

Old Colony Regional Vocational Technical High School

Special Education

POLICY and PROCEDURE MANUAL



June 30, 2023

Introduction

The focus of the Old Colony Regional Vocational Technical High School Special Education Procedure Manual is to:

- Promote building consistency in maintaining regulatory compliance;
- Provide supporting documentation required for any DESE oversight;
- Act as a resource document for building personnel, students, and parents;
- Reflect current federal, state, and research-based guidance in program implementation.

Procedure manuals require timely reviews and updates and are responsive to regulatory changes. Old Colony Regional School District instructors are encouraged to provide any feedback regarding the document. Revisions will be scheduled to both meet the Special Education Department's needs and to respond to any USDOE/IDEA/Department of Elementary and Secondary Education updates.

Another purpose of this manual is to familiarize and guide staff regarding federal and state regulatory requirements as well as to provide direction for implementation and monitoring. The intention is to provide a clear, common understanding of the department's expectations in maintaining regulatory compliance. Any responsibilities identified in relation to a required procedure or mandatory activity are provided for information and are not related to any contractual agreements.

This manual is organized with two types of materials. The first reflects the broad Special Education (SE) criteria related to specific elements of the monitoring procedures of the Massachusetts Department of Elementary and Secondary Education (DESE). These include both Coordinated Program Review (CPR) components as well as elements of the Mid-cycle Review (MCR). The wording of the criterion in each category reflects both IDEA2004 and its implementing regulations at 34CFR 300 and Mass General Law (MGL) Chapter 71B and its regulations at 603CMR 28.00. These criteria are organized under nine broad categories that are used as a framework for outside monitoring as well as for internal reviews and cyclical evaluations. Regulatory citations are provided under each criterion as well as any appropriate references to DESE Special Education Technical or Update Advisories.

The second type of materials is embedded within each of the SE criteria. There are descriptions of Old Colony's procedures that align with each criterion, samples of forms, in-house practices, directions for utilizing of related software and other resources linked to the SE category.

Materials in the Appendix are updated Advisory notices as well as resources reflecting current evaluation recommendations such as those related to Post-secondary Transition Planning documentation and IEP articulation.

Table of Contents

Component #1 – Assessment of Students	SE 1 – SE 14
Component #2 - Student Identification/Program Placement	SE 15 – SE 23
Component #3 - Parent and Community Involvement	SE 24 – SE 32
Component #4 - Curriculum and Instruction	SE 33 – SE 42
Component #5 - Student Support Services	SE 43 – SE 49
Component #6 - Faculty, Staff and Administration	SE 50 – SE 54
Component #7 - School Facilities	SE 55
Component #8 - Program Plan and Evaluation	SE 56
Component #9 - Record Keeping	
Component #10 - Appendix	

Component #1 - Assessment of Students – SE 1 – SE 14

- SE 1 Assessments are appropriately selected and interpreted for students referred for evaluation
- SE 2 Required and optional assessments
- SE 3 Special requirements for determination of specific learning disability
- SE 3A Special requirements for students on the autism spectrum
- SE 4 Reports of assessment results
- SE 5 Participation in general state and district-wide assessments programs
- SE 6 Determination of transition services
- SE 7 Transfer of parental rights and student participation and consent at age of majority
- SE 8 IEP Team composition and attendance
- SE 9 Timeline for determination of eligibility and provision of documentation to parent
- SE 9A Elements of eligibility determination; general education accommodations and services for ineligible students
- SE 10 End of school year evaluations
- SE 11 School district response to parental request for independent educational evaluation
- SE 12 Frequency of re-evaluation
- SE 13 Progress reports and content
- SE 14 Review and revision of IEPs

Special Education Procedure:

SE 1 - Assessments are Appropriately Selected and Interpreted for Students Referred for Evaluation

A. Tests and other evaluation materials are:

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

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

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

State Requirements
603 CMR 28.04; 28.05

Federal Requirements
34 CFR 300.304; 300.305; 300.306(c)

Procedure for Selection and Interpretation of Assessments for Students Referred for Evaluation: 603 CMR 28.04; 28.05

All tests and other evaluation materials administered for students referred for evaluation at Old Colony Regional are:

- validated
- administered and interpreted by trained individuals, no staff person at Old Colony Regional will administer or interpret an evaluation for which they have not been trained
- tailored to the individual students specific areas of educational need and related developmental needs and/or as requested by the parent
- selected and administered by a trained professional to reflect the aptitude and achievement levels and related developmental needs of the student
- as free as possible from cultural and linguistic bias
- provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally
- not the sole criterion for determining an appropriate educational program but used as a measure during the Team meeting to provide students with an appropriate educational placement and program of studies
- not only those designed to provide a single general intelligence quotient but also achievement levels in order to determine whether or not a student has a disability(ies)
- are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure
- technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors

When interpreting evaluation data and making decisions, the Old Colony Regional School District will:

- use information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent – including teacher reports, current grade reports, report from the guidance counselor, and parent questionnaire
- ensure that information obtained from these sources is considered
- ensure that the placement decision conforms with placement in the least restrictive environment for the student within the options available at Old Colony Regional
- include information related to enabling the student to be involved in and progress in the general curriculum to the greatest extent possible

Special Education Procedure:

SE 2 - Required and Optional Assessments

A. Required assessments: The following assessments are completed by appropriately credentialed and trained specialists for each referred student:

- Assessment(s) in all areas related to the suspected disability(ies) including consideration of any needed assistive technology devices and services and/or instruction in Braille.
- Educational assessment by a representative of the school district, including a history of the student's educational progress in the general curriculum.
- Completed by the student's IEP Contact for reevaluations and the Special Services Coordinator for initial evaluations during one-to-one interview and upon review of student's records
- assessment by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district's general education curriculum, as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social skills with groups, peers, and adults.
- For a student being assessed to determine eligibility for services at age three (3), an observation of the student's interactions in the student's natural environment or early intervention program is strongly encouraged together with the use of current assessments from Early Intervention Teams to avoid duplicate testing.

B. Optional assessments: The administrator of special education may recommend or the parent may request one or more of the following:

- A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.
- A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
- A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent

C. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following:

- That no further assessments are needed and the reasons for this; and
- The right of such parents to request an assessment.

State Requirements

603 CMR 28.04 (1) and (2)

Federal Requirements

34 CFR 300.304; 300.305; 300.324(a)(2)(v)

Procedure for Required and Optional Assessments

603 CMR 28.04 (1) and (2)

All three year Initial and Re-evaluation psycho-educational testing is done by a licensed School Psychologist and all results from testing are reported to the Special Services Coordinator, the parents, and the staff at least two days prior to an Eligibility or Re-evaluation Team meeting. The School Psychologist is available at or before the Team meetings to review results with students and parents and answer any questions they may have, as well as offer suggestions for placement, services, further testing or screenings, and any suitable accommodations/modifications. Special Educators provide additional assessment information including observations, informal assessments, and work product analysis.

All assessments selected to investigate eligibility with ADD/ADHD as the possible etiology are assigned to the School Psychologist and utilize a broad range of instruments including teacher screening questionnaires, parent interviews, surveys with student observation and interview by the School Psychologist. Results are used to eligibility under the category of Other Health Impairment (OHI)/ADD/ADHD or to refer the parent and student to their primary care physician for further evaluations if they decide this as a next step. All assessments selected to investigate eligibility under the category of Autism are completed by the School Psychologist and can include “closed” instruments to determine levels of social/emotional issues.

All referrals for speech/language evaluation are completed by licensed Speech/Language Pathologists and the speech/language consultant is available to review results with students and parents and to offer suggestions for services and/or accommodations/modifications to curriculum.

Prior to all IEP meetings, those teachers who have academic and/or vocational relationships with the student complete current Progress Reports for the parents and for the IEP Contact person representing the student at the IEP meeting. Results from these reports are used to address student progress within academics and shop. Current Student Information System (SIS) statistics, such as grades and assignments are also included in these reports.

All Highly Qualified licensed special education staff at Old Colony Regional are knowledgeable about the regulation requirements that guide student assessment. Professional development is provided to update staff skills relative to interpretation of assessments/standardized instruments.

No professional staff member administers any test unless they are trained and have experience with that instrument in the Old Colony setting.

Old Colony Regional staff follows all district guidelines in the use and destruction of test protocols.

If it is determined that administration of an earlier battery of tests or components are not needed for the Eligibility Team to determine continuing eligibility, the parents (or student if 18 or older) are notified of the Department's recommendations for reduced assessments and consent is obtained for the process to move forward.

Reminder: The decision that student is eligible for special education services is an educational one, not a medical one

Special Education Procedure:

SE 3 - Special Requirements for Determination of Specific Learning Disability

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

State Requirements

Federal Requirements

34 CFR 300.8(c)(10); 300.311

**Procedure for Special Requirements for
Determination of Specific Learning Disability (SLD)
34 CFR 300.8(c)(10); 300.311**

When a student suspected of having a Specific Learning Disability (SLD) is evaluated, the Old Colony Regional School District Eligibility Team, will review the four required SLD forms as part of the Team discussion. The Team will create a written determination as to whether or not he or she has a (SLD), which will be signed by all members of the Team, or if there is a disagreement as to the determination, one or more Team members document their disagreement utilizing state mandated forms including:

- Specific Learning Disability team determination of eligibility
- SLD 1 – Historical Review and Educational Assessment
- SLD 2 – Area of Concern and Evaluation Method
- SLD 3 – Exclusionary factors (cultural factors, environmental or economic disadvantage, limited English proficiency, a visual, hearing, or motor disability, mental retardation, or emotional disturbance)
- SLD 4 - Classroom Observation Checklist

Special Education Procedure:

SE 3A - Special Requirements for Students on the Autism Spectrum

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

- 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

State Requirements

Chapter 57 of the Acts of 2006, amends
M.G.L. c. 71B, section 3

Federal Requirements

34 CFR 300.8(c)(1)(i)

Procedure for Determining Special Requirements for Students on the Autism Spectrum

34 CFR 300.8(c)(1)(i)

Both federal and state law define "autism" as a disability inclusive of each of the diagnoses on the autism spectrum, and these diagnoses are identified in Chapter 57. The IEP of an eligible student with a documented disability on the autism spectrum should identify the disability category of autism to ensure that the IEP Team considers all areas of development that are affected by ASD. However, it is also important to note that some students with an autism spectrum disorder have one or more other disabilities and may have a primary disability other than autism; these students also have the right to a full discussion of the impact of their autism spectrum disorder in the development of their IEP, therefore we recommend that if a student has an ASD, it is identified on the student's IEP whether or not it is considered the primary disability.

The IEP Team is responsible for designing intervention, education, and instruction to meet the individual needs of students with ASD. The IEP Team must consider and address seven specific areas of need when developing the IEP for a student with ASD. The Team will consider the student's needs in an interactive, comprehensive manner across areas. This guidance is intended to inform the Team's discussion of the student's needs and to facilitate the creation of an appropriate educational program for the student.

- **The verbal and nonverbal communication needs of the student**
 - Does the student require a Speech/Language Evaluation – if so then one will be requested
 - Will the student require Speech/Language intervention from a therapist – if so then services will be scheduled and written into the IEP
 - Recommendations from the Speech/Language therapist will be written into the current IEP
- **The need to develop social interaction skills and proficiencies**
 - Is the student able to respond appropriately to the social approach of others – if not then the student will be recommended for group Social Skills training provided by an outside consultant at Old Colony Regional, services may be written into the IEP as a goal and objectives, or primarily as a consult model
 - Does the student require instruction in bullying prevention and do they understand who they would go to in the school if they felt they were being bullied in the building or on the bus – if not then the student may need social skills training around bullying prevention and it should be noted on their IEP
- **The needs resulting from the student's unusual responses to sensory experiences**
 - Does the student exhibit under – or – over sensitivity to particular stimuli – tactile, visual, sound, smell/taste – if so then the Team should consider any environmental modifications or accommodations that are necessary for participation and effective progress in the curriculum
- **The needs resulting from resistance to environmental change or change in daily routines**
 - Will the student need supports with managing changes and/or transitions in their routines or daily schedules – if so the Team must determine the most appropriate modality for the coming change or transition

- Visual supports, timers, and verbal reminders may help ease the student's transition
 - A visual schedule may allow a student with ASD to manage the activities of the day, reduce anxiety, and allow the student to focus on the important activities within each day, rather than on their sequence
- **The needs resulting from engagement in repetitive activities and stereotyped movements**
 - Does the student exhibit any ritualistic behaviors or repetitive phrases in activities or verbal exchanges – if so then the Team should consider their function and the extent to which these activities interfere with engagement in socialization or academic lessons
 - The Team should determine how and when to allow and/or modify the behavior within a student's day – modifying behaviors with “replacement behaviors” that are more socially acceptable; using reinforcement strategies to reduce frequency of activities or movements and as an accompaniment to replacement behaviors
- **The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder**
 - Does the student require a Functional Behavioral Assessment (FBA) of their behaviors – if so an FBA that matches the intensity of the student's behaviors will be completed
 - If intervention is required the Team should select the least amount of intervention that is likely to be effective, efficient, and produce the minimum unwanted effects
 - A behavior intervention plan will be implemented in the student's IEP
- **Other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development**
 - Does the student exhibit deficits in executive functioning, – if so then a request for a formal executive functioning assessment may take place to determine the student's level of need and the interventions necessary to address it
 - The Team may determine that the student requires additional consultant services provided by an outside consultant in the area of executive functioning
 - Does the student exhibit deficits in their ability to organize – if so then the Team may determine that the student requires strategies that would be provided by an outside consultant in the areas of organization for class work, homework, and long term projects and/or tests to plan for

Special Education Procedure:

SE 4 - Reports of Assessment Results

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

State Requirements

603 CMR 28.04(2)(c)

Procedure for Reports of Assessment Results
CMR 28.04(2)(c)

Assessments completed on students are summarized in writing that is relevant and in language that is in plain speech.

