

**NEWBURYPORT PUBLIC
SCHOOLS
OFFICE OF PUPIL SERVICES**

**Special
Education
Process and
Procedures**

Introduction and Purpose

Newburyport Public Schools is committed to providing students with disabilities with individualized, high-quality services in the least restrictive environment. Special education programming is not a separate place or model of services, but it is part of a continuum of supports and interventions created to ensure that the education environment meets the needs of all learners. We believe that students' academic, emotional, and social skills can be addressed most effectively through collaboration and teamwork among parents, school staff, and community members.

This manual has been created to provide consistency and accuracy of special education practices across the district, and as a resource for Newburyport Public Schools staff and parents. The Handbook references state and federal laws and regulations including:

- The Massachusetts Department of Education, Massachusetts General Laws ch. 71B, et seq.
- Special Education Regulations 603 CMR 28.00 et. seq.
- IDEA 2004
- Section 504 The Rehabilitation Act of 1973 (as amended).

Massachusetts Tiered System of Support (“MTSS”) and Response to Intervention (“RTI”)

According to the Massachusetts regulations for special education (603 CMR 28.00) each school must have a plan developed and adopted by the district to ensure that efforts have been made or will be made to meet the needs of diverse learners in the general education program. As part of his/her responsibilities, the principal shall promote instructional practices responsive to student needs and shall ensure that adequate instructional support is available for students and teachers.

The Massachusetts Tiered System of Support (“MTSS”) may also be referred to as Response to Intervention (or “RTI”), although they are not exactly synonymous. MTSS is a “a single system of supports that is responsive to the academic and non-academic needs of all students.” (DESE website). It:

provides a framework for school improvement that focuses on system level change across the classroom, school, and district to meet the academic and non-academic needs of all students, including students with disabilities, English language learners, and students who are academically advanced. It guides both the provision of high-quality core educational experiences in a safe and supportive learning environment for all students and academic and/or non-academic targeted interventions/supports for students who experience difficulties and for students who have already demonstrated mastery of the concept and skills being taught.

The Massachusetts Department of Education encourages districts to create school environments that respond to the needs of all students, and to try a range of practices and supports (IEP Process Guide).

RTI is a building-based process where teams of teachers and specialists meet to share strategies and implement interventions for students who may be struggling academically or in other areas. The RTI team and process is NOT part of the special education process.

It is important to note that no intervention or support program limits the right of a parent to refer their child for a special education evaluation.

Referral for Special Education

A parent or “any person in a caregiving or professional position concerned that a student may have a disability” may refer a student for a special education evaluation. A referral may be made verbally or in writing. The district may request (but may not require) a written referral for documentation purposes.

Within 5 school days of receiving the referral the school district must send written notice seeking consent to evaluate. This is an Evaluation Consent Form. Parents must provide

written consent before the evaluation is commenced. Frequently, the Special Education Team Coordinator will reach out to the referring party to clarify concerns and to develop the plan for evaluating the student.

Referral from Early Intervention

Upon referral, school districts shall evaluate children who are two and a half years of age and who may be receiving services through an early intervention program. An initial evaluation shall be conducted in order to ensure that if such child is found eligible, special education services begin promptly on the third birthday. For children who are receiving early intervention services, school districts are encouraged to use current and appropriate assessments from early intervention teams, whenever possible, to avoid duplicate testing.

When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program may be considered.

Evaluation Process

Newburyport is required to evaluate the student in the area(s) of suspected disability *within 30 school days* of receiving consent.¹ The district is required to evaluate in areas of suspected disability, and to use a variety of assessment measures. The assessment should be tailored to the specific referral question for the individual student. The Department of Education recommends using formal and informal assessments, as well as parent information; observation; work samples; interviews; and record review. Educational assessments are also required to be conducted.

Within 45 school working days after receipt of a parent's written consent to an initial evaluation or reevaluation, the school district shall: provide an evaluation; convene a Team meeting to review the evaluation data, determine whether the student requires special education and, if required, develop an IEP in accordance with state and federal laws; and provide the parents with two copies of the proposed IEP and proposed placement, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e); or, if the Team determines that the student is not eligible for special education, the school district shall send a written explanation of the finding that the student is not eligible.

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

¹ If consent is received within 30 to 45 school working days before the end of the school year, the school district shall ensure that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year. If consent is received less than 30 school days prior to the end of the school year, the timelines starts when consent is received, stops on the last day of school, and re-starts at the beginning of the next school year.

or math instruction or on ELL status. 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. They are not the sole criterion for determining an appropriate educational program. 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.

Required Assessments:

- *An assessment in all areas related to the suspected disability*
- *Educational*

Optional Assessments: The following assessments may be recommended by the Team or requested by parents:

- *Psychological*
- *Home Assessment:* The Team should request this only if there are significant concerns related to the home or family environment as they affect the student's school performance.
- *Health Assessment*
- *Functional Behavior Assessment*

According to the Massachusetts regulations an educational evaluation is required for all eligibility determinations and consists of the following:

- (i) a history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum; and
- (ii) an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
- (iii) The school district shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.
- (iv) When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged.
- (v) For children who are receiving early intervention services, school districts are encouraged to use current and appropriate assessments from early intervention teams, whenever possible, to avoid duplicate testing.

