that students with disabilities be educated with their non-disabled peers to the maximum extent appropriate based on the student's needs. This is known as Least Restrictive Environment (LRE). The Team (including the parent or guardian) determines the placement the student needs to provide the services documented in the child's IEP. The Team must choose the least restrictive environment to provide those services. This means the student should attend the school he or she would attend if non-disabled, unless the Team determines that the nature of the student's disability will not allow them to have a successful educational experience in that environment.

FAPE and LRE are closely tied together. Both federal and Massachusetts' special education laws require that a Team consider appropriate education in the least restrictive environment. To help your child be successful, the Team must carefully consider whether supplemental aids and services and/or specialized instruction could make it possible for your child to be educated with non-disabled peers. If services can be appropriately provided in a less restrictive setting, the Team must choose that type of program and setting. If the student's program requires a more restrictive setting for him or her to be successful, then the Team may consider other settings. The Team should look class by class, activity by activity, and only remove your child from the general education classrooms if and only if, supplemental aids and services would not make it possible for your child to remain in that classroom and make effective progress.

Determination of the LRE is based on your child's IEP, not on a diagnosis or specific disability label. The Team determination must be made individually and carefully. Students cannot be placed in separate or more restrictive environments only because they require modification of the curriculum. It is important to remember that Teams do not have to choose between specialized help for a student and inclusion of that student in the general education classroom. Students are entitled to both. After the Team has developed the IEP and understands the needs and goals for your child, then the Team will determine the most appropriate setting for your child's services. Least restrictive environment is an integral part of the placement determination.

**Principle 6. Procedural Safeguards**

Procedural safeguards are specific procedures that protect the rights of students with disabilities and their parents or guardians. They are designed to ensure that appropriate procedures are followed and that special education and related services are individualized for each student. Some of the procedural safeguards discussed in this handbook are mentioned below.

- Timelines – for example:
  - Credentialed, trained specialists complete evaluations within 30 school days from receipt of written consent to evaluate.
  - Teams meet to determine eligibility and if eligible, to develop the proposed IEP for students, and provide copies of that IEP to parents within 45 school days from written consent to evaluate.
  - School sends IEP to parent immediately following its development at the Team meeting.
  - Parent accepts or rejects the IEP within 30 days of receipt.
- Consent – Parents have the right to consent or refuse consent at key points in the special education process, such as at evaluation and determination of IEP services and educational placement.
- Evaluation Requirements – The specific required evaluations and the requirements related to doing appropriate evaluations are procedural safeguards.
- IEP Development – Many of the elements in the IEP function as safeguards for the student and ensure that services are comprehensive and individualized.
- Written Notice – Parents have the right to receive written notice whenever a school district proposes or refuses to initiate or change key aspects of a child's services.
- Right to Receive Information in Your Native Language – If English is not your primary language the school must provide an interpreter for you at no charge. In addition, written documents such as the IEP and evaluation reports must be translated into your native language.

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## 4. Steps in the Special Education Process

Here is a snapshot of the special education process, which generally occurs in the sequential steps summarized below. We'll provide more detail on each of these steps in the following sections. Each step of the process is based on the action or information gathered in the previous step and timelines are in place to minimize delays in the process. (Timelines are shown on the flowchart on the next page.) As a parent or guardian you are an integral part of this process and your child's best advocate, so your participation in the special education process is essential.

### Step 1 – Initial Referral for Special Education Services

When a parent or teacher suspects a child has a disability, he or she refers the child to the school district for an evaluation.

### Step 2 – Student Evaluation

The appropriate school staff members evaluate the child's abilities and needs.

### Step 3 – Eligibility Determination for Special Education Services

Based on evaluation results, the Team (including you as parents) decides if your child is eligible to receive special education services.

### Step 4 – Individualized Education Plan (IEP) Creation

If your child is eligible to receive special education services, the Team develops and implements an appropriate Individualized Education Plan (IEP) to meet the student's needs based on the evaluation results.

### Step 5 – Placement Determination

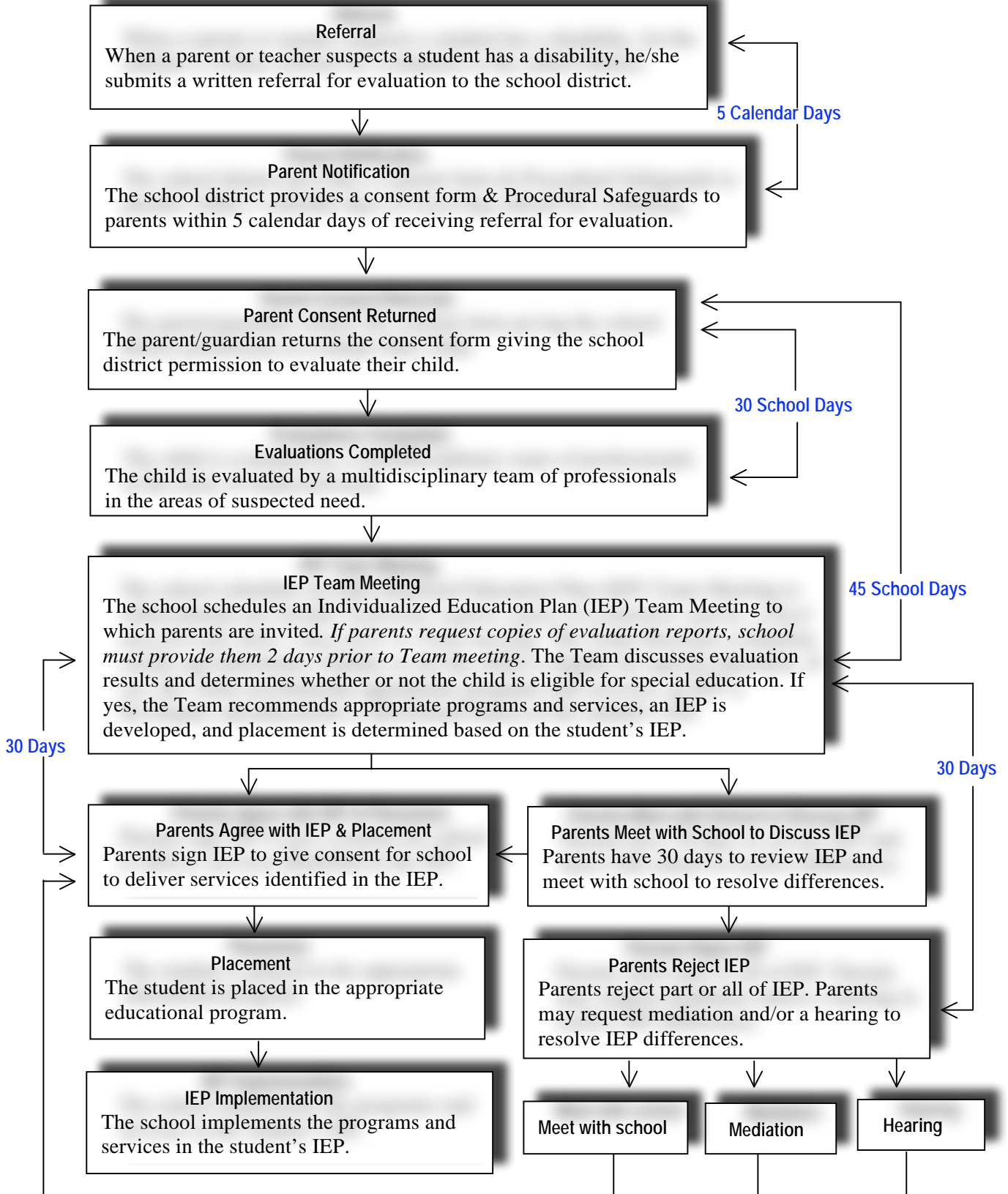
Once an IEP has been developed, the Team determines an appropriate placement for the child based on the needs and services identified in the child's IEP.

### Step 6 – Annual Review and/or Reevaluation

Each year the Team reviews and revises the IEP at an Annual Review Meeting. At least every 3 years, the school district reevaluates the child to determine whether or not he or she continues to need special education services. The Team revises the IEP to reflect the reevaluation test results.



## 5. A Chart of Special Education Timelines



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## D. Identification, Referral & Evaluation Process

### 1. Identification & Referral

If at any time you suspect that your child may have a disability that impacts his/her progress in school, you may send a written request to the school district asking for a special education evaluation of your child. This is called a referral for evaluation. In addition, any teacher or other school professional may identify and refer your child for evaluation. Sometimes regular screening tests or classroom observations lead a teacher to suspect a child has special educational needs.

In the Acton Public Schools or Acton-Boxborough regional schools a written referral for special education evaluation should be sent to the school principal or to a special education administrator in Pupil Services. Regardless of who makes the initial referral, the school must contact you within 5 school days of receiving the referral to ask for your written permission to conduct an evaluation. *The schools cannot conduct an evaluation of your child without your written permission.* When appropriate, the school district may also provide you with information about instructional supports that may be appropriate for your child's individual needs. However, the school cannot use providing instructional supports to delay the evaluation of your child once they have received a referral for special education evaluation.

### 2. Pre-Evaluation Conference

When your child is referred for evaluation, you may request a pre-evaluation conference with school personnel to discuss your concerns for your child, what kinds of assessment tools will be used, and to learn who will conduct the assessments. While school personnel must talk with you about these things whether or not you choose to meet, a pre-evaluation conference can give you the opportunity to better understand the assessments the school is proposing and allow you to better prepare your child for upcoming testing.

### 3. Evaluation

An evaluation is an important component of the special education process for students with disabilities. Students are evaluated initially to determine whether or not they have a disability and if they need special education and/or related services to support their individual needs. The specific evaluation tools the school proposes will vary based on your child's individual needs. However, the school must conduct a comprehensive evaluation of your child that examines all areas of suspected disability and provides a detailed description of your child's educational strengths and needs.

Possible assessment areas for your child include: how your child communicates and understands language, your child's educational development, and how your child thinks, behaves and adapts to change. Evaluations may also look at your child's health, vision, hearing, social and emotional well being, organizational skills, performance in school, how your child uses his/her body, and for older students, what job related and other post-school interests and abilities your child has.

*Note: All evaluation reports should include detailed written recommendations from the evaluator that offer explicit means of meeting the student's needs.*

An evaluation frequently includes parent input and teacher observation of the student, an interview with the student about their current abilities in school (for older children), and other types of formal and informal assessments. All evaluations must be conducted by appropriately credentialed and trained specialists and are provided by the school at no cost to your family.

An evaluation should include:

- **Specialist Assessment(s)** – An assessment in all areas related to a suspected disability including, but not limited to, reading, writing and math. Parents may request assessment in any areas of particular concern.
- **Educational Assessment** – An assessment that includes information about the student’s educational history and overall progress, including current educational standing in key curriculum areas. This assessment should also include information on the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers and adults. In addition, it should contain a narrative description of the student’s educational and developmental potential.

The following assessments may be included (with parental consent) if the school or parent asks for them:

- **Functional Behavior Assessment** – An assessment of student behaviors that may be disruptive, inappropriate for school or that impede student learning. The FBA is based on observations and discussions that help to determine when and why a behavior is happening so that positive behavioral interventions may be used to help the student develop more appropriate behaviors.
- **Health Assessment** – An assessment to identify any medical problems that may affect the student’s learning. Health assessments may be done by a school-referred or family physician and should be reviewed by the school nurse.
- **Psychological Assessment** – An assessment to consider the student’s learning abilities and style in relationship to his or her social/emotional development and skills. This includes the administration of psychological and educational tests and other assessment tools as well as the interpretation of assessment results.
- **Home Assessment** – An assessment of family history that may affect the student’s learning or behavior at home and may include a home visit.
- **Speech/Language Assessment** – An assessment to identify any speech, language, pragmatic social skill or cognitive-communication difficulties that affect the student’s learning or behavior.
- **Occupational or Physical Therapy Assessment** – An assessment to identify whether a student has a physical, sensory or motor processing/coordination challenge that impacts his/her ability to participate fully in school and social situations.

#### 4. Consent

Once you have spoken with school personnel about the proposed evaluations and understand and agree with the types of assessments the school will administer, as well as the individuals who will conduct the assessments, you must provide the school district with written consent to conduct the evaluation.

#### 5. Evaluation Timeline

*The schools must complete an evaluation for your child within 30 school days of receiving your written consent to evaluate your son or daughter.* Within 45 school working days of receiving your written consent to evaluate, a Team meeting must be held to talk about the evaluations, to determine your child's eligibility, and to complete an IEP for eligible students. *Parents have a right to receive all special education evaluation reports two days before the Team meeting. However, you must ask the school for copies of these reports to receive them in advance of the meeting.* It is important for parents to review the evaluation reports before the Team meeting so that you're prepared to participate fully in the decisions regarding your child's education. A person qualified to explain these reports will attend the Team meeting to answer any questions you may have about the test results and recommendations included in the evaluation.

#### 6. Confidentiality

All evaluation information is confidential and will only be shared by the school with people directly involved with your child such as teachers and Team members. You must give written consent before the school may share this information with any other person or professional.

#### 7. The Team

It takes many people to plan and provide an appropriate education for your child. Together these people are referred to as the Team. *The parents are always members of any Team that makes decisions about their child.* In addition, parents can invite others to attend Team meetings with them. Teachers and other professionals who know your child or who have evaluated your child will also be Team members. IDEA states that each Team must include:

- You, the parent or guardian
- At least one of your child's special education teachers and/or providers
- At least one of your child's regular education teachers if the child is or may be participating in the regular education environment
- Other individuals or agencies invited by the parent or the school district
- Someone to interpret the evaluation results and explain what services may be needed
- Your child if they are between the ages of 14-22
- Other people or agencies that have special expertise or knowledge of your child

#### 8. Determining Eligibility for Special Education

To determine a child's eligibility for special education the Team must answer the following questions:

1. Does the child have a disability? If so, what type?
2. Does the disability cause the child to be unable to progress effectively in general education? See the definition of effective progress below.

3. Does the child require specially designed instruction or modified curriculum to make effective progress? Or does the child require a related service or services (like speech/language, occupational therapy or physical therapy) to access the general curriculum?