The student's academic needs, and ways to meet them, are outlined in the report(s) of the person completing the assessment(s). The assessor offers recommendations for placement and accommodations/modifications, but does not recommend specific classrooms or programs. The procedures employed, the results, and the diagnostic impression are completed prior to discussion by the Team and copies are made available to all Team members at least two days in advance of the Team meeting.

Special Education Procedure:

SE 5 - Participation in General State and District-Wide Assessments Programs

- All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.
- The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment.
- The superintendent of a school district or, for a public school program that is not part of a school district, the equivalent administrator;
- 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;
- 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.

State Requirements

St. 2003, c. 140, s. 119;

Federal Requirements

20 U.S.C. 1412(a)(16)

Procedure for Participation in General State and District-wide Assessments Programs

c. 140, s. 119

All students attending Old Colony Regional Vocational Technical High School, including those with disabilities participate in the Massachusetts Comprehensive Assessment System (MCAS) starting in 9th grade. During the IEP meeting prior to the student's 9th grade year the Team designates how each student will participate, the types of standard and/or non-standard accommodations that will be provided for the student, and if necessary provide an alternate assessment option for the student. The student's accommodations are outlined in the student's IEP on PLEP A for use in the student's everyday instruction within the classroom as well as on the testing accommodation page of the IEP.

In determining whether or not a student requires specific standard/non-standard accommodations the Team should consider the following:

- Can the student take the standard MCAS test under routine conditions
- Can the student take the standard MCAS test with accommodations? If so which accommodations are absolutely necessary in order for the student to participate?
- Does the student require an alternate assessment? (Alternate assessments are intended for a very small number of students with significant disabilities who are unable to take standard MCAS tests, even with accommodations.)
- A separate decision must be made for **each subject** scheduled for testing, and may be revised each time the team convenes.
- Student's disability(ies) must be considered when determining MCAS accommodations.
- Reference to the DESE procedure manual for administering MCAS testing to students with disabilities must be referenced when the Team is unsure if an accommodation applies to a student. (attached)
- Only a student's IEP team can make decisions regarding test accommodations. It is the responsibility of the Special Services Coordinator to ensure that each student is provided with all test accommodations listed on his or her IEP.
- It is the responsibility of the test proctor to ensure that each student in front of them for MCAS testing is receiving the listed accommodations on their IEP and no additional accommodations.

The Principal of Old Colony is responsible for filing a 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.

The Principal of Old Colony is responsible for obtaining consent from the parent or guardian or from the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability.

The Principal of Old Colony is responsible for including in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.

Old Colony monitors any use of the Alternate MCAS process to ensure compliance with the 1% participation limit.

Special Education Procedure:

SE 6 - Determination of Transition Services

- 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.
- The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate.
- 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).
- 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.
- 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.

State Requirements

M.G.L.c.71B, Sections 12A-C
603 CMR 28.05(4)(c)

Federal Requirements

34 CFR 300.320(b); 300.321(b);
300.322(b)(2); 300.324(c)

Procedure for Determining Transition Services: M.G.L.c.71B, Sections 12A-C; 603 CMR 28.05(4)(c)

IEP Teams within the Old Colony Regional School District will discuss the student's transition needs at each Team meeting, or at least annually, beginning with the student's initial Team meeting held at Old Colony Regional or grade 8 transition IEP meeting. The completed Transition Planning Form (TPF) will be used to develop the IEP. The student will receive training to enable active participation in his/her IEP Teams. Students are invited and encouraged to attend all IEP Team meetings. A student on an IEP at Old Colony is considered by the Special Education Department to be the most important member of the IEP Team and their contribution to discussions regarding post-secondary goals and the development of his/her IEP is considered vital.

The Team updates information on the Transition Planning Form annually and the IEP continues to be developed based on the student's post-secondary Vision, needs and TPF Action Plan.

For every student on an IEP approaching graduation, or the age of 22, generally commencing with the Team meeting during junior year, the Team determines whether the student is likely to require continuing services from adult human service agencies or participating agencies other than the school district. At Old Colony Regional there are several agencies with which we have established relationships, including – Easter Seals, DCF, DMH, MRC, and Community Connections

In the summer prior to Freshman year, Old Colony Regional offers post-secondary transition workshops to every student with an IEP. The goal of the Transition Program is to teach and enable each child to self-advocate in a manner which will ensure that he/she receives what he/she needs to be successful at school, at work, and within the community. The program is designed to familiarize students with their Individual Education Program (IEP) and to teach them the necessary skills for self-advocacy and self-awareness. This three-day program focuses on the following objectives through activities that include team building; investigation/research; group activities; projects; and presentations.

- Familiarize students with the concepts of self-awareness and self-advocacy
- Familiarize students with major components and vocabulary included in IEPs
- Improve student communication skills
- Learn and practice the process of scheduling and appropriately conducting a self-advocacy meeting

The Special Services Coordinator will also make referrals to other agencies as deemed appropriate by the Team to meet the needs of the student after graduation.

The Special Services Coordinator will also make a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c.71B, (12A-C), also known as Chapter 688 when it has been determined to be necessary for the student's smooth transition to their next environment post high school.

Special Education Procedure:

SE 7 - Transfer of Parental Rights and Student Participation and Consent at Age of Majority

- One year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old.
- Upon reaching the age of 18, the school district implements procedures to obtain consent from the student to continue the student's special education program.
- 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 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 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.

State Requirements

603 CMR 28.07(5)

Federal Requirements

34 CFR 300. 320(c), 300.520

Procedure for Transfer of Parental Rights and Student Participation and Consent at Age of Majority 603 CMR 28.07(5)

One year prior to the student reaching age 18, the Old Colony Regional School 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. This is most often completed during the Team meeting prior to the student's 18th birthday and 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. All documentation is signed at the Team meeting prior to the student's 18th birthday following an explanation of Transfer of Rights by the Special Services Coordinator or his/her designee. Students are always asked if they understand what has been explained to them by the Director and whether or not they have any questions. Students are asked to choose how they would like the Transfer of Rights to occur. The student may choose to make all decisions regarding their education, they may choose to share the decision making responsibilities with a parent, guardian or other adult, or they may choose to delegate decision making to their parent/guardian. In which the parent/guardian or other competent adult would continue to make decision regarding the student's education. In the cases where the parent will be obtaining guardianship of their adult child the proper paper work is provided by the parent/guardian and placed in the student's record.

The Old Colony Regional School District implements procedures to obtain consent from the student to continue the student's special education when the student reaches the age of 18.

The District continues to send the parent written notices and information, but the parent will no longer have decision-making authority, except as follows:

- 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 action 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.

SE 8 - IEP Team Composition and Attendance

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

- The child's parents.
- A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.
- A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson).
- If the student *may* be involved in a regular education program, a regular education teacher. If the student *is* involved in a regular education program, a regular education teacher of the student.
- If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student.
- The student's guidance counselor
- The student's vocational instructor when deemed necessary to report on progress of the student
- By age 14 students must be invited to attend IEP meetings and, if not in attendance, provisions must be made to take into account the student's interests and preferences.
- The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses.
- Other individuals at the request of the student's parents.
- An individual who is qualified to interpret the instructional implications of evaluation results.
- Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.
- When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting. If the representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies.
- When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.
- Members of the Team attend Team meetings unless:
 - A. The parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR
 - B. The district and the parent agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed OR
 - C. The district and the parent agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP team prior to the meeting.

State Requirements
603 CMR 28.02(21)

Federal Requirements
34 CFR 300.116(a); 300.321; 300.328
See also, in the IDEA 97 regulations, 34

Procedure for IEP Team Composition and Attendance:

603 CMR 28.02(21)

Within the Old Colony Regional School District members of the IEP Team include, but are not limited to:

- Special Services Coordinator or Team Chairperson
- The student
- The student's parent(s)/guardian(s)
- Student's Contact from Special Education Department (may or may not be one of the student's special education teachers)
- One of the student's regular education teachers (when applicable)
- The student's vocational instructor
- The student's Guidance Counselor
- The school psychologist
- The school nurse when applicable
- Outside consultants/therapist
 - Speech/language pathologist
 - Social Skills group coordinator
 - Organizational consultant
 - Autism specialist
 - Vision Specialist
 - Mobility Specialist
 - Behaviorist
- Outside agency representative who may be conducting vocational testing or representative from an agency implementing transition services
- Other individuals at the request of the parents
 - Advocate
 - Attorney
 - Consultant
- If a student is going to be transferring to another school, their sending school district representative will be invited to the transition meeting

Attendance Not Necessary:

A required member of the IEP Team (by role) does not have to attend an IEP meeting, in whole or in part, if the parent(s) agree in writing that the Team member's attendance is unnecessary because the member's area of curriculum or related services is not being modified or discussed.

If a parent/guardian is unable to attend a Team meeting the meeting will still be held with the parent(s)/guardian(s) consent given verbally to the Special Services Coordinator. Documentation will be included in the IEP to reflect the parent(s)/guardian(s) wishes that the meeting be held in their absence. However, if a parent/guardian is unable to attend a Team meeting and wishes to have the meeting rescheduled, leading up to and including the day of the meeting, then the meeting will be re-scheduled to allow for the parent/guardian to attend.

Excusal:

When the IEP meeting involves a modification or discussion of a required Team member's area of curriculum or related service (by role, most likely the general educator or the special educator), that member may be excused, in whole or in part, only if; - the parent's and Old Colony Regional's representative agree to

the excusal in writing; *and* the Old Colony Regional School District individual filling that role submits

written input into the development of the IEP to the parent(s)/guardian(s) and the IEP Team prior to the meeting.

Procedure:

The Attendance Not Necessary or Excusal Signature form is provided as an enclosed document to the Meeting Notice (N3). This is stated after “Enclosure”.

It is preferable to meet with parent(s)/guardian(s) regarding this recommendation for Team Meeting Membership but a mailing is allowable. However any requests from parents for such a meeting will be scheduled by the Special Services Coordinator.

At the IEP Team Meeting:

The student’s Contact reads at a minimum the summary section of any report of an excused or not necessary Team member. Questions that cannot be answered by a Old Colony Regional Vocational Technical High School IEP Team member are to be redirected to the Special Services Coordinator.

Attorney Invited to the Meeting:

If parent(s)/guardian(s) unexpectedly bring an attorney to an IEP meeting, the Team Chairperson should inform that attorney that their own legal counsel represents the Old Colony Regional Vocational Technical School District. Ethics rules prohibit the attorney from having contact with the school staff without the presence of the school’s attorney. The parent/guardian may choose to continue the meeting with neither attorney present. If on the day of the meeting the parent/guardian insists on the presence of an attorney, the meeting ends, and will be reconvened at a later date, with the school attorney present.

Parents Invite a Consultant or Advocate to a Team Meeting:

Parents/Guardians are allowed to bring others to the Team meeting to assist them with the process and/or decision-making. Often these people are educational advocates, paid for by the parent. Other times parents/guardians bring a friend or relative. These people must sign in and become a member of the Team. If an advocate contacts you by phone, fax, or other method, Old Colony Regional School District members should not discuss the student or case until they have signed written permission from the parent to do so. This protects confidentiality.

If an advocate, or consultant, wishes to observe a child at school, (prior to or after a Team meeting), the Special Services Coordinator and/or the Principal should be notified first to arrange the observation. The procedure to observe the student should include a reasonable time limit. A special education staff person should be assigned to the visitor throughout the entire observation and should record notes about the student’s activity during the observation. These notes will assist the Team during subsequent meetings. All questions and concerns should be referred to the Special Services Coordinator.

Guidelines for Coordinating with Advocates:

These guidelines are intended to ensure that all advocates are afforded ample opportunity and proper access within the context of your busy school day and ever-changing staff/student schedules. Educational advocates are often hired by parents or assigned by Department of Mental Health or Department of Child and Family and to ensure that the student will receive all the necessary educational components in order to be successful in school.

