

The Special Education Process

Helping Children Get Help

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Dr. Margaret V. Reed

CASA Volunteer

QUICK REFERENCE ON SPECIAL EDUCATION: A GUIDE FOR CHILD ADVOCATES IN MASSACHUSETTS



DETERMINING ELIGIBILITY FOR SPECIAL EDUCATION

- **Initial Referral:** In MA, a parent, any person in a care giving position, or any person in a professional position can refer a student to be evaluated for special education. Write to the director of special education for the school district to request an evaluation; get proof of delivery of the written request. Keep a copy of the written request.
- **Evaluation:** Within five days of receipt of the referral, the school district must send an evaluation consent form to the parent. This document lists the evaluations that will be performed by the district in order to determine if the student qualifies for special education. The consent must be signed and returned before the school can perform testing. **School must test in all areas related to the suspected disability.** The form has a space for parents to request additional testing. Keep a copy and get proof of delivery. After receipt of consent form, the school district has 30 school working days to complete the evaluations. The parent (s)/person with signing rights can *in writing*, request copies of the written reports from the evaluations and the district must provide them with copies at least two days prior to the team meeting. Districts must re-evaluate students every three years.
- **Eligibility Determination Team Meeting:** This meeting must be held within 45 school working days of the district's receipt of the signed evaluation consent form. At the meeting, the team will review the evaluations and ask the following questions: Does the student have a disability (see 603 CMR 28.02(7))? If yes, is the student making effective progress in school? If no, is the lack of progress a result of the disability? If yes, does the student require specially designed instruction to make progress or require related services to access the general curriculum? If yes, then the student is eligible for special education. **Note:** the District must ensure that the IEP Team includes the parent(s)/person with signing rights, a representative from the district knowledgeable about and able to commit district resources, an individual able to interpret test results, a special education teacher, a regular education teacher, etc. See 34 CFR 300.321. The parent is an equal and important part of the Team, and if the parent does not agree with proposed services/placement, the Team is not in agreement. A student is invited to participate in the Team meeting at the age of 14.
- **Finding of No Eligibility:** A parent can reject a finding of ineligibility. This should be done in writing as soon as possible after the finding of ineligibility has been made. Options then include requesting an independent evaluation, going to mediation, or appealing to the Bureau of Special Education Appeals (BSEA).
- **Request for an Independent Evaluation:** If unsatisfied with the district's testing, the parent can request that the district fund an independent evaluation. If student is eligible for free/reduced cost lunch, district must pay in full; otherwise parent submits financial information, and may pay sliding scale fee. Within 10 school days from the time the school district receives the report of the independent evaluation, the Team shall reconvene and consider the evaluation and whether a new or amended IEP is appropriate. If district pays for some or all of the evaluation, the results must be shared with the school.
- **Timeline for Requesting an Independent Evaluation:** A parent or person with signing rights must request the independent evaluation in writing within 16 months after the date of the school district's evaluation, see 603 CMR 28.04(5)(c)(6).

BASIC RIGHTS OF SPECIAL EDUCATION STUDENTS

- All students deemed eligible for special education have a right to a **free, appropriate public education in the least restrictive environment (FAPE)** in the LRE).
 - **FAPE:** special education services that allow a student to access public education. Access must be meaningful and sufficient to confer benefit. Services must be provided through an **individualized education program (IEP)** that enables the student to make effective progress and that must be designed to develop the student's educational potential.
 - **LRE:** to the maximum extent appropriate, students with disabilities should be educated with typical peers and according to the statewide curriculum frameworks. Special classes or separate schooling should occur only when 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.
- ### **THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)**
- A written document which details evaluation results, current performance levels, goals based on specific areas of the curriculum, and specific services and accommodations to be provided to the student. Student may also receive accommodations for standardized testing (MCAS); any testing accommodations must mirror the accommodations provided for in other parts of the IEP.
 - The IEP is created at a team meeting. The parent then has the choice to accept, reject, or partially accept/reject the IEP, and accept or reject the placement. Any of the services accepted should be immediately implemented. If the IEP is not acceptable in its entirety, it is best to partially reject the IEP, in order to ensure delivery of any new services that the parent approves.

