

Special Education Procedural Manual



Framingham Public Schools

Table of Contents

INTRODUCTION

REFERRAL PROCESS FOR SPECIAL EDUCATION

- **Initiating a Referral for Special Education Eligibility**
- **Students in Private School at Own Expense Referral**
- **Timelines**

GUIDELINES FOR THE EVALUATION PROCESS

- **Required Assessments for an Initial Evaluation**
- **Optional Assessments**
- **Evaluation Procedures**
- **Evaluation Reports**
- **Provision of Outside Evaluations**
- **Re-Evaluations**

IEP TEAM

Mandated Members of the IEP Team

- **Parent Participation in Team meeting**

ELIGIBILITY

- **Description of Special Education Eligibility Flowchart (ED1)**
- **Disability Categories**
- **Extra Steps are Required When a Specific Learning Disability is Suspected**
- **Effective Progress**
- **Specially Designed Instruction**
- **Parent Understanding of the Evaluation Data and Agreement With It**

PARENT DUE PROCESS RIGHTS

INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)

EXTENDED EVALUATIONS

IEP DEVELOPMENT

- **IEP Development is a Student Driven Process**
- **A Team Meeting Should be Used as a Communication Vehicle**
- **A Team Meeting Works Best if:**
- **The IEP Should Serve to Focus the Special Education Services**
- **Parents and/or Students Need to Provide Input into IEP Development**
- **Teams Should Keep a Whole Child Perspective**

- **The General Curriculum must be Addressed in All Students' IEPs**
- **The IEP Must Also Address Areas of Other Educational Need**
- **The IEP Must Include:**
- **Autism Spectrum Disorder**
- **The Massachusetts Bullying and Prevention Laws**

FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

LEAST RESTRICTIVE ENVIRONMENT (LRE)

PLACEMENT

- **The Team decision regarding a student's placement**
- **Students Privately Placed at Parent's Expense**
- **Voluntary Termination From School Prior to Graduation or Age 22**

GRADUATION REQUIREMENTS FOR SPECIAL EDUCATION STUDENTS

TRANSITION SERVICES

- **Transition Planning**
- **Determination of Transition Services**
- **What are "Transition Services?"**
- **When are Transition Plans Required?**
- **Who Plans Transition Services?**

AGE OF MAJORITY

COLLEGE TESTING INFORMATION

CONTINUUM OF SPECIAL EDUCATION SERVICES

- **BLOCKS Preschool**
- **Elementary School (Grades K – 5)**
- **Middle School (Grades 6 – 8)**
- **High School (Grades 9 – 12)**

IEP AMENDMENTS

PROGRESS REPORTS

NOTES REGARDING SPECIAL POPULATIONS

- **Children Ages 3 to 5**
- **Eligible Students with Behavior Challenges**
- **Eligible Students with a Disability (ies) that Affects Social Skills Development, or when the Student's Disability Makes Him or Her Vulnerable to Bullying, Harassment, and/or Teasing**
- **Eligible Students Diagnosed on the Autism Spectrum**

LEGAL NOTICES AND ADVISORIES

- **Procedural Rights Brochure**
- **FERPA Student Records**
- **Transfer of Student Records**
- **Transmittal of Records**
- **Voluntary Termination of Special Education Services**
- **Home/Hospitalized Educational Services**
- **Translated IEP Forms and Notices**

DISTRICT PROCEDURES

- **District Curriculum Accommodation Plan**
- **Program/Classroom Observation**
- **Reference Materials on Student Discipline**
- **Manifestation Determination**

SECTION 504

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INTRODUCTION

Framingham Public Schools provides a broad array of services for children and youth identified with disabilities from the ages of three through twenty-two. State and federal special education laws and regulations, namely The Individuals with Disabilities Education Act (IDEA), govern the referral, evaluation and placement procedures. The Framingham Public School District is committed to the goal of providing an appropriate education for students with needs in the least restrictive environment. This manual has been created for all members of the Framingham community and for those who serve the Framingham Public Schools. Contents address special education services and criteria for our students with disabilities and is designed for community members, parents, students, administrators, general education teachers, special education teachers, other service providers and paraprofessionals.

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REFERRAL PROCESS FOR SPECIAL EDUCATION

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

Once a formal referral for evaluation has been expressed either in writing or orally by a parent or other person in a care giving capacity, the school district may not delay the provision of said evaluation. The district must promptly and without delay send notice and seek permission to conduct an initial evaluation for special education eligibility. The school district has five (5) school working days from receipt of referral to send the parent the evaluation consent form for their signature and consent. Parent consent for evaluation must be obtained before initiating the evaluation.

Initiating a Referral for Special Education Eligibility

School Referral – After the Student Support Team determines that all efforts have been made to meet the needs of the student within the general education program, and these efforts have not been successful, a student should be referred by school personnel for an evaluation to determine eligibility for Special Education. Documentation of the use of instructional support services for the student is to be provided as part of the evaluation information reviewed by the Team, when determining eligibility.

Parent Referral – A parent (including foster parent, guardian, individual with whom the child lives, or an individual legally responsible for the child's welfare) may refer a student anytime for an initial evaluation to determine eligibility for special education. **This referral may be made either orally or in writing.** Upon receipt of parent referral, the school district has five (5) school days to provide the parent with an evaluation consent form.

Referral may be given to the Team Evaluation Coordinator to begin the process. Parents are contacted to clarify concerns and help develop the evaluation plan in all areas of suspected disability.

Students in Private School at Own Expense Referral

For students who are enrolled in a private school and for whom a request for an evaluation has been made, the school at which the child would attend in Framingham will be responsible for the evaluation.

Timelines

Within 5 school days of referring the student for a special education evaluation, the district will send out a Parent Consent Packet consisting of the following:

- *An NI (Notice of Proposal), answering all six questions*
- *Evaluation Consent Form (N1A)*

- *Notice of Procedural Safeguards*

NOTE: No testing / evaluations should begin prior to receiving the evaluation consent form back with a check indicating consent and a parent signature. Verbal consent is not applicable.

The state laws and regulations have established timelines that all school districts must adhere to in the special education eligibility process.

The district has thirty (30) school days, from receipt of parent consent, to conduct all required assessments, and an additional fifteen school days to convene a Team meeting and determine whether or not the student is eligible for special education. The total timeline is forty-five school working days.

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

GUIDELINES FOR THE EVALUATION PROCESS

Evaluations of the student must be made in **all areas of suspected disability** in order to determine eligibility for Special Education. Eligibility must **not** be based on lack of reading or math instruction or on LEP (Limited English Proficiency).

Evaluation activities should be tailored to the specific referral questions for the individual student and need to address whether or not there is a disability, and if the disability affects the student's learning.

Evaluations must provide information to determine present levels of academic achievement and related developmental needs. No single test should be used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record should be used.

Consent for an initial evaluation for wards of the state is not required if the LEA cannot, after reasonable efforts, locate the parent or the parent's rights have been terminated under state law or a judge has subrogated the parent's rights to make educational decisions. The District is obligated to seek a surrogate parent, through the DESE, for wards of the state. A ward of the state includes foster children (except if child has a foster parent) and a child in the custody of a public child welfare agency.

The evaluation must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide and administer.

Once the Team Evaluation Coordinator receives the signed evaluation consent form, he/ she will notify all members of the Team that they may begin their evaluations.

1. Each member of the Team is responsible for scheduling and completing his or her assessment according to the time parameters established.
2. Evaluation reports need to be available at least two working school days prior to the Team meeting.
3. The District sends out a meeting invitation and attendance sheet ten school days prior to the scheduled meeting.

Required Assessments for an Initial Evaluation:

- Assessments in all areas related to the suspected disability
- Educational assessment by a representative of the school district, including
 - Educational Assessment (Part A)
 - Teacher Assessment Form (Part B)
 - A history of the student's educational progress in the general curriculum.
 - Narrative description of the student's educational / developmental status.

Optional Assessments:

The Team may recommend or a parent may request one or more of the following:

- ***Specialist Assessment(s)*** - Speech/Language, Occupational Therapy, Physical Therapy, Functional Behavioral Assessment
- ***Psychological***
- ***Academic Assessment*** – these are not the same as “educational evaluation” and must be consented to separately. It is the practice of the Framingham Public Schools to include a psychological evaluation when requesting an academic assessment.
- ***Home Assessment*** - The Team should request this if there are significant concerns related to the home or family environment as they affect student's school performance.
- ***Health Assessment*** - A comprehensive health assessment by a school nurse that identifies medical problems or constraints that may affect the student's education. ■

Evaluation Procedures:

1. Team members should coordinate their assessments with the student's teacher(s) and other evaluators so that the child is not over-tested on any given day. The persons conducting the assessments should ensure that the child is notified in advance of any pullout from class.
2. The Team Evaluation Coordinator will ensure that the assessments are completed within **30 school days** of the parent's signed consent. If consent is received within thirty (30) to

forty-five (45) school working days before the end of the school year, the District will ensure that a Team meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year.