Parents/legal guardians can also hire advocates privately. Educational advocates employed by parents are not required to have any special certifications or licensure, and may have a background that does not include public school experience. It will benefit the student most if you can take time to explain scheduling and other issues when it is parent the advocate is unsure about these ancillary issues. In addition, please adhere to the following guidelines to ensure that the needs of the parent and advocate are satisfied within the context of the greater needs of the student and school's daily activities:

1. Advocates must always produce a written permission document signed by the parent or legal guardian. Without this statement, you are not authorized to divulge any information to any third party about any student.
2. Requests from advocates for copies of any student file materials must follow the Department of Elementary and Secondary Education Student Record Regulations for dissemination of information. This request should be preceded or accompanied by a signed release of information form from the parent or legal guardian.
3. Scheduling for observations/visits by advocates or outside evaluators will reflect the procedures suggested by the Massachusetts Parent Observation law and the practices suggested in the accompanying DESE Advisory

Special Education Procedure:

SE 9 - Timeline for Determination of

Eligibility and Provision of Documentation to Parent

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

State Requirements

603 CMR 28.05(1); 28.06(2)(e)

**Procedure for Timeline for Determination of Eligibility and Provision of
Documentation to Parent
603 CMR 28.05(1); 28.06(2)(e)**

When a parent requests an evaluation, Old Colony has five (5) school working days (SWD) to provide a written response. The timeline is then as follows:

- The Evaluation/testing is completed 30 SWD from date of written consent
- Evaluation reports are ready for parents two (2) SWD prior to the Team meeting
- Team meeting is scheduled 45 SWD from written consent
- If necessary a separate placement meeting may be held 15 SWD from the Team meeting date
 - o Extended Evaluations will only be used after eligibility has been determined. There is an eight-week period to complete this. Extended Evaluations may not be used as a placement.
- If a request for evaluation is received 30 days before the end of the school year, the Team meeting must be held no later than fourteen days after the end of the school year. A list of such requests will be kept for documentation.

Within the Old Colony Regional Vocational School District the process for providing documentation to the parent is as follows:

- The IEP, or response notice, is provided to the parent immediately
 - o DESE interprets this as 3-5 calendar days (5 where weekend days intervene). Where there is no fully developed IEP, the parent should receive a written summary of decisions, a service delivery grid, and a statement of major goals. The IEP must then be made available to the parent in two calendar weeks. No changes in decision may be made after the meeting. Parents must be informed of their right to a 30-day period to respond to the IEP.
- If a parent rejects an IEP in part or in full – 5 days after received by school the IEP must be sent to the Board of Appeals.
- If the district does not receive back an IEP with a parent signature/decision, a reminder letter will be sent home. Unsigned IEP's are considered rejected and must be sent to the Board of Appeals.

Within the Old Colony Regional Vocational School District the process for responding to a request for an independent evaluation is as follows:

- Upon receipt of a request for an Independent Evaluation the Old Colony Regional School District must respond in 5 SWD. There are guidelines based on parent's income.
- Independent Evaluations should be completed in 30 days and a Team meeting scheduled within 10 days of receiving the report.

Special Education Procedure:

SE 9A - Elements of Eligibility Determination; General Education Accommodations and Services for Ineligible Students

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

State Requirements

603 CMR 28.05(1) and (2)

Federal Requirements

34 CFR 300.8; 300.306

**Procedure for Determining Eligibility and Effective Progress, General Education
Accommodations and Services for Ineligible Students
603 CMR 28.05(1)(2)**

In order to determine whether a student is eligible for special education services the Old Colony Regional School District and the Team:

- Must judge whether or not a student is making effective progress in school in a general education setting as part of the eligibility process.
 - To do so the Team must determine whether the student has:
 - Made documented growth with or without accommodations, in the learning standards set forth in the Massachusetts Curriculum Frameworks/Common Core Curriculum, in knowledge and skills acquisition including social/emotional development, and in the curriculum of the district.
 - Made growth according to the chronological age, the development expectations, and the individual educational potential of the child.
- There may be times when a student is referred to Old Colony School District's – Student Support Team
 - The Student Support Team has been established to assist teachers in addressing areas of concern with a student who exhibits behavior inhibiting his/her ability to be successful in either the classroom or the shop.
 - The primary purpose of the Student Support Team is to evaluate, in a formal educational setting, the behavioral, academic, vocational, language, social skills, or any other areas that have manifested themselves as contributing factors to the student not doing well in a class or shop.
- When a student does not need any direct services the Team may make a finding of no eligibility and appropriate services would be provided through the District's general education program utilizing the Student Support Team process
- If a student is making effective progress during a re-evaluation, the Team must consider what the student's progress would be if the services already in place were withdrawn.
 - When considering if the student has made effective progress:
 - The Team must look at whether the disability is causal to any inability to make progress
 - Only if the Team determines lack of progress is connected to a disability may the Team continue to discuss a possible finding of special education eligibility.
 - The essential finding of the Team must be that the lack of progress is, at least in part, a result of the disability(ies).
- 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.

Special Education Procedure:

SE 10 – End of School Year Evaluation

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

State Requirements

603 CMR 28.05(1)

Federal Requirements

34 CFR 300.323

Procedure for Request for End of School Year Evaluation 603 CMR 28.05(1)

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

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

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

- Weekends
- Student Holidays
- Staff Development Days
- Spring Break
- Winter Break
- Summer Break

Also Note: If a student is absent more than three (3) days after the consent for evaluation is signed, the school district may extend the 45 school day timeline by the number of absences with parent notice and consent.

Special Education Procedure:

SE 11 – School District Response to Parental Request for Independent Educational Evaluation

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

- All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed, or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student are to be justified when an individual assessment rate is higher than that normally allowed.
- The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.
- The district extends the right to a publicly-funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for 16 months from the date of the evaluation with which the parent disagrees.
- If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within 5 school days, proceeding to the Bureau of Special Education Appeals (BSEA) to show that its evaluation was comprehensive and appropriate. Where the BSEA finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.
- Whenever possible, the independent educational evaluation is completed and a written report sent no later than 30 days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.
- Within 10 school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.

State Requirements

603 CMR 28.04(5)

Federal Requirements

34 CFR 300.50

School District Response to Parental Request for Independent Educational Evaluation CMR 28.04(5)

Parents of a child with a disability have a right to request an Independent Educational Evaluation (IEE) at public expense if the parent disagrees with the evaluation done by the school district. The request needs to be made in writing to the Special Services Coordinator. Following a parental request for an IEE at public expense, the district follows the procedure listed below:

If a parent disagrees with an initial evaluation or re-evaluation completed by the Old Colony Regional Vocational Technical High School, and the parent requests an independent educational evaluation, the school implements the following requirements:

1. All independent educational evaluations funded are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed.
2. The Old Colony Regional Vocational Technical High School has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school.
3. The Old Colony Regional Vocational Technical High School extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.
4. If the parent is requesting an evaluation in an area not assessed by the Old Colony Regional Vocational Technical High School, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeds to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the Old Colony Regional Vocational Technical High School's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.
5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the Old Colony Regional Vocational Technical High School. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.
6. Within ten (10) school days from the time the Old Colony Regional Vocational Technical High School receives the report of the independent educational evaluation, the Team reconvenes and considers the

independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.

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). The Contact should immediately notify the Special Education Director of any request for an IEE. A response to the request will be generated through the Special Services Department. When a student is referred for an evaluation, the school district must assess the student in all areas related to suspected disability as well as conduct a comprehensive educational assessment. Parents have the opportunity to request publicly funded independent educational evaluations (IEEs) of their child if they disagree with the results of a district evaluation. If the parents request an IEE at public expense, the district must either pay for the IEE or, within five days, request a determination from the BSEA that the district's evaluation was comprehensive and appropriate. The federal standard for IEEs is not time limited. Under Massachusetts law, districts are required to provide publicly funded IEEs on a sliding fee scale for students whose families meet certain income criteria and contest the evaluation within 16 months of the school's evaluation. Within 10 school days from the moment the district receives the report of the IEE, the Team must reconvene and consider the IEE and whether a new or amended IEP is appropriate. If the parent requests an IEE more than 16 months after the district evaluation, the best practice would be for the district to seek consent to conduct its own updated assessments of the student first, within the regulated timelines. If a parent requests an IEE in an area not assessed by the district, the best practice would be for the district to review its evaluation and determine whether the requested assessment would provide needed additional or new information about the student's disability and if so, conduct the requested assessment with parent consent. Parents may obtain an IEE at their own expense at any time.

The Special Education Coordinator should be notified immediately of any parental request for an IEE. It is imperative that the District makes a determination on the appropriate course of action within 5 school days.

The Federal regulation (Sec. 300.502) reads as follows:

(a) General.

- (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (c) of this section.
- (2) Each public agency shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.
- (3) For the purposes of this part –
 - (i) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and
 - (ii) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with Sec. 300.301.

(b) Parent right to evaluation at public expense.

- (1) a parent has the right to an independent educational evaluation obtained at public expense if the parent disagrees with an evaluation obtained by the public agency.
- (2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either –
 - (i) Initiate a hearing under Sec. 300.507 to show that its evaluation is appropriate; or
 - (ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under Sec. 300.507 that the evaluation obtained by the parent did not meet agency criteria.
- (3) If the public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at

public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

(c) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation –

(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

(2) May be presented as evidence at a hearing under this subpart regarding that child.

(d) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(e) Agency criteria.

(1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Extended Evaluation is an option if 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 ([*EEI 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:

- To extend the evaluation timeliness for required assessments
- To deny programs or services to a student
- 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.

Special Education Procedure:

SE 12 – Frequency of Evaluation

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

State Requirements

603 CMR 28.04(3)

Federal Requirements

34 CFR 300.303; 300.305(e)

Procedure for Frequency of Evaluation 603 CMR 28.04(3)

Within the Old Colony Regional School District, with parental consent, students on IEPs are re-evaluated every three years to determine current skill sets as well as categorical eligibility including but not limited to academic, vocational, speech/language, social skill development, cognitive, social/emotional, and organizational/executive functioning deficits.

When a student receiving special education services is due for his/her triennial re-evaluation a discussion can be held at the preceding Annual Review where the Team discusses the needed assessments for the coming student evaluation. If all members of the Team agree and the parent/guardian/student concur that repeating prior full test batteries is not necessary, then specific assessment components of the prior evaluation can be waived, with the form provided for a consent signature.

The Old Colony School District implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education.

No re-evaluation is required before the termination of eligibility because a student has graduated with a general high school diploma, or exceeded the age of eligibility.

A student within the Old Colony School District may also be evaluated based on referral from the Old Colony Student Support Team, which having met on a student at the teachers request, would have exhausted all suggested interventions with the student and been unsuccessful in improving the student's educational, emotional, or functional behaviors. At that time the Special Services Coordinator may contact the student's parent(s)/guardian(s) and request consent for testing to determine whether or not the student requires intervention through specially designed instruction.

Special Education Procedure:

SE 13 – Progress Reports and Content

- 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 the student's progress toward the annual goals in the IEP.
- Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.

State Requirements

603 CMR 28.07(3)

Federal Requirements

34 CFR 300.305(e)(3); 300.320(a)(3)

Procedure for Developing Effective IEP Progress Reports

“Written Progress Reports for eligible students will be submitted to parents at least as often as report cards or Progress Reports for all students without disabilities and will meet the requirements of Federal Special Education Law at 34 CFR 300.347(a)(7) – [603 CMR 28.07(3)].”

- Progress reports are comprised of the – progress report pages of the student’s IEP using the appropriate drop down menu in eSped
- Progress reports are issued according to the same schedule as report cards for the student’s grade
- Current Goals/Objectives are kept by the student’s teacher and/or Contact when Goals are focused on support services
- Progress reports run the life of the IEP not the school year. It is the responsibility of the teacher/Contact to ensure that they are entering reports into the correct time frame in eSped
- All completed progress reports are submitted on schedule to the secretary of the Special Services Coordinator. Staff will be notified of specific due dates. The Secretary will mail progress reports to parents.
- **All progress reports are monitored/reviewed for quality and regulatory requirements by the Special Services Coordinator prior to mailing them out to parents.**

Key Points

- Progress reports reflect steps taken toward annual goals
- In order to document progress, annual goals must be well-written in objective measurable terms
- By Federal regulations, progress reports must answer the following questions:
 - What is the student’s progress towards the goal? (be sure to provide specific examples of what the student is able/unable to do based on objectives)
 - Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?
- Respond to the question by following these steps when writing an IEP progress report
 - Specify what the student has been working on
 - List what the student has achieved
 - Indicate obstacles (i.e., attendance, tardiness, etc.) that may hinder academic progress (focus on objective view supported by data and measurable outcomes rather than a subjective view based on personal opinions)
 - Project whether the student will achieve the annual goal if the progress continues at the current pace

How to address “lack of progress”

- If the student demonstrates minimal or no progress during MORE THAN one grading period, the TEAM needs to reconvene to adjust instructional practices and interventions
- It is the responsibility of the TEAM to address this issue early in order to ensure the student is receiving FAPE

Special Education Teacher/Contact Responsibilities

- It is the responsibility of the special education teacher/related service providers to prepare the progress report to be sent home to parents
- Special education teachers must document the child's current level of performance (performance level for each objective is based on data and measurable outcomes)
- The IEP progress report is sent home to parents at the scheduled grading period. Therefore, IEP progress reports must be completed by the date trimester grades are due

Examples of IEP progress report comments

TRANSITION GOAL:

- 1. Susan will meet with her guidance counselor at least one time per trimester to gain needed information for applying to college.**
Progressing - Susan met with her guidance counselor multiple times during trimester one to discuss needed information for applying to college. This is evidenced by guidance sign in logs and teacher observation.
- 2. During Academic Support class Susan will document research on three colleges and be able to identify the application process and entrance requirements.**
Progressing - Susan has researched one college, Bristol Community College, and is able to identify the application process and entrance requirements.
- 3. Susan will apply for the college of her choice.**
Progressing- Susan plans to apply to Bristol Community College during the next IEP reporting period.
- 4. Susan will pass all of her academic classes to meet graduation requirements.**
Some Progress- Susan has made some progress towards this objective. She passed all of her classes with the exception of 21st Century Math, which she earned a 64% average in. This is evidenced by her online Schoolbrains grade report.