*Note: For a child to be found eligible for special education services the answer to each of the above questions must be “yes.”*

#### **Definition of Effective Progress**

1. To progress effectively in the general education program means to make:
  - a. Documented growth in the acquisition of
  - b. Knowledge and skills,
  - c. Including social/emotional development,
  - d. Within the general education program,
  - e. With or without accommodations,
  - f. According to chronological age and developmental expectations,
  - g. The individual educational potential of the student,
  - h. And the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district.
2. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the district, and vocational programs and activities.

#### **Recognized Disability Categories in Massachusetts**

In Massachusetts, there are 10 categories of disability recognized by the law. They are:

1. **Autism** – Autism is a developmental disability that significantly affects verbal and nonverbal communication and social interaction skills that adversely affect a child’s educational performance. Other characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. It is usually diagnosed within the first three years of life. However, some types of autism may not be diagnosed until the child is older due to late-occurring social deficits or other characteristics.
2. **Developmental Delay** – This is when the learning capacity of a young child (up to age 9) is delayed in one or more of the following areas: physical development, cognitive development, communication, social and/or emotional development, or adaptive development.
3. **Intellectual Impairment** – When a child’s permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired as evidenced by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts, the child is considered to have an intellectual impairment. This term includes students with mental retardation.
4. **Sensory Impairment (hearing/vision/deaf-blind)** – Sensory Impairment refers to a defect in sensing and/or passing on sensory impulses, which leads to an absence of sensation and/or neuronal coordination. It can impact a person’s ability to hear, see, speak, smell, or feel and react to stimuli entering any one of the body’s sensory systems.

5. **Neurological Impairment** – It occurs when the capacity of the nervous system is limited or impaired including difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. This category includes students who have received a traumatic brain injury.
6. **Emotional Impairment** – It refers to a condition in which a student exhibits one or more of the following characteristics over a long period of time and to such a degree that the condition adversely affects the child’s educational performance. Characteristics may include: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behaviors or feelings in normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems
7. **Communication Impairment** – It affects an individual’s ability to use expressive and/or receptive language effectively. Communication skills can be limited, impaired, or delayed as reflected by difficulties in one or more of the following areas: speech, such as articulation and/or voice; or conveying, understanding, or using spoken, written, or symbolic language. The disability category of communication impairment includes students with impaired articulation, stuttering, language impairment or voice impairment in which that impairment adversely affects the student’s educational performance.
8. **Physical Impairment** – This disability occurs when a student’s physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is characterized by difficulties in one or more of the following areas: physical and motor tasks; independent movement; or performing basic life functions. The term shall include severe Orthopedic Impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures, if such impairment adversely affects a student’s educational performance.
9. **Health Impairment (including Attention Deficit Disorders)** – It refers to a chronic or acute health problem in which the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality, or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. This category includes health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student’s educational performance.
10. **Specific Learning Disability** – A specific learning disability refers to a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

*Note: The lack of instruction in English or mathematics cannot be the only reason a student is found eligible for special education, nor the fact that a student has limited*

*skills speaking or understanding English if he/she speaks and understands another language. Students also cannot be found eligible just because they cannot follow the school's discipline code or because they are "socially maladjusted."*

#### **9. Finding a Child Not Eligible for Special Education**

If your child is found not eligible for special education services, he/she may still receive assistance from the schools. The Team should explore other programs and supports available within the school that might be appropriate for your child. If the Team determines that your child is not eligible for special education, you will receive a letter from the school district stating this and detailing why the school found your child not eligible. The letter may also include a copy of the "Notice of Procedural Safeguards," which explains your rights under the law. If not, however, the district provided you a copy as part of the initial referral packet. Read this notice carefully and decide whether or not you agree with the school district's decision. You have the right to appeal a finding of non-eligibility if you disagree with the district's decision. See Handbook section L. Parent Rights and Dispute Resolution on p. 63 for more information about this process.

#### **10. Frequency of Reevaluation**

Following an initial determination of special education eligibility evaluations will continue to be an important part of the special education process. At least every three years, the school district must conduct a three-year reevaluation so that the Team can consider current evaluation information and determine whether or not your child remains eligible for special education services. Every three years the school will request your consent to conduct a three-year reevaluation. A three-year reevaluation generally includes all of the types of assessments that were contained in the initial evaluation.

#### **11. 504 Plan**

Some students with disabilities are able to progress effectively in school without special education services but still require some kind of supportive service or accommodation. A law known as Section 504 of the Rehabilitation Act of 1973 offers students with disabilities both services and accommodations that are necessary for the child to participate fully in the life of the school. To receive services under Section 504 a student must have a mental or physical impairment that substantially impairs a major life activity and requires special accommodations. Major life activities include functions such as breathing, walking, learning, caring for one's self, seeing, speaking, performing manual tasks, hearing, and working. Like IDEA, a Section 504 Plan guarantees students with disabilities the right to a Free Appropriate Public Education (FAPE).

Section 504 offers a Team approach, a written plan, appropriate accommodations, services, and programs, and periodic review of services. A "504 Plan" can assure students with disabilities the opportunity to join in all aspects of school life. Possible 504 accommodations include support in non-academic and extracurricular activities, adaptive equipment or assistive technology devices, an aide, assistance with health needs, school transportation or other related services.

#### **12. Independent Education Evaluation**

If you disagree with the school district's evaluation results or feel that the evaluation was incomplete, you have the right to have your child evaluated by a qualified professional(s) not employed by the school system. This is called an Independent Education Evaluation



(IEE). If you request it, the public school district must provide you with a list of persons in the area who conduct IEEs. However, you may choose whomever you would like to conduct the evaluation; you are not limited to using an evaluator from the school district's list.

State regulations require the school district to finance IEEs for low-income families and to share the costs of IEEs for middle-income families. If your child is eligible for free or reduced cost lunch, then at your request, the school district will pay for an IEE that is equivalent to the types of assessments done by the school district. If your child does not qualify for a reduced cost lunch, he or she may still be eligible for school district funding, either in whole or in part, depending on your family income. The school district will ask for income information and some validating documentation. Sharing financial information with the school district is completely voluntary on your part. If you choose to share such information, the school district must tell you promptly whether or not you are eligible for full or partial funding of an IEE. Your right to a publicly funded Independent Education Evaluation through this process will extend for 16 months from the date of the school district's evaluation with which you disagree.

If you request that an Independent Education Evaluation (IEE) be paid for by the school district and you are not income eligible or do not wish to use the income eligibility process, you should notify the school district in writing of your request for public payment of an IEE. The school system must respond to your request within 5 days and either agree to pay for the IEE or file a "refusal to act" with the Bureau of Special Education Appeals (BSEA). If the BSEA agrees with the school district, then the district is not obliged to provide public funds for an IEE. However, if the BSEA determines that the district's evaluation was not comprehensive and appropriate, the district is obliged to pay for the IEE. Any Independent Education Evaluation that is paid for with public funds must meet state requirements that evaluators be certified, licensed, or otherwise approved and use evaluators who agree to abide by rates set by the state.

**Note:** *You may seek an Independent Education Evaluation (IEE) at your own expense at any time.* You may choose to pay for an IEE because you want a more in-depth evaluation than the school can do. Or you may choose to have an IEE done because your insurance will cover the cost. For whatever reason, if you pay for an IEE, the resulting reports belong to you and you may decide whether or not you want to share those results with the school district. The Team is required to consider the results of any IEE that are made available to them when planning services for your child.

### 13. Considering the Results of an IEE

If your child has an IEP and you arrange for an Independent Education Evaluation (regardless of who pays for it) and send the results to the school district, the school district must convene a Team meeting within 10 school working days of receiving the evaluation to discuss the evaluation results and determine what, if any, changes should be made to the student's IEP (if he/she has one). If the results of the IEE differ from the school's evaluation, the Team (including you as parents) must consider these findings and determine what impact they should have on your child's IEP or eligibility for services. The school district is required to consider the information from an IEE as carefully as it considers information from an evaluation done by the district. The Team must consider the results of all assessments and IEEs together as the basis for every



decision made regarding your child's participation in special education services. The law requires consideration of evaluation information from more than a single source or assessment in order to gain a complete picture of the child and his or her abilities.

#### 14. Extended Evaluation

At an Initial Evaluation or Reevaluation meeting, the Team may recommend an Extended Evaluation. This occurs when there is a need to do testing in additional area(s), based on the results of the student assessments that were originally completed. A full or partial IEP will be developed at the Initial or Reevaluation Team meeting, with the understanding that the Team will reconvene when the results of the additional evaluation(s) are available to modify the IEP as necessary based on those test results. For example, a speech/language evaluation might be sought following an evaluation based on a student's performance on the verbal components of a standard psychological evaluation.

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## E. IEP Development & Placement Determination

### 1. IEP Timelines

Within 45 school working days of receiving your written consent to evaluate your child, the school must hold a Team meeting to talk about the evaluations performed, determine your child's eligibility, and complete an Individualized Education Program (IEP) for your child if he or she is found eligible for special education services.

### 2. Required Participants at Team Meetings

It takes a number of people working closely together to plan for and provide the support your child needs to be successful. As a parent/guardian, you are always a member of any Team that makes decisions about your child. In addition, you may invite other people to attend a Team meeting with you, such as a friend or family member to take notes and/or provide moral support, a private therapist or other specialist who has recently evaluated or worked with your child, an advocate or a lawyer (advance written notice to the district is required if you intend to bring a lawyer with you to the meeting).

IDEA specifies the members of a special education Team as:

- You, the parent(s) or guardian(s)
- At least one of your child's special education teachers and/or providers
- At least one of your child's regular education teachers if the child is or may be participating in the regular education environment
- Other individuals or agencies, invited by the parent or school district
- Someone to interpret the evaluation results and explain what services may be needed
- Your child if he/she is between the ages of 14 and 22
- Other people or agencies that have special expertise or knowledge of your child

Each Team *must* have one member who knows what services and resources are available to the school district. The law requires that this individual have the authority to commit the resources of the school district so that decisions about services can be made at the Team meeting.

### 3. The Individualized Education Program (IEP)

Your child's Individualized Education Program (IEP) is developed at a Team meeting jointly by all Team members (including you) and represents a formal agreement about the supports and services the school will provide to meet your child's special education needs. The IEP is like a contract between you and the school. As with any contract you should make sure you fully understand the terms to which you are agreeing and make certain that everything that was agreed to verbally is written into the IEP.

Parent and student input is essential to the IEP. The first few sections of the document identify parent and/or student concerns, key evaluation results, and the parent and/or student's vision for the future. In addition, the IEP documents what supports (accommodations or modifications) the student needs to make effective progress in the general curriculum (the same curriculum non-disabled students are learning). Non-academic special needs are also included, such as needs related to behavior,

communication, assistive technology, Braille, or other special considerations unique to your child.

After the Team has discussed the student's current educational performance and the types of assistance he or she will need to make effective progress, the Team develops annual goals that identify the expected growth in your child's skills and knowledge over the next year as a result of those special education supports.

A good goal should include the following information and can be developed by answering the following questions:

- Who? – Your child
- What will be achieved? – The skill or behavior
- How? – In what manner or to what level?
- Where? – In what setting or under what conditions?
- When? – At what point in the IEP period?

Based on the annual goals the Team will determine what special education services the student will need to achieve these goals during the next year. These services may include special teaching services, consultative services, teacher training, transportation, psychological or counseling services, orientation and mobility services, etc. The Team will document all of your child's special education services on a one-page form in the IEP called the "Service Delivery" page.

Finally, the IEP will also specify *how* your child will participate in the Massachusetts Comprehensive Assessment System (MCAS) – the state's student testing program. MCAS tests based on the Massachusetts Curriculum Frameworks are given at different grade levels. *All students in the state who receive an education at public expense must participate in the state assessment.* The Team must determine whether or not your child can take the standard MCAS tests or whether he or she needs accommodations. Generally MCAS accommodations are similar to those the student uses during regular classroom instruction. A small percentage of students may not be able to take the standard MCAS tests due to the nature and severity of their disability. In this case the Team will designate that the student will participate in the MCAS Alternate Assessment.

Either at or immediately after the Team meeting (within 10 days), the school district will provide you with a copy of the IEP. Note: you must receive the IEP no later than 45 school days after the district's receipt of your written consent to evaluate your child. You (or your adult child) must sign and return the IEP within 30 days of receiving it from the school. *Special education services cannot begin until the school district receives a signed copy of your child's IEP.* You may accept the IEP as developed, reject the IEP as developed or reject a portion of the IEP. Once the school district receives your consent, services will begin immediately.

For more information on IEP development you can follow the MA Department of Elementary and Secondary Education's link: <http://www.doe.mass.edu/sped/iep/>. On their webpage you can view or download a document called the IEP Process Guide.

#### 4. When IEP Services Begin & How to Respond to an IEP

Everyone who attends the IEP Team meeting will be asked to sign in to show that they participated in the IEP Development meeting. However, only the Pupil Services Director and the parent/guardian must sign the completed IEP. The IEP cannot be implemented without written parent/guardian approval so IEP services begin when the district receives a signed copy of your accepted or partially accepted IEP. When you receive an IEP from the school, you should respond as soon as possible, but not later than 30 days after receiving the IEP. After 30 days the school will consider the IEP to have been rejected.

If you have questions or concerns about the proposed IEP, it is a good idea to call or meet with school staff to discuss your concerns during those 30 days. In most circumstances issues can be readily resolved at the district level before rejecting an IEP in whole or part. If you are unable to resolve your concerns than you may choose to respond to the IEP by accepting the IEP in full, rejecting the IEP in full or rejecting specific portions of the proposed IEP. Issues that are not resolved at the district level can be addressed through the Department of Elementary and Secondary Education (DESE) and/or the Bureau of Special Education Appeals. For more information on this topic refer to the Dispute Resolution/Special Education Appeals section of this handbook.