An observation of the student should be made by at least one Team member other than the student's teacher. 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 child in the custody of a public child welfare agency.

Evaluations are required prior to a finding that a student is no longer eligible, except for graduation with a regular diploma or aging out. For those children graduating or aging out of special education, the district must provide a summary of academic and functional performance (Summary of Performance), including recommendations on how to assist the child to meet post-secondary goals.

Evaluations 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. They are administered and interpreted by trained individuals

For students with limited English Proficiency (LEP), information about the student's language must be considered in determining how to conduct the evaluation to prevent a student from being misclassified. With a student with LEP, the district must assess the student's proficiency in English and the native language proficiency in reading, writing, speaking and understanding.

Evaluation Reports

Evaluation reports must be translated into the parents' primary language, if applicable. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. The assessor may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. Summaries of assessments shall be completed prior to discussion by the Team and, upon request, shall be made available to the parents at least two days in advance of the Team discussion at the meeting occurring pursuant to 603 CMR 28.05(1).

Parentally-obtained Outside Evaluations

At any time, parents may choose 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. In

order for the TEAM to consider the recommendations, the parents must provide the TEAM with a complete copy of the written report.

When a parent provides the school district with an evaluation report for a student who is NOT currently receiving special education services, the Special Education Team Coordinator or Principal will contact the parents to either discuss concerns or to schedule a meeting with relevant staff. The group will gather information about the parent's concern and discuss available supports in place or available through general education. The meeting participants will also determine if a referral for special education evaluation or 504 Accommodation Plan is being requested or would be appropriate.

In general, best practice dictates that school districts propose to conduct its own evaluation to gain the best understanding of the student's needs.

District-funded Independent Education Evaluation

Upon their receipt of evaluation results, if a parent disagrees with an initial evaluation or reevaluation completed by the school district, then the parent may request an independent education evaluation (IEE). 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:

- If the student is eligible for free or reduced cost lunch, then at the parents' request, Newburyport will fully fund the IEE that is equivalent to the type of assessments done by the school.
- If the child is not eligible for a free or reduced cost lunch program, he or she may still be eligible for school district funding, either in whole or in part, depending on family income. If families choose to participate in the sliding fee program, they are asked for income information and some validating documentation such as tax returns and/or pay stubs. The district informs parents that providing documentation of family financial status is voluntary. If parents elect to participate in the sliding fee program, Newburyport keeps their financial information confidential during the review by Newburyport Public Schools and the records are not copied or maintained in any form, except to note that the information was provided and reviewed and met or did not meet sliding fee scale standards. Newburyport promptly evaluates all submitted documentation and informs parents whether or they are eligible for full or partial funding of the IEE.
- If the parents request an IEE paid by the School District and they are not income eligible or do not wish to use the income eligibility process, the parents must notify Newburyport Public Schools of your request for public payment of an IEE. The District responds to such requests without undue delay and informs the parents that either:
 - Newburyport Public Schools will pay for the requested evaluation or;
 - Newburyport Public Schools believes it has done an appropriate evaluation and will not fund the IEE

If a parent requests an IEE more than 16 months after Newburyport Public Schools evaluated the student, the district seeks consent from the parent to conduct our own updated

assessments and evaluation of the student first, within the timelines required by the special education regulations.

If Newburyport Public Schools declines to pay for the requested evaluation, we proceed within five school days of the parents' written request to initiate a hearing with the Bureau of Special Education Appeals (BSEA) to show that our evaluation was comprehensive and appropriate. Parents are informed that if the BSEA agrees with Newburyport Public Schools, then the district is not obligated to provide funds for an IEE. Any IEE that is paid for with public funds must abide by state requirements relating to qualification of the evaluator and the rates charged for the evaluation. Independent education evaluations are by qualified evaluators who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student may justify an individual assessment rate that is higher than that normally allowed. Whenever possible, the IEE is completed and a written report sent no later than 30 days after the date the parent requests the evaluation. The district requests that the independent evaluator provide a report that summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student.

Under Massachusetts special education laws, the Newburyport Public Schools, except in unique circumstances, is only permitted to fund IEE's at the rates set by Division of Health Care Finance and Policy ("DHCF"). The limitation of funding IEEs at the rates set by DHCF is not discretionary on the part of the school district; the limitation is required under state regulations. Parents are informed of this.

Extended Evaluation

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.

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:

- The extended evaluation period shall not be used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a partial IEP that, if accepted by the parent, shall be immediately implemented by the district while the extended evaluation is occurring.
- The extended evaluation period shall not be used to allow additional time to complete the required assessments under 603 CMR 28.04(2)(a).

- If the parent consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.
- The extended evaluation may extend longer than one week, but shall not exceed eight school weeks.
- The extended evaluation shall not be considered a placement.