At this time, Susan is making sufficient progress to meet her Transition goal by the end of the IEP period.

COUNSELING GOAL:

- 1. During group discussion, Susan will begin exploring post graduate options and will identify at least 3 possible desired outcomes.**
Met - Susan is able to identify the desire to attend college and is able to list two potential fields of study. Susan most recently interviewed and was accepted into BCC. Most recently Susan has been struggling with loss (with the holidays approaching) and this has been the focus on our time in session.
- 2. During session, Susan will complete a Transitional Planning Worksheet and will begin to assess what skills/tasks/steps are needed to move towards her goals and independence.**
Not Met due to focusing time on issues pertaining to loss and peer relationships.
- 3. During session, Susan will take an active role in participating in and building on skills to complete his Transition Checklist Worksheet.**
Not Met due to focus on coping with loss.
- 4. During session, Susan will identify and review strategies that have allowed her to overcome barriers in the past, and verbalize a plan of action that will allow her to be socially/emotionally successful in her future.**

Partially met - Susan is aware of things that she has done in the past that have yielded positive benefits. These have included, and are not limited to, staying after school to improve grades, increased homework completion and seeking out adults who support her efforts.

At this time, Susan is making sufficient progress to meet her Counseling goal by the end of the IEP period.

ACADEMICS GOAL:

- 1. Susan will work with appropriate staff, either in class, Academic Support or after school, to review, reinforce and clarify content area material.**

Progressing: Susan consistently works with her teachers and peers in Academic Support and in her classes to review, reinforce, and clarify content area material.

- 2. With prompting and support, Susan will create study tools including study guides, flashcards, or vocabulary lists to support her independent assessment preparation.**

Progressing: With prompting and support, Susan creates study tools including study guides and flashcards (on Quizlet) to support her independent assessment preparation.

- 3. Susan will re-take assessments with scores lower than 65%.**

Progressing: Susan has independently re-taken assessments on which she has scored lower than 65%. According to her teachers' gradebooks, Susan's assessment averages for her courses during the first trimester were as follows: English 79%, Math 83%, History 82%, Biology 72%, and Related 90%. She met or exceeded her 80% target in 3/5 of her courses.

At this time, Susan is making sufficient progress to attain her Academics goal by the end of the IEP period.

Procedure for Completing a Summary of Student Performance (SOSP)

Purpose: The Summary of Student Performance is required under the reauthorization of the Individuals with Disabilities Education Act 34 CFR 300.305(e)(3) and must be completed for every student on an IEP who has had services terminated due to graduation or exceeding the age allowed to receive services.

Using eSped dropdown menu #40, complete the following dropdowns and text boxes.

A. Check off why the student has been terminated.

B. Text Box #1

Provide a written summary that addresses student academic achievement – data from the following could be used in development of this summary: transcripts, report cards, psycho-educational testing results, reports of standardized test results, and results of progress towards IEP goals. For each applicable content area a brief present level of performance (strengths and needs) should be included. Any essential accommodations, modifications, or assistive technology utilized in high school should be included in the academic summary. Answers to the following questions should be used as prompts to complete the student's academic achievement summary:

1. Did the student meet all graduation requirements?
2. Will they be receiving a diploma or will it be a certificate of attainment?
3. Did they pass all required MCAS tests?
4. Did the student meet or exceed the established standards in each of the content areas based on the goals and objectives of their IEP?
5. In what academic areas did the student receive specially designed instruction?
6. In what areas was the student included in the general population? (academics, physical education, health, computers)
7. What are the student's cognitive abilities (strengths and weaknesses)?
8. What are their current performance levels in reading, writing, and math (strengths and weaknesses)?
9. What accommodations and modifications were essential to the student's success? (these may be necessary for student's success if their post-secondary vision is to take college classes)
10. Was there any assistive technology utilized in academics necessary for the student's success?

C. Text Box #2

Provide a written summary that addresses student functional performance – the following information is a summary of the student's functional performance, i.e., life/community access skills and **vocational skills**, essential accommodations/modifications and/or assistive technology that may have been utilized in accessing the high school environment. Answers to the following questions should be used as prompts to complete the student's academic achievement summary:

1. What vocational placement will the student be graduating from?
2. What success did the student have in their vocational placement?
3. What experiences/awards/certificates did the student achieve in their vocational placement? (SKILLS, OSHA, Serve Safe, etc.)
4. What accommodations and modifications were essential to the student's success? (these may be necessary for student's success if their post-secondary vision is to take vocational classes for licensure)
5. How is the student's organization? Did they have an organizational goal? What was their PLOP towards that goal at graduation?

6. Was the student in a social skills group? What was their level of success within that group?
7. What are the student's overall social skills and behavior within the school?
8. How does the student communicate with teachers and peers? Does he/she listen? Do they retain what they hear?
9. Does the student have any independent living skills? (License, knowledge of/experience with public transportation, bank accounts, etc.)
10. What are the student's self-advocacy skills?
11. Does the student have a job or job experience?
12. Did the student participate in transition workshops provided by the school?

D. Text Box #3

Provide a written summary that provides recommendations on how to assist the student in meeting his/her post-secondary outcomes. – The answers to the following questions should be used as prompts to complete recommendations for the student. You MUST address education, employment, and independent living. If any one area does not apply to a student it is ok to write N/A. These three areas can also be broken out in your narrative.

1. What are the student's plans for further education?
2. If the student is going to go on to a trade school or college what accommodations should be considered for the student's success? (provide examples – keeping in mind whether or not the student had organizational or social goals as well as academic)
3. Is the student going into or continuing with employment?
4. What are the student's strengths and interests in relation to employment?
5. What is the student's level of independence while working? According to their vocational teacher are they productive in individual and cooperative situations?
6. Will the student need further training to obtain employment?
7. What accommodations will the student require to be successful at their job?
8. What are the student's immediate plans for post-secondary living? (at home, with friends, independently, supported/supervised living environment?)
9. Does the student have a license? A car? Ability to utilize public transportation?
10. Does the student require assistance in managing his/her finances? Daily living?
11. Were there any referrals to outside agencies for the student's transition?

E. Complete all remaining drop-down menus

- a. Personnel completing the summary
- b. Position of personnel
- c. Date completed
- d. Completer plans (will auto-fill smaller box)

The completed form is provided to the student on their last day of school. Although there are many prompts provided for completing the SOS, you may wish to add additional information. There should be a minimum of two paragraphs for each of the three areas being addressed. Much of the information will come from a student's most recent IEP, teacher/vocational summaries, and reports from the guidance office in which the student discussed their personal learning experiences, and the supports in high school that best suited them. You may also wish to sit with the student and ask them for answers to these questions to get a better idea about your Contact students' plans for after graduation.

Special Education Procedure:

SE 14 – Review and Revision of IEPs

- At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
- Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.

State Requirements

603 CMR 28.04(3)

Federal Requirements

34 CFR 300.324(a)(4), (6) and (b)

Procedure for Review and Revision of IEPs

603 CMR 28.04(3)

Within the Old Colony Regional School District, at least annually, and generally 3-4 weeks prior to the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation. The Transition Planning Form (TPF), teacher reports, guidance counselor reports, consultant/speech/language reports, and any testing reports are submitted to the student's Contact and parent(s) prior to the meeting date and the Contact is responsible for creating a draft IEP for use at the meeting.

Amendments to an IEP in between the annual IEP meetings are made when the IEP Team agrees to make changes to a student's IEP. Changes may include, but are not limited to: a change in placement, a change in accommodations for state testing, addition of testing results, or an update from a teacher, consultant, or guidance counselor that cannot wait until the next Team meeting. The amendments are documented in writing without convening a Team meeting. Upon request a parent is provided with a copy of the IEP with the amendments incorporated.

Component #2 - Student Identification and Program Placement – SE 15 – SE 23

- SE 15 Outreach by school district
- SE 16 Screening
- SE 17 Initiation of services at age three and early intervention transition procedures
- SE 18A IEP development and content
- SE 18B Determination of placement; provision of IEP to parent
- SE 19 Extended evaluation
- SE 20 Least restrictive program selected
- SE 21 School day and school year requirements
- SE 22 IEP implementation and availability
- SE 23 Reserved

Special Education Procedure:

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

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

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

State Requirements

Federal Requirements

34 CFR 300.111; 300.131; 300.209

Outreach by School District – Child Find Procedure
34 CFR 300.111; 300.131; 300.209

Old Colony Regional participates internally in Child Find procedures through the Student Support Team process. Because Old Colony is an application-based vocational high school, outreach activities are internal rather than pertaining to 3-4 year olds or students in Early Intervention (EI). Old Colony Regional is a regional vocational high school without Early Childhood students and services.

Old Colony has frequent outreach and continuous liaison with our member towns. Admission counselors and the Special Services Coordinator work with towns for interviewing that begins in January. Once a student is accepted to Old Colony Regional Vocational Technical High School, the Special Services Coordinator (Special Education Director) works with sending districts to set up transition review meetings for those students on IEPs. These meetings review specific student needs and considerations as well as current service delivery.

Special Education Procedure: SE 16 - Screening

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

State Requirements

603 CMR 28.03(1)(d)

Federal Requirements

Screening
CMR 28.03(1)(d)

Old Colony Regional does not participate in the Screening of Early Childhood age children. Old Colony Regional is a regional vocational high school without Early Childhood students and services.

Special Education Procedure:

SE 17 – Initiation of Services at Age Three and Early Intervention Transition Procedures

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

State Requirements

603 CMR 28.06(7)(b)

Federal Requirements

34 CFR 300.101(b); 300.124; 300.323(b)

**Initiation of Services at Age Three and Early Intervention Transition
Procedures CMR 28.06(7)(b)**

Old Colony Regional does not participate in the initiation of services at age three and Early Intervention transition procedures. Old Colony Regional is a regional vocational high school without Early Childhood students and services.

Special Education Procedure:

SE 18A – IEP Development and Content

- Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting.
- The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
- The school district ensures that the IEP will not be changed at a higher administrative level within the district.
- 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.
- 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.

State Requirements

603 CMR 28.05(3)

Federal Requirements

IDEA-97: 34 CFR Part 300

Procedure for IEP Development and Content

603 CMR 28.05(3)

The following individuals are authorized to commit the resources of the school district:

- Special Services Coordinator
- Director of Guidance
- Team Chairperson
- Special Education Teachers

The development of the Individualized Education Plan occurs at the student's Team meeting.

The Team consists of:

- Special Services Coordinator acting as Team Chairperson
- Student's Special Education Contact (who may also be the student's Special Education teacher)
- Regular Education teacher
- Vocational teacher (when applicable)
- Guidance Counselor
- Parent/Guardian
- Student
- Any other provider (when necessary or requested)

The Team reviews and discusses the student's post-secondary vision, parent and student concerns, current teacher reports, vocational assessments, current and/or previous testing when applicable, MCAS scores, attendance, grades, discipline, and the student's needs in order to avoid and/or respond to bullying.

A draft IEP is presented at each meeting after the TPF and teacher reports are reviewed and any questions answered. The draft IEP is reviewed with all members of the Team adding and deleting information as deemed necessary based on consensus of the Team members and using the TPF as guide. If the student's disability will affect social skills development or the child is on the Autism Spectrum, they may be included in the Social Skills group which is provided on-site.

Special Education Procedure:

SE 18B – Determination of Placement; Provision of IEP to Parent

- At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP.
- Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education.
- The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.
- Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.

State Requirements

603 CMR 28.05(6) and (7); 28.06(2)

Federal Requirements

34 CFR 300.116; 300.325

Procedure for Making a Placement Decision and Provision of IEP to Parent CMR 28.05(6) and (7); 28.06(2)

Within the Old Colony Regional school district the Team decides placement after the IEP is written. The school district works cooperatively with the Team to implement the placement determination. The school district works to ensure the student will be placed in the least restrictive environment (LRE) with preference given to pre-approved programs within the school.