TRANSITION PLANNING

- When a student on an IEP turns 14, a district must provide the student with transition services and invite him to take part in Team meetings.
- Transition services: a coordinated set of activities... focused on improving academic and functional Achievement ...to facilitate the child's movement to post-school activities. 34 CFR 300.43 (2006).
- The IEP should include a Transition Planning Form, which describes the student's post-secondary goals and the skills needed to achieve these goals.
- The district must complete a **688 referral** to the appropriate agency if the student will require services beyond age 22 (DMH, DDS, MRC, etc).

PLACEMENT

- A special education **placement** is the setting where the student will receive his special education services.
- Types of placements: full inclusion, partial inclusion, resource room, substantially separate classroom, day school, residential school.
- Placement should be determined **AFTER** the Team determines what services the student needs to make effective progress.
- The parent must consent to a change of placement. If the parent rejects a placement, the student has **stay put rights** and will remain at the last accepted placement until the disagreement is resolved.
- Specific location of the placement is also a team determination.

504 PLANS

- For students not eligible for an IEP, 504 plans allow for accommodations to give a student with a disability equal access to school and curriculum.
- Authorized under Section 504 of the Rehabilitation Act of 1973 and the ADA.
- To be eligible, student must have a physical or mental impairment that substantially limits one or more major life activities.
- Major life activities include walking, learning, concentrating, communicating, thinking, speaking, etc.
- 504 plans do not provide specially designed curriculum like an IEP; only accommodations.
- No **stay put rights** exist under a 504 plan.

RELEVANT STATUTES AND REGULATIONS

- Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et. seq.
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C § 794
- M.G.L. c. 71B, Children With Special Needs
- M.G.L. c. 71B, § 3, requires timely and sufficient access of independent evaluators to current and proposed placement, upon parental request
- 603 CMR 28.00: Special Education
- 603 CMR 28.04: Referral and Evaluation
- 603 CMR 28.05: The Team Process and Development of the IEP
- 603 CMR 28.06(6): Instructional grouping requirements
- 603 CMR 28.06(9): Educational Services in Instructional Settings
- 603 CMR 28.08: Continuum of Options for Dispute Resolution
- 603 CMR 228.10: School District Responsibility (programmatic and fiscal)
- 603 CMR 23.00: Student Records
- 603 CMR 23.07(2): Access to Records within 10 Days of Parent Request

RELEVANT CASELAW

- *Buckhannon Board & Care Home, Inc. v. W. Va. Dep't of Health & Human Resources*, 532 U.S. 598, 600 (2001): Attorney's fees only awarded to a "prevailing party."
- Settlement agreement not enough. *But see Hutchinson v. Patrick*, 2011 WL 540538 (1st Cir. 2011), which allows attorney's fees for settlement agreements approved by the court with continuing judicial oversight.
- *Schaffer v. Weast*, 546 U.S. 49 (2005): Burden of proof is placed on party seeking relief.
- *Dracut School Committee v. Bureau of Special Education Appeals of the Massachusetts Department of Elementary and Secondary Education et al.*, 1:09-cv-10966-PBS: Failure to provide appropriate transition services is a denial of FAPE.
- *In Re: Swansea Public Schools*, BSEA # 07-3824: Hearing officer overturned district's finding that the conduct was not a manifestation of student's disability.
- *In Re: Taunton Public Schools*, BSEA #09-5294: Residential educational placement is appropriate only when a student requires educational and/or related services during all waking hours in order to make effective educational progress.
- *In Re: Westford Public Schools*, BSEA #05-0621: Special education and related services must be provided in the least restrictive environment.
- *In Re: Worcester*, BSEA #09-3109: District must ensure that home-based services are delivered appropriately and effectively as well as included in the IEP, even when another agency is providing the services.
- *In Re: Arlington*, BSEA #02-1327: Discusses FAPE requirements and discusses balance between specific services available at different schools and least restrictive environment.
- *In Re: Medford*, BSEA #01-3941: DMR (now DDS) ordered to provide residential services, school district not responsible.
- *In Re: Boston Public Schools*, BSEA# 06-6542: Ruling outlining the standard for joinder of a state agency.
- *In Re: Boston Public Schools BSEA # 04-2506*: IEP Team process includes the determination of the actual location of a student's special education services.