3. The Team meeting will be held within 45 school days to review the results for the evaluations and determine eligibility for special education.
4. At least two days prior to the Team meeting, evaluation reports are made available to parents or guardians. Reports should clearly express the data as well as the findings from the evaluation sessions. Nationally normed, standardized tests are necessary for determining eligibility for special education.

Evaluation Reports:

All evaluation reports should be written in clear, jargon-free language. Evaluators should interpret and summarize results and diagnostic impressions to help the Team determine eligibility, including the student's present levels of educational performance and areas of need arising from the student's disability. Educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

An eligibility determination needs to be made by the Team of qualified professionals and parents. The Team deciding on eligibility must rely on a variety of assessment materials when determining whether the student is eligible for special education. The Team must be sure that they have received parent input and have gathered sufficient data for making the eligibility determination. Information must be gathered in all areas of suspected disability.

Eligibility must not be based on lack of reading or math instruction or on English language learning needs.

Provision of Outside Evaluations:

All efforts will be made to avoid duplication of assessments. If a decision is made to waive any assessment, the Team Evaluation Coordinator will send a request for *Waiver of Assessments* to the parent for signature with the Evaluation Consent Form.

Parents may at any time elect to have their child evaluated by an independent evaluator at private expense. When parents present the school with an outside evaluation report, if the student is **already on an IEP**, the **Team must reconvene** to consider the outside testing **within 10 working school days** of when the district receives the report. The parents must provide the Team with a complete copy of the written report in order for the Team to consider the recommendations.

If a student has **not** already been **identified as being eligible** for special education services and is not on an IEP, Framingham shall treat the receipt of the evaluation as a request for an initial evaluation to determine eligibility. Framingham maintains its right and responsibility to perform

an evaluation. The independent evaluation will be considered as part of Framingham's comprehensive evaluation.

The Team is required to **consider** the results of the independent evaluation. Consideration of an outside evaluation at any time does not replace the Framingham Public Schools responsibility for conducting evaluation for determining special education eligibility. The Team will make recommendations, determine if additional testing is necessary and if possible determine eligibility for special education services.

The Framingham Public Schools is dedicated to preventing any duplication of evaluations. However, if the evaluation Team does not propose and attempt to complete a Framingham Public Schools evaluation, it places the district in the position of being preempted by outside testing in the future.

Re-Evaluations:

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

If the district suspects that a student is no longer eligible for special education services, then a reevaluation must occur to change the previous determination of eligibility. Special Education services or related services may not stop until a meeting is held, with the exception of graduation with a regular diploma or aging out. For those children, the DISTRICT must provide a summary of academic and functional performance, including recommendations on how to assist the child to meet postsecondary goals.

NOTE: All requirements mandated for Initial Evaluations, remain true for reevaluations. Assessments and assessment reports must focus on the suspected disability as well as the student's current level of performance. Furthermore, all assessment reports must include educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

IEP TEAM

The following are mandated members of the IEP Team (individuals may serve in more than one role as appropriate):

- The student's parent(s) / guardian
- A district representative who has the authority to commit district resources
- At least one general education teacher who is familiar with the student (if the student is, or may be, participating in the general education environment)
- The student if age 14 or older
- If the student is participating in a special education program, a special education teacher or special education provider for the student

- At least one teacher/specialist trained in the area of the suspected disability
- An individual who can interpret evaluation results

Additionally, members may include:

- Other individuals who may be necessary to write an IEP for the child, as determined by the Special Education Director
- When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting
- When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options.
- Other individual(s) who have knowledge or expertise regarding the student
- Other individuals at the request of the student's parents.

The Team meeting is designed to incorporate school staff, parents and other invited personnel as a unified group to determine eligibility and/or develop an IEP for a particular child.

Members of the Team attend the Team meeting **unless**:

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

Team meetings are projected to last approximately one hour. If the Team feels that they have not covered all necessary facets of eligibility, IEP development and placement, the Team may agree to extend the meeting or reconvene to continue the conversation.

For an annual IEP, copies of the existing IEP may be brought forward as the foundation for creating the new IEP. Note: The word Draft must be written or stamped at the top of each page. At the end of the meeting, a Summary of Proposed IEP will be provided to parents.

If parent and district agree, amendments and revisions can be made via written documentation without a formal Team meeting. Meeting attendance sheet listing all Team members participating in the planning of the amendment, as well as amendment forms and N-1, should be completed.

Parent Participation in Team Meetings

The Framingham Public Schools is dedicated to ensuring parental involvement in the Team process. Every effort will be made to ensure this participation. If a parent is unable to attend the

Team meeting, the district will provide the parent/guardian with the opportunity to participate via conference call or teleconference.

Framingham Public Schools encourages parental involvement and sharing of information between district and parents to support the provision of appropriate services to its students. As used in these guidelines/procedures, the term “parent” includes biological and adoptive parents, legal guardians, persons acting in the place of a parent, such as relatives and stepparents, foster parents, persons appointed as surrogate parents and adult students.

Framingham Public Schools shall afford the parents of a child with a disability an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child; and the provisions of FAPE (free appropriate public education) to the child. In the Framingham Public Schools, these meetings are IEP Team meetings.

When a meeting is scheduled parents will be:

- notified of the IEP Team meeting early enough that they will have an opportunity to attend; and
- notified of the purpose, time, and location of the meeting and who will be in attendance.

When the meeting is to address the IEP or placement, the parents will be:

- notified that the district or the parent may invite others who have knowledge or special expertise of the student and meetings shall be scheduled at a mutually agreeable time and place.

Generally, Framingham Public Schools expects that notice of an IEP Team meeting shall be provided **ten (10) school days** prior to the meeting.

The district shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents who are Deaf or Hard of Hearing or whose native language is other than English.

The staff person responsible for inviting the parents to meetings will keep documentation of the information provided and the methods used to notify the parents of the meeting.

The district may proceed with the IEP or placement meeting if the district is not able to convince the parent/guardian to attend on the **third (3rd) attempt**. In this case, the district will document its attempts to arrange the meeting. This documentation will include records of telephone calls and the results, copies of correspondence sent to the parent and/or other means used to contact parent.

- Efforts will be recorded on *IEP8* under **Document efforts to obtain participation if a parent and/or student did not attend meeting of provided input**.
- Documentation will be kept in the student’s special education file.

A meeting does not include informal or unscheduled conversations involving district personnel; conversations on issues such as teaching methodology, lesson plans, coordination of service

provisions; or preparatory activities that district personnel engage in to develop a proposal or a response to a parent proposal to be discussed at a later meeting.

ELIGIBILITY

The Special Education Eligibility Flowchart (ED1) has been designed by the Massachusetts Department of Elementary and Secondary Education to assist Teams in making eligibility determinations. It is necessary to complete this form as a collective group at the Team meeting.

The flowchart is a worksheet that presents guiding questions to ensure that the Team considers all requirements prior to making a determination of eligibility. **This worksheet should be presented and reviewed at all Initial and Three Year Re-evaluations.** It is not a notice/form. This worksheet should be presented at Team meetings and **be part of the student record.** It does not need to be mailed to parents and, if the student is determined eligible for services, it should not be attached to the IEP.

The Determination of Eligibility is based upon the examination of data, including information provided from the parent.

Determinations include:

1. The student is eligible. If the student has one or more of the disabilities defined under 603 CMR 28.0(7) and if, as a result of the disability (ies), the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the Team shall determine the student is eligible. If the Team determines the student is an eligible student, the Team shall develop an individual education program.
2. The student is not eligible. If the Team determines that the child is not eligible, the Team Evaluation Coordinator shall record the reason for such finding, list the meeting participants and provide written notice to the parents of their rights in accordance to federal requirements within ten (10) days of the Team meeting.

As part of the Team process, a flow sheet (ED 1) is used to answer the three questions of eligibility. Listed on this form are the disability categories as well as questions of effective progress and the need for specially designed instruction.

If as the result of the Team meeting, the child is not found to be eligible for special education services, Notice of School District Refusal to Act (Form N2) needs to be completed.

As required by law, when the existence of a specific learning disability has been determined, it is necessary to document said disability. The Department of Elementary and Secondary Education has developed appropriate forms for the development of determination of SLD. Please refer to appendix for SLD forms.

Eligibility must not be based on lack of reading or math instruction or on English language learning needs.

Disability Categories

Team members should identify the type of disability from the list below before taking the next step in the eligibility process:

Autism – A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at **34 CFR §300.8(c)(1)**:

(i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affect a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined below.

(ii) Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section.

(iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

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

Intellectual Impairment – The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with mental retardation.

Sensory Impairment – The term shall include the following:

1. **Hearing** – The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorily-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

2. Vision – The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
3. Deaf-Blind – Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

Neurological Impairment – The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control, and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

Emotional Impairment - As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student’s behavior violates the school’s discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

Communication Impairment - The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student’s educational performance.

Physical Impairment – The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student’s educational performance.