The Team Process

The Law requires that certain individuals are part of the IEP Team, although individuals can act in more than one role. These include:

- Student’s parent/guardian;
- At least one general education teacher familiar with the student (if the child is, or may be, participating in the regular education environment);
- At least one special education teacher familiar with the student;
- A representative of the district who has the authority to commit resources (this may be the Special Education Team Coordinator or the liaison);
- An individual who can interpret evaluation results (if an evaluation is being discussed);
- Other individual(s) who have knowledge or expertise regarding the student, at the parents’ or district’s discretion; and
- If appropriate, the student (beginning age 14).

*A designated Team member with authority to make decisions about school district resources must be present at every Team Meeting. The Special Education Coordinator is typically responsible for facilitating initial and reevaluation Team meetings. The designated special education liaison for a student is typically responsible for facilitating all annual review and amendment Team meetings.

The Team is responsible for:

- Eligibility Determination/Initial and Reevaluations
- Development of the IEP
- Placement decision

IDEA permits members being excused if parent and LEA agree (there must be written agreement from the parent). If the excused member has input it must be provided in writing. If the parent and LEA agree, amendments and revisions can be made via written documentation without a Team meeting. Alternatives to “physical meetings” are explicitly allowed including video conferencing, telephone conferencing, or virtual meetings.

If neither parent can attend, the district uses other methods to ensure parent participation,

including individual or conference telephone calls, or video conferencing. After reasonable efforts, if the district is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.

Eligibility Process

Within 45 school days of receiving consent, the IEP team must convene to determine whether the student is eligible for special education services and to draft an IEP, if the student is found eligible.

The IEP Team will reference the Special Education Eligibility Flowchart. This Flowchart is a worksheet to help guide the determination of special education eligibility.

For a student to be eligible for special education services, three criteria must be met:

1. The student has a disability.

Disabilities Categories:

- Intellectual
- Sensory/Hard of Hearing or Deaf
- Communication
- Sensory/Vision Impairment or Blind
- Emotional
- Physical
- Specific Learning Disabilities
- Sensory/Deaf and Bland
- Multiple Disabilities
- Autism
- Neurological
- Developmental Delay (ages 3-9 ONLY)

Massachusetts regulations define and explain these disability categories.

When a student is determined to have a Specific Learning Disability, the Team must submit additional paperwork to ensure that the underachievement is not due to lack of appropriate instruction, or a result of cultural factors; an environmental or economic disadvantage; limited English proficiency; a visual, hearing, or motor disability; an intellectual or developmental disability; or an emotional disturbance.

2. The student is not making effective progress in school because of their disability. The student's inability to progress is a result of the disability(ies) and not a result of an inability

to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or math.

3. The student requires specially designed instruction to meet the unique needs of the eligible student or related services necessary to access the general curriculum. Federal law defines specially defined instruction as “adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction--(i) To address the unique needs of the child that result from the child's disability; and (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.”

Specially designed instruction is a requirement for a student to be found eligible for special education. If the student only requires accommodations, then that student is not 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. Accommodations are adaptations to presentation or setting that can typically and easily occur in general education (such as preferential seating, wearing eyeglasses, giving extra time on tests).

Parents 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).

If a Student is Found Ineligible

A Team may also make a finding of no eligibility. If the student does not have a disability, if the student does not show a lack of progress, or if the student does show a lack of progress but it is not due to a disability or if the student does not require special education, then the team should make a finding of no eligibility.

The Department of Education suggests that when a student is not found eligible, it is best practice for the Team to discuss the appropriate next steps to ensure that any identified problem or concern is addressed by the school district.

If the student has a disability, one such next step may be the development of a 504 Accommodation Plan. Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or more major life activities. Major life activities

include walking, seeing, hearing, speaking, breathing, learning, working, caring for self and performing manual tasks.

Parents also have the right to appeal any eligibility determination to the Bureau of Special Education Appeals, including a finding of no eligibility. Parents may contact the Bureau directly or request district assistance in contacting this agency.

IEP Development

If a student is found eligible for special education, then an IEP must be developed. In most cases, development of the IEP will occur within a single meeting after the determination of eligibility has been made.

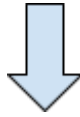
Newburyport Public Schools follows the Department of Education's guidance regarding the requirement that the IEP be sent out to the parents/guardians "immediately" following the IEP team meeting. The district provides parents with a Summary of Team Meeting which contains information related to the IEP, including:

- (a) a completed IEP service delivery grid describing the types and amounts of special education and/or related services proposed by the district, and
- (b) a statement of the major goal areas associated with these services.

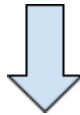
Newburyport Public Schools provides the IEP within two calendar weeks from the date of the Team meeting to the parent/guardian.

There may be circumstances when the parent is ready to accept the IEP immediately in order to begin services for the student. In this case, parents may ask the district for the completed IEP in order to begin implementation of IEP services as soon as possible. Newburyport Public Schools must respond to such requests with a complete IEP within 3-5 days of the Team meeting at which it was developed.

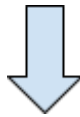
IEP Process Flowchart



Within 5 school days of receiving the referral the school district must send written notice seeking consent to evaluate. The school district can only evaluate the student with written consent from the parents or guardian.