*Tip: It is generally a good idea to accept as much of the proposed IEP as you can so that the accepted services for your child can begin immediately. If you reject in full an initial IEP or placement than your child will receive no special education placement or services and have no stay-put rights. You can only assert stay-put on services or a placement that you've previously accepted. In addition, if you want to remove a previously accepted portion of the IEP and the district disagrees with that change, the district can also exercise stay-put on the child's behalf.*

Accepting or rejecting an IEP requires a check-off and signature on two different pages of the IEP:

1. On the Response Section page of the IEP you may:
  - Accept the IEP as developed
  - Reject the IEP as developed
  - Reject portions of the IEP with which you disagree. In this case you should list the parts of the IEP that you do not want implemented with the understanding that all other parts of the IEP will be implemented immediately.
  - Request a meeting to discuss the rejected IEP or portions thereof
  - Add additional Parent Comments, if so desired
  
2. On the Team Determination of Educational Placement page you may:
  - Consent to the placement decision
  - Refuse the placement decision
  - Request a meeting to discuss the refused placement decision

It is possible to accept the IEP but reject the placement or reject the IEP and accept the placement. For example, if you disagree with the proposed placement, but feel the developed IEP matches your child's needs, you could reject the placement but accept or partially reject the proposed IEP. Until you have signed and accepted or partially

accepted the proposed IEP, the current signed and accepted IEP will remain in effect. This is known as “Stay Put.”

## 5. IEP Amendments

Once an IEP has been created for your child and accepted by you, if there is a need to make minor changes to the IEP during the ensuing year, an IEP Amendment may be generated to document those changes. An amendment may come about as the result of a Team meeting, a conference or even a verbal discussion with a Team member. Amendments are often used to add or change IEP goals or services. For example, an IEP Amendment might be used to increase or decrease the number of times per week that your child receives a particular therapy service. A proposed IEP Amendment will be sent home for your signature before the change is implemented. You will have the same choices regarding how to respond to an IEP Amendment as you do for an IEP, i.e., you may accept, reject or partially reject any amendment. Once an IEP Amendment is accepted it becomes part of your child’s current IEP.

## 6. What to Expect at an IEP Meeting

During the course of an IEP meeting you should expect the following things to occur:

- State purpose of the meeting and introduce IEP Team members to one another
- Receive a copy of the Procedural Safeguards pamphlet
- Share parent concerns
- Review assessments and/or present levels of performance
- Determine special education eligibility (if appropriate)
- Identify assessed area(s) of need
- Write IEP goals and objectives that address assessed area(s) of need
- Identify Designated Instructional Services (DIS) necessary for student to benefit from educational program and identify the frequency and duration of the service(s) the student will receive
- Identify your child’s placement where the IEP, including goals and objectives, will be implemented

## 7. How to Prepare for an IEP Meeting

To prepare for an IEP meeting parents should:

- Request that the school provide you with a copy of the district’s test results/reports at least 48 hours prior to the IEP meeting.
- Read all of the evaluation and progress reports that are sent home.
- Write down any questions you have about recent testing or progress reports provided by the school and/or private service providers.
- If this is your child’s first IEP meeting, familiarize yourself with the IEP form so that you know what types of subjects will be discussed.
- If your child already has an IEP, read through and familiarize yourself with the current IEP.
- Think about your concerns for your child in the coming year; write down your parent concerns and share them with the teacher and special education liaison at least 48 hours prior to the IEP meeting.
- Be prepared to share your vision for your child over the next three to five years; write down your parent vision and share it with the teacher and special education liaison at least 48 hours prior to the IEP meeting.

- Ask questions at the meeting if you do not understand something that is said by school staff or private professionals.
- If you would like to have a staff member bring a laptop to the IEP meeting to capture Team decisions and IEP content real-time, request this of the special education liaison at least 48 hours before the meeting. All special education staff in our school district have access to a laptop.
- During the IEP meeting if you would like to verify that your thoughts and ideas have been captured accurately, you can ask the individual taking notes or inputting data to read back the language they have documented.

## 8. IEP Content

In addition to eligibility information, the IEP always includes at least six specific items and sometimes more:

### **A. Your child's present levels of educational performance**

This section should include information about what your child can and cannot do based on assessment information, a review of records and classroom progress reports. This may include information about academic, social, language, motor, self-help and pre-vocational skills. Statements should be objective and measurable so that you can measure progress from year to year. It should describe the way your child performs and how the disability affects your child's participation and progress in the general curriculum.

### **B. Your child's annual goals and objectives**

Based on your child's identified learning needs, the IEP defines goals your child will work toward achieving based on present levels of performance, current records and assessment data. The IEP must specify measurable annual goals, i.e., what your child can reasonably be expected to accomplish within one year. Short-term objectives (benchmarks) are measurable, intermediate steps between where your child is now (i.e., present levels of performance) and the annual goals. The objectives are developed based on a logical breakdown of the skills necessary to achieve the goal. The objectives serve as guides for planning and implementing instructional activities in the classroom and as milestones for measuring progress. The goals and objectives must relate to meeting your child's educational needs, which derive from the identified disability and enable your child to participate in and make effective progress in the general curriculum. The teacher(s) and other specialists who work with your child in school are responsible for designing learning tasks and activities, which correspond with the goals and objectives written in the IEP. It is important that you tell the IEP Team your expectations for your child and those of outside professionals working with your child so that those expectations can be integrated into the IEP and you and other Team members can work together to achieve the same goals for your child.

### **C. Designated Instructional Services (DIS) or Related Services**

The IEP must specify any related services required for your student to benefit from his/her educational program. The Team should talk about all the supports and services necessary to allow your child to succeed in school, including academic, social/emotional, behavioral and physical services. This includes special teaching services, consultative services, training for teachers, parent training, and other related or supportive services such as transportation, speech-

language pathology and audiology services, physical and occupational therapy services, psychological services, counseling services, medical services, recreation, orientation and mobility services. The Team will specify these services on a one-page form in the IEP called the “Service Delivery Grid.” This page identifies all the services that will be provided for the student during the school year to assist the student in achieving the goals identified in his/her IEP. *Tip: it is important that all of the services agreed to are documented on the Service Delivery Grid page of the IEP.* In the event that there is later a dispute about which services were to be provided, a mediator or judge will usually look at this page alone as the documentation of services. Items documented in other parts of the IEP such as the “Additional Information” section of the IEP may not be honored by a third party reviewer.

#### **D. Other IEP discussion items**

The Team will also discuss and document in the IEP other important information such as:

- How your child will participate in MCAS
- Whether or not your child needs special transportation services to and from school
- Whether your child needs a shorter or longer school day or school year to make adequate yearly progress and/or maintain skills throughout the year
- Any additional information not covered in the previous sections

All information pertinent to your child’s educational needs – social, emotional, physical and academic – should be clearly documented in the IEP.

#### **Extended School Year /Summer Special Education Services**

Within the “Schedule Modification” section of the IEP the Team is asked the following question, “Does this student require a longer school day or longer school year to prevent substantial loss of previously learned skills and/or does this student demonstrate substantial difficulty in relearning skills?” The Team should discuss and determine whether or not your child requires a longer school day or school year to acquire skills, prevent substantial regression or reacquire previously learned skills. Regression is the reversion to a lower level of functioning or decrease in the performance of previously learned skills, which can occur as the result of an interruption in educational programming.

The Team will consider the following factors when making this decision:

- Your child’s likelihood of regressing over the summer
- Your child’s ability to regain/recover skills in the fall
- The degree or severity of your child’s disability
- The parent/guardian’s ability to provide structure at home
- Your child’s ability to interact with nondisabled peers
- Whether or not your child has a degenerative medical condition
- Whether or not your child is at a critical stage of development in skill acquisition
- Your child’s attendance patterns

Some Guiding Questions for the Team during this discussion include:

- Following periods of vacation or absence, does the student show significant loss of critical life skills?
- If yes, does the student then require excessive or extraordinary long-term re-teaching of these skills?
- What substantial loss of critical life skills would occur as a result of an interruption in the educational program?
- Without summer services, will the student substantially regress and not regain skills, even with the instructional review that teachers provide in September?

It is important to note that summer services, i.e., Extended School Year programming for students by statute is intended for the maintenance of current skills not the teaching of new skills.

Some types of Extended School Year programming include:

- Participation in a special summer school program
- Speech/language, occupational or physical therapy
- Academic tutoring
- Continuation in a child's day school placement
- Placement in a Collaborative's summer program

#### **E. Your child's placement in the Least Restrictive Environment**

Placement refers to the setting(s) in which the services identified in your child's IEP will be delivered. Once the annual IEP goals have been written and the Service Delivery page has been completed, the Team will discuss the Least Restrictive Environment (LRE) for delivering the designated IEP services to your child. Students with disabilities should be educated with non-disabled peers to the greatest extent possible. Substantially separate classrooms or schools should only be considered by the Team when education in general education classes with the use of supplementary aides and services cannot meet the child's needs. A variety of placement options will be discussed and the Team will determine the appropriate placement for your child based on his/her unique needs. As your student's learning needs change, his/her placement may also change. Possible placement settings include:

- A general education classroom
- A resource room
- A therapist's office (speech/language, occupational therapy, physical therapy, counseling)
- A substantially separate classroom
- A private school
- A residential program
- Home or hospital instruction
- Extended School Year (ESY) program

#### **9. Annual IEP Meeting & 3-Year Reevaluation Meeting**

Any time there are questions, concerns or changes in your child's academic, social or emotional wellbeing, you and your child's teacher and special education liaison should talk about those changes. If you or the school decides the IEP is not working for your



child or that he or she is not making expected progress towards IEP Goals, the Team should meet to review and modify your child's IEP as appropriate to support your child's current needs.

*Tip: You or the school may call a Team meeting at any time to discuss your child's progress, any concerns or your child's changing needs.*

**A. Annual IEP Meeting**

The Team must meet at least once a year to review your child's IEP. At this meeting the Team will determine what changes need to be made to the IEP to reflect your child's current functioning and needs.

**B. 3-Year Reevaluation Meeting**

Every three years the school district must reevaluate your child's special education needs to determine continued eligibility for special education services unless both you and the school agree that a reevaluation is unnecessary. This usually entails testing in all areas of disability (similar to the initial evaluation) unless both you and the school agree that it isn't necessary to test your child in a specific disability area. This assessment of your child is referred to as a 3-Year Reevaluation.

Once the school has received your written signature giving consent to test, evaluators have 30 school days to complete their assessments of your child. Reevaluations will always include a classroom assessment by the general educator(s) and evaluations in current areas of service. Additional assessments may be requested in other areas of concern or suspected disability. A 3-Year Reevaluation Team meeting must be conducted within 45 school days of having received your consent to test. Written evaluation reports will be made available to you at least two days in advance of the Team meeting, if you request them. If the Team determines that your child remains eligible for special education services than they will develop a new IEP. If the Team determines that your child is no longer eligible to receive special education services after: 1) completing 3-year reevaluation testing, 2) meeting with you to discuss the results, and 3) re-asking the three eligibility questions, then special education services for your child will be discontinued. See Handbook section D. Identification, Referral & Evaluation Process subsection 8. Determining Eligibility for Special Education for more information.

*Note: your child cannot be found ineligible for special education services without recent testing that demonstrates he or she no longer needs those services to be successful in school. If you disagree with the school's determination that your child no longer requires special education services, you can assert "Stay Put" rights for your child under his or her last signed IEP and all special education services must be continued until you and the school can reach an agreement about your child's current special education needs.*

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## F. Behavioral Interventions & Discipline Guidelines

### 1. Functional Behavioral Assessments and Behavioral Intervention Plans

All children engage in behaviors that are sometimes disruptive to either their own learning or that of their peers. When children exhibit these behaviors on a reoccurring basis, schools, parents, and the student can work together to help reduce the unwanted conduct and increase desirable behaviors. Functional Behavioral Analyses (FBAs) and Behavioral Intervention Plans (BIPs) are important tools to help students with reoccurring difficult behaviors learn new, more positive coping strategies and skills.

The Wisconsin Department of Instruction (*Special Education in Plain Language*, 2007) does a nice job highlighting the IEP Team's role in addressing problem behavior in children identified with special needs. They assert that if a child has a good IEP that addresses his or her individual needs and provides the needed assistance for the child to be successful in the classroom, many undesirable behaviors can be avoided. If a child exhibits ongoing behavioral issues then the Team should ask the following questions:

- Is the IEP being implemented?
- Does the current IEP effectively identify all of the child's special needs?
- Is the child receiving all the services needed to learn?
- Is the child's placement a good fit?
- Is it appropriate to conduct a FBA in an effort to help the Team better understand the behavior and develop an appropriate BIP?

The key component to devising an effective Behavior Intervention Plan (BIP) for your child is having a quality Functional Behavior Analysis (FBA) conducted to gain insight into your child's behaviors. An FBA is a behavioral assessment that helps to identify specific triggers and consequences associated with your child's problematic behaviors. FBAs collect and analyze data to help determine the frequency of the negative behavior and the circumstances under which the behavior is likely to occur. All of this information is used to determine what function the misbehavior serves for the child and what may help prevent the behavior from occurring.

This information can then be used to help devise an effective intervention plan. A good behavior plan is individualized and data driven. It will set-up a method to address the undesired behavior, ways in which to build skills that will help reduce the negative conduct, and identify how to reinforce the desired, replacement behavior. BIPs should be evaluated and adjusted to maintain effectiveness on a regular basis. *The BIP must be incorporated into your child's IEP for behaviors that result from his/her disability that impede learning or may violate the school's code of conduct.* When possible and appropriate, the BIP in place at school should be carried over into the home setting to help reinforce the school's efforts and provide consistency for your child.

### 2. The IEP, Misconduct, and Your Child's Special Needs

Schools are charged with the responsibility of keeping their students, staff, and others safe. Under federal law, children with special needs can be held to the same disciplinary standards and consequences as those of their peers with the exception of long-term

exclusion from education as a result of behaviors caused by the child's identified disability. When developing an IEP, the Team should discuss the problem behaviors that are likely to occur due to their child's disability. Once these behaviors are identified, it should be predetermined whether or not the typical consequences associated with the misconduct are appropriate for your child. All of this information should be written into your child's IEP in order to avoid potentially serious problems in the future. Please remember, if school staff do not raise this issue in the IEP Meeting, you as the parent/guardian, should bring it up for discussion.

Following a student's tenth day of suspension in a single academic year, or when the student's conduct results in a change of placement, the school is required to provide the special education services laid out within the IEP outside the school setting so that the student may continue working toward their IEP goals and receive a Free and Appropriate Public Education (FAPE).

### 3. Manifest Determination Team Meeting

A Manifest Determination Team meeting must be held before a student can be suspended for more than ten school days in a single academic year. The district, the parent(s), and relevant members of the IEP team participate in the Hearing. The Hearing must be held within ten days with a minimum of five days written notice to the parents. A parent may waive the five-day notification requirement, if they'd like to meet sooner. At the Manifest Determination Hearing, two questions must be answered:

1. Is the student's misconduct a direct result of the district's failure to fully implement the IEP?
2. Does the student's misconduct have a direct and substantial relationship to his/her disability?