Within the Old Colony Regional school district the IEP is the basis for the placement decision. Once the Team has decided on the student's needs and required services, the Team decides which academic and/or vocational placement at Old Colony is best suited to the student's needs in order to implement the IEP.

The placement options available at Old Colony Regional include:

- Students may participate in a Academic Support class that focuses on supporting students in their individual goal areas.
- Students who require support services in social and/or coping skill development, organization, or speech and language skills may only have an IEP for these areas while receiving all academic services integrated with their peers.
- Students may be placed in a co-taught general education academic setting where specialized services are embedded in the instructional model.

As students learn and grow at Old Colony Regional they are continuously assessed for placement in the LRE and are moved throughout placements, through a Team decision, as required. Students may be moved into and out of the standard and modified program as required.

The draft IEP is cleaned up and finalized by the student's Contact. Two copies of the plan are mailed home to the parent/guardian within five school working days.

If the Team finds that the student is not appropriately placed at Old Colony Regional for any reason including, the student changes their mind, the parent changes their mind, the student has been given a vocational assessment by an outside agency and found to not have the prerequisite skills to be successful at Old Colony, or the student has demonstrated unsafe behavior in their vocational placement and behavior interventions have not worked to correct the student's behavior, then the student will be placed back at their sending school district. In all cases of placement decisions the parent continues to be an equal participant in the Team process.

Special Education Procedure: SE 19 – Extended Evaluation

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

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

State Requirements

603 CMR 28.05(2)(b)

Federal Requirements

Procedure for Extended Evaluation

603 CMR 28.05(2)(b)

Within the Old Colony Regional School District, if the team finds a student eligible for special education services and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parent's consent, agrees to an extended evaluation period.

Prior to the extended evaluation if the Team determines sufficient information is available to determine, in part, necessary annual goals and services, The Team writes a partial IEP (or a whole IEP), in conjunction with an Extended Evaluation Form that if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring. The extended evaluation period is not used to deny programs or services to the students, which have been determined necessary by the Team. Including, but not limited to, academic support services, vocational services, assistive technology, social skills group, speech/language therapy, organizational consults, counseling, transportation, etc.

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.

The Extended Evaluation period may not be used to:

- Extend the evaluation timelines for required assessments
- Deny programs or services to a student
- Constitute a temporary placement

Special Education Procedure:

SE 20 – Least Restrictive Program Selected

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

State Requirements

M.G.L. c. 71B, s. 3

Federal Requirements

34 CFR 300.114 – 120

Procedure for Selecting the Least Restrictive Program for a Student M.G.L. c. 71B, s. 3

Within the Old Colony Regional School District placement for a student requiring specially designed instruction or services is determined after the IEP is written. The ultimate goal of the Team is to choose a placement for a student with a disability, or disabilities, in the least restrictive environment (LRE). To the maximum extent appropriate, students with disabilities are educated with students who are non-disabled; and, special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. LRE decisions are made based on children's learning needs and vary from child to child.

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

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

Special Education Procedure:

SE 21 – School Day and School Year Requirements

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

State Requirements

M.G.L. c. 69, s. 1G

Federal Requirements

34 CFR 300.106 603 CMR 28.05(4)(d) and (5)(c)

Procedure for School Day and School Year Requirements

M.G.L. c. 69, s. 1G; 603 CMR 28.05(4)(d) and (5)(c)

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

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

Determining a student's need for ESY/ESD services is part of the IEP process. The IEP team considers the need for ESY/ESD services at the initial IEP meeting for a student who is newly eligible for special education and at each IEP meeting thereafter. However, if necessary, an IEP meeting can be called for the express purpose of considering the student's need for ESY/ESD services.

Criteria Used to Determine Eligibility:

Old Colony Regional uses the following criteria for determining the need for ESY services - **regression** and **recoupment**. This involves two findings:

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

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

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

- **The nature and severity of the student's disability.** While the student's type of disability

alone does not determine whether or not there is a need for ESY services, the IEP team should examine whether the nature and severity of his disability are likely to significantly jeopardize his ability to benefit from the instructional program if he experiences a lapse in instructional support.

- The student's **degree of progress** toward IEP goals. How quickly is the student progressing from year to year without ESY services? Will the loss of services during the school break significantly jeopardize the student's progress toward the goals? Failure to achieve one or more IEP goals does not necessarily mean that the student is eligible for ESY services.
- The student's **emerging skills and breakthrough opportunities**. Is the student at a breakthrough point in a critical skill or skills, such as reading? Will the interruption of services and instruction significantly jeopardize the educational benefit the student is receiving from the specialized instruction or related service(s)?
- The student's **behavior(s)**. Does the student exhibit interfering behaviors — such as aggressive, violent or self-injurious behaviors - that prevent him from receiving education benefit from the instructional program during the normal school year? If so, he may need ESY services to keep the interfering behaviors from significantly jeopardizing the educational benefit he can derive from his instructional program during the next school year. Management of such behaviors should be part of the student's current IEP.

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

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

Several types of information should be reviewed, such as:

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

Some additional factors to keep in mind are:

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

Finally, ESY/ESD services are not necessarily a continuation of the same instructional program and related services the student receives during the normal school year as prescribed by his/her IEP. The Old Colony Regional School District has flexibility in determining what ESY/ESD services might be needed. For example, ESY/ESD services may take the form of teachers and parents working together by providing materials for home use with progress monitored by the teacher. Independent service providers or agencies - such as those used by the school district to provide supplemental educational services (SES) under Title I of No Child Left Behind — might be used to deliver ESY/ESD services, such as individualized reading instruction.

Once the IEP team agrees upon ESY/ESD services, specifics about those services, where the student will receive the services, and how his progress will be measured and reported will be included in the student's IEP.

Special Education Procedure:

SE 22 – IEP Implementation and Availability

- Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay.
- 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.
- The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and 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.

State Requirements

603 CMR 28.05(7)(b); 28.06(2)(d)(2)

Federal Requirements

34 CFR 300.323

Procedure IEP Implementation and Availability
603 CMR 28.05(7)(b); 28.06(2)(d)(2)

Old Colony is a *regional vocational technical high school*. Old Colony does not have any students in Out-of-District-Placements. Old Colony ensures that IEPs are implemented without delay upon parent/guardian consent and that at the start of each school year there is an IEP in place for each eligible student. Each teacher/provider described in the IEP is informed by the Special Services Coordinator, of his/her specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. Each teacher/provider described in the IEP is given access to the IEP for students under their care.

The District oversees, in an ongoing manner, the full implementation of each in-district placement it proposes which has been given consent by a student's parents/guardians. The Old Colony school district makes a good faith effort to assist the student to achieve the goals and objectives/benchmarks listed in the IEP. The Old Colony school district provides all programs and services without expense to the student's parents/guardians. The Old Colony school district does not delay implementation of any part of the IEP due to lack of classroom space or personnel. If for any reason a delay in services were due to lack of classroom space or personnel the school district would immediately inform the parents/guardians in writing of the delay, the reason for the delay, and the actions the school district is taking to address the delay. With agreement from the parents/guardians alternative methods for implementing the IEP programs would commence immediately until said delays could be resolved.

Component #3 - Parent and Community Involvement – SE 24 – SE 32

- SE 24 Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE
- SE 25A Parental consent
- SE 25B Resolution of disputes
- SE 26 Parent participation in meetings
- SE 27 Content of team meeting notice to parents
- SE 28 Reserved
- SE 29 Communications are in English and primary language of the home
- SE 30 Reserved
- SE 31 Reserved
- SE 32 Parent advisory council for special education

Special Education Procedure:

SE 24 - Notice to Parent Regarding Proposal or Refusal to Initiate or Change the Identification, Evaluation, or Educational Placement of the Student or the Provision of FAPE

- A student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development.
- When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the student's parent(s) within five (5) school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used.
- For all other actions, the district gives notice complying with federal requirements within a reasonable time.
- The school district provides the student's parent(s) with an opportunity to consult with the special education administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation.
- The district provides parents with an opportunity to consult with the administrator of special education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments
- The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's curriculum accommodation plan, including any pre-referral program.
- The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.

State Requirements

M.G.L. c. 71B, Section 3;

Federal Requirements

34 CFR 300.503; 300.504(a)(1)

**Procedure for Notice to Parent Regarding Proposal or Refusal to Initiate or Change
the Identification, Evaluation, or Educational Placement of the Student or the
Provision of FAPE
M.G.L. c. 71B, Section 3**

Within the Old Colony Regional school district a student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development.

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

For all other actions, the district gives notice complying with federal requirements within a reasonable time. The school district provides the student's parent(s) with an opportunity to consult with the Special Services Coordinator to discuss the reasons for the referral and the nature of the proposed evaluation. The district provides parents with an opportunity to consult with the Special Services Coordinator regarding the evaluators to be used and the proposed content of all required and optional assessments.

The Old Colony Regional school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's curriculum accommodation plan, including any pre-referral program.

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

Special Education Procedure:

SE 25 - Parental Consent in Accordance with State and Federal Law, the School District Obtains Informed Parental Consent as Follows:

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

State Requirements

603 CMR 28.07(1)

Federal Requirements

34 CFR 300.300

**Procedure for Parental Consent in Accordance with State and Federal Law, the Old Colony Regional School District Obtains Informed Parental Consent as Follows
603 CMR 28.07(1)**

The Old Colony Regional school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a re-evaluation and before placing a student in a special education placement subsequent to the initial placement in special education.

The school district obtains consent before initiating extended evaluation services.

The school district obtains consent to the services proposed on a student's IEP before providing such services.

A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the child.

When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation.

If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a re-evaluation or to placement in a special education program subsequent to the initial placement, the school district considers, with the parent, whether such action will result in the denial of a free appropriate public education to the student. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the BSEA.

If the parent has given consent for special education services and then, at any time following, revokes his/her consent to the student's special education services in writing, the district is obligated to discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district's proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services.

Special Education Procedure:

SE 25A – Sending a Copy of Notice to Special Education Appeals

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

State Requirements

603 CMR 28.08(3)(b)

Federal Requirements

Procedure for Sending a Copy of Notice to Special Education Appeals
603 CMR 28.08(3)(b)

Within five (5) calendar days of receiving a notice that a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the Special Services Coordinator within the Old Colony Regional school district sends a copy of the notice to the BSEA (Bureau of Special Education Appeals)

Special Education Procedure: SE 25B – Resolution of Disputes

- 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.

State Requirements

Federal Requirements

34 CFR 300.510

Procedure for Resolution of Disputes

34 CFR 300.510

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

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

If the dispute is resolved at the resolution session, the parent(s) and the Special Services Coordinator, a representative of the Old Colony Regional school 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.

Special Education Procedure:

SE 26 – Parent Participation in Meetings

- The district ensures that one or both parents of a student are members of any group that makes decisions on the educational placement of their student.
- The administrator of special education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend.
- The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts.
- If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.
- In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.

State Requirements

603 CMR 28.02(21)

Federal Requirements

34 CFR 300.322; 300.501

Procedure for Parent Participation in Meetings

603 CMR 28.02(21)

All efforts are made by the Old Colony Regional school district to ensure that one or both parents of a student are members of any group that makes decisions on the educational placement of their student. The Special Services Coordinator notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend. The school district schedules the meeting at a mutually agreed upon time and place; and documents such efforts.

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

Special Education Procedure:

SE 27 – Content of Team Meeting Notice to Parents

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

State Requirements

Federal Requirements

34 CFR 300.322(b)(1)(i)

**Procedure for Providing Content of Team Meeting Notice to Parents 34 CFR
300.322(b)(1)(i)**

In order to provide parents the opportunity to prepare and more fully participate in the Team meeting, discussions, and decisions, the parent notice sent from the Special Services Coordinator at Old Colony Regional of any Team meeting states the purpose, time, and location of the meeting as well as who will be in attendance. Parents are notified early enough to ensure that they will be able to attend, and meetings are scheduled at a mutually agreed upon time and place.

Special Education Procedure:

SE 29 – Communications are in English and Primary Language of Home

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

State Requirements

603 CMR 28.07(8)

Federal Requirements

34 CFR 300.322(e); 300.503(c)

**Procedure for Ensuring that Communications are in
English and Primary Language of Home
603 CMR 28.07(8)**

The Old Colony Regional school district ensures that all communications with parents are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.

If the school district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice.

Special Education Procedure:

SE 32 – Parent Advisory Council for Special Education

- The school district has established a district-wide parent advisory council on special education.
- Membership on the council is offered to all parents of students with disabilities and other interested parties.
- The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; and meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs.
- The parent advisory council has established by-laws regarding officers and operational procedures.
- The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.
- The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.