Health Impairment – A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity

disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

Specific Learning Disability – Specific learning disability is defined as follows:

- General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.
- The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Criteria for determining the existence of a specific learning disability:

A Team may determine that a child has a specific learning disability if the child does not achieve commensurate with his or her age and ability levels in one or more key areas if provided with learning experiences appropriate for the child's age and ability levels. If the Team finds that a child has a severe discrepancy between his/her intellectual ability and achievement in one or more of the following areas, the Team may determine that the child has a specific learning disability.

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skill
- Reading comprehension
- Mathematics calculation
- Mathematics reasoning

The District has authority to use a process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures (See NCLB for definition of "scientific, research-based intervention") Tiered Instructional Model (TIM)/Response to Intervention (RTI)).

Extra steps are required when a specific learning disability is suspected:

Federal regulation requires additional steps in the evaluation process if the Team suspects a student of having a specific learning disability. The District must take the following steps in such cases:

- At least one Team member other than the student's teacher must complete a classroom observation of the student's academic achievement.
- The Team Evaluation Coordinator with the assistance of the school psychologist, if necessary, must complete a written report completing the required documents
 1. SLD Component 1
 2. SLD Component 2

3. SLD Component 3
4. SLD Classroom Observation form
5. SLD Team Determination of Eligibility

- Team members must certify in writing whether the written report reflects their conclusion of a finding of a specific learning disability. Any individual who disagrees with the written report must submit a separate statement to express their differing conclusions.

The Team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of a visual, hearing, or motor impairment, e.g.,

- Mental Retardation,
- Emotional disturbance, or
- Environmental, cultural, or economic disadvantage.

Effective Progress

Teams judge whether a student is making effective progress in school. The Team must make a judgment on whether the student is making effective progress in the general education program. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the districts and vocational programs and activities.

To judge whether a student is making effective progress, the Team must determine whether the student has:

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

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

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

Teams judge whether the lack of progress is a result of the disability. Teams must look at the evaluation results to see whether the lack of progress is a result of the disability or a result of

other factors. Only if the Team determines the lack of progress is connected to a disability (ies) may the Team continue on to discuss a possible finding of special education eligibility.

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

If the Team determines that there is a disability, it must then ask a final question: Does the student require specially designed instruction in order to make progress?

Specially Designed Instruction

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

Specially designed instruction is an absolute requirement for students found eligible for special education. Related services necessary to access the general curriculum are considered special education and may be provided alone, or in combination with specially designed instruction.

If the student only requires accommodations, then that student is not eligible for special education. General educators within the general education environment typically provide accommodations. Accommodations do not involve modifying the material content but do allow students to access curriculum.

If the Team Concludes that the Student is Eligible for Special Education

If the evaluation Team determines that the student is eligible for special education services, an Individualized Education Program (IEP) must be developed. Whenever possible, the IEP can be developed in a single Team meeting, after the determination of eligibility (IEP1-8).

If the Team Concludes that the Student is Not Eligible for Special Education

If as a result of an initial meeting, the Team determines that the student does not have a disability, if the student does not show a lack of progress or if the student does not require specially designed instruction, then the Team is required to make a Finding of No Eligibility (N2). All Teams should discuss regular education interventions in order to help the student access all aspects of the curriculum and is meeting any areas of need.

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

schedules at the secondary level. End date should be clearly identified in the N1, Notice of Proposed Action form.

Parent Understanding of the Evaluation Data and Agreement With It

Upon completion of the evaluation Team meeting, the parent /guardian should be asked if they agree with the evaluation findings. Team members should check a parent's understanding of the evaluation data and their agreement with it. If parents disagree with a particular school assessment, parents may have a right to an Independent Educational Evaluation (IEE) at public expense, and must be provided with the letter informing them of the IEE process.

PARENT DUE PROCESS RIGHTS

Parents have the right to appeal any aspect of the eligibility process through the Bureau of Special Education Appeals (BSEA). Parents should be provided the contact information for the BSEA as part of the N2 form. Finding of no Eligibility, as well as the Parent's Rights Brochure.

INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)

The Framingham school district establishes the following procedures for an independent educational evaluation (IEE) at public expense:

“Parents may obtain an independent educational evaluation of their child by appropriate professionals at their own expense at any time. In addition, federal and state law provides parents with a procedure for obtaining public funding of an IEE if they disagree with the school district's evaluation. This IEE is to be conducted by a qualified examiner who is not employed by the responsible school district.”

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

- The requested evaluation must be in an area that was assessed by the school district, and the request must be within sixteen (16) months from the date of that evaluation with which the parent disagrees. Parents may opt to have less than all the assessments already done, if they are satisfied with some of the assessments already completed. Should parents wish to request an independent evaluation that includes assessments not already done by the district, **the District is not automatically required to pay for these assessments.**
- A qualified person who is registered, certified, licensed or otherwise approved by the Commonwealth to conduct these assessments must conduct the evaluation. Documentation regarding these qualifications will be requested of the evaluator and

required by the district. Additionally, the evaluator must abide by the rates set by the state agency responsible for setting such rates. These rates can be found at 114.3 CMR 30.00.

When a parent has requested an IEE at the district's expense, they must provide in writing:

- What evaluation(s) they are dissatisfied with
- A list of specific evaluations that are being requested
- The name, address and telephone number of the agency or individual chosen to complete the evaluation.

Upon receipt of the information above, the district will mail out the **Response to Your Request For An Independent Educational Evaluation** letter.

In order to determine whether or not a family is eligible for public funding for an IEE, the family's financial status must be determined. If the child is eligible for free or reduced lunch, the district must fund the evaluation in full. If the family is not eligible, the district is required to fund the evaluation on a sliding fee scale, according to the family income. The ***Sliding Fee Scale for Public Payment of Independent Educational Evaluation*** form is mailed to parent.

The district uses a standard form, outlining the requirements for requesting an IEE. If the family is either not eligible for public funding or refuses to provide the information to the district, or requests a publicly funded independent evaluation in an area not yet assessed by the district, a response must be provided to the parent within **five school days** whether or not the district will fund the evaluation, and should the district decide to not fund the evaluation, the district must proceed directly to the BSEA. Any requests by a parent for a publicly funded independent evaluation must be given to the Special Education Department immediately. Once the independent evaluation has been completed, the Team must reconvene within ten school days to consider the results and make any necessary changes to the IEP.

EXTENDED EVALUATIONS

An Extended Evaluation is an option if the evaluations prove inconclusive:

If evaluation information is inconclusive and the Team has found the student eligible, the Team may want to consider an Extended Evaluation. An Extended Evaluation may be used to gather further information needed to write an IEP. An Extended Evaluation may only be used if a parent agrees. Immediately following a Team meeting, at which an Extended Evaluation is proposed, a new Evaluation Consent Form must be sent to parents for any additional recommended assessments. Teams must be aware of the state regulatory restrictions placed on the use of the Extended Evaluation. Extended Evaluations **cannot** be used for the following purposes:

1. to extend the evaluation timeliness for required assessments
2. to deny programs or services to a student
3. to constitute a temporary placement

The Team should write a partial IEP or full IEP in conjunction with an Extended Evaluation Form. This action will ensure, with parental acceptance of the IEP, that a student is not denied services determined necessary at a Team meeting. An Extended Evaluation may run from one to eight weeks. **The Team may decide to meet during that evaluation period. However, the Team must reconvene as soon as the additional evaluation data is available in order to review assessment data and/or complete the writing of the IEP.**

IEP DEVELOPMENT

Once a child is found to be eligible, the IEP needs to be developed using the evaluation data and current classroom performance to guide development of goals and benchmarks for the student.

Immediately following the development of the IEP, the parent must be provided with two (2) copies of the IEP. This must be done without undue delay.

No later than 30 days after receipt of the proposed IEP, proposed placement, and N1 notice (reflecting mailing date of the IEP), the parents shall 1) accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal; and 2) accept or reject the proposed placement. Upon parental response to the proposed IEP and proposed placement, the district shall implement all accepted elements of the IEP without delay.

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

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

IEP Development is a Student Driven Process

The IEP must be tailored to the individual student needs as determined through the evaluation process.

The IEP helps educators and parents to understand the student and how best to work with that student.

The IEP should describe how the student learns, how the student best demonstrates that learning, and how the school staff and student will work together to help the student learn better.

The IEP is not intended to be a lesson plan but should provide a clear picture of the student's current abilities and needs, and should identify key goals and objectives that provide a direction and focus for the student's learning over the next IEP period.

Although IEP development is a student driven, individualized process, there are some central concepts that should be adhered to during a well-managed Team meeting. A well-managed Team meeting will:

- Obtain parent/student input.
- Think about the student's future dreams and goals.
- Understand how the student's disability affects the student's learning.
- Know how the student performs today.
- Address only the areas that are affected by the disability.
- Provide a focus for the student's learning during this year.
- Reflect high expectations for the student.
- Stay as close as appropriate to what the student's peers are learning and doing.
- Identify supports and services the student needs for success.
- Ensure that the recommended services contain, at a minimum, some specially designed instruction.

A Team Meeting Should be Used as a Communication Vehicle

During an IEP Meeting, Team members share information and discuss the needs of the student in order to gain a comprehensive understanding of the student. The discussion should connect one IEP element to the next and ensure internal consistency within the produced document.