The Children's Law Center of Massachusetts is located at 298 Union Street, Lynn, MA 01901. Contact and information at www.clcm.org or 781-581-1977 (toll-free 1-888-KIDLAW8). This guide was created in conjunction with the EdLaw Project, a collaborative initiative of the CLCM and the Youth Advocacy Department of the Committee for Public Counsel Services. EdLaw's office is located at Ten Malcolm X Boulevard, Roxbury MA, 02119. Contact and information at www.edlawproject.org or 617-989-8100. The CLCM is supported by the Mass Bar Foundation, the Massachusetts Legal Assistance Corporation, Boston Bar Foundation, United Way, Bank of America, and Eastern Bank, among other equally generous foundations, corporations, and individual donors. (Rev. 6/13/11)

DUE PROCESS HEARING AT THE BSEA

- Review the BSEA hearing rules here: <http://www.doe.mass.edu/bsea/laws.html>
- File a hearing request with the BSEA and the opposing party to begin the hearing process. The request must be filed within two years of the action that forms the basis of the complaint.
- The hearing request must include contact information for all parties involved, a description of the issues, all relevant facts, and a statement of relief sought.
- Ensure that the case is ready for hearing before filing. Remember, **BSEA hearing decisions are binding**. Contact any expert witnesses to determine their availability and willingness to testify, make sure all evaluations are complete and have been shared with the school, and consider having an expert observe the student in his current special education program.
- The BSEA also has several pre-hearing dispute resolution options available at www.doe.mass.edu/bsea/

TIPS FOR ADVOCATES

- As student's attorney, you should identify and contact counsel for the school district for authorization to communicate directly with school personnel.
- Always request a complete copy of the student's education records by writing to the school principal and special education director. Include an authorization for release of information signed by the parent/person with signing rights. Use DESE's Program Quality Assurance as an advocacy tool to ensure school district compliance.
- If a special education student is frequently sent home due to behavior, have the parent keep a log of dates and times this occurs.
- Students with special needs have extra protections when it comes to school discipline. See "Quick Reference Guide on School Discipline" available at: www.clcm.org/schooldiscipline.pdf

HELPFUL WEBSITES:

- IDEA 2004: www.idea.gov
- Massachusetts Department of Elementary and Secondary Education (DESE): www.doe.mass.edu
- Massachusetts Bureau of Special Education Appeals recent decisions and rulings: www.doe.mass.edu/bsea/decisions.html
- DESE's Program Quality Assurance Services: www.doe.mass.edu/pqa/prs
- Wrightslaw Special Education Law and Advocacy: www.wrightslaw.com
- Children's Law Center of Massachusetts: www.clcm.org
- The EdLaw Project: www.edlawproject.org
- Massachusetts Advocates for Children: www.massadvocates.org
- Disability Law Center: www.dlc-ma.org
- Center for Public Representation: www.centerforpublicrep.org
- Center for Law and Education: www.clweb.org

The Basic Special Education Process Under IDEA¹

The writing of each student's IEP takes place within the larger picture of the special education process under IDEA. Before taking a detailed look at the IEP, it may be helpful to look briefly at how a student is identified as having a disability and needing special education and related services and, thus, an IEP.

Step 1. Child is identified as possibly needing special education and related services. "*Child Find.*" The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, public school districts conduct "Child Find" activities. Parents may be asked if the school district can evaluate their child. Parents can also call the public school district and ask that their child be evaluated. Or--

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within 45 school working days after the parent gives consent.

Step 2. Child is evaluated.

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

Step 3. Eligibility is decided.

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision if they disagree with it.