If the answer is "yes" to either question then the student's behavior is determined to be a direct manifestation of his/her disability and the following steps must be taken immediately.

- a. If the IEP has not been appropriately implemented the district must take immediate steps to remediate this.
- b. An FBA must be conducted and a BIP created. Or, if a plan already exists, appropriate modifications should be made to that plan.
- c. The student should be immediately returned to their regular placement unless (1) the parent(s) and district agree to an alternative placement, (2) a hearing officer orders a change of placement, or (3) the student has been removed due to "special circumstances" as reviewed in the following section.

If the answer is "no" to both questions then the student's behavior is determined to not be a manifestation of his/her disability and the following steps must be taken.

- a. The relevant disciplinary procedures for the student's specific act of misconduct should be implemented, consistent with the action taken against a peer engaging in similar acts of misbehavior.
- b. FAPE must be reviewed in order to ensure that the student is able to continue with the general education curriculum and progress toward his/her IEP goals for the duration of the disciplinary action.
- c. Appropriate FBA, BIP, or modifications to existing plans should be conducted.

- d. The student should return to his/her placement at completion of the disciplinary action unless (1) the parent(s) and district agree to an alternative placement or (2) the student has been expelled.

#### 4. Removal from Current Placement Due to Certain Conduct

A student may have a change in placement due to behavioral difficulties at any time when agreed upon by the IEP Team and parents; however, when a student's conduct falls within the category of "special circumstances" (i.e., involving weapons, drugs, illegal substances, or serious bodily harm), he or she may be moved to an Interim Alternative Educational Setting (IAES) for a period of up to forty-five days, regardless of the Manifest Determination. The IEP Team will determine what Interim Alternative Educational Setting is appropriate for the student.

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## G. State & Local Testing

### 1. MCAS

The Massachusetts Comprehensive Assessment System (MCAS) is the state's student testing program. Tests are given at different grade levels and are based on the Massachusetts Curriculum Frameworks in English Language Arts, Mathematics, Science & Technology/Engineering, History and Social Science. All students in Massachusetts receiving a public education must participate in this statewide assessment.

Both IDEA and the Massachusetts Education Reform Act require that all students participate in MCAS. Historically, it wasn't always considered important for students with learning disabilities to participate in state assessments. It was assumed that special education evaluations were sufficient to determine how well students were progressing. However, special education evaluations don't typically provide information about how students are performing in regards to local and state academic learning standards. Requiring special education students to participate in statewide testing ensures that schools will be held accountable for the achievement of special education students in the same way they are for non-disabled students. By including all students in MCAS, schools are more likely to raise standards and have higher expectations for students with disabilities. They are also more likely to develop new programs and methods of teaching students with diverse learning styles.

### 2. Options for MCAS Test Taking

Your child's Team, including you, will determine how he/she will participate in the MCAS Assessment. MCAS can be administered in three ways:

- By taking the regular test under routine conditions
- By taking the regular test with special accommodations
- By MCAS Alternate Assessment, i.e., student portfolio

The IEP Team decides in which way a special education student will be tested and documents the reasons for accommodations or alternative testing in the IEP. Generally, the MCAS accommodations used by a student should be similar to those accommodations the student uses during regular classroom instruction and testing.

*Note: Only those accommodations identified in a student's IEP can be offered to the student during MCAS administration.*

The MCAS options are explained in more detail below. For additional information about MCAS participation, available accommodations and alternate assessments, please refer to the DOE publication titled, "Requirements for the Participation of Students with Disabilities: A Guide for Educators and Parents," available on the DOE website at: [www.doe.mass.edu/mcas/parents.html](http://www.doe.mass.edu/mcas/parents.html).

### 3. Which Students Qualify for MCAS Test Accommodations

Students with disabilities served by an IEP or 504 Plan may be eligible for MCAS test accommodations in keeping with their IEP or 504 Plan. The use of accommodations is based on individual student needs once the following criteria are met:

- The student has a documented disability
- The student routinely uses the accommodation(s) during classroom teaching and tests
- The student needs the accommodation to participate in statewide testing
- The accommodation is listed in the MA DESE's "Requirements for the Participation of Students with Disabilities in MCAS" publication
- When a nonstandard accommodation is required for the student to participate in MCAS, the student meets the eligibility requirements for nonstandard accommodations set forth in the MA DESE's "Requirements for the Participation of Students with Disabilities in MCAS" publication

### 4. Possible Standard MCAS Test Accommodations

A standard accommodation is a change in the normal test taking conditions that does not alter what the test is intended to measure. Examples of standard accommodations include:

- Frequent breaks
- Specific time of day
- Small group administration
- Administration in a separate setting
- Individual vs. group test administration
- Administration in a specified area
- Administration by a familiar adult
- Use of noise buffers
- Use of magnifying equipment or overlays
- Administrator clarifies general test directions
- Use of large-print MCAS test
- Use of Braille MCAS test
- Use of a place marker
- Tracking test items
- Use of amplification equipment
- Administrator reads test
- Administrator signs test
- Use of an electronic text reader
- Use of a scribe
- Use of organizer, checklist, reference sheet or abacus
- Student signs or reads test aloud
- Monitor placement of test responses
- Student types responses
- Student records answers in test booklet

### 5. Possible Nonstandard MCAS Test Accommodations

A nonstandard accommodation is one that changes the way the MCAS test is presented or the way a student responds to test questions and alters a portion of what the test is intended to measure. Examples of nonstandard MCAS accommodations include:

- Test administrator reads ELA Reading Comprehension test aloud
- Test administrator signs ELA Reading Comprehension test for deaf or hard of hearing student
- Student uses electronic text reader for the ELA Reading Comprehension test
- Student dictates ELA Composition to scribe
- Student uses calculator or math tables on test
- Student uses spell or grammar checking function of word processor on ELA Composition

## 6. MCAS Alternate Assessment

A very small number of students (2% or less) may be unable to take standard MCAS tests even with accommodations due to the nature and severity of their disability. These students will be designated by the Team to participate in the MCAS Alternate Assessment, which is a portfolio of the child's accomplishments collected throughout the year by the child's teacher. The portfolio must document how well the child has demonstrated his/her knowledge and skills related to the learning standards in the Massachusetts Curriculum Frameworks in the areas assessed by the standard MCAS test. Secondary school students who pass the Alternate MCAS will be eligible for a standard diploma.

## 7. Understanding Your Child's MCAS Scores

Students are tested in the spring of each year and parents receive the test results in the fall of the following year. The MCAS report provided by the DESE includes two different types of complementary student performance data – achievement data and student growth data. The achievement data shows how well your child has mastered the grade-level academic standards identified in the Massachusetts Curriculum Frameworks. While the student growth data shows how much your child has grown academically that year in relation to a similarly achieving peer group across the state.

### Achievement Scores

Each student receives a score of Advanced/Above Proficient, Proficient, Needs Improvement, or Warning/Failure in each MCAS subject area tested. Currently in 2011 a student must score “Needs Improvement” or better on the tenth grade English and Math tests to graduate from high school. Note: in 2013 and beyond a student will need to score “Proficient” or better on required MCAS tests to graduate from high school.

Student MCAS performance also has ramifications for schools and districts. The Federal “No Child Left Behind” law imposes consequences for districts if they: 1) fail to maintain a high standard of achievement among all students as well as specific subgroups of students (including special education students) or 2) show a lack of adequate yearly progress towards established achievement standards for all or certain subgroups of students. The sanctions imposed by the government intensify over time if a school or district doesn't improve their student performance in subsequent years.

### Student Growth Percentile

In addition to achievement scores each student also receives a Student Growth Percentile (SGP) score for English Language Arts (ELA) and Mathematics. SGP

measures how much progress each student makes annually relative to other students statewide with similar MCAS score histories. Student growth percentiles range from 1 to 99, where higher numbers represent higher growth and lower numbers represent lower growth. This measurement tool works independently of MCAS achievement levels. Therefore, all students, no matter what proficiency scores they earned on past MCAS tests, have an equal opportunity to demonstrate growth at any one of the 99 percentile levels on the next year's test. Growth percentiles are calculated in ELA and Mathematics for students in grades 4 through 8 and for grade 10. The DESE considers an SGP score of 40-60 to represent typical annual student growth. SGP scores below 40 indicate lower than expected student growth and scores above 60 indicate higher than average student growth.

Student Growth Percentiles are a very useful metric and provide feedback not only on student progress, but also on the effectiveness of teachers and educational programs. The AB SpEd PAC encourages parents to become familiar with this metric and anticipates that it will become more important and widely used in the coming years. Note: Over the last several years we have completed detailed MCAS analyses for the Acton Public and Acton-Boxborough Regional school districts and compared our districts' performance with other comparable suburban school districts. The results of these analyses can be found on the AB SpEd PAC website at [www.abspedpac.org](http://www.abspedpac.org).



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## H. Measuring Student Progress

### 1. Grades

All students are evaluated using the grading method employed by the child's individual school. Methods vary from building to building across the school district. Elementary students enrolled in McCarthy-Towne, Gates, Conant, and Douglas receive report cards with letter grades. Merriam students participate in portfolio assessments and end of the year assessments. Students at R.J. Grey Junior High are issued report cards with letter grades in all required subject areas on a trimester schedule while students at ABRHS receive report cards with letter grades quarterly. At both the Junior High and High School, exploratory subjects are taken as Pass/Fail courses; i.e., no letter grade is given. Grades and portfolio assessments provide parents with information about how their child is progressing in the regular education curriculum. The Team should discuss the grading/evaluation system while looking at specially designed instruction options during the IEP Team meeting.

### 2. Progress Reports

In addition to grades all special education students receive a special education progress report at the same interval that schools issue report cards or other school-wide assessments. Each progress report allows parents to check on their child's progress towards annual IEP goals at set intervals throughout the school year. If your child is not making expected progress towards his/her goals, you should speak with your child's special education teacher or ask for a Team meeting to discuss whether changes to the IEP are necessary to better support your child's special needs. Any change to the IEP must be agreed to by the parent/guardian. The district cannot make any changes to your child's current IEP without first notifying you and getting your written consent.

### 3. Current Schedule for Report Cards & Progress Reports

The Acton Public and Acton-Boxborough Regional Schools currently send out report cards and student progress reports on the following schedule. However, this may change over time.

- Merriam - January and June
- McCarthy-Towne - January and June
- Gates - December, March, and June
- Conant - January and June
- Douglas - January, April, and June
- R.J. Grey Junior High - December, April, and June
- Acton-Boxborough Regional High School - November, January/February, April, and June

In addition to progress reports the schools complete a Summary of Student Performance for students who are graduating or turning twenty-two years old. Included in this report is a summary of the student's academic achievements and functional performance. The report also includes suggestions as to how to assist your child in reaching his/her post-secondary goals.

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## I. Transition Planning & Services

### 1. Tips for Successful Transitions Within the School District

Students go through a number of transitions during their academic careers. The school district works very hard to make these transitions as smooth as possible for children and their families. Here are some general tips for dealing with a program or grade change:

#### A. Find out as much as you can about the new program

- What services will be provided and how frequently?
- Who will be providing the services?
- Will services be provided in the classroom or in a separate location?
- If services will be provided outside of the classroom, what will your child's regular education class be doing during the time that he/she is pulled out of class? Ensure that the regular education instruction your child misses is appropriate.

#### B. Observe the new program

- As a parent/guardian ask to observe the new program and meet the staff
- Schedule a time for your child to visit the new program and meet the staff
- Help the student transition by drawing connections between new program staff and people your child is familiar with who perform the same role in their current program
- Talk with you child about the upcoming change in a positive and supportive manner

#### C. Establish a communication mechanism that allows you to get regular updates on your child's transition into the new program. An example of this might be setting up a Team meeting three or four weeks into the transition period to discuss your child's adjustment or implementing a home-school communication log during the transition period so you receive more frequent feedback from staff working with your child.

### 2. Important Student Transitions

**A. Early Intervention to Preschool** – At 2.6 years of age Early Intervention refers students receiving services to the Acton Public Schools. The Early Childhood Coordinator of the Acton Public Schools then schedules a transition meeting with parents/guardians. At this meeting the district explains the Initial Evaluation process to families. The Initial Evaluation takes place prior to your child's third birthday. At the Initial Evaluation meeting the Team (including parents) will determine whether or not your child is eligible to receive special education services in the Acton Public School system. If eligible, together the Team will write an Individualized Education Plan (IEP) and determine an appropriate placement for your child. If your child is found eligible for special education services, those services will begin on your child's third birthday. As children turn three throughout the school year they will move into Preschool. If attending the APS Preschool, an orientation visit will occur prior to the child's first day. The APS Preschool sends a welcome letter to all enrolled families and offers an orientation for all students and families. In addition, the Preschool PTO

sponsors a picnic at one of the local Acton playgrounds to provide an opportunity for parents and children to connect with one another early in the school year.

**B. Preschool to Kindergarten** – In Acton, parents have a choice of five different elementary schools for their children – Conant, Gates, Merriam, McCarthy-Towne and Douglas. Each school has slightly different teaching philosophies and emphases within their curriculum. Which school each child attends is determined by a lottery that is held in May. However, students on IEPs are generally placed in the elementary school that can best support their child’s individual needs. The schools host multiple Kindergarten Tours for the parents of incoming students. We suggest you attend an Open House and tour of each school so that you can decide which elementary school best suits your child’s learning needs as well as your family’s educational style. Students receive an excellent education at each of the district’s five schools, so it really comes down to personal choice and your child’s individual needs.

In December – The Coordinator of Early Childhood Services arranges a Kindergarten Transition Meeting/Information Session for all parents of children with special needs whose children are age eligible to enter Kindergarten. The Early Childhood Coordinator, Elementary Special Education Chairperson and at least one of the Elementary School Principals attend this meeting. They discuss the enrollment process and describe the special education programs and services available in the district’s elementary schools. This meeting precedes the broader, district-wide meeting about Kindergarten registration and lottery, which takes place in January of each year.