Within 30 school days of receiving consent, the district shall evaluate the student in the area(s) of suspected disability



Within 45 school days of receiving consent, the IEP team shall convene to determine whether the student is eligible for special education services and to draft an IEP, if the student is found eligible



Within 30 days after receiving the IEP the parents respond to the IEP and proposed placement

Least Restrictive Environment

Newburyport Public Schools is committed to providing students with disabilities with individualized, high-quality services in the least restrictive environment. Special education programming is not a separate place or model of services, but it is part of a continuum of supports and interventions created to ensure that the education environment meets the needs of all learners. We believe that students' academic, emotional, and social skills can be addressed most effectively through collaboration and teamwork among parents, school staff, and community members.

Newburyport Public Schools provides services for students ages 3 through 21 and ensures that a continuum of services and placements are available to all students as deemed appropriate by their respective IEP Team. The district offers services in the general education classroom; services outside of the general education setting; and a combination of both, depending on student needs.

Alternative programs and services are available to identified students. For older student with disabilities, in order to prepare these students for adult life, the Newburyport Public Schools provides options such as continuing education; developing skills to access community services; developing independent living skills; developing skills for self-management of medical needs; and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus as determined by each IEP Team.

Procedures for Approved and Unapproved Program Placement

Approved Program

When an IEP Team determines that a placement out of the district is required:

1. When considering possible placement, the Team looks to the least restrictive environment where services can be appropriately delivered. The Team considers placements that are geographically proximate before considering placements that are outside of the immediate area. Preference is given to approved programs (see below). The Team consults with staff of possible placements to ensure that the placement is able to provide the services on the student's IEP.
2. Newburyport Public Schools recognizes that students in out-of-district placements are entitled to the full protections of state and federal special education law and regulation, and that the district has responsibility for ensuring that the students is receiving all services in their IEP. The district initiates Team meetings in coordination with the out-of-district placement.

3. The district monitors the out-of-district program's services and programming, and places documentation of monitoring plans in the files of every student who attends an out-of-district placement. Site visits shall be documented and included in students' files. Monitoring is conducted by the Special Education Team Chairperson and/or the Director of Student Services, and is not delegated to parents or their agents, to the Department, or to the out-of-district placement.

Unapproved Program

When an IEP Team determines that a placement out of the district is required:

- a. Search: The Director of Student Services documents the search for and unavailability of a program approved by the Department. The Director places such documentation in the student record. Newburyport Public Schools conducts a thorough search for approved programs prior to any consideration of an unapproved program. Only when an appropriate approved program cannot be identified does the district consider unapproved programs. In all cases where an unapproved program is being considered, the district ensures that such programs include services provided by appropriately credentialed staff able to provide the services on the student's IEP in an appropriate setting.

- b. Evaluation of facility: The Director of Student Services or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such a program. Such evaluation determines whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluation additionally determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility.
- c. School district approval to operate a private school in Massachusetts: If services in an unapproved program are provided in a school setting, the Director of Student Services ensures that such school has received approval from the local school committee under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.
- d. Pricing: Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Director of Student Services obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are

completed by the proposed placement and document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program.

- e. Notification of the Department of Elementary and Secondary Education: Prior to placement, if the Team determines that placement in such facility is appropriate, the Director of Student Services notifies the Department of the intent to place the student and the name and location of the proposed placement. before placing the student into the program by sending ESE a completed mandated 28M3 form titled "Notice of intent to seek Approval for Individual Student Program" and all the required supporting documentation i.e. completed pricing forms, signed written contract that will govern such placement and documentation of a monitoring plan pursuant to 603 CMR 28.06(3)(b). The district maintains any documentation of the Department's objections to such placement and the steps the district has taken in regard to such objection. The district maintains copies of the documentation as well as approved price for publicly funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including site visits made and other monitoring activities undertaken by the school district.
- f. Out of state programs: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Director of Student Services ensures that such school has received approval from the host state.

Re-evaluation process

A reevaluation will be conducted for each student with a current IEP every three years or more frequently if requested or recommended. Reevaluations adhere to the same guidelines and timelines as an initial evaluation for eligibility. The IEP Team can decide that a re-evaluation is not necessary to ensure continued educational success for the student.

Evaluations are required prior to a finding that a student is no longer eligible, except for graduation with a regular diploma or aging out. Evaluations are also required for ending a specific service. For those children, the district must provide a summary of academic and functional performance, including recommendations on how to assist the child to meet post-secondary goals.

Bullying, Harassment & Teasing

Massachusetts General Law, Chapter 92 of the Acts of 2010 (*An Act Relative to Bullying in Schools*) 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, S3, 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, S3, as amended by Chapter 92 of the Acts of 2010).