Step 4. Child is found eligible for services.

If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services, and the IEP team will write an IEP for the child.

Once the student has been found eligible for services, the IEP must be written. The two steps below *summarize* what is involved in writing the IEP. Detailed information on the IEP process is available on the ESE Web site <http://www.doe.mass.edu/sped/iep/>.

¹ This summary is taken from *A Guide to the Individualized Education Program*, published by the Office of Special Education and Rehabilitative Services U.S. Department of Education, July 2000, pages 5 - 7. It is slightly revised consistent with Massachusetts requirements. <http://www.ed.gov/parents/needs/sped/iepguide/iepguide.doc>

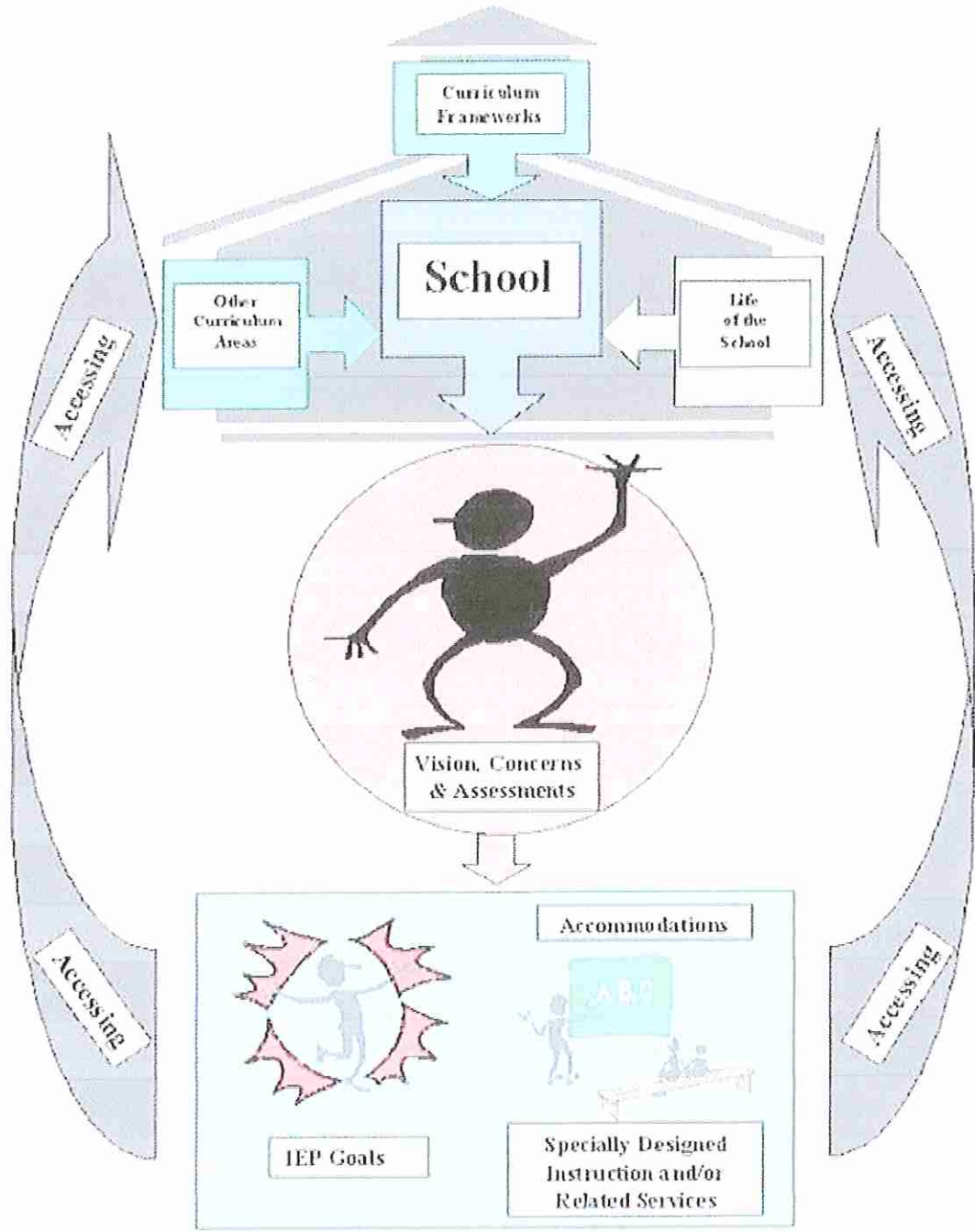
changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Step 10. Child is reevaluated.