A Team Meeting Works Best If:

- The meeting remains focused on the student.
- Its members are knowledgeable about the District, special education law, and the student.
- Parents are respected participants, giving and receiving information.

Encouraging parents to obtain reports two days prior to a meeting should ensure that the Team discussion is more focused and can immediately start with a common base of information **rather than a lengthy recitation of evaluation results**. This strategy allows for more time to brainstorm and write the IEP itself enabling parents to leave the meeting with a more solid understanding of their child and how the school system plans to help their child improve.

The IEP should reflect the decisions made at the Team meeting and should serve as a contract between the school system and parent(s) which clearly communicates to parents the needs of their child, the steps the District will take to address these needs and the progress their child is expected to make during the IEP period.

The IEP does not serve as a guarantee of progress. However, IDEA-2004 clearly states that a District must make a good faith effort to assist the student in making progress towards the IEP goals.

The IEP Should Serve to Focus the Special Education Services

The IEP will better serve the student if it focuses on what will make the **biggest difference** for that student and not on every aspect of every school day. The IEP should concentrate on offsetting or reducing the problems resulting from the student's disability that interferes with learning and educational performance.

Parents and/or Students Need to Provide Input into IEP Development

Parent and/or student input becomes the first indicator for defining the IEP focus. The placement of this item **as the first order of business** is deliberate and in keeping with the importance given to parent input in IDEA-2004.

Using the *Vision Statement Questionnaire*, parents are provided an opportunity to share their concerns regarding their child. The parent perspective is unique and important to the Team's work, as they have a view of the student that cannot be duplicated by even experienced evaluators.

Teams Should Keep a Whole Child Perspective

The Team must next review the student's strengths, interests, personal attributes, and personal accomplishments as well as key evaluation results to enable Team members to keep a **whole child perspective** when writing the IEP. Teams should avoid a segmented look at the student where individual skills or problems are identified in isolation. **The Team should keep the big picture in mind and plan to use the student's strengths in planning steps for the next IEP period.**

When developing an IEP for a student with an existing IEP, the Team members should always review the content of the existing IEP as they begin developing a new IEP. The new IEP should be revised and updated as needed to shift goals and services and to demonstrate a progression of learning. **Each year's measurable annual goals should clearly show a step-by-step increase in a student's learning outcomes.** Also, if necessary, any lack of expected progress needs to be discussed and addressed.

The General Curriculum Must be Addressed in All Students' IEP

The IEP should be considered a primary tool for enhancing a student's involvement and progress in the general curriculum. As defined by federal regulation, the general curriculum is the curriculum used with non-disabled children. All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum.

Within Massachusetts, the general curriculum is defined as the Massachusetts Curriculum Frameworks in the following areas: English Language Arts, History and Social Sciences, Science

and Technology and Mathematics. Other curriculum areas can and should be discussed if the student's disability affects progress in those areas.

School districts must maintain high standards for children with disabilities. These standards should be consistent with the expectations for all students in the educational system.

General educators play a critical role in the Team process as the experts on the general education curriculum and classroom environment. Their participation in the Team process is required under Federal Regulation.

The IEP Must Also Address Areas of Other Educational Need

The Team must also look at the student's overall involvement within the school, including participation in extracurricular and other nonacademic activities and for preschool students, participation in appropriate activities to ascertain other areas of need. The Team may consider how students communicate with others, how the students' behavior affects their learning **or the learning of others**, how assistive technology could support effective progress or how the students' disabilities affect transition to post-secondary activities.

Parents must leave the meeting with either a draft of a proposed IEP or a Team meeting summary, proposed goal areas, and proposed service delivery grid.

The IEP Must Include

IEP 1

1. Parent and or Student Concerns

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

2. Student strength and key evaluation results

- Type of disability in accordance with the definitions defined in the state and federal regulations
- General education performance
- State or district assessment scores (brief summary of assessment data)
- Relevant information from any school or independent assessments
- Progress towards goals

3. Team vision for the upcoming 1-5 years

- A vision statement is required for all students. The character of the statement will change based on the age of the student.
- The intent of the vision statement is to look forward to future goals, usually 1-5 years in the future. For younger students, periods of transition from one grade to the next or from elementary to middle middle school may provide a time focus for these statements. The Team steps back from the here and now to take a

broader, long-range perspective as it looks to where this student is headed in the future. Knowing where the student is headed makes it easier for the Team to eventually determine what progress needs to be made this year.

- **As the student becomes older and more involved in transition planning, the vision statement becomes the hopes and dreams of the student and not the parent and Team.** Also, the statement for older student must conform to federal regulation and be based on the student's preference and interests and include desired outcomes in adult living and post-secondary and work environments.

IEP 2 Present Levels A: General Curriculum

1. General Curriculum Area(s) Affected by Student's Disability(ies):
 - Team determines which subject or subjects in the general curriculum areas that are affected by the student's disability.
2. How does the disability(ies) affect progress in the curriculum area(s)?
 - Explanation of how the disability affects progress in the general curriculum areas. This should not be a reiteration of the profile.
3. Necessary accommodations
 - These are developed by the service providers in conjunction with the general education teacher(s). NOTE: If the student is included with non-disabled peers, input from general education teachers is mandatory as they are responsible for the carry through on the accommodations. This only includes accommodations not identified as common practice through the District Curriculum Accommodation Plan (DCAP). **
 - Accommodations are changes in course/test presentation, location, timing, student responses or other attributes that are necessary to provide access for a student with a disability to participate and which do not fundamentally alter or lower the standard of expectations.
4. Types of specially designed instruction (modifications)
 - Team must consider how Content, Methodology/Delivery of Instruction will be modified from the general education resource.
 - Performance Criteria reflects the modification of the content of the performance or the test by the student.
 - This is **not an area of the IEP to list accommodations** (The "HOW" something is done). Modifications address the "WHAT".
 - Modifications are changes in course/test presentation, location, timing, student responses or other attributes that are necessary to provide access for a student with a disability to participate BUT which also fundamentally alter and/or lower the standard of expectations.

IEP 3 Present Levels B: Other Educational Needs

1. General Considerations:

- The Team must ensure that it reviews the considerations listed on PLEP B. These lists are not exhaustive in nature. Therefore, the Team should describe other identified area(s) of educational needs that affect progress but may not be listed.

IEP 4 Measurable Annual Goals

1. Current performance levels
 - An accurate description of how the student is performing in the various areas of need are identified by the IEP and must convey sufficient information to provide clear levels of current functioning. Current performance levels and goals should relate directly to the previously written Present Level of Educational Performance.
2. Measureable annual goals
 - The Team must connect current performance to measurable annual goals.
 - Goals should relate directly to those areas where the student’s disability affects performance and should reflect a focus on those areas that make the biggest difference in the student’s performance. Goals should not identify multiple curricular standards in a single curricular standards in a single curriculum area nor quality as a detailed weekly or monthly lesson plan.
 - The IEP should be written with a direct connection between the current performance levels and the measurable annual goals. The current performance level state what the student can currently do and identify key stumbling blocks. The goals state what the Team believes that the student will accomplish by the end of the IEP period. The current performance levels become the starting points for determining the goals and the goals become the end points for student accomplishment for the IEP period.
 - Goals are designed to provide reasonable educational benefit. The goals should be measurable. The objectives/benchmarks break the measurable annual goal into major milestones that the student is expected to reach within a specified amount of time. To help ensure measurability objectives/benchmarks may also have target behavior, conditions, and outcomes. Goals also address the data collection strategy for measuring and documenting progress.

IEP 5 Service Delivery

1. Break down of service provisions
 - Service Delivery must denote the type of service provider i.e. Special education teacher, / Occupational Therapist. If provided by a private vendor, the generic title (Occupational Therapist, Speech/Language) is still used.
 - A specific amount of time per cycle needs to be identified for all areas. “Ongoing as needed” is not acceptable.
 - All services, even services the Framingham School District provides by private vendors, need to be included on the service delivery grid as district services.

IEP 6 Nonparticipation Justification/Schedule Modification

1. The Team must justify nonparticipation in the general education program. IDEA 2004 Regulation 20 U.S.C. §612 (a) (5).550: "... removal of children with disabilities from the

regular educational environment occurs *only when* the nature or severity is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

2. It is not a placement
3. It is driven by the least restrictive environment (LRE)
 - To reinforce IDEA's strong preference for involvement in the general education environment, the law requires a clear statement justifying why removal is considered critical to the student's program and the basis for the Team's conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.
 - Teams must describe when a student's school day or year is modified (shorter or longer).
 - Transportation is a related service. A recommendation for a student to receive transportation, as with other IEP decisions, relates back to the effect of the student's disability(ies) on accessing transportation.