The "Bullying Considerations" form is included in the file for all student IEP meetings and is used as guidance for IEP team to refer to when they are discussing bullying, teasing and harassment. When appropriate, IEP teams routinely include services, accommodations and modifications to address social skills development and bullying prevention such as:

- Additional adult support during key times such as transitions, recess and lunch
- Alternative lunch setting
- Social skills groups
- Reflection sheets
- Frequent check-ins
- Adult "point person" in the building to discuss concerns with
- Functional Behavior Assessment and Behavior Intervention Plan
- Zones of Regulation
- Access to a quiet, calming space

Extended School Year

Any decision regarding needed ESY programming must take into account the child's history of significant regression and limited recoupment capability. In other words, a child's Team must look backward and forward when considering the need for ESY programming. Specifically, analyzing significant regression and recoupment requires the Team to consider each of the following inter-related criteria:

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

The child's Team must not put off a determination to offer ESY programming until the end of a break in service (i.e., summer vacation). The Team must consider the need for such services prior to the beginning of the break in service by anticipating whether substantial

regression and problems with recoupment will occur in the absence of ESY services. ESY programs should be a continuation of the education benefits that accrue to a child during the regular school year and should be consistent with the child's IEP goals and objectives addressed throughout the regular school year; however, they don't necessarily have to be the same services delivered at the same frequency as provided during the regular school year.

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

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

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

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

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

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

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

Annual Review Meeting

The purpose of this meeting is to review the student's progress toward meeting the goals and objectives of the IEP. The participants in the Annual Review Team Meeting will develop a new IEP that reflects student growth and current educational needs, as related to the general education curriculum. If the District suspects that the student may no longer require special education services, then a **reevaluation** must be initiated, since no decision to remove eligibility can occur without current and complete evaluation information.

If a draft IEP is created, any services, goals, or other components of the IEP are preliminary recommendations for review and discussion with the parents. It is **not** permissible to have the final IEP completed before an IEP Team meeting begins.

Parent Response to IEP

The parent/guardian has thirty days to respond to the IEP. Until parental consent is received, the last consented-to IEP remains in effect. When the parent/guardian returns the IEP, the document is processed and sent to the appropriate special education liaison and staff and the entire IEP should be implemented immediately.

No student will be placed in a special education program without an IEP signed and accepted by his/her parent/guardian.

At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. Teachers and other staff are informed of how to access IEPs for their students and are asked to verify that they have reviewed the IEP.

Implementation of the IEP will not be delayed due to lack of classroom space or personnel. In the event of delayed services, the district provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, and actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.

IEP Amendments

The Individualized Education Program (IEP) Amendment 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, IEP 4 with the reworded goal should be attached or if service delivery is being altered, IEP 5 with the adjusted services should be attached.

Rejected IEP'S

If a parent/guardian returns an IEP or Amendment rejected partially or fully, the Director of Pupil Services will be notified immediately. Any mutually accepted elements of the IEP will be implemented immediately.

A copy of the rejected IEP or Amendment is sent by the Administrative Assistant to the Bureau of Special Education Appeals no later than five days from the notification from the parent/guardian of the rejection of the IEP.

For Initial IEP'S: Until the dispute regarding the IEP is resolved, the child will remain in his/her current placement. *No special education services can be provided.*

For Review/Reevaluations: Until the dispute regarding the IEP is resolved, the goals, objectives and services of the last accepted IEP will continue to be implemented.

Dispute Resolution

Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead.

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

Progress Reports

Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. Progress report information sent to parents includes written information on student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.

Autism Spectrum Considerations

The re-authorization of IDEA in 2004 resulted in more emphasis on considerations when developing an IEP for students on the autism spectrum. The following list of considerations has been developed by the Massachusetts Department of Elementary and Secondary Education and must be used during the IEP Team's determination of services and placement.

- **The verbal and nonverbal communication needs of the student:** Impairment in communication is one of the defining characteristics of ASD; therefore communication skill development should be addressed as an essential piece of the student's IEP. When considering the verbal and nonverbal communication needs of a student with ASD, the Team should review:
 - the student's current level of communication,
 - the system of communication most effective for the student,
 - the functions for which the student uses and understands language,
 - the student's ability to use and understand non-verbal communication (e.g., eye gaze, facial expression, gesture), and
 - any emerging communication skills reported by the family or other Team members.

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

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

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

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

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

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

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

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

Sound: *How does the student with ASD respond to auditory events?*

Smell/Taste: *Does the student with ASD respond in an atypical fashion to olfactory events or tastes?*

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

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

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

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

- **The needs resulting from engagement in repetitive activities and stereotyped movements:** Students with ASD may exhibit ritualistic behaviors or repetitive phrases in physical activities and in verbal exchanges. For instance:
 - Preoccupation with one or more restricted and stereotyped patterns of interest that is atypical either in intensity or focus (e.g., knowing and reviewing the schedule of nationwide trains).
 - Inflexible adherence to specific nonfunctional routines or rituals (e.g., repeating all answers 3 times) or a need to follow the same routine or sequence when completing tasks (e.g., tapping a spoon on the table between each mouth full of yogurt).
 - Stereotyped/repetitive motor mannerisms (e.g., hand flapping) or a persistent preoccupation with parts of objects (e.g., fixating on the wheels of toy car).