At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a reevaluation.

Access to the General Curriculum and Life of the School



REFERENCE SHEET FOR TEAM MEMBERSHIP

Team Members may hold multiple roles at the meeting. (For example, the special education teacher may also be able to interpret evaluation results.)

Roles of Team Members	Names of Team Members
Parent(s)	
Student with a disability, if appropriate	
General Educator(s) - (if the child is, or may be, participating in the regular education environment)	<ul style="list-style-type: none"> ▪ _____ ▪ _____ ▪ _____ ▪ _____
Special Educator(s)	<ul style="list-style-type: none"> ▪ _____ ▪ _____ ▪ _____ ▪ _____
Representative of the Local Education Agency (LEA) who has the authority to commit resources	
An individual who can interpret evaluation results	
At the parent or agency's discretion, other individuals who have knowledge of the student	<ul style="list-style-type: none"> ▪ _____ ▪ _____

All of the identified roles of IEP Team Membership must be represented at an IEP Team meetings UNLESS:

- (i) **THE MEETING DOES NOT REQUIRE THE IDENTIFIED MEMBER'S INPUT (FOR REQUIRED ROLES)**
 - **ATTENDANCE NOT NECESSARY.**--A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the local educational agency agree that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

- (ii) **THE MEETING REQUIRES THE IDENTIFIED MEMBER'S INPUT (FOR REQUIRED ROLES)**
 - **EXCUSAL.**--A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if--
 - (I) the parent and the local educational agency consent to the excusal; and
 - (II) the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

- (iii) **WRITTEN AGREEMENT AND CONSENT REQUIRED.**--A parent's agreement under clause (i) and (ii) shall be in writing.

Implementation Guidance

- *When a parent(s) and district representative agree that a member is considered 'not necessary'- there must be a signed agreement.*
- *When a parent(s) and district representative agree that a member is to be 'excused' -- there must be a signed agreement.*
 - *When a member is 'excused', that individual must provide a written report to parent(s) and district in advance of the IEP meeting.*