IEP 7 State or District-Wide Assessments

1. The Team is responsible for deciding how all students will participate in state and district-wide assessments.
2. All students participate in statewide testing with accommodations outlined in the IEP.
3. Accommodations for statewide assessments must be consistent with accommodations students regularly receive in their curriculum.
4. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment

IEP 8 Transition/Additional Information

1. Transition information to include:
 - The anticipated graduation date
 - If applicable, a statement of interagency responsibilities or needed linkages, the discussion of rights at least one year before the age of majority, and a recommendation for Chapter 688
 - Document efforts to obtain participation if a parent and/or student did not attend or provide input
 - Other relevant IEP information not previously stated (i.e. translator present, documentation of discussion that, if applicable, all protocols related to the Mass Bullying Prevention and Intervention law and Framingham Public Schools related policies will be followed).

Autism Spectrum Disorder

Whenever an evaluation indicates that a child has a disability on the autism spectrum disorder, which includes autistic disorder, Asperger's disorder, childhood disintegrative disorder, or pervasive developmental disorder not otherwise specified, as defined in the Diagnostic and Statistical Manual fifth edition (DSM-5, 5/18/2013), the IEP Team shall consider and shall

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

The Massachusetts Bullying Prevention and Intervention Law

In 2010, legislation was passed that requires school leaders to create and implement strategies to prevent bullying, and to address bullying and retaliation promptly and effectively if they occur. Sections 7 and 8 of the law have specific implications for the IEP process and for students with disabilities.

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

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

FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

As defined by Federal regulations, the general curriculum is the curriculum used with non-disabled children. All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

The Framingham Public Schools shall ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, and that special classes, separate schooling, or other removal of children with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

As the Team discusses placement, the least restrictive environment will be selected as it correlates with the student's needs. To the extent possible, students with disabilities will be educated with their non-disabled peers.

Teams should consider in-district settings as they relate to the student's needs. These settings include, the general education classroom, a learning center/resource room or separate classroom.

If a student's needs cannot be met within the public school setting, an out-of-district placement may be explored. If the Team designates an out-of-district placement, the Team shall state the basis for its conclusion that education of the student in a less restrictive environment with the use of supplementary aids and services could not be achieved to provide the student with a free, appropriate public education in the least restrictive environment.

In most cases, the Team who wrote the IEP will decide the placement immediately after the IEP is developed. If the student's needs and corresponding services are complex and the Team is considering an initial out-of-district program or a different setting for a student currently in an out-of-district placement, a subsequent meeting might be scheduled to finalize the placement decision. In all cases, the parent continues to be an equal participant in the Team process.

PLACEMENT

The Team Decision Regarding a Student's Placement

The Team decision regarding a student's placement is made once the IEP is fully developed. It is based upon the individual needs of the particular student. The Team Determination of Placement page, (PL 1) should be included with the IEP. If a placement decision is not possible at the IEP meeting, a separate meeting must be held within ten school days to discuss the options available.

At the Team meeting, after the IEP has been developed, the Team shall consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services or if necessary after considering Least Restrictive Environment, in a separate classroom or school.

Students Privately Placed at Parent's Expense

Parents may choose to enroll a child in a private school at their own expense at any time. Massachusetts' special education law applies to all Framingham residents regardless of where they attend school. The school district must provide or arrange for evaluation, determine eligibility, propose an Individualized Education Program (IEP), and make services available to all eligible students who reside in the district, regardless of where they attend school. (Administrative Advisory SPED 2007-2: IDEA-2004 and Private School Students) Eligible

students must be offered an IEP as developed by a Framingham IEP Team. Parents may decline special education services of the proposed IEP. The District has the responsibility to reconvene the Team to consider the IEP on an annual basis, even if services have been declined. The Team must review appropriate educational information and propose an IEP based upon student needs or propose to re-evaluate to determine eligibility for services.

Voluntary Termination From School Prior to Graduation or Age 22

Students eligible for special education services, who withdraw from Framingham Public Schools prior to graduation or reaching age 22, must be given the opportunity to access special education services in pursuit of their diploma. If at any time prior to their 22nd birthday, the student is interested in receiving special education services and working towards their diploma, they may contact the Framingham Special Education Department and request their file be activated. This information must be conveyed to eligible students at the time they withdraw from school, ideally through direct conversation. A letter confirming this information is mailed to the student with a copy placed in the Central Office file at the time they leave Framingham Public Schools.

GRADUATION REQUIREMENTS FOR SPECIAL EDUCATION STUDENTS

In accordance with M.G.L. c. 71.s. 1, a student with a disability who requires special education is entitled to receive publicly funded special education until this student turns twenty two or “attains a high school diploma or its equivalent,” whichever comes first. To receive a diploma, all Framingham students, including those receiving special education services, must meet the graduation requirements as outlined in the Framingham High School Course of Studies book. Furthermore, the students must either earn a scaled score of at least 240 on the grade 10 MCAS English Language Arts and Mathematics tests or earn a scaled score between 220 and 238 on these tests and fulfill the requirements of an Educational Proficiency Plan (EPP). Students must also earn a scaled score of at least 220 on one of the high school MCAS Science and Technology/Engineering tests: Biology, Chemistry, Introductory Physics, or Technology/Engineering.

TRANSITION SERVICES

Transition Planning

Transition elements are incorporated throughout the IEP for a more integrated approach to transition planning. **Transition planning is required under Federal law and becomes a major Team focus when a student reaches fourteen years of age.**

The vision statement, aids Team Members in determining the student’s transition needs that

may be reflected on PLEP A and B. Transition goals should be developed with transition services recorded on the service delivery grid. As a student approaches graduation, the Team must also consider the student's graduation status, the need for a Chapter 688 referral and the involvement of adult service agencies. As the student nears or reaches age seventeen, the Team must discuss the transfer of rights at age of majority. These last items would be documented under **Additional Information**. In the event a student does not attend the Team meeting prior to the student's seventeenth birthday, written notification will be sent to both the parent(s) and student explaining the transfer of rights options at age eighteen.

The transition plan should be written as an outcome-oriented statement that includes adult life, post-secondary and work environment desires.

The Massachusetts Department of Elementary and Secondary Education has provided a transition planning worksheet for assisting Teams with post-secondary planning. A copy of the form can be found in the appendix section of this manual. This form is not an IEP form, rather a document whose content is directly linked to the IEP vision and guided by the identified needs of the student. Some components of the transition plan will be addressed in the IEP. Upon graduation, students receive a summary of performance based on the transition plans and their high school course of studies.

Determination of Transition Services

1. The Team discusses the student's transition needs annually, beginning no later than when the student is 14 years old, and documents its discussion on the Transition Planning Form.
2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate.
3. For any student approaching graduation or the age of 22, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the administrator of special education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L.c. 71B, §§12A-12C (known as Chapter 688).
4. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives.
5. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.

If the child requires services or courses necessary to reach the goals, IEPs must have measurable post-secondary goals related to training, education, employment, and as necessary, independent

living. If the student is to turn 14 years of age during a given IEP period, transition planning should commence at the time of the Team meeting even if the child is not yet 14 years of age.

What are “Transition Services?”

Transition services mean a coordinated set of activities that:

1. Is designed with an outcome process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living or community participation
2. Is based on the student’s needs, taking into account the student’s preferences and interests
3. Includes instruction, related services, community experiences, the development of employment and other post-secondary adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

When are Transition Plans Required?

Beginning at age 14, a student’s IEP should include a statement of the transition service needs of the child under the applicable components of the child’s IEP. The statement should focus on the child’s course of study and include a statement of interagency responsibilities or any needed linkages. *Note: if a student is to turn 14 during the course of an IEP period, than transition planning should begin with that IEP, even if the student is not yet age 14.*

Who Plans Transition Services?

The Team determines transition activities. The IDEA 2004 requires that the District invite the student to the Team meeting, regardless of age, if one of the purposes of the meeting is to discuss the student’s transitional service needs. If the student does not attend the Team meeting, the District must ensure that the student’s preferences and interests are considered.

Discussion about needed transition services must take place at Team meetings for all students age 14. All necessary services will be recorded in the appropriate sections of the IEP.

AGE OF MAJORITY

Massachusetts has established 18 as the age of majority. At that age, all students are considered adults and competent to make their own decisions. This right extends to every student with a disability who is receiving special education services.

At least one year before a student’s 18th birthday, Framingham Public Schools must inform the student and the parents of the transfer of rights at age 18 (Age of Majority letter/form). In the IEP, there should include a statement that the student and parents have been informed of this transfer of rights. Parents will continue to receive written notices but will no longer have

decision-making authority unless one of the following occurs:

- Parents receive guardianship of the student from the court
- Student chooses to share decision-making with the parents or other adults, including allowing them to co-sign the IEP; this choice must be made in the presence of the Team and documented in writing.
- Student chooses to delegate decision-making to the parents or other adult; this choice must be made in the presence of the Team and documented in writing.

Teams should distribute the Framingham ‘Age of Majority’ packet (3 pages) to students and parents on or before the 17th birthday. By the 18th birthday, students must choose an option on page 2 of the ‘Age of Majority’ packet. If, at this time, students choose to take sole responsibility for their special education decisions, they must complete the choice at the bottom of page 2, identifying if they wish to continue their special education services.