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

the behavior, practices for addressing engagement in repetitive activities and stereotyped movements may include:

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

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

- **The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder:** Because of the complex developmental, learning and adaptive needs of students on the autism spectrum, they often exhibit behaviors that are challenging in their intensity, frequency, or interference with engagement in appropriate activities. The IEP Team should consider and discuss the need for a functional behavioral assessment (FBA) of the student's behavior(s). The intensity level of the FBA should match that of the presenting problem behavior. For a behavior that has a relatively clear pattern, an FBA can be completed by obtaining some simple frequency data and antecedent-behavior-consequence information. Significant repetitive behaviors (such as hand flapping or rocking) or self-injurious behaviors warrant a full functional behavioral assessment to determine the reason for, and function of, the behavior and possible alternatives to it. It is important to use the assessment data to determine why the behavior is occurring. Knowing the function that the behavior serves will help the Team determine whether positive behavior interventions, strategies and supports are necessary, and which replacement behaviors are appropriate for reducing or eliminating the interfering problem behavior. The Team should select the least amount of intervention that is

likely to be effective, efficient, and produce the minimum unwanted effects. (e.g., ignore a behavior rather than issue a "time out".) Given the characteristic combination of social, communication and behavior challenges exhibited by students with ASD, a well-written and appropriately implemented behavior intervention plan is an essential piece of many IEPs.

- **Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development:** A student with ASD often exhibits deficits in executive function, the ability to organize and the ability to generalize learned skills into other environments/activities or functional routines. The student may have a tendency to perseverate or over-focus on unimportant features, which may distract him or her from the learning of the "whole". The IEP Team should consider whether there is a need to provide structure in the student's classroom environment and learning activities, including but not limited to:
 - intervention strategies for social skill development (self-advocacy, peer interaction);
 - reviewing classroom and individual expectations;
 - organizational supports (including visual organizers such as color coded folders and organized environments so that the environment has limited distraction factors);
 - previewing information;
 - direct instruction in order to learn new skills or to generalize learned skills; and
 - repeated instruction and practice in multiple environments with a variety of materials and people, in order to master a single skill.

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

Transition Planning

Transition planning is required under Federal and state law and begins with the IEP that will be in effect when the student turns 14 years old. According to IDEA, transition services are a "coordinated set of activities... within a results-oriented process," so as to facilitate a student's "movement from school to post-school activities." The vision statement, included as part of IEP 1, aids Team Members in determining the student's transition needs that may be reflected on IEP 2 and/or IEP 3. Transition goals should be recorded on IEP 4 and transition services should be recorded on IEP 5. 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 on IEP 8.

Students' postsecondary goals should be recorded on page one of the Transition Planning Form in the "Post-Secondary Vision" box. The TPF is intended to be a flexible, brainstorming document used by the IEP team to record the transition discussion. Once the TPF is complete, the IEP team documents the transition plan in a more formal manner on the IEP and should transfer the postsecondary goals to the Vision Statement on IEP 1.

IDEA requires that postsecondary goals:

- (1) be appropriate,
- (2) be measurable (i.e. countable),
- (3) be annually updated,
- (4) be based upon age-appropriate transition assessment, and
- (5) express the student's future intentions in each of the areas of education/training, employment, and - if appropriate - independent living.

Discipline of Special Education Students

Procedures for suspension(s) not exceeding 10 school days:

Any student with a disability may be suspended for up to ten (10) days during a school year. Disciplinary decisions are the same as for students without disabilities.

Special circumstances exist if your child: possesses, uses, sells or solicits illegal drugs on school grounds or at a school-sponsored event; carries a weapon to school or a school-sponsored event; or inflicts serious bodily harm upon another person at school or a school-sponsored event. Under these circumstances, the principal may place your child in an interim alternative educational setting (IAES) for up to 45 school days. Your child may remain in this IAES for a period of time not to exceed 45 school days. Thereafter, your child will return to the previously agreed-upon placement unless a hearing officer has ordered another placement, or you and the school agree to another placement.

Procedures for suspension of students with a disability when suspension exceeds 10 school days:

A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. A change of placement invokes certain procedural protections under federal special education law and Section 504. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP—"a manifestation determination." Parents have a right to participate in this process. All

relevant information will be considered including the IEP or Section 504 Plan, teacher observations, and evaluations reports.

At a manifestation determination meeting, the Team will consider:

- 1) Did the student's disability cause or have a direct and substantial relationship to the conduct in question?
- 2) Was the conduct a direct result of the district's failure to implement the IEP?

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

If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:

- 1) services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
- 2) as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.

School personnel will provide Parent's Notice of Procedural Safeguards (Special Education) or Notice of Parent and Student Rights Under Section 504 for students with disabilities prior to any suspension exceeding 10 school days in one school year. These notices will provide an explanation of the process should there be disagreement regarding the manifestation determination or any placement decision. Parents, guardians and/or students may petition the Bureau of Special Education Appeals for a hearing or the Office of Civil Rights (Section 504). Until issues are resolved, the student remains in his or her current placement.

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

- 1) The parent had expressed concern in writing; or
- 2) The parent had requested an evaluation; or
- 3) District staff had expressed directly to the special education director or other

supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

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

If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.