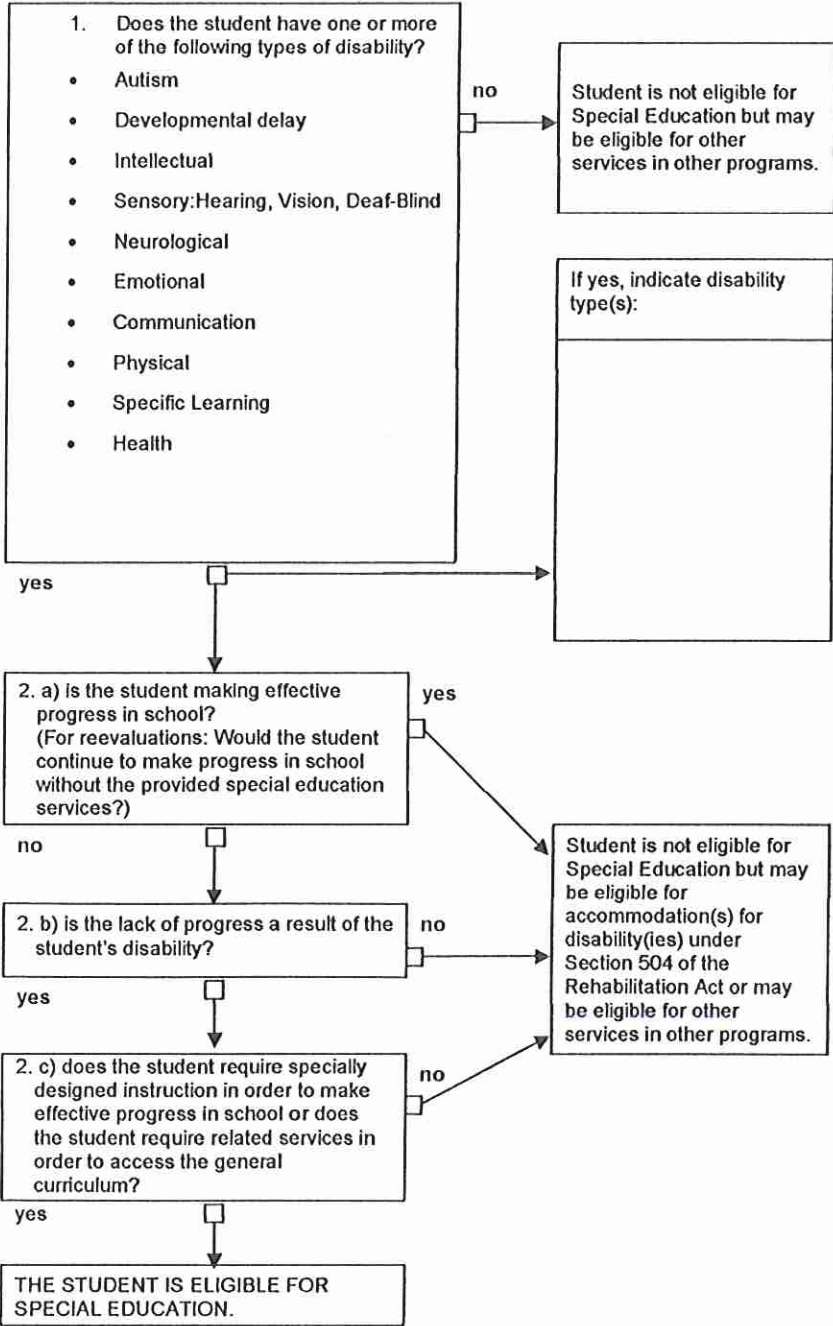
Writing Guide for the IEP

This guide has been designed to enhance the existing directions on the IEP form with additional instruction. Teams will find the additional information familiar as it has been taken from the MA DOE IEP process guide. Team Chairs may find it useful to distribute this document to all Team members to use as a checklist during the IEP meeting. Parents may find this information helpful as it will enable them to be more active Team participants.

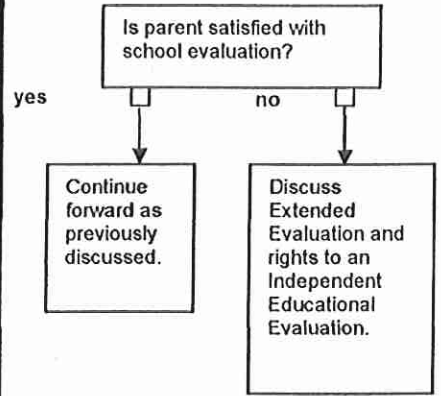
Special Education Eligibility/Initial and Reevaluation Determination

Student Name: _____ DOB: _____ ID#: _____ Date: _____

A. Proceed through the flowchart until an eligibility determination is reached..



B. Answer this question for all students.



KEY EVALUATION FINDINGS AND/OR NEXT STEPS

Present Levels of Educational Performance

A: General Curriculum

All students **MUST** have access to and progress in the general curriculum.

The general curriculum is the curriculum used with non-disabled students.

Check all that apply.

General curriculum area(s) affected by this student's disability(ies):

- English Language Arts Consider the language, composition, literature (including reading) and media strands.
- History and Social Sciences Consider the history, geography, economic and civics and government strands.
- Science and Technology Consider the inquiry, domains of science, technology and science, technology and human affairs strand.
- Mathematics Consider the number sense, patterns, relations and functions, geometry and measurement and statistics and probability strands.
- Other Curriculum Areas Specify: _____

How does the disability(ies) affect progress in the curriculum area(s)?