COLLEGE TESTING INFORMATION

The College Board has recently changed its eligibility requirements for testing accommodations. Districts and parents are reporting that the College Board is rejecting many requests for accommodation because the documentation supporting the request is not sufficient under its new eligibility standards. As a result, parents and students are asking Districts to conduct additional evaluations or eligibility assessments to support students’ requests for accommodations.

What is the District’s responsibility to provide supporting documentation to the College Board when a student has requested accommodations on College Board tests (e.g., PSAT/NMSQT, SAT or AP)?

The District provides the College Board with documentation supporting the student’s request for accommodation when such documentation is available, consistent with the Massachusetts Student Records Regulations (see 603 CMR 23.00).

In some cases, the College Board is asking that the student provide documentation of specific additional assessments or updated assessment information that the District does not need in order to deliver appropriate special education services to the student. **The District is not obligated to provide or pay for updated or additional assessments to support a student’s request for accommodation on College Board examinations if such assessment information does not already exist and is not necessary for the appropriate special educational program for the student at the time of the request.** The parent is responsible for paying for additional assessments that are needed for the sole purpose of supporting the student’s request for accommodation on the College Board examinations.

If the parent requests an evaluation or assessment, whether or not the request describes the

reason for the request, the District must respond in accordance with the requirements of state and federal special education law. The District may either agree or disagree to conduct such an assessment and provide notice to the parent of the decision. The District's decision not to conduct the assessment is subject to the due process requirements of the law.

If a request for an evaluation is made for the purpose of demonstrating a need for accommodations on College Board tests, and the school District has no reason to believe the student has a disability or needs special education services, then the District can deny the request for an eligibility evaluation; the District must notify the parent of the decision.

CONTINUUM OF SPECIAL EDUCATION SERVICES

Framingham Public Schools provides a broad array of services for children and youth identified with disabilities from the ages of three through twenty-two. State and federal special education laws and regulations, namely The Individuals with Disabilities Education Act (IDEA), govern the referral, evaluation and placement procedures. Framingham Public Schools is committed to the goal of providing an appropriate education for students with needs in the least restrictive environment. Below are the range of special education programs and services offered by the Framingham Public Schools.

Special Education Programs and Services

BLOCKS Preschool

BLOCKS Preschool coordinates referrals, assessment and identification of children from age 3 to 5 years of age who may be in need of special education services. For eligible children, the continuum of options includes Therapy Services, Inclusion Classrooms, and Substantially Separate Classrooms. Special Education services for preschool age children are a combination of the recommended practices of Early Childhood Education and Early Childhood Special Education with the emphasis on high quality curriculum with systematic individual interventions to meet the child's IEP goals and objectives.

Substantially Separate Classrooms

Substantially separate classrooms serve students who require a highly modified preschool curriculum in separate classrooms rather than in general education programs. Each classroom is comprised of **up to eight students** with special education needs. In each classroom there is a certified special education teacher and one teacher assistant. Additional classroom aides and/or assistants are assigned as required for individual students. Specialists' services include, but are not limited to, speech/language therapy, occupational therapy, physical therapy, adaptive physical education, and ABA therapy. Dependent upon the set educational goal(s), services may be provided through in-class and/or pullout model.

- ***Autism Spectrum Disorder (ASD):*** Specialized language-based classrooms for children on the Autism Spectrum, who may benefit from intensive staff to student ratio and support. The preschool curriculum utilizes approaches based on the principles of Applied Behavioral Analysis (ABA) techniques, discrete trial training, task analysis, floor time and relationship development intervention, theory of mind, positive behavioral support, and total communication techniques.
- ***Emotional Disability (ED):*** This classroom offers a highly structured self-contained program with a strong behavioral support component. These classes have a mental health partnership program and work on academic and social skills training.
- ***Developmental Delays (DD):*** This classroom services preschoolers identified with developmental delays. The program focuses on developing cognitive, social/emotional communication, physical, and self-help skills.
- ***Multiple Disabilities (MD):*** This program provides services to students who have multiple severe disabilities. Some may have medical needs. This program is designed to address the development of communication, mobility, social, and independent daily living skills.

Inclusion Classrooms

Inclusion classrooms serve students with special needs that are able to access the standard preschool curriculum with minor accommodations. The students are educated with typically developing same age peers. The inclusion classroom is generally composed of up to **seven special education students and up to 15 total students**. Each classroom is staffed with a certified special education teacher and an assistant teacher. Speech/language pathologists, occupational therapists, physical therapists, and behavioral support are provided to students when needed in and out of the classroom environment.

Related Services

Students ages three to five and in need of therapy in one developmental area such as communication or motor development may be offered therapy only services. Parents accompany their child for the session(s) with a speech/language pathologist, occupational therapist, and/or physical therapist. Parents are also provided with consultation on how to best support their child at home.

Bilingual Special Education Services

Bilingual special education services are provided to students who are English Learners (EL). Students have access to related services such as speech-language services. A bilingual speech/language therapist is available to provide native language support to students whose first language is Spanish or Portuguese.

Elementary School (Grades K – 5)

Resource Room

The resource room serves students who are placed in general education settings with mild to moderate disabilities. A certified special education teacher and/or instructional assistant work with groups composed of no more than **eight students**. Educational instruction is provided consistent with the service recommendations of the student's IEP. Support may be provided for reading, math, written language, organizational and/or other education needs. Chosen instructional methodologies vary but meet student needs and curriculum goals, which are aligned with the **Massachusetts Curriculum Frameworks**.

Grade Level Inclusion Classrooms

Inclusion classrooms serve students with moderate disabilities who are placed in general education classrooms. At the kindergarten level, one full-time teacher with dual certification and one full-time assistant make up the instructional staff. Some kindergarten classrooms may have an additional part-time assistant. Instruction is modified for all students as indicated by their educational plans or learning needs. In grades one through five, one full-time certified general education teacher leads each classroom. Each grade level also includes one full-time certified special education teacher and a full-time teacher assistant, who work to modify and deliver instruction across the grade level. Additional classroom aides are assigned as required for individual students. A reading specialist instructs students in targeted decoding strategies (all in small group, pull-out model). Other related services providers work in both a small group or individual pullout model and a push-in (inclusion) model to deliver services. The program's aim is to provide academic, behavioral and social support to students with identified disabilities within the general education setting. Academic groupings are identified by skill level for all students at every grade level, with special educators leading content instruction in reading, math, and writing to students identified as needing the most structured and differentiated methodologies. Pre- and post-assessments in every academic unit offer the opportunity to "reset" the groupings and move students to the level of instruction that most closely matches their skill level and recommended instructional strategies. Both general and special education students may be placed in groups led by general education or special education staff, depending on their learning needs. In addition, special educators work with classroom teachers to modify and support the curriculum. Chosen instructional methodologies vary but are designed to respond to student learning plans and curriculum goals, which are aligned with the **Massachusetts Curriculum Frameworks**.

Substantially Separate Classrooms

Substantially separate classrooms serve students who require a highly modified curriculum in separate classrooms rather than in general education programs. Each program's aim is to provide academic, behavioral and social support to students within a self-contained environment on modified curriculum goals. In each classroom there is a certified special education teacher and one teacher assistant. Additional classroom aides and/or assistants are assigned as required for individual students.

Chosen instructional methodologies vary but match student needs and modified curriculum goals, which are aligned with the Massachusetts Curriculum Frameworks. Special education instruction is provided throughout the student's school day. Instruction is provided through

small individual or small group instruction. Students participate in some general education environments (e.g., music, art, physical education, recess, and lunch), including academic instruction with support from the substantially separate class staff. Individualized inclusion programs are implemented based on a student's progress and skill level.

- ***Learning and Language Disabilities (LLD):*** The program serves students with learning and language (receptive and expressive) disabilities. The class provides specialized reading instruction with a multi-sensory sequenced phonetic based reading program. Instruction incorporates strategies to address expressive and receptive language skills across the curriculum.
- ***Emotional Disabilities (ED):*** The program serves students with a primary disability in emotional and/or behavioral disorders. Many students in the program are in general education classrooms for the majority of their day. They are given opportunities to complete work in a smaller space with a special educator or assistant teacher if needed. A few students spend the majority of their day in a sub-separate classroom. A major focus of this class is on frustration management, self-regulation skills and behavior modifications. All students in the program have access to a behavior specialist, social worker, breaks, numerous accommodations, individualized behavior plans and sensory room to help them learn to regulate their behaviors.
- ***Autism Spectrum Disorder (ASD):*** The program serves students on the Autism Spectrum who require more social-pragmatic, academic, and behavioral support. The programs provide intensive behavioral training through ABA, discrete trial training, task analysis, floor time, and total communication techniques in order to develop social skills and academic readiness skills. The program blends social/developmental as well as behavioral approaches whenever possible to address the educational challenges faced by this population of students.
- ***Developmental Disabilities (DD):*** The program serves students with moderate to severe developmental disabilities or cognitive impairments. Students in this program may not participate in general education environments but do participate in ongoing school routines and activities including lunch, recess, assemblies, and special events.
- ***Multiple Disabilities (MD):*** The program serves students with moderate to severe multiple disabilities. This program is designed to address the development of communication, mobility, social, and independent daily living skills.