Prior to Kindergarten Registration in March – Individual Team meetings are held for each student to determine the student’s educational needs, write an IEP and determine Kindergarten placement. The decision to include Elementary special education staff is currently made on an individual basis. *Note: All families must register their children for Kindergarten in March.*

In May and June – Preschool staff will provide information to Elementary specialists and clinicians who will be working with your child the following year. In addition, parents of resource room students will be invited to visit the Elementary program and meet resource room staff during the spring. Preschool staff will provide information to Elementary specialists and clinicians who will be working with your child the following year. In addition, parents of resource room students are invited to visit the Elementary program and meet resource room staff during the spring. In

In August and September – In August each Kindergarten teacher will send a personalized letter home to welcome your child to Kindergarten. In late August or September the elementary schools will each hold a Kindergarten orientation and/or Back to School Night for all students, which includes regular and special education students. Finally, in September the school conducts kindergarten screening of each child to identify students who may have special learning needs.

C. Grade-to-Grade Progression – Grade level teams develop class lists for the subsequent year. Prior to creating class lists, the special education staff meets to provide input on individual student’s placements. Input regarding where to place students is based on such factors as, groupings for instruction or therapy, scheduling needs, paraprofessional support, and social and/or behavioral considerations. Current classroom teachers pass IEPs along to receiving teachers and special education liaisons check in early in the year to ensure that teachers have current IEPs for all of their students. Additionally, special educators meet with receiving teachers to provide brief overviews of students to help teachers plan for and work effectively with their new students.

D. Grade 6 to Junior High School – Elementary special educators share information about students on IEPs with Junior High special educators midway through each student’s sixth grade year. Sharing information about rising seventh graders allows Junior High staff to begin placing students on appropriate caseload lists.

In January, February, March, and April – RJ Grey Administration and Faculty hold Parent Forums for current 6<sup>th</sup> grade parents to discuss such topics as Adolescent Development, Haggling Over Homework, School Discipline, and Stress Management.

In February – Elementary Special Educators from Acton and Boxborough meet with Junior High Special Educators to discuss the needs of the incoming 7<sup>th</sup> graders. RJ Grey Special Educators use this time to describe junior high services delivery, how the schedule interfaces with services, and helpful hints regarding the curriculum and self-advocacy. Through selected observation and discussions, dialogue between junior high and elementary staff and clinicians occur.

In April – RJ Grey Administrators and current junior high school students visit the 6<sup>th</sup> graders at each elementary school and distribute 7<sup>th</sup> Grade registration forms. Then RJ Grey Administrators and Faculty present a Parent Information meeting for all 6<sup>th</sup> grade parents to discuss such topics as curriculum, scheduling, and registration. RJ Grey Administrators offer two open houses for 6<sup>th</sup> grade parents where administrators answer questions and current students provide school tours.

January through June – Individual transition meetings occur with parents of special education students, the elementary school Team, and *sometimes* representative(s) from the junior high school to revise the student’s IEP for junior high school. The decision to include Junior High staff is currently made on an individual basis.

In February-March – The parents of 6<sup>th</sup> grade special education students meet with Junior High School Administrators and Special Educators to discuss the special education programs available at RJ Grey Junior High School.

In June – there is a 6<sup>th</sup> Grade Social and Parent Information Session held at RJ Grey Junior High School.

In August – Prior to school beginning the school posts student Team placements by ID number. *Some* 6<sup>th</sup> grade special education students are invited to spend two days at RJ Grey Junior High School to ease the transition to junior high prior to the beginning of the school year. This program is run by special education staff and allows students to spend two days at RJ Grey Junior High School prior to the beginning of the school year to learn how to use a combination lock, follow a mock schedule to individual classrooms, and promote understanding and independence. Pupil Services believes that only a small number of students require this opportunity in order to make a smooth transition to Junior High School. However, you are welcome to bring your children to R. J. Grey on your own to help them become familiar with the school at any time. Just contact the main office to let them know when you would like to come visit the school

Parents/guardians receive mailings regarding the timing of open houses, tours and informational meetings at the Junior High school. Depending on student needs Junior High staff may observe students in their elementary school and/or attend IEP Meetings to prepare for the transition.

In September – 7<sup>th</sup> Graders start on the 1<sup>st</sup> day of school while the 8<sup>th</sup> Graders start on the 2<sup>nd</sup> day of school. This allows the 7<sup>th</sup> graders to have the building to themselves on the 1<sup>st</sup> day of school as they find their way from class to class.

E. Junior High to Senior High School – Junior High special educators share information about students on IEPs with Senior High special educators midway through students' eighth grade year. Sharing information about rising high school students allows Senior High staff to begin placing students on appropriate caseload lists.

January through June – Individual transition meetings occur with parents of special education students, the junior high school Team, and *sometimes* representative(s) from the high school to revise the student's IEP for high school. The decision to include high school staff is currently made on an individual basis.

February – R.J. Grey Special Educators, specialists and clinicians meet with ABRHS staff to discuss the needs of the incoming 8<sup>th</sup> graders. The ABRHS staff uses this time to describe high school services delivery, how the schedule interfaces with services, and helpful hints regarding the curriculum and self-advocacy. Through selected observation and discussions, dialogue between high school and junior high staff and clinicians occur.

In March – The high school has an 8<sup>th</sup> grade Parent's Night to introduce parents to the high school, provide information about programming and answer any questions families may have.

In March-May – There is a meeting for parents at the high school run by the lead Special Educator to discuss the special education services available at the high school. This meeting involves a general discussion of services followed by questions and answers

In August – *Some* 8<sup>th</sup> grade special education students are invited to spend one or two days at ABRHS to ease the transition into high school prior to the beginning of the school year. This program is run by special education staff and allows students to spend a day or two at the high school prior to the beginning of the school year to learn their way around the building and promote understanding and independence. Pupil Services believes that only a small number of students require this opportunity in order to make a smooth transition to high school. However, you are welcome to bring your children to ABRHS on your own to help them become familiar with the school at any time. Just contact the main office to let them know when you would like to come visit the school.

In September – 9<sup>th</sup> Graders start on the 1<sup>st</sup> day of school while the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Graders start on the 2<sup>nd</sup> day of school. This allows the 9<sup>th</sup> graders to have the building to themselves on the 1<sup>st</sup> day of school as they find their way from class to class. The school shares its expectations for students, shows students where their lockers are, provides each student a copy of their class schedule, answers questions and provides tours of the building.

F. Moving Out of the District – When families move to another school district, they must register their child in the new community. Registration with another school district initiates a request for student records from the new school district. At that juncture the Acton or Acton-Boxborough Regional School district will send the new school district a complete educational record for the student. The special education department in Acton or Acton-Boxborough Regional School district will only retain a copy of the student’s current IEP and most recent evaluation packet.

G. Transfer To or From an Out-of-District Placement – When the Team determines that a student requires an out-of-district (OOD) placement or is ready to transition back into the public schools from an OOD placement the Acton-Boxborough Out-of-district Coordinator will serve as the liaison for that student between our school district and the student’s out-of-district placement.

#### Moving to an OOD Placement

For students moving from the public schools to an OOD placement the Team will propose and refer families to various out-of-district programs/placements that meet the student’s individual needs. Families will speak with administrators and observe programs at the various proposed placements. Together with school staff they will determine the most appropriate placement for their child. Out-of-district (OOD) options may include:

- Self-contained classes within public school buildings, which are offered by educational Collaboratives such as the Concord Area Special Education (CASE) Collaborative in which our district participates
- Private, approved day schools
- Private, approved residential schools
- 45 day stabilization programs
- Home or hospital programs

#### Returning From an OOD Placement

In order to provide students with a free and appropriate public education in the least restrictive environment the public schools, via IEP Team meeting discussions, regularly evaluate whether or not an OOD student is able to return to the public school system to complete their education. When the Team determines that a child can be successful in the public school environment then a specific contact person is identified to represent the out-of-district school and a specific administrator and/or counselor is identified at the receiving in-district school. These individuals along with the Out-of-District Coordinator and parents will create a reentry program for the student. At the high school level the Team will determine 1-2 classes for the student to initially attend at the regional high school. Student performance will be monitored under the coordinated efforts of school administrators, counselors and teachers at ABRHS, as well as the OOD Coordinator and the designated OOD contact via email, phone, progress meetings and Team meetings.

### 3. Transition Planning for Post High School Education or Employment\*

IDEA requires that parents and students be involved in all aspects of transition planning and decision-making. Students are central to the process of transition planning and any rights that parents have flow from the right of the student to receive a Free Appropriate Public Education (FAPE). As students grow older, their participation in the planning of their own special education services becomes more active, including participating on the Team by age 14 (or younger if appropriate) and the transferring of rights from parent to student when he/she reaches the age of majority (age 18). Unless there has been court action giving guardianship to another adult, at 18 years of age students are considered adults and competent to make their own decisions, regardless of the severity of their disability – this includes decisions in all special education matters. The Massachusetts IEP form offers students age 18 and older the opportunity to delegate responsibility, if they wish. Parents and students must be notified about the transfer of rights from parent to student at least one year before the student turns 18. When the student turns 18, he/she has full authority to consent to, or refuse, special education services. When students reach the age of majority, parents continue to have the right to receive all written notices and to have access to the student's school records. Note: guardianship is complex, so we recommend that anyone questioning their child's need for a guardian consult with an attorney.

#### Key Elements that a Good Transition Plan Should Include

The transition plan should reflect the student's strengths, choices, interests, and needs in the areas of education and training, employment, adult living arrangements, and community participation. Beginning at age 14, the student's IEP should contain a statement of the student's transition service needs that focuses on the student's course of study, including academic courses, technical training and/or employment preparation. When discussing annual goals and services for a student, the IEP Team must determine what instruction and education experiences will help the student prepare for the transition from high school to adult life. For example, if a student's transition goal is to secure a job, a transition service might be enrolling in a career development class to explore career options and specific jobs related to that career. A statement of transition service needs should relate directly to the student's goals after high school and show how planned activities are linked to these goals.

### **Team Participation of Other Service Agencies**

The student's IEP should include any needed Transition services from outside agencies, such as vocational rehabilitation, county services, and postsecondary programs. Adult agencies whose services link school experiences with employment, future education or training, and independent living opportunities should be invited to IEP transition meetings. These personnel could include representatives from residential facilities, mental health workers, county case managers, vocational rehabilitation counselors, or past or current employers. This is a critical component of transition planning. Many public and private agencies that offer adult services have eligibility criteria and waiting lists. The procedures used in each adult service system differ from school procedures. Some services from these agencies can begin before the student graduates. A smooth transition to adult services is more likely to occur if representatives from adult agencies are included in the transition IEP as early as possible.

### **The Difference Between Transition Planning at Age 14 and at Age 16**

At age 14 transition planning must begin. The IEP Team should develop student's post-school goals and identify transition service needs. These needs may include a course of study and a year-by-year plan to achieve goals after graduation. The IEP Team must determine what instruction and educational experiences will help the student prepare for transition from high school to post-school life.

At age 16 the IEP Vision section should include a statement of post-school vision. By age 16, the needed transition services must be implemented. Services could include instruction and related services, community experiences, vocational evaluation, employment, and other activities involved in adult living. A statement of interagency responsibilities should be included as well as needed links to other agency services. The IEP Team should monitor the student's high school program to be sure the student completes all graduation requirements that are identified as appropriate in the his/her IEP.

### **Special Factors for the IEP Team to Consider**

- Behavior that impedes learning – In the case of a student whose behavior interferes with his/her learning or the learning of others consider strategies and supports, including positive behavioral interventions to address that behavior.
- Limited English proficiency – In the case of a student with limited English proficiency, consider the language needs of the child as those needs relate to his/her IEP.
- Braille needs – In the case of a student who is blind or visually impaired provide for instruction in Braille unless the IEP Team determines that it is not appropriate for him/her.
- Communication needs – Consider the communication needs of the student and in the case of a child who is deaf or hard of hearing consider the child's language and communication needs and opportunities for communication with others, along with the full range of needs.



- Assistive technology – Consider whether the student requires assistive technology devices and services for successful transition to post-school activities.

#### 4. Aging Out of Special Education Services\*

Graduating with a regular high school diploma and/or attaining the age of 22 renders a student no longer eligible for special education services, which is why it is important for the Team to begin planning early to ensure that each student has the necessary skills to succeed independently in post-school life. The school is required to inform you at least one year before they anticipate your child will graduate with a regular high school diploma. In addition, Chapter 688 referrals should be made two years before a student graduates or turns 22.

\* The information in sections 3 and 4 was drawn from a May 2002 Parent Brief created by the National Center on Secondary Education (NCSET) and the PACER Center.

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## J. Student Records

The Family Education Rights and Privacy Act (FERPA) is a federal statute protecting the civil rights of students and their parents. In addition, the state of Massachusetts has its own, more conservative laws and regulations regarding student records. Federal, state, and local laws and policies all play a role in guiding the regulation of student records in the Acton Public and Acton-Boxborough Regional School Districts.

### 1. Parent/Student Rights

Below is a summary of the rights, with respect to educational records, afforded to parents and eligible students:

- The **right to access** the student's education record by submitting a request to the building principal.
- The **right to request** an amendment of the record by submitting a request to the building principal.
- The **right to consent** to disclosures of personally identifiable information contained in the record.

### 2. Student Record Content

The student record includes:

- Health records
- Special education records
- The Cumulative record (the student record that follows a child throughout his/her school career)

### 3. Individuals Who Can Access Student Records Without Consent

Who can access the record without written consent?

- Parents/or legal guardians
- School personnel with a legitimate educational need to review the record in order to meet job responsibilities
- Student, at least fourteen years-old or in at least the ninth grade
- Office staff who maintain the record

### 4. Student Directory Information

The Acton-Boxborough Public Schools has designated the following information as "directory information." This information is generally not considered harmful if released and may be released to others without parent consent (e.g., yearbook publisher, class ring manufacturer, military recruiters, etc.).

A. For **preschool** and elementary students the following is considered "directory information:"

- Name
- Address
- Telephone number
- Date of birth
- Grade
- Classroom assignment

B. For middle and high school students the following is considered "directory information:"

- Name
- Address
- Telephone number
- Date of birth
- Graduating class
- Team/class assignment
- Participation in officially recognized activities or sports
- Honors and awards

#### 5. Exceptions for Student Record Release Without Parent Consent

Situations in which *parental/guardian consent is not needed* for release of the entire student record:

- When a **current** Acton or Acton-Boxborough student is seeking or intending to enrol in another school the student's complete record may be forwarded to the new school without consent.
- A school official within the district who has a legitimate interest in reviewing the student's records may do so without consent if necessary to fulfil his/her job responsibilities.