State Requirements

M.G.L.c. 71B, section 3;

603 CMR 28.03(1)(a)(4); 28.07(4)

Federal Requirements

**Procedure for Establishing and Maintaining a
Parent Advisory Council for Special Education
M.G.L. c. 71B, section 3;
603 CMR 28.03(1)(a)(4); 28.07(4)**

The Old Colony Regional school district has established a district-wide parent advisory council on special education. Membership on the council is offered to all parents of students with disabilities and other interested parties. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; and meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs.

The Old Colony Regional school district has a parent advisory council with established by-laws regarding officers and operational procedures. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. The Old Colony Regional school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.

Component #4 - Curriculum and Instruction SE 33 – SE 42

- SE 33 Involvement in general curriculum
- SE 34 Continuum of alternative services and placements
- SE 35 Assistive technology; specialized materials and equipment
- SE 36 IEP implementation, accountability, and financial responsibility
- SE 37 Procedures for approved and unapproved out-of-district placements
- SE 38 Special education in institutional settings (SEIS)
- SE 39A Procedures used to provide services to eligible students enrolled in private schools at private expense whose parents reside in the district
- SE 39B Procedures used to provide services to eligible students who are enrolled at private expense in private schools in the district and whose parents reside out of state
- SE 40 Instructional grouping requirements for students aged five and older
- SE 41 Age span requirements
- SE 42 Programs for young children three and four years of age

Special Education Procedure:

SE 33 – Involvement in the General Curriculum

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

State Requirements

603 CMR 28.05(4)(a) and (b)

Federal Requirements

34 CFR 300.320(a)(1)(i) and a(2)(i)(A);
300.321(a)(4)(ii)

Procedure for Involvement in the General Curriculum
603 CMR 28.05(4)(a) and (b)

Within the Old Colony Regional school district at least one member of all students' IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. The Team member may include, but is not limited to, the student's guidance counselor, a general education teacher of the student, the Special Services Coordinator, or the student's Contact. In the IEP the Old Colony Regional school district documents the student's participation in the general curriculum on annual basis and the Team's recommendations for placement in subsequent school years. Placement in the general curriculum may vary from one school year to the next based on a student's needs and the appropriateness of access to the general curriculum for the student.

Special Education Procedure:

SE 34 – Continuum of Alternative Services and Placements

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

State Requirements

603 CMR 28.05(7)(b)

Federal Requirements

34 CFR 300.109; 300.110; 300.115

Procedure for Continuum of Alternative Services and Placements
603 CMR 28.05(7)(b)

The Old Colony Regional school district is a regional school and does not provide for alternative placements for students. Such placements, if deemed necessary by the Team, would come from the student's sending school district and a member of the sending school district would be present at the Team meeting in which the appropriateness of Old Colony Regional Vocational Technical High School as an educational setting for the student on the IEP was to be discussed, with a referral back to the sending school district in such cases where Old Colony Regional would not be considered an appropriate educational setting for the student.

Special Education Procedure:

SE 35 – Assistive Technology: Specialized Materials and Equipment

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

State Requirements

Federal Requirements

34 CFR 300.105; 300.324(a)(2)(v)

Procedure for Assistive Technology Referral Process
34 CFR 300.105; 300.324(a)(2)(v)

1. The IEP team meets and identifies the need for assistive technology consultation and evaluation.
2. The Team identifies the student's needs and considers possible technology devices or services that may benefit the student.
3. The Team utilizes an assistive technology consideration checklist.
4. Recommendations are reviewed by the Team members, and a decision is made on what course of action to take based on the Assistive Technology Action Plan.
5. The IEP is updated if needed.
6. If assistive devices are needed, training on the devices can be arranged.

Special Education Procedure:

SE 36 – IEP Implementation, Accountability, and Financial Responsibility

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

State Requirements

603 CMR 28.06(3)

Federal Requirements

34 CFR 300.17(a); 300.101-104;
300.154

Procedure for IEP Implementation, Accountability, and Financial Responsibility
603 CMR 28.06(3)

The Old Colony Regional school district oversees, in an ongoing manner, the full implementation of each in-district IEP it proposes, which has been consented to by a student's parents/guardians. The district provides all programs and services without expense to the student's parents and/or guardians.

Special Education Procedure:

SE 37 – Procedures for Approved and Unapproved Out-of-District Placements

- Individual student program oversight: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district program.
- Student right to full procedural protections: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district program.
- Preference to approved programs: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department.
- Written contracts: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5).
- Use of unapproved programs: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation.
- Placement documentation: The following documentation is maintained by the school district pursuant to its placement of students in unapproved out-of-district programs:
 - a. Search: The administrator of special education documents the search for and unavailability of a program approved by the Department. The administrator places such documentation in the student record.
 - b. Evaluation of facility: The administrator of special education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student's IEP in a safe and educationally appropriate environment. Such evaluation determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility.

- c. School district approval to operate a private school in Massachusetts: If services in an unapproved program are provided in a school setting, the administrator of special education ensures that such school has received approval from the school committee where the private school is located under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.
- d. Pricing: Pursuant to the requirements for Compliance, Reporting, and Auditing for Human and Social Services at 808 CMR 1.00, the administrator obtains pricing forms required to set program prices for programs receiving publicly-funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student's tuition is the lowest price charged for similar services to any student in that program.
- e. Notification of the Department of Elementary and Secondary Education: Prior to placement, if the Team determines that placement in such facility is appropriate, the administrator notifies the Department of the intent to place the student and the name and location of the proposed placement before placing the student into the program by sending a completed mandated 28M3 form titled "Notice of Intent to Seek Approval for Individual Student Program" and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department's objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly-funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.
- f. Out of state programs: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the administrator of special education ensures that such school has received approval from the host state.

State Requirements

M.G.L. c. 76, s. 1

34 CFR 300.2(c) 603 CMR 18.00; 28.02(14);
 28.06(2)(f) and (3); 28.09
 808 CMR 1.00

Federal Requirements

**Procedures for Approved and Unapproved Out-of-District Placements CMR 18.00;
28.02(14); 28.06(2)(f); and 28.09**

Old Colony is a vocational/programmatic school and does not have any students in approved or unapproved out-of-district placements. If the team determines that an outside placement should be considered, the team reconvenes with a representative of the sending district (someone able to commit resources) present. If the team then determines that the student does require an out-of-district placement, the sending district takes over and assumes programmatic planning and IEP planning for the student.

Special Education Procedure:

SE 38 – Special Education in Institutional Settings (SEIS)

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

School district responsibility:

- The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law.
- Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent's school district to implement the student's IEP by arranging and paying for the provision of such service(s).
- The parent's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent's school district.

State Requirements

603 CMR 28.06(9)

Federal Requirements

Special Education in Institutional Settings (SEIS)
CMR 28.06(9)

Old Colony Regional is a vocational/programmatic school and does not have any students in special education institutional settings. Should a student be placed in custody of DYS, the IEP Team reconvenes, with the participation of the sending district as necessary, and the contract site staff are notified to enable participation at the Team.

Special Education Procedure:

SE 39A - Procedures Used to Provide Services to Eligible Students Enrolled in Private Schools at Private Expense Whose Parents Reside in the District

- The district conducts student field activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.
- The district consults with private schools in accordance with federal requirements.
- The district provides or arranges for the provision of an evaluation for any private school student whose parent resides in the district who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility; as part of its consultation with the private school, the district ensures that a representative of the student's private school is invited to participate as a member of the Team pursuant to §28.05. The district provides an IEP for any such private school student who is found eligible for special education and/or related services.
- The district provides special education and/or related services designed to meet the needs of eligible students, who are attending private schools at private expense and whose parents reside in the district and does so according to a properly developed IEP. The district provides to such students genuine opportunities to participate in a public school special education program consistent with state constitutional limitations.
- In providing or arranging for the provision of the special education and/or related services described by the student's IEP, the district ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds. When the student attends a private school located outside of the district, the district makes reasonable efforts to provide or arrange for the provision of services for the student in the community where the school is located.
- The district does not withdraw or withhold services from a student whose parents reside in the district solely because the district has met the spending requirements of federal law.
- Special education services and/or related services for a private school student whose parents reside in the district are comparable in quality, scope, and opportunity for participation to those provided to public school students with needs of equal importance.
- An expedited special education evaluation, which is limited to a student's physician statement unless there is a clear indication of the need or unless the parents request additional evaluation, is conducted and services provided to eligible students whose parents reside in the district within 15 calendar days of the district's receipt of the student's physician statement.
- The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state.

State Requirements

M.G.L. c. 71B, section 2
603 CMR 28.03(1)(e)

Federal Requirements

34 CFR 300.130-144; 300.300(d)(4)

**Procedures Used to Provide Services to Eligible Students Enrolled in Private
Schools at Private Expense Whose Parents Reside in the District
CMR 28.03(1)(e)**

Old Colony is a vocational/programmatic school and does not have any students in approved or unapproved out-of-district placements. If the team determines that an outside placement should be considered, the team reconvenes with a representative of the sending district (someone able to commit resources) present. If the team then determines that the student does require an out-of-district placement, the sending district takes over and assumes programmatic planning and IEP planning for the student.

Special Education Procedure:

SE 39B - Procedures Used to Provide Services to Eligible Students who are Enrolled at Private Expense in Private Schools in the District and Whose Parents Reside Out of State

- The district conducts student find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district.
- For students enrolled at private expense in private schools in the district and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility in accordance with state and federal requirements.
- The district calculates the proportionate share of federal special education entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state.
- If the district provides services to any eligible private school student from out of state, it does so using an individual services plan.

State Requirements

603 CMR 28.02(7); 28.04; 28.05(2)

Federal Requirements

34 CFR 300.130-144; 300.301-311

Procedures Used to Provide Services to Eligible Students Who are Enrolled at Private Expense in Private Schools in the District and Whose Parents Reside Out of State CMR 28.02(7); 28.04; 28.05(2)

Old Colony Regional is a vocational/programmatic school and does not provide services to non-district students enrolled at private expense in private schools in the district and whose parents reside out of state. These services are the responsibility of Old Colony's member communities.

Old Colony is a vocational/programmatic school and does not have any students in approved or unapproved out-of-district placements. If the team determines that an outside placement should be considered, the team reconvenes with a representative of the sending district (someone able to commit resources) present. If the team then determines that the student does require an out-of-district placement, the sending district takes over and assumes programmatic planning and IEP planning for the student.

Special Education Procedure:

SE 40 – Instructional Grouping Requirements for Students Aged Five and Older

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

State Requirements

603 CMR 28.06(6)

Federal Requirements

Procedure for Instructional Grouping Requirements for Students Aged Five and Older 603 CMR 28.06(6)

Within the Old Colony Regional school district the size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed:

8 students with a certified special educator,
12 students if the certified special educator is assisted by
1 aide, and 16 students if the certified special educator
is assisted by 2 aides

After the school year has begun, if instructional groups have reached maximum size as delineated in parts 3 and 4 of this criterion, the Special Services Coordinator and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school. In such cases, the administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.

The Old Colony Regional school district takes all steps necessary to reduce the instructional groups to the sizes outlined in parts 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.

Special Education Procedure: SE 41 – Age Span Requirements

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

State Requirements

603 CMR 28.06(6)(f)

Federal Requirements

Procedure for Age Span Requirements
603 CMR 28.06(6)(f)

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

Special Education Procedure:

SE 42 – Programs for Young Children Three and Four Years of Age

General requirements:

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

Types of Settings:

- Inclusionary programs for young students are located in a setting that includes students with and without disabilities and meet the following standards:
 - a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.
 - b. For public school programs that integrate students with and without disabilities, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide.
- Substantially separate programs for young students are located in a public school classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:
 - a. Substantially separate programs are programs in which more than 50% of the students have disabilities.
 - b. Substantially separate programs operated by the district limit class sizes to 9 students with 1 teacher and 1 aide.

State Requirements

603 CMR 28.06(7)

Federal Requirements

34 CFR 300.101(b); 300.124(b); 300.323(b)

Programs for Young Children Three and Four Years of Age
CMR 28.06(7)

Old Colony does not participate in programming for young children. Old Colony is a regional vocational high school without Early Childhood students and services.

Component #5 – Student Support Services SE 43 – SE 49

- SE 43 Behavioral interventions
- SE 44 Procedure for recording and reporting disciplinary data
- SE 45 Procedures for suspension up to 10 days and after 10 days; General requirements
- SE 46 Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district
- SE 47 Procedural requirements applied to students not yet determined to be eligible for special education
- SE 48 Equal opportunity to participate in educational, non-academic, extracurricular, and ancillary programs, as well as participation in general education
- SE 49 Related services

Special Education Procedure:
SE 43 – Behavioral Interventions

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

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

Federal Requirements

Procedure for Behavioral Interventions

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

When behavior interferes with a student's learning or with the learning of others, the IEP team will sometimes conduct a functional behavior assessment (FBA) as a first step to identify when and why the behavior occurs. The IEP team will look at the cause of the behavior and develop positive strategies for change. While this is often part of the IEP, it is not required for the development of a 504 Plan. The FBA includes:

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

This information is usually gathered by the school psychologist and teachers. If you have results from psychological or psychiatric evaluations, information about medications or input from your child's physician, you should consider sharing this with the IEP team. The results of the FBA process will be more accurate if the assessment information is complete as possible. The FBA will be used to write a positive behavior intervention plan that will become part of the IEP.