This section facilitates instructional planning by providing a bridge from the evaluation process and results (IEP page 1: Key Evaluation Results Summary) to instructional interventions.

Describe, based on current relevant information obtained from a variety of sources, how the identified disability(ies) impact(s) the student's overall participation in the general curriculum and the life of the school. Be sure to include information regarding which "typical" expectations or assignments will be difficult due to the disability.

Provide a clear description of how the various aspects of the disability(ies) impact(s) progress. Each component of the student's disability(ies) should be addressed e.g. cognitive, emotional, behavioral, physical, attention.

Reminder: Parents are most aware of their child's needs and can be a vital resource for this section.

What type(s) of accommodation, if any, is necessary for the student to make effective progress?

Accommodations are changes that may include but are not limited to changes in:

- the physical arrangement of the room
- lesson organization
- test-taking practices
- organizational tools

When writing accommodations for a student, be sure they:

- are typically provided by general educators within the general education environment
- do not involve modifying the content material (student will have access to and progress in the general curriculum)
- allow students to receive information in a more efficient manner (uses their preferred learning style)
- address the effect the student's disability and skill weakness has on educational progress (see previous section)

What type(s) of specially designed instruction, if any, is necessary for the student to make effective progress?

Specifically designed instruction refers to modifications that:

- are not typically provided for students in the general education program
- have been designed by or with an appropriately credentialed special education teacher or related service provider

Care must be taken not to modify the content too greatly as MCAS is a high-stakes test and students who have not been exposed to the content are not likely to pass.

Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:** Describes a change in the general curriculum. The student will study the same areas but the level, complexity or intensity of the information will be altered.
- Methodology/Delivery of Instruction:** Describes a change in the way the student is being taught. The alteration should address the student's unique learning style and strengths (see IEP page 1 Student Strengths). The description includes the components of the methodology not the name of a specific methodology.
- Performance Criteria:** Describes a change in the way the student demonstrates what they have learned. The alteration should address the student's unique learning style and strengths (see IEP page 1 Student Strengths)

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____

DOB: _____

ID#: _____

Current Performance Levels/Measurable Annual Goals

Team members now begin to pay attention to what the school district will expect the student to do and accomplish over the IEP period. The Team must ensure that the selected goals are skill building and are the ones that matter most to the parents, to the future of the student and in making the biggest difference in the student's life.

Goal #	Specific Goal Focus:
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Current Performance Level: What can the student currently do?

Using the information found in the PRESENT LEVELS OF EDUCATIONAL PERFORMANCE (IEP pages 2 & 3) the Team should identify the focus areas for the goals.

Once the focus areas have been determined, the Team then generates specific current performance levels within those focus areas. The current performance levels become the starting point for writing goals and the goals become the end points for student accomplishment for the IEP period. For this reason, current performance levels need to be recorded clearly.

This section should be based on examples of student work or test results and not only anecdotal information. Ask the question, "Within this limited skill area, what can the student do now?"

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

Goals must be individualized and based on:

- the student's past experience
- current performance
- rate of learning and
- educational need

Team members may find it helpful to ask themselves the following questions:

- What components should be included in the goal?
- What does it look like when the student achieves the goal? (Target Behavior)
- How might the student demonstrate that the goal has been achieved? (Condition)
- How will this demonstration be assessed? (Criteria)
- What will be the data collection strategy to determine goal completion? (Measurability)
- Will this skill be useful in more than one environment? Will it help the student access more than one general curriculum framework? Will this skill make a big difference in the life of the student? Can this goal be used by more than one service provider?
- Can this goal be achieved in one year?

Reminder: Goals should be skill building (not restatements of the curriculum frameworks) to enable the student to access, participate and make progress in the curriculum of their peers without disabilities. Life of the school goals and life skills goals should also be discussed.

Benchmark/Objectives: What will the student need to do to complete this goal?