Related Services

All required related services are available to students as agreed to within their Individualized Educational Programs within their assigned schools except for Sensory Integration Services, which are provided at the SI Center located at Woodrow Wilson Elementary School. Related services include but are not limited to speech/language services, occupational therapy, adapted physical education, physical therapy, and vision. Dependent upon the set educational goal(s), services may be provided through an in-class and/or pullout model.

Other Services

Bilingual special education services are provided to students who need both special education services and intensive instruction for English Learners. Students have access to related services such as speech-language services. The bilingual special educator is fluent in Spanish or

Portuguese and can provide native language support to students whose first language is Spanish or Portuguese. The bilingual special educator teaches special education classes in core curriculum subjects and provides consultation to other teachers regarding the student's educational needs. A bilingual speech/language therapist is available to provide native language support to students whose first language is Spanish or Portuguese.

Middle School (Grades 6 – 8)

Inclusion Classrooms

The inclusion classroom consists of a certified special educator who rotates through the student's schedule in order to ensure that the student on an IEP understands the curriculum and is meeting his/her responsibilities. Individual and small group assistance is provided within the standard curriculum classroom. In addition, the student has a daily support class with their special educator on their Team. The special educator provides consultation to standard curriculum teachers regarding student's learning style and educational needs. The special educator ensures that accommodations are being implemented in the standard curriculum classroom.

Substantially Separate Classrooms

- ***Learning and Language Disabilities (LLD)***: This program is geared for students with low average to high average intelligence with significant reading, writing, math, and communication disabilities. Students participate in a curriculum that mirrors the standard curriculum, but at a slower pace. The curriculum is modified to meet the significant academic needs of the students. Certified special educators and an assistant teacher provide small group instructions in all academic areas- math, language arts, science, and social studies. Inclusion into standard curriculum classes is available when the Team determines a student is ready. Students attend related art classes- art, technology education, physical education, health, and chorus outside their classroom.
- ***Emotional Disabilities (ED)***: This comprehensive and therapeutic program is for students who have emotional disabilities. A certified special educator and an assistant teacher provide behavioral and academic support for students in the mainstream academic setting. Small group instruction is also available for students who need additional specialized instruction. Students are supported in acquiring expected, pro-social skills, including, anger management, conflict resolution, relaxation techniques, social skills, group process, peer pressure, bullying, strategies for managing behavior and self-advocacy. The staff creates Individualized Behavior Management plans for students to provide targeted support for specific under-developed or lagging social-emotional skills. A Social Worker, a Behavior Specialist and a Special Educator work with families to coordinate treatment efforts with providers outside of the school setting. The Planning Center, staffed by a Behavior Specialist and aide, is available to provide opportunities for students to process unsuccessful behavioral interactions, take scheduled and unscheduled motor breaks, or have a less stimulating, alternative work space. Students attend art, music, P.E., technology education, and health with their peers supported by an assistant teacher.

- ***Intellectual Impairment (II) and Autism Spectrum Disorder (ASD):*** This program serves students who have significant intellectual, learning, and social skills challenges. We offer a functional life skills curriculum, social skills curriculum, and a modified standard curriculum. The program is divided into three subgroups of students. One group focuses on functional life skills and knowledge about community in order to function as independently as possible. Other students in the program benefit from a more traditional academic curriculum, with opportunities for inclusion in the core curriculum areas. Specialized ABA-based classroom for children on the Autism Spectrum, who may benefit from intensive staff to student ratio and support, is located in one of the classrooms in the same hallway. The ASD program utilizes approaches based on the principles of Applied Behavioral Analysis (ABA) methodologies, discrete trial training, task analysis, incidental teaching strategies, and positive behavioral supports.

Students are grouped into multi-grade classes according to ability levels. There is a three-year curriculum sequence. Students receive academic instruction in language arts, math, science, and social studies. Students receive all academic instruction from certified special educators. Students are taught different subjects with different special education teachers, so they have the middle school experience of moving from class to class. Students in the ASD program will stay in the same classroom. Students are included in unified arts classes (music, physical education, art, and technology education) with general education students for one block, and separately for another block.

Students also participate in a vocational program. Performing various jobs around the building (e.g., delivering newspapers, emptying recycling bins) helps them to develop greater independence and provides opportunity for hands on, practical learning. Students in this program run a café that is open once a month to further build their functional living skills (cooking, set-up, clean-up, money skills/budgeting, social skills, menu planning, kitchen safety skills, etc).

Students also have opportunities to participate in the after school activities, along with their peers. The transportation and aides (if needed) are provided.

Related Services

All required related services are available to students as agreed to within their Individualized Educational Programs within their assigned schools. Related services include but are not limited to speech/language services, occupational therapy, adapted physical education, physical therapy, and vision. Dependent upon the set educational goal(s), services may be provided through an in-class and/or pullout model.

Other Services

Bilingual special education services are provided to students who need both special education services and intensive instruction for English Language Learners. Students have access to related services such as speech-language services. The bilingual special educator is fluent in Spanish or Portuguese and can provide native language support to students whose first language

is Spanish or Portuguese. The bilingual special educator teaches special education classes in core curriculum subjects and provides consultation to other teachers regarding the student's educational needs. A bilingual speech/language therapist is available to provide native language support to students whose first language is Spanish or Portuguese.

High School (Grades 9 – 12)

Specialized Instruction Classrooms

Students who require specialized education in the areas of English, Literacy, math, Speech and Language, and/or Study Strategies are provided with small group support from a certified special educator and/or speech-language pathologist. The instruction parallels the standard curriculum and includes state-assessment preparation.

Inclusion Classrooms

This program provides support in the areas of Language Arts, History, Math, and Science. The inclusion classroom consists of a certified special educator who co-teaches with a standard curriculum teacher who is certified in the specific subject area. Individual and small group assistance is provided within the standard curriculum classroom. The special educator provides consultation to standard curriculum teachers regarding student's learning style and educational needs. The special educator ensures that accommodations are being implemented in the standard curriculum classroom.

The Phoenix Program

The Phoenix Program is a structured, behaviorally oriented special education program. The goal of the program is to work on solutions for the behavior and emotional issues of students with behavioral and emotional disabilities as well as to provide these students with equal access to the traditional academic program of standard curriculum students. The academic curriculum parallels the standard curriculum across all content areas and is aligned with the **Massachusetts Curriculum Frameworks**. Related services such as literacy support and speech-language services are provided according to the student's IEP. The program staff works directly with the student's families and coordinates treatment efforts with providers outside of the school. A Behavior Specialist and a Social Worker also assist the program. Instruction in academic subjects is provided in a small supportive environment.

The Learning Center Program

This program is designed for children with severe disabilities. The program is designed to provide services with small class sizes and a curriculum specific to the student's individual needs. A certified special education teacher and teacher assistant(s), as necessary, staff the Learning Center Program. The program staff consult with an ABA specialist on a weekly basis. Each staff member receives in house training for the Social Skills Program. Academics within the program follow the **Massachusetts Curriculum Frameworks** and students will be mainstreamed for elective and academics whenever possible. Students have opportunities to practice skills learned within the Framingham community.

Eugene Thayer Campus: An Alternative Education Program Specializing in Dropout Prevention

This program is designed to provide a supportive educational environment leading to personal growth, academic achievement and responsible citizenship. The program is unique as it serves both special and regular education students. The program is based on multiple approaches to learning for students having difficulty maximizing their learning potential in a traditional high school setting. Thayer is a small, safe, and nurturing program where mutual respect is essential to our students' success. The core belief is that mutual respect is the key to a supportive, safe and successful learning environment.

Out of District Placements

Students requiring a more restrictive setting may be placed in out of district settings that range from public programs in other districts to collaborative settings to private special education schools. Placements are made on an individual basis and determined by the Team in accordance with state and Federal regulations to provide students with a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

IEP AMENDMENTS

The Individualized Education Program (IEP) Amendment is designed to be a stand-alone document or to be used in conjunction with other IEP pages. The form should be used for minor IEP adjustments that do not change the type of placement.

The explanation of a proposed change should include the IEP section(s) that the change will affect. Team members might choose to attach an IEP page to the amendment to help clarify the recommended adjustment. For instance, if an IEP goal is being altered, the goal page with the reworded goal should be attached or if service delivery is being altered, the service delivery grid, with the adjusted services should be attached. Attach the Administrative Data sheet to the amendment before sending it to the Team Evaluation Coordinator for signature. A placement change should not be reflected in an amendment, but rather a revised IEP.

PROGRESS REPORTS

The Progress Report is designed to report the progress of each IEP goal individually. Service providers must comment on whether they anticipate the student being able to meet the goal by the end of the IEP period. **If they believe that the student will be unable to meet the goal, that must be indicated in the Progress Report and a Team Meeting must be held to amend the IEP.** Multiple copies of the form should be used as required to report on each and every IEP goal. Progress reports must answer two questions for each goal: (1) What is the student's progress toward the annual goal and (2) is the progress sufficient to enable the student to achieve the goal by the end of the IEP period? Completed progress reports are sent to the Office of Student Services and filed. Progress reports may be reviewed for content and frequency by the Director of Student Services.