#### 6. Non-Custodial Parent Access to the Student Record

The process for a non-custodial parent who is requesting access to a student's education record is as follows:

- Non-custodial parents must submit a written request for the record to the building principal.
- The school must immediately notify the custodial parent by certified and first-class mail, in English and the primary language of the custodial parent. The custodial parent will be informed that the request has been made by the non-custodial parent and that the school will release the requested information after twenty-one days unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to gain access to the record (based on factors set forth in Massachusetts statute and regulations).
- In the absence of such documentation, the non-custodial parent will be provided access to the requested student record. The school must delete all electronic and postal addresses and telephone numbers of the custodial parent prior to granting access. In addition, the records released to a non-custodial parent must be marked to indicate that the information may not be used to enrol the student in another school.
- If the school receives a subsequent court order denying access to the non-custodial parent, the school must notify that parent and stop providing access to all student record information.

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## K. Home, Hospital or ELL Instruction

### 1. Home or Hospital Instruction for Special Education Students

The school must arrange for educational services in the home or hospital setting upon a doctor's order that the student must remain out of school for medical reasons for not less than fourteen days or if the doctor determines that the student is likely to be out of school for more than sixty days in a given school year due to medical need. A TEAM meeting is scheduled within ten school days to determine evaluation needs and to develop or amend an IEP. Method of service provision is determined by the school district and may be delivered through 1) district employees, 2) contracting the hospital, 3) contracting another school district or 4) contracting a private agency. The home/hospital instruction is to be the same academic content as the regular school-based program and coordinates the instructional content and student progress with the school. The school will, at minimum, provide the instruction that is necessary to help the student keep up with coursework and minimize educational loss.

### 2. English Language Education (ELE) for Special Education Students

English Language Learners (ELL) or Limited English Proficient (LEP) students are students whose native language is something other than English and who are currently unable to complete standard coursework in English. ELL students are identified by the school district. The district must follow state and federal regulations when devising educational programming for these students. When considering special education eligibility for ELL students, staff knowledgeable in second language acquisition should be involved. Lack of English proficiency alone is not a basis for a disability finding. When an ELL student is identified as a student with special education needs that are met through an IEP or 504, the district must provide language services as stated in the IEP/504. For instance, if it is documented in the IEP that an individual requires content instruction delivered in their native language, the school is required to do so. All documents sent home are required to be translated into the parents' native language and an interpreter fluent in the native language must be present for all educational planning meetings where this service is necessary for the parent to participate. All students identified as ELL have the right to expect the following:

- Instruction in English by a certified English as a Second Language (ESL) instructor, ensuring that the student learns to speak, listen, write, and read in English.
- Access to the same curriculum as other students as laid out by the Massachusetts State Curriculum Frameworks and the ABRSD.
- Educational instruction taught by a classroom teacher who is trained in the content area and certified to teach students who are learning English.
- Each year ELL students participate in the Massachusetts English Proficiency Assessment (MEPA) and the Massachusetts English Language Assessment-Oral (MELA-O) to assess his/her progress in learning the English Language. Parents/guardians will be informed of the results.
- The opportunity to receive academic support services (e.g., counselling) in their native language.
- Access to the same extracurricular activities as their peers.

- Continued monitoring of students formerly identified as ELL for two years with provision of language support services as needed.

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## L. Parent Rights & Dispute Resolution

### 1. Notice of Procedural Safeguards

Both parents and children have rights afforded to them by the federal and state special education laws. The procedural safeguards are due process rights that protect against discrimination and ensure parent involvement in the special education process. Procedural safeguards relate to many aspects of the special education process including eligibility, evaluations, IEP development, disciplinary actions against students with disabilities, placement, and the provision of special education services.

It is important that you are able to understand your rights as a parent in order to be the best advocate for your child. Please ask school personnel or contact ABSpEd PAC if you would like to review the Notice of Procedural Safeguards document with someone. Although it is essential to understand, the procedural safeguards are sometimes written in legal terms that can be confusing and overwhelming.

Below is a brief listing of some procedural safeguards. For a comprehensive list and descriptions please refer to your copy of the Notice of Parents Rights Brochure. These brochures are issued to parents whenever an initial request for evaluation is made and at other times during the IEP process. A copy can also be requested from Pupil Services at any time.

- a. Written notice: The school must provide written notice before they conduct an evaluation or reevaluation, develop an IEP, or change in placement.
- b. Parental consent: Informed parental consent must be obtained before an evaluation is conducted and before initial education services are begun.
- c. Access to educational records: You have the right to review your child's educational records at any time.
- d. Due process hearing: You have the right to a formal legal procedure if you are unable to settle a disagreement with the school regarding your child's educational programming.
- e. Mediation: An intermediary step offered to help resolve disputes between parents and school districts before engaging in a costly and adversarial due process hearing.
- f. Timelines: Examples include the completion of the evaluation within thirty school days from when you provided written consent to the school; the Team must make a special education eligibility determination and the school must provide parents with the proposed IEP within forty-five days of receiving your written consent to evaluate; the parent must accept or reject a proposed IEP within thirty days of receipt.
- g. Non-English speaking: If English is not your primary language, an interpreter must be made available for educational meetings, written documents must be translated into your native language. Accommodations for those who cannot read or have a visual or hearing impairment must also be made.

Any rights that parents have stem from the right of the student to receive a Free and Appropriate Public Education. As students grow older, their participation in the planning for the special education services that they receive becomes more active. For instance, by

age fourteen students participate as members of the Team followed by the transfer for rights from the parent to the student at eighteen years of age (unless the courts have granted guardianship to another adult). It is recommended that anyone questioning the need for a guardian for their adult child consult an attorney. Parents continue to have the right to educational records and written notices after the child has turned eighteen; however, the student has the right to accept or decline services and is required to sign off on the proposed IEP. It cannot be assumed that an individual's IEP is acceptable; therefore, at the time of a student's eighteenth birthday, the IEP must be consented to by the adult student.

## 2. Dispute Resolution & Special Education Appeals

It is important to discuss your concerns and areas of disagreement with the school before entering into a more formal dispute resolution process. This can often be the quickest and easiest way to solve a disagreement. If you and your child's IEP Team are unable to reach agreement, schedule a meeting with your school's Special Education Coordinator and/or the Director of Pupil Services to discuss your concerns. Go to the district's website to find contact information for these individuals at:

[www.ab.mec.edu/departments/pupilservices/psstaff.shtml](http://www.ab.mec.edu/departments/pupilservices/psstaff.shtml). If you and the school district are unable to come to agreement following those conversations, you have the right to disagree with the school's decisions regarding your child's:

- Special education eligibility
- Special education evaluation
- Manifestation determination
- Individualized Education Program (IEP) and related services
- Educational placement

If you disagree with the school's decision regarding special education placement or services for your child, you have the right to take any of the following steps to settle these disputed issues on your child's behalf.

1. Meet with the special education administrator at your school and/or the district's Director of Pupil Services in an attempt to resolve your concerns.
2. File a written complaint with Program Quality Assurance (PQA) at the Department of Elementary and Secondary Education (DESE) if you believe there has been a violation of state or federal education law. In Massachusetts the office of Program Quality Assurance administers the state's Problem Resolution System. A PQA representative will review your complaint to determine if education laws and regulations are being followed. After reviewing information provided by the parent and school, PQA will issue a letter explaining their findings and any issues of non-compliance that need to be corrected. Filing a complaint with PQA does not preclude you from using other methods of problem resolution like meeting with school administrators, initiating mediation or a due process hearing.
3. Request Mediation through the Bureau of Special Education Appeals (BSEA). Mediation is a voluntary and informal process moderated by a neutral third party where you and the school meet to talk openly about the areas in which you disagree to try to come to agreement on your child's educational needs.
4. Request an expedited Due Process Hearing through the Bureau of Special Education Appeals (BSEA). This is a formal legal process in which you and the

district present your case to an impartial Hearing Officer for a written binding decision regarding the student's educational needs. This is a fairly complex legal proceeding and averages three to five days in length. As part of the Due Process procedure the district must call a Resolution Meeting within 15 days of receiving notice that a parent/guardian has filed a Due Process request. If both the school and parent decide to waive the resolution session in writing, then the parties may proceed directly to a due process hearing.

*Tip: If you are unable to resolve your concerns independently with school staff, you may want to find a Special Education Advocate who can assist you in making the case for your child's needs. Special Education Advocates have a lot of experience working with school districts on these types of issues and a solid knowledge of special education law. They may be hired privately or available at no cost to those with limited financial means. If you decide to proceed to a formal Hearing, it is recommended that you hire a Special Education Lawyer to assist you in this complex legal proceeding.*

#### Mediation

Mediation is a service provided by a neutral individual who is trained in special education law and negotiation strategies. The mediator will facilitate conversation between you and the school district on unresolved issues. All discussions during the mediation are confidential and nothing said by either party can be used later in a formal hearing or court proceeding. If an agreement is reached in mediation, it is put in writing, signed by both parties and enforceable by law.

#### Due Process Hearing

Within fifteen days of receiving notice from the Department of Elementary and Secondary Schools (DESE) that a parent has made an official hearing request to the BSEA, the district must set up a resolution meeting with the parent and relevant members of the IEP TEAM, including a school representative who has authority to make decisions on the school's behalf. If the dispute is resolved at the resolution session, the parents and the district will sign a legally binding agreement, enforceable in court. Either party may void this agreement within three days of the signing. If the participating parties do not agree on a course of action through either the mediation process or the resolution session then the case will move forward to a due process hearing. A Hearing Officer will make a determination regarding the complaint within ten days of the hearing. The Hearing Officer's decision may only be appealed through state or federal court.



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## M. List of Resources

### Independent Organizations

1. Federation for Children with Special Needs  
Ph: (800) 331-0688  
TTY: (617) 236-7210  
Website: [www.fcsn.org](http://www.fcsn.org)  
Address: The Schrafft Center  
529 Main Street, Suite 1102  
Boston, MA 02129
2. Disability Law Center  
Ph: (800) 872-9992  
Voice/TTY: (617) 723-8455  
Website: [www.dlc-ma.org](http://www.dlc-ma.org)  
Address: 11 Beacon Street, Ste 925  
Boston, MA 02108
3. Family Ties  
MA Department of Health  
Ph: (508) 947-1231  
Website: [www.massfamilyties.org](http://www.massfamilyties.org)  
Address: 109 Island Road  
Lakeville, MA 02347
4. Massachusetts ARC  
Ph: (781) 891-6270  
Website: [www.arcmass.org](http://www.arcmass.org)  
Address: 217 South Street  
Waltham, MA 02453
5. Minuteman ARC  
Ph: (978) 287-7900  
Website: [www.minutemanarc.org](http://www.minutemanarc.org)  
Address: 1269 Main Street  
Concord, MA 01742
6. Massachusetts Advocacy Center  
Ph: (617) 357-8431  
TTY: (617) 357-8434  
Website: [www.massfamilyties.org](http://www.massfamilyties.org)  
Address: 109 Island Road  
Lakeville, MA 02347
7. MassPAC  
Ph: (800) 331-0688  
Voice/TTY: (617) 236-7210  
Website: [www.masspac.org](http://www.masspac.org)  
Address: 1135 Tremont Street, Ste. 420  
Boston, MA 02120
8. Parent Professional Advocacy League  
Ph: (617) 227-2925  
Website: [www.ppal.net](http://www.ppal.net)  
Address: 15 Court Street, Ste. 1060  
Boston, MA 02108
9. Parents for Residential Reform  
Ph: (800) 672-7084  
Voice/TTY: (617) 236-7210  
Website: [www.pfrr.org](http://www.pfrr.org)  
Address: 1135 Tremont Street, Ste. 420  
Boston, MA 02120
10. Volunteer Lawyers Project  
Ph: (617) 423-0648  
TTY: (617) 338-6790  
Website: [www.ppal.net](http://www.ppal.net)  
Address: 29 Temple Place, 3<sup>rd</sup> Flr.  
Boston, MA 02111
11. Asperger's Association of New England (AANE)  
Ph: (617) 393-3824  
Website: [www.aane.org](http://www.aane.org)  
Address: 85 Main Street, Ste. 101  
Watertown, MA 02472
12. Wrightslaw  
*Special Education Law & Advocacy*  
Website: [www.wrightslaw.com](http://www.wrightslaw.com)
13. National Center for Learning Disabilities (NCLD)  
Website: [www.nclld.org](http://www.nclld.org)

## Government Agencies

1. MA Dept. of Elementary & Secondary Education  
Ph: (781) 338-3000  
*Bureau of Special Education Appeals*  
Ph: (781) 338-6400  
*Program Quality Assurance*  
Ph: (781) 338-3700  
Website: [www.doe.mass.edu/sped](http://www.doe.mass.edu/sped)  
Address: 350 Main Street  
Malden, MA 02148
2. Bureau of Transitional Planning  
Ph: (617) 727-7600  
*Office of Health & Human Services*  
Address: 1 Ashburton Place, Room 1109  
Boston, MA 02108
3. MA Rehabilitation Commission  
Ph: (617) 204-3730  
*Office of Health & Human Services*  
Address: Fort Point Place  
27-43 Wormwood Street  
Boston, MA 02210
4. MA Commission for the Blind  
Ph: (800) 392-6450  
TTY: (800) 392-6556  
*Office of Health & Human Services*  
Address: 88 Kingston Street  
Boston, MA 02111
5. MA Commission for Deaf & Hard of Hearing  
Ph: (800) 882-1155  
TTY: (800) 530-7570  
*Office of Health & Human Services*  
Address: 210 South Street, 5<sup>th</sup> Floor  
Street  
Boston, MA 02111
6. MA Department of Developmental Services  
Ph: (617) 727-5608  
TTY: (617) 727- 9866  
*Office of Health & Human Services*  
Address: 160 North Washington  
Street  
Boston, MA 02114
7. MA Department of Mental Health  
Assistance  
Ph: (800) 221-0053  
*Office of Health & Human Services*  
Address: 25 Staniford Street  
Boston, MA 02114
8. MA Department of Transitional  
Assistance  
Ph: (617) 348-8500  
TTY: (617) 348-5599  
*Office of Health & Human Services*  
Address: 600 Washington Street  
Boston, MA 02111
9. MA Department of Public Health  
Ph: (617) 624-6000  
TTY: (617) 624-6001  
*Office of Health & Human Services*  
Address: 250 Washington Street  
Boston, MA 02108
10. MA Department of Children & Families  
Ph: (617) 748-2000  
TTY: (617) 348-5599  
*Office of Health & Human Services*  
Address: 24 Farnsworth Street  
Boston, MA 02108
11. U.S. Office for Civil Rights  
U.S. Dept. of Education  
Ph: (617) 223-9662  
Website: [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)  
Address: J.W. McCormack P.O.C.H., Room 707  
Boston, MA 02109  
*For American Disabilities Act & Section 504 complaints*

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## N. Glossary of Special Education Terms

### A

#### **Ability Tests**

Standardized tests used to evaluate a student's performance in areas such as cognitive, psychomotor, or physical functioning.