If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

Procedural Safeguards

School districts must give the PNPS once per year to all parents of eligible students with disabilities. Newburyport provides this to parents annually. In addition to the annual distribution of the PNPS, Newburyport also provides this to parents when an initial evaluation of a student is requested by the parent or another person; upon the parent's request for a copy; and when a student with a disability is removed from his or her placement to an interim alternative education setting as a result of discipline.

When parents speak languages other than English or the nine languages translated on the DESE website, then Newburyport takes additional steps to ensure that parents have the information you are required by law to provide to them, such as obtaining interpreters or preparing additional translated materials describing the procedural rights of parents and students under IDEA-2004.

MCAS

Students with disabilities must participate in all MCAS testing scheduled for their grades regardless of the program and services they are receiving, except for students taking the MCAS Alternate Assessment (MCAS-Alt) who must take alternate assessments in the grades and subjects required for students in that grade.

Newburyport ensures that all publicly funded students at the grade levels being tested, including students, in institutional school programs, in educational collaboratives and in private special education schools, participate in the MCAS program.

Special Education Team Coordinators and liaisons are familiar with the most recent publications provided by the DESE detailing MCAS accommodations and accessibility for students with disabilities. Decisions about accommodations are made on an individual basis with guidance from the DESE manuals. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.

The superintendent of the school district: files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests

it, provided that the student meets the eligibility requirements for such an appeal; obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; and includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.

The MCAS-Alt is available for students with significant disabilities who, due to the nature and severity of their disabilities, are unable to participate in the standard MCAS tests, even with accommodations. The IEP or 504 plan must state whether a student requires an alternate assessment and if so, in which subject(s).

Age of Majority

At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. The notification provided to both the student and the parent/guardian explicitly states that all rights accorded to parents under special education law will transfer to the 18 year old.

Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student's special education program.

The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below:

- If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
- The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such a choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.
- The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such a choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.

Evaluation Procedures for Students Enrolled in Private Schools at Parent Expense

Requirements:

To the extent that the Newburyport Public Schools provides and pays for special education services for eligible students enrolled in private schools at private expense, the following requirements shall apply to students enrolled in private schools at private expense:

1. The Newburyport Public Schools conducts child find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.
2. The Newburyport Public Schools consults with private schools in accordance with federal requirements. The district engages in a conference opportunity that invites representatives of the private schools and representatives of parents of parentally-placed private school students. This conference occurs prior to providing proportionate share services and allows input from these representatives on the types of services and the delivery of services. The district discusses:
 - a. the child find activities for students in private schools and how parents, teachers, and private school officials can be informed about the child find process;
 - b. the amount of funds available under the proportionate share requirements and how that calculation was made (the form can and should be shared for this purpose);
 - c. the consultation process itself and how consultation might be available throughout the year or in the following year;
 - d. a discussion of how, where, and by whom special education and related services will be provided, including how those decisions will be made and how, if proportionate share funds are insufficient to serve every student, the district will apportion the services among eligible students.

If the district makes a decision in determining the services that will be provided (including who, where and how) that is in disagreement with the views of the representative private school officials, then the district provides a written explanation for why it chose to provide services differently than the representative private school officials had recommended.

3. The Newburyport Public Schools shall provide special education designed to meet the needs of eligible students who are attending private schools at private expense and whose parents reside in the jurisdiction of the school district. Special education services are provided by qualified and appropriately credentialed staff. Services are provided

The Newburyport Public Schools shall provide to such students genuine opportunities to participate in the public school special education program consistent with state constitutional limitations.

4. The Newburyport Public Schools shall provide or arrange for the provision of evaluation services and an IEP for any eligible private school student whose parent resides in the jurisdiction of the school district. The evaluation may take place in the public school, the

private school, or an appropriate contracted facility. The Newburyport Public Schools shall ensure that a representative of the student's private school is invited to participate as a member of the Team.

5. The Newburyport Public Schools shall provide or arrange for the provision of the special education described by the student's IEP. Special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services may be provided on private school grounds.

6. Special education provided by The Newburyport Public Schools to a private school student shall be comparable in quality, scope, and opportunity for participation to that provided to public school students with needs of equal importance. Programs in which both public and private school students participate may not include classes that are separated on the basis of school enrollment or the religious affiliation of the students.

7. The Newburyport Public Schools calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state. This is calculated in accordance with Technical Assistance Advisory 2017-2.

8. The Newburyport Public Schools does not withdraw or withhold services from a child whose parents reside in the district solely because the district has met the spending requirements of federal law.

Procedure:

Upon receipt of a request for an evaluation for a student attending a private school at parent expense, the Team Facilitation Leader for the school that the student would have attended in the district will propose an evaluation to the parent within 5 days. Upon receipt of the parent's signed consent for an evaluation, an evaluation team will be notified to schedule assessments consistent with the above requirements to be completed within 30 days. Within 45 school working days after receipt of a parent's written consent to an initial evaluation, the school district shall convene a Team meeting to review the evaluation data, determine whether the student requires special education and, if required, develop an IEP consistent with the requirements listed above.

Children in non-public schools may be entitled to home hospital services when deemed eligible. An expedited special education evaluation, which is limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluation, is conducted and services provided to eligible students whose parents reside in the district within 15 calendar days of the receipt of the child's physician statement.