If a student has an IEP or a 504 Plan, a behavior intervention plan (BIP) must be developed if the behavior is related to the disability and substantially interferes with the student's educational program. This plan can be incorporated as goals on the IEP or it can be a separate plan that is attached to either the IEP or the 504 Plan. The BIP should include positive ways to address your child's behaviors. This can include goals that teach the child appropriate behaviors or modify the classroom environment that will decrease the chance of the behaviors occurring in the first place. If at any point, the behavior plan is not working, call the team together to modify it. Schools may bring in an outside health care provider or agency to consult on the development of a plan.

Even with a behavior plan in place, there may be times when the child violates the student code of conduct and faces disciplinary actions such as suspension or expulsion. A student with a disability may be suspended for up to 10 consecutive school days or for shorter periods that add up to 10 school days over the course of a school year. The school is not required to provide any educational services during this period.

A change of placement is considered to occur when the student is:

- suspended for more than 10 consecutive school days
- suspended for shorter removals that add up to more than 10 school days and turn into a pattern for responding to the behavior
- expelled
- placed in an alternative educational setting (such as a separate class)

The school must conduct a review, called a manifestation determination meeting, to determine if the behavior is a result of the student's disability or the school's failure to implement the existing IEP or 504 Plan.

If the Manifestation Determination Meeting members find the behavior *is significantly* related to the disability, the Team must either develop a behavior intervention plan if one does not exist, or review and make necessary

changes to the existing IEP or BIP. The student will then return to the classroom he was in before the suspension or expulsion.

If it is determined that the behavior *is not* a result of the child's disability, protections for students on an IEP differ significantly from those on a 504 Plan. If a student is on an IEP, educational services must be provided to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals, even though they may be offered in another setting. A student on a 504 Plan can be suspended or expelled without any additional educational services.

Special Education Procedure:

SE 44 – Procedure for Recording Suspensions

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

State Requirements

Register 71 (14 August 2006): 46715

Federal Requirements

34 CFR 300.530

IDEA 2004 Final Regulations,

Analysis of Comments and Changes, Federal

Procedure for Recording Suspensions

34 CFR 300.530

The Old Colony Regional school district has a procedure to record the number and duration of suspensions from any part of the student's program, including suspensions from special transportation prescribed by the IEP using the computer based attendance portion of the Student Information System (SIS) implemented building wide for tracking of student data, including any and all suspensions. Student attendance is distributed daily to all instructors and administrators.

Special Education Procedure:

SE 45 – Procedures for Suspension up to 10 days and after 10 days:

General Requirements

- Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.
- After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.
- The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.

State Requirements

M.G.L. c. 76, sections 16-17

Federal Requirements

34 CFR 300.530-537

Procedure for Suspension up to 10 days and after 10 days - General Requirements
M.G.L. c. 76, sections 16-17

Within the Old Colony Regional school district any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.

After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.

The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.

Special Education Procedure:

SE 46 - Procedures for Suspension of Students with Disabilities When Suspensions Exceed 10 Consecutive School Days or a Pattern has Developed for Suspensions Exceeding 10 Cumulative Days; Responsibilities of the Team; Responsibilities of the District

- 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.
- 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."
- If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
 - a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
 - b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
- Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
 - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
 - b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is "substantially likely" to injure him/herself or others.

Characteristics In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.
- 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 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.
- Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

State Requirements

Federal Requirements

34 CFR 300.530-537

**Procedure for a Suspension of More Than 10 Consecutive School Days –
Special Education Student
34 CFR 300.530-537**

- When the school district seeks to suspend a special education student for more than 10 days. The IEP team must meet within 10 days of the student's removal from school. This is called the manifestation/causal meeting. At this meeting, the IEP team determines if the alleged behavior is related to the child's disability or not.
- Disability Related Behavior - If the IEP team determines that the behavior is related to the student's disability, the student should return to school immediately.
- Behavior NOT Related to the Disability - If the IEP team determines that the behavior is NOT related to the disability, the student is subject to the regular discipline procedures. A person chosen by the Superintendent will decide whether the student will be suspended long term or expelled.
- Within the first 10 days of the suspension, the IEP team is also required to do a "functional behavior" assessment of the student and develop a behavior plan for the student.
- If Drugs or Weapons are involved - Regardless of whether the conduct is related to the disability, if the incident for which the student is being disciplined involves a dangerous weapon or a controlled substance, the school system can unilaterally place a special education student in an alternative education setting for up to 45 days.
- Special Consideration for Special Education Students - During any term of exclusion that exceeds 10 days, a special education student must be provided educational and related services that are set for in the students Individual Education Plan.
- Parents have the right to request mediation or due process hearing if they disagree with any decision by the IEP Team, including the "manifestation or casual" decision.
- If the student has not been previously identified as eligible for special education, the parents may request an evaluation and that evaluation must be expedited during the suspension or expulsion period.

Special Education Procedure:

SE 47 – Procedural Requirements Applied to Students not yet Determined to be Eligible for Special Education

- If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
 - a. The parent had expressed concern in writing; or
 - b. The parent had requested an evaluation; or
 - c. District staff had expressed directly to the 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.

State Requirements

Federal Requirements
34 CFR 300.534

**Procedure for Procedural Requirements Applied to Students Not Yet Determined to
be Eligible for Special Education
34 CFR 300.534**

If, prior to the disciplinary action, the Old Colony Regional school 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 school district may be considered to have prior knowledge if:

- The parent had expressed concern in writing; **or**
- The parent had requested an evaluation; **or**
- 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.

Special Education Procedure:

SE 48 – Equal Opportunity to Participate in Educational, Nonacademic, Extracurricular, and Ancillary Programs, as Well as Participation in Regular Education

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

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

- art and music
- vocational education, industrial arts, and consumer and homemaking education
- work study and employment opportunities
- counseling services available at all levels in the district
- health services
- transportation
- recess and physical education, including adapted physical education
- athletics and recreational activities
- school sponsored groups or clubs
- meals

State Requirements

603 CMR 28.06(5)

Federal Requirements

34 CFR 300.101 – 113

**Procedure for Equal Opportunity to Participate in Educational, Nonacademic,
Extracurricular, and Ancillary Programs, as well as
Participation in Regular Education
603 CMR 28.06(5)**

All students within the Old Colony Regional school district 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:

- vocational education
- work study and employment opportunities
- counseling services available at all levels in the district
- health services
- transportation

- physical education, including adapted physical education
- athletics and recreational activities
- school sponsored groups or clubs
- meals

Special Education Procedure:

SE 49 – Related Services

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

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

State Requirements

603 CMR 28.02(18)

Federal Requirements

34 CFR 300.34; 300.323(c)

Procedure for Provision of Related Services

603 CMR 28.02(18)

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

- speech-language pathology and audiology services
- psychological services
- physical therapy
- occupational therapy
- recreation, including therapeutic recreation
- counseling services, including rehabilitation counseling
- orientation and mobility services (peripatology)
- medical services for diagnostic or evaluation purposes
- school health services, including school nurse services
- social work services in schools
- parent counseling and training, and
- Interpreting services

Component #6 - Faculty, Staff, and Administration SE 50 – SE 54

- SE 50 Administrator of special education
- SE 51 Appropriate special education teacher certifications/licensure
- SE 52 Appropriate certifications/licenses or other credentials-related services providers
- SE 52A Registration of educational interpreters
- SE 53 Use of paraprofessionals
- SE 54 Professional development

Special Education Procedure:

SE 50 – Administrator of Special Education

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

State Requirements

M.G.L. c. 71B, section 3A;
603 CMR 28.03(2)

Federal Requirements

Procedure for Appointment of Administrator of Special Education

**M.G.L. c. 71B, section 3A;
603 CMR 28.03(2)**

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

Special Education Procedure:

SE 51 – Appropriate special education teacher licensure

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

Commonwealth Charter Schools – Special Education Teacher Qualifications

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

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

Please see additional guidance at:

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

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

State Requirements

M.G.L. c. 71, s. 38G; s. 89(qq)

603 CMR 1.07; 7.00; 28.02(3)

Federal Requirements

34 CFR 300.18; 300.156

IDEA § 34 CFR 300.156(a)

Procedure for Ensuring Appropriate Special Education Teacher Licensure
M.G.L. c. 71, s. 38G; s. 89(qq); 603 CMR 1.07; 7.00; 28.02(3)

Within the Old Colony Regional school district individuals who design and/or provide direct special education services described in IEPs are appropriately licensed. Licensure renewal and compliance is the responsibility of the individual educator and not of the school district. It is the responsibility of the educator to provide the district with a current teaching license to be kept on file in Old Colony's Human Resources Department. The files are reviewed annually to ensure DESE licensure is current or that SLP/PT/OT educational and specialty clinical licenses are in force.

Special Education Procedure:

SE 52 – Appropriate Certifications/Licensure or Other Credentials – Related Service Providers

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

State Requirements

603 CMR 28.02(3),(18)

Federal Requirements

34 CFR 300.34; 300.156(b)

**Procedure for Ensuring Appropriate Certifications/Licensure or Other Credentials –
Related Service Providers
603 CMR 28.02(3),(18)**

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

**In-service training for hired in contracted transportation providers

Old Colony High School contracts with First Student for transportation and First Student provides the necessary training as part of their contract with Old Colony.

..

Special Education Procedure:

SE 52A – Registration of Educational Interpreters

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

State Requirements

603 CMR 28.02(3),(18)

Federal Requirements

34 CFR 300.34; 300.156(b)

Procedure for Registration of Educational Interpreters
603 CMR 28.02(3),(18)

Within the Old Colony Regional school district providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.

At this time Old Colony does not have any students who require an educational interpreter. However, Old Colony has a professional relationship with interpreting agencies in the area who can provide interpreters fluent in specific languages should students or parents require translators.

Special Education Procedure:
SE 53 – Use of Paraprofessionals

1. Reserved.
2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.

State Requirements

Federal Requirements

34 CFR 300.156

Procedure for use of a Paraprofessional 34 CFR 300.156

Utilizing a Paraprofessional in the Academic Classroom

Definition of a Paraprofessional in the state of Massachusetts: “An instructional paraprofessional is an individual who provides instruction and support for classroom teachers. Aides, assistants, or tutors who engage in instructional support are considered to be instructional paraprofessionals as defined by NCLB.”

“Instructional paraprofessionals must possess specific skills and knowledge in reading, writing, mathematics, and instruction to be considered qualified to assist in instruction. NCLB outlines requirements that instructional paraprofessionals must meet.”

These include:

- Possessing a high school diploma or its equivalent **AND**
- Earning an Associate’s (or higher) degree; **OR** one of the following:
 - Completing at least two years, or 48 credit hours of study at an institution of higher education; **OR**
 - Taking and passing a formal assessment measuring one’s knowledge of and ability to assist classroom teachers in reading, writing, and mathematics

“These two requirements apply to all instructional paraprofessionals (including those who work with students with disabilities as tutors or aides) carrying out instruction duties in a school-wide program, without regard to whether the positions are funded with federal, state, or local funds.”

Responsibilities of the School District: According to Massachusetts DESE all instructional paraprofessionals must be supervised directly by teachers; instructional paraprofessionals cannot be supervised by a peer or group of peers.