#### **Accommodations**

Accommodations are modifications that are typically provided by general educators within the general education environment. They can be a service, provision, or adaptation to meet a specific need so the student can successfully demonstrate learning. Examples of testing accommodations include variations in scheduling, setting, equipment, and presentation format. Examples of classroom accommodations include preferential seating, extended time on tests, and special equipment. Accommodations do not fundamentally change what a test measures for the student.

#### **Achievement Tests**

Standardized tests used to measure knowledge and skills in academic subject areas such as math and reading.

#### **Activities of Daily Living**

Activities related to personal care and basic everyday tasks such as bathing, dressing, toileting, eating, and moving around.

#### **Advisory Opinion**

A process where the parent/guardian and the school each agree to present information in a limited amount of time to an impartial Hearing Officer. The Hearing Officer will give an opinion as to how the law would apply to the situation as presented. Advisory Opinions are not binding. Either party may proceed to a hearing if dissatisfied with the results.

#### **Advocate**

A special education advocate is an individual trained in or familiar with special education law who helps families resolve disagreements with the school system.

#### **Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act is a civil rights law designed to protect individuals with disabilities from discrimination.

#### **Annual Goals**

The Team generates annual goals at the IEP development meeting after discussing and identifying the student's special education needs. Annual goals are specific statements that describe the expected growth and achievement of a student's knowledge and skills over the course of the coming year as a direct result of the special education programs and services the student will receive.

### **Applied Behavior Analysis (ABA)**

ABA is a systematic approach to the assessment and evaluation of a student's behavior in a given environment. ABA includes a systematic application of interventions designed to alter behavior.

### **Aptitude Tests**

These are tests used to measure an individual's overall knowledge and thinking ability and are often used to predict a student's learning potential.

### **Assessment**

The formal process used by experts to determine an individual's abilities and needs to assist with educational planning and to determine service eligibility. Assessments include aptitude tests, achievement tests, and screening tests. Assessments may also be referred to as an Evaluation. An **Alternate Assessment** to a paper and pencil test refers to non-conventional methods of assessing achievement, such as the review of work samples or portfolios.

### **Assistive Technology Device**

An assistive technology device refers to a tool or piece of equipment used to maintain or improve the independent capabilities of a child with a disability.

### **Audiology**

Audiology is a Related Service that includes the identification of children with hearing loss; the determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; the provision of habilitative activities; the creation and administration of programs for prevention of hearing loss; the counseling and guidance of children, parents, and teachers regarding hearing loss, and the determination of children's needs for group and individual amplification, the selection and fitting of an appropriate aid, and the evaluation of amplification effectiveness.

### **Autism**

Autism is one of the disability categories recognized by Massachusetts' statute. It refers to a developmental disability that significantly affects verbal and nonverbal communication and social interaction skills that adversely affect a child's educational performance. Other characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. It is usually diagnosed within the first three years of life. However, some types of autism may not be diagnosed until the child is older due to late-occurring social deficits or other characteristics.

## **B**

### **Behavior Intervention Plan (BIP)**

This is a plan that incorporates positive behavioral interventions to manage student behaviors that interfere with his/her learning or the learning of others. A BIP incorporates the observations made during a Functional Behavioral Assessment. Examples of behavioral interventions include changes in the environment to prevent the behavior and providing positive reinforcement to promote good behavior. A BIP identifies necessary supports so that the student will not act out as a result of frustration or fatigue. The BIP has its own goals and objectives and is part of the IEP.

**Benchmark**

A benchmark is a milestone for a student to reach in the process of achieving his/her annual IEP goals. Benchmarks enable parents, students, and educators to monitor the student's progress during the year towards meeting his/her annual IEP goals.

**Bureau of Special Education Appeals (BSEA)**

The BSEA is a state agency located within the Massachusetts Department of Elementary and Secondary Education. It is notified by the school system of all rejected IEPs. The BSEA provides dispute resolution services in the form of mediations, advisory opinions, and due process hearings to resolve disputes among parents/guardians, school districts, private schools and state agencies.

**C****Certified Special Educator**

A certified special educator is an educator with a teaching certificate or license in the area of special education. A related service provider with appropriate certification or license in his/her professional area may also qualify as a certified special educator. Licensure must meet the requirements of the Massachusetts Regulations for Educator Licensure and Preparation Program Approval. A certified or licensed special educator may provide, design, and/or supervise special education services.

**Child Study Team**

A Child Study Team is a group of individuals within each school, which may include teachers, administrators, psychologists, related service providers, and parents, that coordinates the pre-referral process for a student who is experiencing academic or behavioral difficulties. The Child Study Team assesses the child's strengths and challenges, develops strategies and interventions to support the child, and establishes a timeframe within which to review the impact of these interventions on the student's performance. This process is an effort to determine whether or not a child's needs can be met without a referral to special education.

**Communication Impairment**

Communication impairment is one of the disability categories recognized by Massachusetts' statute. It affects an individual's ability to use expressive and/or receptive language effectively. Communication skills can be limited, impaired, or delayed as reflected by difficulties in one or more of the following areas: speech, such as articulation and/or voice; or conveying, understanding, or using spoken, written, or symbolic language. The disability category of communication impairment includes students with impaired articulation, stuttering, language impairment or voice impairment in which that impairment adversely affects the student's educational performance.

**Comprehensive Reevaluation (also known as Three-Year Reevaluation)**

See Reevaluation.

**Confidential File**

This is a file maintained by the school that contains evaluations and other information related to special education placement. Parents have a right to inspect the file and to have copies of any information contained within it.

**Consent**

Required, written agreement by a parent/guardian who has been fully informed of all information relevant to the activity for which consent is sought. The consent form describes the activity and lists any records that will be released and to whom those records will be released. The granting of consent is voluntary and may be revoked at any time. A parent/guardian must be informed of consent requests in his/her primary language.

**Counseling Services**

Counseling Services are a Related Service provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. (See Related Service definition for reference to more specific counseling services).

**D****Deaf/Blind**

Deaf/Blind refers to an individual with concomitant hearing and visual impairments that cause severe communication and other developmental and/or educational needs to such an extent that the individual cannot be accommodated in special education programs solely for children with deafness or children with blindness. In Massachusetts this falls under the Sensory Impairment disability category.

**Deafness**

Deafness refers to a hearing impairment so severe that a child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects the child's educational performance.

**Developmental Delay**

Developmental Delay is one of the disability categories recognized by Massachusetts' statute. It refers to when the learning capacity of a young child (up to age 9) is delayed in one or more of the following areas: physical development, cognitive development, communication, social and/or emotional development, or adaptive development.

**Disability**

A disability is an impairment that substantially affects one or more major life activities. Disability categories under IDEA include: autism, deaf-blindness, deafness, developmental delay, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness.

**Due Process**

See Procedural Safeguards.

**Due Process Hearing**

A due process hearing is one of a number of procedural safeguards for children. If a parent/guardian disagrees with the school about special education services/placement for their child, they may request a due process hearing. At this hearing the parent and school district each present their cases to an impartial Hearing Officer who will issue a written, binding decision on the best outcome for the student. A due process hearing is a complex legal procedure and parents may consult an attorney for representation.

## **E**

### **Early Identification and Assessment of Disabilities in Children**

This is a Related Service that involves the implementation of a formal plan for identifying a disability as early as possible in a child's life.

### **Effective Progress**

Documented growth in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, according to chronological age and developmental expectations, the individual educational potential of the student, and the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district. The general education program includes academic and non-academic offerings of the district and vocational programs and activities.

### **Emotional Impairment**

Emotional Impairment is one of the disability categories recognized by Massachusetts' statute. It refers to a condition in which a student exhibits one or more of the following characteristics over a long period of time and to such a degree that the condition adversely affects the child's educational performance. Characteristics may include: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behaviors or feelings in normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.

### **Evaluation**

An evaluation refers to the procedures and tests used to determine whether or not a student has a disability as well as the nature and extent of the special education and related services a child needs to be successful. School districts must follow legal requirements under IDEA in conducting evaluations, including: identifying the purposes of evaluation, providing parent notification and receiving consent, using the student's native language during evaluations, and upholding the tenets of sound, valid, individualized evaluations.

## **F**

### **Family Educational Rights and Privacy Act (FERPA)**

FERPA is a federal statute regarding student confidentiality and access to education records.

### **Free Appropriate Public Education (FAPE)**

FAPE is the requirement in federal and state law that ensures children with special needs are entitled to a free and appropriate, publicly funded education including related services, which must be provided in accordance with a student's Individualized Education Program (IEP). The student's education must be under public supervision, meet state standards and be appropriate to meet the child's individual learning needs.



## **Functional Behavior Assessment (FBA)**

A Functional Behavior Assessment is an evaluation and determination of the factors that impact particular student behavior(s). An FBA involves the observation of a student, the collection and analysis of data, and a study of the child's environment. The results of this assessment may lead to the development of a behavior plan for a child.

## **H**

### **Hearing**

See Due Process Hearing.

### **Health Impairment**

Health Impairment is one of the disability categories recognized by Massachusetts' statute. It refers to a chronic or acute health problem in which the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality, or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. This category includes health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

### **Hearing Impairment**

Hearing Impairment refers to a disability caused by a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance. This disability category covers hearing conditions that are not included under the definition of Deafness. In Massachusetts this falls under the Sensory Impairment disability category.

## **I**

### **Inclusion/Integration**

Inclusion/integration refers to educating a child with special needs in local, regular education classrooms with his/her peers while providing the necessary supports for that child to succeed. See also Mainstreaming and Least Restrictive Environment.

**IDEA** – See Individuals with Disabilities Education Act.

**IEP Objectives** – See Objectives.

### **Independent Educational Evaluation (IEE)**

An independent educational evaluation is an evaluation conducted by a qualified examiner who is independent of the public agency (school) responsible for the education of the student.

### **In-District Program**

An in-district program is a special education program operated in a public school building or other facility such as the eligible child's home, hospital, vocational program or work setting. In district programs provide educational services to students of comparable age, with and without disabilities.



**Individuals with Disabilities Education Act (IDEA)**

IDEA is a federal law that protects the rights of children with special education needs and their parents/guardians. The law ensures that all children with special needs have the right to receive a free, appropriate public education designed to meet their unique needs and prepare them for further education, employment and independent living. The law guides how states, school districts, and public agencies provide early intervention, special education, and related services.

**Individualized Education Program (IEP)**

An individualized education program is a specialized service plan developed by the Team that identifies a student's special education needs and describes the service(s) a school district will provide to meet those needs. The IEP is developed and approved in accordance with federal special education law in a form established by the Massachusetts Department of Elementary and Secondary Education (DESE).

**Individualized Education Planning Team**

See Team.

**Individual Transition Plan**

See Transition Plan.

**Instructional Modifications**

The term instructional modifications in the IEP refers to any substantial changes in what the student is expected to demonstrate when regular education learning expectations are beyond the student's current ability. For example, an IEP might include an instructional modification that individualizes learning expectations and materials for general education activities. If the instruction content is significantly modified this can fundamentally alter what a test measures and therefore affect the comparability of student test scores to their typical peers. Students with instructional modifications may require Alternate Assessments of their learning. All instructional modifications must be clearly documented in a student's IEP.

**Intellectual Impairment**

Intellectual Impairment is one of the disability categories recognized by Massachusetts' statute. When a child's permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired as evidenced by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts, the child is considered to have an intellectual impairment. This term includes students with mental retardation.

**Interpreting Services**

Interpreting services are a Related Service when used to assist children who are deaf or hard of hearing. Interpreting services include: oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services. This includes special interpreting services for children who are deaf-blind.

## L

### **Learning Center**

A special education classroom setting that is separate from the general education classroom.

### **Least Restrictive Environment (LRE)**

Least restrictive environment is a requirement of the federal law, IDEA, which states that students with disabilities shall be educated with their non-disabled peers in a mainstream environment to the maximum extent possible. Services will only be provided to students outside of the regular education classroom when a child is unable to access learning or make adequate progress in the mainstream environment.

## M

### **Mainstreaming**

Mainstreaming refers to the education of special needs children in regular education classrooms along side their non-disabled peers. See also Least Restrictive Environment and Inclusion.

### **Manifest Determination Review/Hearing**

A manifest determination review is an IEP team meeting that is called after a child with a documented disability is recommended for suspension/expulsion. If a child with a disability engages in behavior or breaks a rule or code of conduct that applies to non-disabled children and the school proposes to remove the child via expulsion, change of placement or suspension beyond 10 days in an academic year, then the school must hold a special IEP team meeting called a determination hearing to determine if the child's behavior was caused by his/her disability.

### **Massachusetts Comprehensive Assessment System (MCAS)**

The Massachusetts Comprehensive Assessment System (MCAS) is the state's student testing program. Tests are given at different grade levels and are based on the Massachusetts Curriculum Frameworks in English Language Arts, Mathematics, Science & Technology/Engineering, History and Social Science. All students in Massachusetts receiving a public education must participate in this statewide assessment. Both IDEA and the Massachusetts Education Reform Act require that all students participate in MCAS.

### **Massachusetts Curriculum Frameworks**

The Massachusetts Curriculum Frameworks are the learning standards developed by the MA Department of Elementary and Secondary Education (DESE) for each grade that serve as a basis for all public school curricula from pre-school through grade 12 in the state of Massachusetts.

### **Mediation**

Mediation is one of the procedural safeguards provided by IDEA to resolve special education disagreements between parents and schools. It is a voluntary and informal process where a parent/guardian and the school meet with an impartial mediator to resolve areas of disagreement. Mediation cannot be used to deny or delay right to a due process hearing and must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

### **Medical Services**

Medical services are considered a Related Service under IDEA when they meet the following conditions: 1) they are provided by a licensed physician and 2) they are for diagnostic or evaluation purposes only that result in the child's need for special education and related services.