Progress reports are required to be sent to parents at least as often as parents are informed of non-disabled children's progress. **At the preschool and elementary school, progress reports are sent twice a year. In the middle schools, progress reports are sent three times a year. In the high school, four times a year. For students placed in an out of district program, progress reports are sent four times a year to parents.** A Team meeting does not take the place of a written progress report.

NOTES REGARDING SPECIAL POPULATIONS

Children Ages 3 to 5:

The Massachusetts Curriculum Frameworks begin at the Pre-Kindergarten level and children ages 3 to 5 may have a disability (ies) that affects their progress in the general curriculum. Teams should not hesitate to use PLEP B to reflect the developmental skills for each of the curriculum areas. Young children's disabilities also affect their participation in appropriate activities or may affect other educational needs.

Eligible Students with Behavior Challenges:

If an eligible student's behavior affects performance in the general curriculum, then the interfering behavior should be reflected on PLEP A. If an eligible student's behavior affects other areas of educational need, then the interfering behavior should be reflected on PLEP B. If an eligible student's behavior affects performance in the general curriculum and in other areas of educational need, then the interfering behavior should be reflected in both locations on the IEP. **Teams are reminded that IDEA-2004 requires pro-active steps in behavior management and in the provision of positive behavioral supports for eligible students whose behavior impedes their learning or the learning of others.**

Eligible students with a disability (ies) that affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, and/or teasing:

If an eligible student's lack of skills/proficiencies affects performance in the general curriculum, then the skills and proficiencies need to avoid and respond to bullying, harassment, or teasing should be reflected on PLEP A. If an eligible student's lack of skills/proficiencies affects other areas of educational need, then appropriate skills and proficiencies need to avoid and respond to bullying, harassment, or teasing should be reflected on PLEP B. If an eligible student's lack of skills and proficiencies affects performance in the general curriculum and in other areas of educational need, then the appropriate skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing should be reflected in both locations on the IEP. If appropriate, social skills goals with specific benchmarks on skills and proficiencies needed to avoid and respond to bullying, harassment, and/or teasing must be developed as part of the IEP.

Eligible Students Diagnosed on the Autism Spectrum:

If an eligible student's lack of skills/proficiencies affects performance in the general curriculum, then the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing should be reflected on PLEP A. If an eligible student's lack of skills/proficiencies affects other areas of educational need, then, appropriate skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing should be reflected on PLEP B. If an eligible student's lack of skills and proficiencies affects performance in the general curriculum and in other areas of educational need, then the appropriate skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing should be reflected in both locations on the IEP. If appropriate, social skills goals with specific benchmarks on skills and proficiencies needed to avoid and respond to bullying, harassment, and/or teasing must be developed as part of the IEP.

LEGAL NOTICES AND ADVISORIES

Procedural Rights Brochure

DESE website link:

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

FERPA Student Records

The federal Family Educational Rights and Privacy Act (FERPA, sometimes called the "Buckley Amendment") applies to schools that receive federal education funds. FERPA requires schools to protect the privacy of student records, and gives parents and students rights including inspection and review of student records. The FERPA statute is found at 20 U.S.C. sec. 1232g. The FERPA regulations are found at 34 CFR Part 99. The Massachusetts Student Record Regulations are consistent with the FERPA statute and regulations

Transfer of Student Records

The Framingham Public Schools ensures that the transfer of a special education student does not result in any interruption of special education and related services. FPS is responsible for ensuring that students moving into the district have available special education and related services in conformity with an IEP. An IEP must be in effect before services can be provided. The Framingham Public Schools may do this by either adopting the IEP of the previous school district OR by developing a new IEP. Before the IEP is finalized, FPS may provide interim services agreed to by both the parents and the district.

Transmittal of Records

1. The Framingham Public Schools shall take reasonable steps to promptly obtain the student's records, including IEP and supporting documents and any other records relating

to the provision of special education or related services to the student, from the previous school district in which the student was enrolled.

2. After receiving a written request for student records from a public or private school, including schools operated by the Department of Juvenile Justice, the local school system or school from which the records are requested shall mail or otherwise deliver within a period of no more than 10 calendar days a copy of all requested student records to the school system or school to which a student has transferred.

DESE website Link:

<http://www.doe.mass.edu/lawsregs/603cmr23.html?section=07>

Voluntary Termination of Special Education Services

Students, eligible for special education services, who withdraw from Framingham Public Schools prior to graduation or reaching age 22, must be given the opportunity to access special education services in pursuit of their diploma. If at any time prior to their 22nd birthday, the student is interested in receiving special education services and working towards their diploma, they may contact the Framingham Public Schools' Special Education Department and request their files be activated. This information must be conveyed to eligible students at the time they withdraw from school, ideally through direct conversation. A letter confirming this information is mailed to the student with a copy placed in the Central Office file at the time they leave Framingham Public Schools.

DESE website link:

http://www.doe.mass.edu/sped/advisories/10_1.html

Home/Hospitalized Educational Services

Special Considerations:

Per Administrative Advisory SPED 2003-1, students shall be entitled to teaching at home and in the hospital if the child's physician determines the child will have to remain at home or in a hospital for more than 14 school days in any school year. An expedited evaluation, which shall be limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluations, shall be conducted and services provided to eligible students in the Framingham Public Schools within 15 calendar days of the school district's receipt of the child's physician statement.

DESE website link:

http://www.doe.mass.edu/pqa/ta/hhep_qa.html

Translated IEP Forms and Notices

Notices from the school district must be provided in a parent or guardian's native language or other mode of communication that they use, unless it is clearly not feasible to do so. To ensure

that parents whose primary language is not English have the information the District is required by law to provide to them, the District may need to obtain interpreters or prepare additional translated materials for the parents or guardians under IDEA-2004.

If a parent's or guardian's native language or other mode of communication is not a written language, the school district must ensure that the school's notices are translated for the parent or guardian orally or by other means (e.g., by sign language), and that they understand the content of the notice. Should the District require a notice or IEP to be translated please contact the school's Team Evaluation Coordinator or Director of Special Services for the names of persons who are available to translate.

Please Note

The Massachusetts Department of Elementary and Secondary Education has the IEP Forms and Notices translated into sixteen languages. In addition there is a glossary corresponding to each language translating common special education terms.

For more information, please visit the Massachusetts DESE web-site:
<http://www.doe.mass.edu/sped/iep/tforms.html>

DISTRICT PROCEDURES

District Curriculum Accommodation Plan

For more information, please visit:

<http://www.framingham.k12.ma.us/curriculum/DCAP%20February%202010.pdf>

Program/Classroom Observation

The Framingham staff regularly collaborates with parents to provide timely response to requests received for observation of their children's current or proposed special education programs. Observations may be conducted by the parent or his/her designated private evaluator or educational consultant. Framingham will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress. The following guidelines apply to arranging for such observations:

Parent Request: Parents are asked to submit their observation requests in writing to their child's special education liaison to include the following information:

- Student's name
- Parent's name, telephone and/or email contact information
- Student's classroom teacher and assigned grade
- Observer's name, and if the observer is someone other than the parent, any relevant affiliation of the observer, along with telephone number and/or email contact information

- Purpose of the observation, including any particular part of the school day the observer wishes to see
- Signed Non-Disclosure Agreement Relating to Student Record Information During Observation or Evaluation of Student (see Appendix)

Scheduling: The liaison will provide a copy of the request to the building principal and special education TEC. In order to assist in timely scheduling, Framingham staff will contact the identified observer directly. Staff will generally be able to offer a time within a week for an observation of an hour or less. However, if more extensive observation is required, scheduling may take longer.

Staff availability: A school staff member will accompany the observer during the observation period and document their observations. Given the ongoing responsibility of teachers or therapists to serve students, they will generally not be available for conversation during or immediately before/after the observation period.

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

Reference Materials on Student Discipline

Student Discipline Resources and Information (State and Federal) Resources available through the DESE at: <http://www.doe.mass.edu/ssce/discipline/>

Manifestation Determination

Resources available through the DESE at:
http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.pdf

SECTION 504

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act impose additional procedural requirements when suspending or expelling students with

disabilities for disciplinary reasons. Under both the IDEA and Section 504, schools must conduct specific additional procedural requirements prior to the suspension or exclusion of a student for more than ten (10) days. For suspensions of less than ten (10) days, a school district is entitled to discipline the individual with a disability to the same extent as non-disabled students.

Which Students are Entitled to Additional Protections?

Under the IDEA and Section 504, there are three (3) categories of students who require additional protections prior to a long-term suspension (i.e., a suspension of more than ten days or expulsion). **Prior to the eleventh (11th) day of exclusion from school, the school must conduct a manifestation determination for the following students:**

- 1) Students on Individual Education Programs (IEPs) at the time the behavior occurred;
- 2) Students on Section 504 Accommodation Plans at the time the behavior occurred; and
- 3) Unidentified students for whom the school district had reason to know that the student had a disability.