District Orientation:

- Paraprofessional orientation prior to working with students may include:
 - Paraprofessional roles and responsibilities
 - District overview
 - District policies and procedures
 - District discipline policy
 - Confidentiality issues
 - Safety and emergency procedures
 - Employment or contract information
- Paraprofessional orientation during the first few days at the work site may include:
 - Introduction to building staff
 - Introduction to building site policies
 - Procedures and services
 - Opportunity to learn by observing and working alongside others
 - Introduction to classroom curriculum, classroom rules, and procedures
 - School behavior management plan
 - Specific student information, as appropriate

Competencies/Duties expected of the Paraprofessional in any setting:

1. **Support and Collaboration** - The paraprofessional has an understanding of the respective roles and responsibilities of licensed staff (teachers, administrators, education specialists, etc.) in supporting students and collaborating with each other.
 - Support the integration of students with disabilities into general education programs
 - Provide assistance with individualized instruction through various instructional strategies
 - Assist students according to directions given by the teacher
 - Serve as a proctor during testing, as appropriate
 - Assist the teacher in preparing necessary instructional materials
 - Follow written and oral instructions
 - Organize time, materials, and workspace
 - Practice ethical and professional standards of conduct, including confidentiality
 - Apply work-related legal issues concerning the education of children and youth
 - Follow work-related health, safety, and emergency procedures

2. **Communication** - The paraprofessional has the ability to communicate with colleagues, follow instructions, and use problem-solving and other skills that will enable him/her to work as an effective member of the instructional team.
 - Interact effectively in the workplace
 - Recognize, describe, and report student behavior and academic progress to the teacher
 - Impart information at the child's level of comprehension
 - Use a variety of technological tools to communicate

3. **Growth and Development of Children and Youth** - The paraprofessional has an understanding of the various developmental stages of children and youth.
 - Recognize patterns of human development and benchmarks typically achieved at different ages, as related to instruction
 - Recognize risk and environmental factors that may prohibit or impede typical development, as related to instruction
 - Recognize the expected behavior of children and youth
 - Use age-appropriate materials for instructional reinforcement

4. **Behavior Management** - The paraprofessional has the ability to assist in supporting and managing positive student behavior.
 - Assist in basic classroom management
 - Establish positive relationships with students
 - Supervise students in the classroom and other locations
 - Promote student self-esteem
 - Model and assist the instruction of citizenship, social skills, and respect for others
 - Assist with mediating minor student conflicts
 - Describe student behavior and report characteristics and changes to the teacher and/or administrator
 - Redirect inappropriate behavior through approved methods

5. **Instructional Strategies** - The paraprofessional has knowledge of and can assist the teacher in applying the elements of effective instruction.
 - Use appropriate strategies and techniques to provide instructional support
 - Possess a basic level of competency in core academic subjects at the appropriate levels
 - Use correct English, spelling, grammar, and punctuation
 - Correct and score students' work
 - Conduct small group instruction as prescribed by the teacher
 - Provide individualized instruction as prescribed by the teacher
 - Demonstrate various instructional activities as prescribed by the teacher
 - Assist the teacher with planning and organizing instructional activities and developing classroom procedures

6. **Diversity** - The paraprofessional has an awareness of and respect for diversity among children, youth, families, and colleagues.
 - Demonstrate an awareness of and respect for how diversity impacts student learning.
 - Demonstrate an awareness of student disabilities by category.
 - Recognize how ethnic and cultural differences affect and enrich the school and community.
 - Apply discipline techniques impartially and consistently.
 - Know the school organization and its community.
 - Support high expectations for all students.

7. **Technology** - The paraprofessional has knowledge and skills necessary to support instruction using technology.
 - Use computers, software packages, and related information technology devices.
 - Use assistive technology, when applicable.
 - Operate audiovisual equipment.
 - Assist students in using hardware, software, and other information technology.
 - Use administrative and technical skills necessary to assist the implementation of programs.
 - Vocational/Technical technology utilized within the shop placement is known to the Paraprofessional

Role of the Special Education Teacher in working with Paraprofessionals:

- In relationship to paraprofessionals, the Special Education professional must function both in a leadership and supervisory role.
- It is the certified person's responsibility to assure that students are moving toward the achievement of IEP goals and objectives.
- Paraprofessionals serve under the direction and supervision of a certified person.
- Special Education teachers should prepare and collaborate with the paraprofessional as to the specifics of the instruction being utilized in the classroom.
- Special Education teachers are responsible for monitoring the paraprofessionals assigned to students.

Role of Paraprofessionals in a General Education Classroom:

- The paraprofessional's role is to support the special education students in the general education classroom.
- The paraprofessional is responsible for following the rules, guidelines, and expectations in the general education classroom.

- The classroom teacher provides instruction of the curriculum; the paraprofessional collaborates on modifying the curriculum with the general education and the special education teachers.
- The paraprofessional's role will vary depending on the unique needs of the students in the classroom and what is on their IEP's.
- The paraprofessional may be responsible for behavior management, re-teaching or reinforcing skills, working with students in small groups, and reinforcing self-help skills.

Role of the Paraprofessional in a Vocational Setting: Education and/or Experience:

- Paraprofessionals in a vocational setting must have experience with the equipment and tools of the specific program assigned

Duties and Responsibilities:

- Assist the primary vocational instructor with teaching activities and production activities
- Demonstrate proper operation of shop tools and equipment in accordance with the shop program
- Demonstrate safety practices and procedures in accordance with the shop program
- Monitor students when operating tools and equipment
- Monitor safety practices and procedures
- Support and assist in the enforcement of school and district rules
- Conduct individual and/or small group instructional activities when directed to do so by the instructor
- Be familiar with appropriate instructional materials as they pertain to shop placement

What the Paraprofessional is NOT responsible for in any setting – academic or vocational:

- The paraprofessional cannot represent himself or herself as a qualified teacher/service provider or be used as a substitute for a qualified teacher/service provider unless he/she possesses the appropriate certification/licensure to function as a substitute and is hired as a substitute
- The paraprofessional cannot re-write curriculums
- The paraprofessional cannot create new, alternative instruction without the direction of a teacher or other certified personnel
- The paraprofessional cannot implement behavior ideas without the direction of the teacher or other certified personnel
- The paraprofessional cannot take complete responsibility for any students
- The paraprofessional does not provide direct instruction, does not introduce a student to new skills, concepts or academic content.
- The paraprofessional cannot perform or interpret standardized or non-standardized assessments, formal or informal, unless specifically trained to provide such tests and evaluations and supervised by the qualified teacher/service provider.
- The paraprofessional cannot participate in parent conferences, student conferences, or any interdisciplinary teams in place of the supervising teacher/service provider.
- The paraprofessional cannot communicate with the individual with learning disabilities, family, or others regarding any aspect of the student's status or service without the specific consent of the supervising teacher/service provider or provide student or family counseling.
- The paraprofessional cannot write, develop, or modify an individualized plan in any way or assist with instruction/intervention without following the individual plan prepared under the direction of the teacher/service provider or without access to supervision.
- The paraprofessional cannot sign any formal documents (e.g., individual plans, service reimbursement

forms, or reports) as a substitute for the qualified professional. Paraprofessionals should sign or initial informal progress notes for review and co-signature by the supervising teacher/service provider.

- The paraprofessional cannot select individuals for services, make referrals for additional services, assign grades, or discharge an individual from service.
- The paraprofessional cannot disclose educational, clinical, or confidential information either orally or in writing to anyone not designated by the supervising teacher/service provider.

Special Education Procedure:

SE 54 – Professional Development

- The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.
- The district ensures that all staff, including both special education and general education staff, are trained on:
 - a. state and federal special education requirements and related local special education policies and procedures;
 - b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;
 - c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom;
- The district provides in-service training for all locally hired and contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.

State Requirements

M.G.L. c. 71, section 38G, 38Q and 38Q ½;

M.G.M. 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)

Federal Requirements

Procedure for Professional Development
M.G.L. c. 71, section 38G, 38Q and 38Q 1/2;
603 CMR 28.03(1)(a); 28.06(8)(b) and (c)

The Old Colony Regional school district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings through the use of a Professional Development Committee overseen by the Principal of Old Colony Regional. The district ensures that all staff, including both special education and general education staff, are trained on:

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

State mandated trainings for all staff on a yearly basis include:

- Bullying Prevention and Intervention
- Special Education and Section 504
- Confidentiality, Mandated Reporting, and Student Records
- Ethics: MA Conflict of Interest Law
- Harassment and Hazing
- Physical Restraint
- Homeless Students
- Civil Rights and Nondiscrimination
- Right to know/OSHA Hazard Communication
- Emergency Operations
- Life Threatening Allergies
- Blood Borne Pathogens

Component #7 - School Facilities SE 55

- SE 55 Special education facilities and classrooms

Special Education Procedure:

SE 55 – Special Education Facilities and Classrooms

The school district provides facilities and classrooms for eligible students that

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

State Requirements

603 CMR 28.03(1)(b)

Federal Requirements

Section 504 of the Rehabilitation Act of 1973

Procedure for Provision of Special Education Facilities and Classrooms

603 CMR 28.03(1)(b)

The Old Colony Regional school district provides facilities and classrooms for eligible students that:

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

Component #8 - Program Plan and Evaluation SE 56

- SE 56 Special education programs and services are evaluated

Special Education Procedure:

SE 56 – Special Education Programs and Services are Evaluated

Special education programs and services are regularly evaluated.

State Requirements

M.G.L. c. 71B, section 2

Federal Requirements

Special Education Programs and Services are Evaluated

34 CFR 300.137

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

Component #9 - Record Keeping

- Transfer of student records

Special Education Procedure:

SE 59 – Transfer of Student Records

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

Any Massachusetts school to which the student is transferring takes reasonable steps to promptly obtain the student's records, including the IEP, from the former school, **and**

Any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school's request for records.

State Requirements

Federal Requirements

34 CFR 300.323(g)

Procedure for Transfer of Student Records
34 CFR 300.323(g)

Transfer of Student Records

When a student with an IEP transfers from another school district, both within Massachusetts and from other states, the Old Colony Regional Vocational Technical High School:

1. Standard admissions procedures are followed.
2. If accepted, steps are taken to promptly obtain the student's records, including the IEP, from the former school district,

And

3. When a student transfers from the Old Colony Regional Vocational Technical High School, then the school takes reasonable steps to promptly respond to any other district's request for records.

Responsibility for such requests, and follow through, remains with the Special Services Coordinator and/or their designee.

Appendix

- Technical Assistance Advisory SPED 2020-01: MRC Pre-Employment Transition Services (Pre-ETS)
- Administrative Advisory SPED 2019-2: Extended Evaluations
- Administrative Advisory SPED 2019-1: Recovery High Schools and Students Eligible for Special Education
- Administrative Advisory SPED 2018-3: Guidance on Amendments to Special Education Regulations, 603 CMR 28.10, to Align with ESSA Foster Care Provisions
- Technical Assistance Advisory SPED 2018-3: Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication
- Administrative Advisory SPED 2015-2R: Special Education Parent Advisory Councils, Acceptable Alternatives, and Use of Social Media
- Administrative Advisory SPED 2011-1: Age of Majority
- Administrative Advisory SPED 2004-1: Independent Educational Evaluations
- Administrative Advisory SPED 2001-4: Finding of No Eligibility for Special Education
- Technical Assistance Advisory SPED 2009-2: Observation of Education Programs by Parents and Their Designees for Evaluation Purposes
- Administrative Advisory SPED 2004-3: College Testing Information
- Administrative Advisory SPED 2004-2: AYP and Students with Disabilities
- Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process
- Technical Assistance Advisory SPED 2014-4: Transition Assessment in the Secondary Transition Planning Process
- Advisory on Student Discipline under Chapter 222 of the Acts of 2012
- Highlights of Massachusetts Student Discipline Statutes and Regulations
- 603 CMR 53.00 Student Discipline Effective July, 2014
- Technical Assistance Advisory SPED 2016-2: Promoting Student Self-Determination to Improve Student Outcomes

- Technical Assistance Advisory SPED 2017-1: Characteristics of High Quality Secondary Transition Services
- Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorder
- Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities
- Education Laws and Regulations - 603 CMR 46.00: Prevention of Physical Restraint and Requirements if Used
- Technical Assistance Advisory SPED 2009-1: Transition Planning to Begin at Age 14
- Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention
- Technical Assistance Advisory SPED 2014-3 (revised): Identifying the Need for Paraprofessional Support

Updated 9/15/2021

- Administrative Advisory SPED 2018-2: Secondary Transition Services and Graduation with a High School Diploma
- Administrative Advisory SPED 2017-1: Guidance Regarding the WIOA Prohibition on Contracting with Entities for the Purpose of Operating a Program Under Which a Youth with a Disability is Engaged in Subminimum Wage Employment
- Administrative Advisory SPED 2012-1: The Autism Insurance Law
- Administrative Advisory SPED 2010-2: School Based Medicaid and Nursing Services
- Administrative Advisory SPED 2001-4: Finding of No Eligibility for Special Education
- Technical Assistance Advisory SPED 2021-2: Students with Autism and Application for Department of Developmental Services Adult Eligibility
- Technical Assistance Advisory SPED 2020-1: Massachusetts Rehabilitation Commission Pre-Employment Transition Services (Pre-ETS)

- Technical Assistance Advisory SPED 2018-3: Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication (AAC)
- Technical Assistance Advisory SPED 2017-1: Characteristics of High Quality Secondary Transition Services
- Technical Assistance Advisory SPED 2016-2: Promoting Student Self-Determination to Improve Student Outcomes
- Technical Assistance Advisory SPED 2014-3 (revised): Identifying the Need for Paraprofessional Support
- Technical Assistance Advisory SPED 2014-1: DSM-5 Changes and the Impact on Students with Autism Spectrum Disorders (ASD)
- Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process
- Administrative Advisory SPED 2012-2: Improving Data and Practices Regarding Disciplinary Removals of Students with Disabilities
- Administrative Advisory SPED 2009-2: Observation of Education Programs by Parents and Their Designees for Evaluation Purposes
- Coronavirus (COVID-19) Special Education Technical Assistance Advisory 2021-1: COVID-19 Compensatory Services and Recovery Support for Students with IEPs
- Administrative Advisory SPED 2021-2: Assignment of Financial and Programmatic Responsibility for Special Education and Enforcement of Assignments