Procedure for students who are enrolled at private expense in private school located in Newburyport and whose parents reside out of state

For students who are enrolled at private expense in private schools located in Newburyport and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements as discussed above. It conducts evaluations and determines eligibility in accordance with state and federal requirements.

The district uses the DESE sample letter to notify parents of eligible non-Massachusetts residents attending private schools here of the district's decision not to make services available because the required federal proportionate share obligation has been met. In cases where the district does choose to provide services to non-Massachusetts residents attending private schools in Massachusetts, Newburyport develops an individual services plan for the student describing the types of services it will provide and where services will be delivered.

Equal Opportunity to Participate

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

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

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

Student Records

The student record consists of a student's transcript and temporary school record. It includes health records, tests, evaluations, discipline records and other records pertaining to the student's special education eligibility or program.

The student and/or his/her parent/guardian (if the student is 14 years or older) have a right to look at any and all of the student's records within 10 days of their request and before any IEP meeting or due process hearing. The school district can only limit access to the student record if it has received a legal document such as a restraining order or a divorce or custody decree that restricts access to information about the student's records.

You may also have copies of the information upon request for a reasonable charge.

In addition, students, parents or guardians can meet with professionally qualified school personnel to have the records explained. They may also have a representative (advocate, consultant or attorney) inspect, review and interpret the records if specific, informed written consent is given. All of the rights associated with the student record are contained in the Massachusetts Student Record Regulations 603.C.M.R.23.00. These regulations can be found at www.doe.mass.edu/lawsregs/603cmr23.html.

Generally, only the parent, eligible student, authorized school personnel and state and federal education officials are allowed to see the student record without the specific, informed written consent of the parent or adult student. The school district may be required to provide some information to state and federal officials as the result of a court order or in response to a health and safety or law enforcement issue.

Specialized Services

Newburyport Public Schools offers a variety of related services. The federal law defines related services as “transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes” (300.34).

All determinations as to eligibility for related services are made by the student’s IEP Team. The IEP team also determines the mode of delivery (consultation, direct service; small group, individual; in-class or pull-out), as well as the frequency of services. This list is not intended to be an exhaustive listing of all related services.

Service	Description
Services for Deaf/Hard of Hearing	Direct and/or consultation services are provided for students with a documented hearing loss. These services are designed to meet individual learning needs and may include teacher in-service, staff consultation, and augmentative communication support.
Occupational Therapy	OT services may address sensory motor, visual perceptual and/or spatial, and visual motor participation deficits. Students may struggle with handwriting/writing output, self-regulation, and motor coordination, endurance/strength. Services may be provided by a licensed Occupational Therapist (OT) and/or a Certified Occupational Therapy Assistant (COTA). Services may be direct or a consultation model may be used. Service providers work collaboratively to provide opportunities for students to practice and generalize their skills in their natural environments.
Speech & Language Therapy	Speech & Language services are designed to address a broad range of communication challenges, including receptive and

	<p>expressive communication and pragmatics. The Speech Language Pathologist (SLP) or Speech Language Pathology Assistant (SLPA) may consult teachers and other staff who work with the student. Students work on understanding and using language concepts and communication strategies.</p>
Physical Therapy	<p>PT services address gross motor skills, including posture, strength, and mobility. PT interventions assist students in accessing their school environment safely and efficiently. Services may be provided by a Physical Therapist (PT) or a Physical Therapy Assistant (PTA). Often consultation is provided to the classroom teacher.</p>
School-based Counseling	<p>Counseling is provided by a School Psychologist or a School Counselor. The purpose of counseling is to support students' social-emotional well-being and to teach school-based skills and strategies. Counseling may address emotional self-regulation, problem-solving, and social skills. Counseling staff consult with other building-based staff and are available to consult with outside providers.</p>
Services for the Visually Impaired	<p>Vision services are provided by a Teacher of the Visually Impaired (TVI) and provide specialized instruction and services required to meet the unique educational needs of students with visual impairments. This may be accomplished through direct services with students as well as consultation time with the students' special and general education teachers.</p>
Assistive Technology	<p>Assistive Technology (AT) is defined as "Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with</p>

	<p>disabilities.” Services often consist of consultation, assessment, and/or observation, and are provided by an Assistive Technology Specialist. The district has an Assistive Technology consultant who provides on-going, regular support, and conducts screenings and evaluations when appropriate.</p>
<p>Alternative & Augmentative Communication</p>	<p>Augmentative and alternative communication (AAC) includes all forms of communication (other than oral speech). Students with severe speech or language problems use AAC to supplement existing speech or replace speech. Augmentative aids may include picture and symbol communication boards and electronic devices. AAC services are provided by an AAC Specialist, who may be a Speech-Language Pathologist.</p>
<p>Orientation & Mobility Services</p>	<p>Orientation and mobility (O&M) can be an important component of the supports for children with visual impairments. The ultimate goal of O&M instruction is for visually impaired persons to be able to travel in any environment as independently as possible. Services are provided by an Orientation & Mobility Specialist.</p>