### **Mental Retardation**

Mental retardation refers to significantly sub average general intellectual functioning which exists concurrently with deficits in adaptive behavior that are manifested during the developmental years and adversely affect a child's educational performance.

### **Modifications**

See Instructional Modifications.

### **Multiple Disabilities**

Multiple Disabilities is one of the disability categories under IDEA. It refers to a student with concomitant impairments, the combination of which causes such severe educational needs that they cannot be accommodated in a special education program designed solely for one of the identified special education impairments. Note: this category does not include deaf-blindness.

## **N**

### **Neurological Impairment**

Neurological Impairment is one of the disability categories recognized by Massachusetts' statute. It occurs when the capacity of the nervous system is limited or impaired including difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. This category includes students who have received a traumatic brain injury.

### **No Child Left Behind (NCLB)**

No Child Left Behind is a federal law that provides for increased accountability for states, school districts, and individual schools regarding the education of all students. It also provides greater school choice for parents and students. The intent of the law is to improve student performance in the United States and close the achievement gap for disadvantaged groups by implementing standards based education reforms. In order to receive federal funding for education all states must develop and administer assessments in basic skills (MCAS in Massachusetts). See also Massachusetts Comprehensive Assessment System (MCAS).

## **O**

### **Objectives**

As defined by federal regulation, IEP objectives break skills within the Annual Goals into discrete components. Consequently IEP objectives are stated, desirable educational skills that are individualized for each child. The student will work to achieve the IEP objectives

throughout the school year. Objectives provide measurable steps against which student progress can be assessed throughout the year.

### **Occupational Therapy**

Occupational therapy is a Related Service under IDEA when provided by a qualified occupational therapist (OT). This service includes: improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving the ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

### **Orientation and Mobility Services**

Orientation and Mobility services are Related Services under IDEA. These services are provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community and includes teaching children the following, as appropriate: spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel; to use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision; to understand and use remaining vision and distance low vision aids; and other concepts, techniques, and tools.

### **Other Health Impairment**

Other Health Impairment is a disability category recognized by Massachusetts' statute that refers to students having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness within the educational environment, due to chronic or acute health problems that adversely affect a child's educational performance.

### **Orthopedic Impairment**

Orthopedic Impairment refers to a severe orthopedic impairment that adversely affects a child's educational performance. This includes impairments caused by: a congenital anomaly, disease, and impairments from other causes. See Physical Impairment.

### **Out-of-District (OOD) Program**

An Out-of-District (OOD) program is a special education program that provides educational services to students outside of the general public education setting. Examples of out-of-district programs include, special education schools, collaborative programs, residential schools, home instruction, and day treatment programs.

## **P**

### **Parent**

In this handbook and under special education law the term parent refers to a child's biological or adoptive parent, guardian, or surrogate parent and may include a grandparent or stepparent with whom a child lives, as well as a foster parent.

### **Parent Counseling and Training**

Parent Counseling and Training is a Related Service under IDEA designed to assist parents in understanding the special needs of their child; provide parents with information

about child development and help parents acquire the necessary skills to allow them to support the implementation of their child's IEP services.

### **Parent Notice of Procedural Safeguards (PNPS)**

The Parent Notice of Procedural Safeguards (PNPS) is a notice required by IDEA that provides parents/guardians with a full and easily understood explanation of all Procedural Safeguards afforded under the law. Once a year districts must give a copy of the PNPS to all parents of eligible students with disabilities. In addition to annual distribution of the PNPS, school districts must give a copy to parents when an initial special education evaluation is requested; upon the parent's request for a copy; and when a student with a disability is removed from his or her placement to an interim alternative education setting as a result of discipline.

### **Physical Impairment**

Physical Impairment is a Disability Category recognized by Massachusetts' statute. This disability occurs when a student's physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is characterized by difficulties in one or more of the following areas: physical and motor tasks; independent movement; or performing basic life functions. The term shall include severe Orthopedic Impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures, if such impairment adversely affects a student's educational performance.

### **Physical Therapy**

Physical Therapy is a Related Service under IDEA when provided by a qualified physical therapist to address a child's posture, muscle strength, mobility, and organization of movement in educational environments. Physical therapy may be provided to prevent the onset or progression of impairment, functional limitation, disability, or changes in physical function or health resulting from injury, disease or other causes.

### **Positive Behavior Intervention Plan**

See Behavior Intervention Plan

### **Prior Written Notice**

Prior written notice is one of the procedural safeguards provided by law. This requirement says that a school must notify parents in writing before taking a specific action or before refusing to take an action requested by the parents. The notice must be written in the parent's native language or communicated in other ways the parents understand unless this is not feasible. The written notice must include a detailed explanation of why the district is proposing an action or why the district is refusing to take a requested action. The school must receive a parent/guardian response to such written notice prior to implementing any proposed changes to the child's IEP.

### **Procedural Safeguards (also known as "Rights" or "Due Process")**

Procedural Safeguards are specific procedures that school districts are required to follow under state and federal law. These safeguards are designed to protect the rights of children with special needs and their parents and ensure that appropriate procedures are followed throughout the special education process. They include: parent access to student records and the right to ask that those records be amended; the parent right to participate fully in meetings where decisions are made about their child's education; parent

notification requirements such as Prior Written Notice and provision of the Parent Notice of Procedural Safeguards; and other safeguards relating to independent education evaluations, surrogate parents, and the age of student majority.

### **Psychological services**

Psychological Services are a Related Service under IDEA, which includes: administering psychological and educational tests and other assessments; interpreting assessment results; assessing behavior and conditions related to learning; planning and managing a program of psychological services including psychological counseling for children and parents; and assisting in developing positive behavioral intervention strategies.

### **Program Quality Assurance (PQA)**

Program Quality Assurance is a department within the Massachusetts Department of Elementary and Secondary Education (DESE) that is tasked with implementing compliance monitoring and problem/complaint resolution. Parents can call PQA to ask a question regarding the laws and regulations pertaining to a specific special education concern or file a formal written complaint documenting an issue of non-compliance that the PQA will investigate and resolve.

### **Public Law (PL) 94-142**

Public Law (PL) 94-142 is the 1975 Education for All Handicapped Children Act.

## **R**

### **Recreation Services**

Recreation Services are a Related Service under IDEA intended to help children with disabilities learn how to use their leisure and recreation time constructively. Recreation services include the assessment of leisure function, therapeutic recreation services, recreation programs in schools and community agencies, and leisure education.

### **Reevaluation/Three-year Reevaluation/Comprehensive Reevaluation**

Every three years the school will request parent/guardian consent to conduct a reevaluation of their child's eligibility for special education. A three-year reevaluation generally includes all of the same types of assessments that were conducted during the initial evaluation. Alternately, the school may recommend that the evaluation information they have is sufficient to know that the student continues to be eligible and therefore recommend that reevaluation is not necessary. In the later case, a parent has the right to request that assessments be conducted to be certain that the information being used to design their child's educational programming is current. It is the school's responsibility to conduct any assessments requested.

### **Rehabilitation Act of 1973**

The Rehabilitation Act of 1973 is a law designed to protect individuals with disabilities from discrimination. It aims to maximize student employment, economic self-sufficiency, independence, inclusion and integration into society.

### **Rehabilitation Counseling**

Rehabilitation Counseling is a Related Service under IDEA. Rehabilitation services are provided by qualified personnel in individual or group sessions and focus on career development, preparation for employment, achieving independence, and integration into

the workplace and community for students with disabilities. These services also include vocational rehabilitation services and are funded by the Rehabilitation Act of 1973.

### **Related Services**

Related Services are those services necessary for a child to benefit from special education. A statement regarding these services must be included in the IEP. Related services include: speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities; counseling services; including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluation purposes; school health and school nurse services; social work services in schools; and parent counseling and training.

### **Resource Room**

A special education classroom setting that is separate from the general education classroom.

## **S**

### **School Health Services and School Nurse Services**

School Health Services and School Nurse Services are a Related Service under IDEA. These are health services designed to enable a child with a disability to receive a Free, Appropriate Public Education (FAPE) as described in the child's IEP. School nurse services are health services provided by a qualified school nurse, whereas school health services may be provided by either a qualified school nurse or other qualified person.

### **Section 504**

Section 504 is part of the Rehabilitation Act of 1973, which is a civil rights law designed to protect individuals with disabilities from discrimination. See Rehabilitation Act of 1973. While Section 504 offers a Team approach, a written plan, appropriate accommodations, services, programs, and a periodic review of services, it does not require that the school provide an Individualized Education Program (IEP) to meet the child's unique needs and provide the child with educational benefits. Nor does it offer as many procedural safeguards to children and parents as IDEA does.

### **Section 504 Plan**

A Section 504 plan is a written plan that documents accommodations and/or modifications for a student with a disability. Some examples of 504 accommodations are: support in non-academic and extracurricular activities, the use of adaptive equipment or assistive technology devices, an aide, assistance with health needs, school transportation or other related services. See Section 504.

### **Sensory Impairment**

This is one of the disability categories recognized by Massachusetts' statute. Sensory Impairment refers to a defect in sensing and/or passing on sensory impulses, which leads to an absence of sensation and/or neuronal coordination. It can impact a person's ability to hear, see, speak, smell, or feel/react to stimuli presented to any one of the body's sensory systems.

### **Social Work Services in Schools**

Social Work Services in Schools are a Related Service under IDEA that includes: preparing a social or developmental history on a child with a disability; group and individual counseling with the child and family; working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; assisting in developing positive behavioral intervention strategies.

### **Special Education**

Special education is specially designed instruction and/or related services – at no cost to the family – that meet the unique needs of a child with a disability and allows the child to access the general education curriculum.

### **Special Education Parent Advisory Council (SpEd PAC)**

A Special Education Parent Advisory Council (SpEd PAC) is a volunteer organization comprised of parents of special needs students and other interested individuals. Massachusetts state law requires that each school district has a Special Education Parent Advisory Council to advise the district on matters that pertain to the education and safety of students with disabilities and meet regularly with school officials to participate in the planning, development and evaluation of the school district's special education programs. In addition, SpEd PACs provide parents/guardians the opportunity to connect and share information around common areas of interest; provide a forum for parent support, social events and educational presentations/workshops on a variety of topics of interest to the community.

### **Specially Designed Instruction**

Specially designed instruction is a modification not typically provided for students in the general education program. Most students with special needs will require some form of specially designed instruction to access the general curriculum. 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. This instruction is designed by or with an appropriately credentialed special education teacher or related service provider.

### **Specific Learning Disability**

Specific Learning Disability is one of the Disability categories recognized by Massachusetts' statute and refers to a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

### **Speech-Language Pathology Services**

Speech-Language Pathology Services are a Related Service under IDEA. They are services provided by speech-language professionals and speech-language assistants, in accordance with state regulations, to address the needs of children with disabilities affecting either speech or language. These services include: identification, diagnosis and appraisal of speech or language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language impairments; provision of speech and language services for the habilitation or prevention of communicative



impairments; and counseling and guidance of parents, children, and teachers regarding speech and language impairments.

### **Speech or Language Impairment**

Speech or Language Impairment refers to a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance.

### **Standardized Test**

A standardized test is a norm-referenced test that compares a child's performance with the performance of a large group of similar children (usually children who are the same age).

### **State Education Agency (SEA)**

State Education Agency refers to the state board of education or other agency or officer primarily responsible for the state supervision of public elementary and secondary schools. In Massachusetts this is the MA Department of Elementary and Secondary Education.

### **Stay-Put**

Stay-put is a procedural safeguard under IDEA that ensures that the services of the most currently signed, accepted IEP are maintained until a newly proposed IEP is signed and fully accepted by the parent/guardian. A parent can assert stay-put rights for their child if the district is proposing a change to services or placement with which the parent/guardian does not agree.

### **Supplementary Aids and Services**

Supplementary aids and services are supports provided in regular education classes or other education-related settings, and in extracurricular and nonacademic settings, that enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate for each child.

## **T**

### **Team/IEP Team**

The Team/IEP Team is a group of people who work with and/or on behalf of a student with an IEP. The Team members include: parent(s)/guardian(s); at least one of the student's special education teachers and/or providers; at least one of the student's regular education teachers if the child is or may be participating in the regular education environment; a district representative who has knowledge of available resources and the authority to commit the resources; a person qualified to interpret evaluation results; and the student, if over 14 years of age. The Team always includes parents/guardians and parents/guardians may invite others individuals to attend the Team meeting with them.

### **Team Meeting**

A Team Meeting is any convening of the Team for the purpose of decision-making related to a student's educational program, including but not limited to initial evaluations, reevaluations, and annual review of the student's IEP.

### **Transition Plan**

While federal law requires that by age 16 a student's IEP must contain a statement of transition service needs that focuses on the student's course of study beyond secondary education, Massachusetts state law requires that transition planning must begin at age 14. The transition plan should reflect the student's strengths, choices, interests, and needs in the areas of education and training, employment, adult living arrangements, and community participation. Beginning at age 14, the student's IEP should contain a statement of the student's transition service needs that focuses on the student's course of study, including academic courses, technical training and/or employment preparation.

### **Transition Services**

Transition Services are a required element of the IEP and should contain a coordinated set of activities for a child with a disability designed to improve the academic and functional achievement of the child to facilitate his/her movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), adult services, independent living, and/or community participation.

### **Transportation Services**

Transportation services are a Related Service under IDEA. The IEP Team determines whether or not a child requires transportation services to benefit from his/her special education and documents this decision in the IEP. IDEA defines transportation as: travel to and from school and between schools; travel in and around school buildings; and specialized equipment (e.g. special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability. Transportation services also include providing modification and supports so that a child with special needs may ride the regular school bus that transports children without disabilities to and from school.

### **Traumatic Brain Injury**

Traumatic Brain Injury is one of the Disability categories under IDEA that refers to acquired injury caused by external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affect a child's educational performance.

## **V**

### **Vision Impairment Including Blindness**

Vision Impairment Including Blindness refers to an impairment in vision that, even with correction, adversely affects a child's educational performance. This category includes both partial sight and blindness. In Massachusetts this falls under the Sensory Impairment disability category.