Benchmarks/objectives are the stepping stones between the current performance level and completion of the measurable annual goals.

Objectives:

- are short term and measurable
- break annual goals into sub-skills

When all of the sub-skills are achieved the goal is naturally achieved.

Benchmarks:

- serve the same purpose as objectives
- describe the amount of progress a student is expected to make within a specific segment of time within the IEP period and
- establish expected performance levels that allow for regular checks of progress that coincide with progress reporting periods

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must answer the following two questions for each goal:

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

Use multiple copies of this form as needed.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Nonparticipation Justification

Is the student removed from the general education classroom at any time? (Refer to IEP 5—Service Delivery, Section C.)

No Yes If yes, why is removal considered critical to the student's program?

- This section should address section C of IEP page 5.
- Focus on the student and the disability
- Clearly identify the times a student is removed from the general education classroom
- Describe the reasons why a separate setting is recommended and include the accompanying benefits for the student
- Make sure that justification refers to any special education and/or related services recommended to occur in settings outside the general education classroom during the service delivery discussion and NOT to potential placements.

IDEA '97 Regulation §300.550(b)(2): "... removal of children 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." (Emphasis added.)

Schedule Modification

Shorter: Does this student require a *shorter school day or shorter school year*?

No Yes — shorter day Yes — shorter year If yes, answer the questions below.

Longer: Does this student require a longer school day or a longer school year to prevent substantial loss of previously learned skills and / or substantial difficulty in relearning skills?

No Yes — longer day Yes — longer year If yes, answer the questions below.

How will the student's schedule be modified? Why is this schedule modification being recommended?
If a longer day or year is recommended, how will the school district coordinate services across program components?

The Team's consideration of modified school day and year must be based on:

- the unique nature of any specially designed instruction or related services due to the student's disability or
- the student's demonstration or likely demonstration of substantial regression due to a break in service

Include:

- what the new schedule will look like and
- an explanation of why the new schedule is necessary

If there are recommended summer services or summer school place them here.

Reminder: All modifications to a student's schedule reflect the goals and objectives/benchmarks of the IEP AND MUST be reflected on the service delivery grid.

Transportation Services

Does the student require transportation as a result of the disability(ies)?

No Regular transportation will be provided in the same manner as it would be provided for students without disabilities. If the child is placed away from the local school, transportation will be provided.

Yes Special transportation will be provided in the following manner:

on a regular transportation vehicle with the following modifications and/or specialized equipment and precautions:

on a special transportation vehicle with the following modifications and/or specialized equipment and precautions:

After the team makes a transportation decision and after a placement decision has been made, a parent may choose to provide transportation and may be eligible for reimbursement under certain circumstances. Any parent who plans to transport their child to school should notify the school district contact person.

Individualized Education Program

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Additional Information

- Include the following transition information: the anticipated graduation date; a statement of interagency responsibilities or needed linkages; the discussion of transfer of rights at least one year before age of majority; and a recommendation for Chapter 688 Referral.
- Document efforts to obtain participation if a parent and if student did not attend meeting or provide input.
- Record other relevant IEP information not previously stated.

Examples:

- A description of how your child's progress toward meeting the annual goals will be measured; and
 - A description of when periodic progress reports will be provided to you, the parents.
 - Assistive technology
 - Medical supports and services—nurse accompaniment
 - Common planning time for general education and special education teachers
 - Meeting schedules
 - Communication books
 - Instructional aides
 - Transition issues including the Transfer of Rights or the placement change of graduation
 - If parents are not in attendance, documentation of efforts to notify them
- Reminder: Every service recorded in this section should also be reflected on the service delivery grid.

Response Section

School Assurance

I certify that the goals in this IEP are those recommended by the Team and that the indicated services will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

- I accept the IEP as developed. I reject the IEP as developed.
- I reject the following portions of the IEP with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

Initial IEP does not include "stay put." If you are rejecting your initial IEP but you want the student to be protected under IDEA, you must accept some part of the IEP.

- I request a meeting to discuss the rejected IEP or rejected portion(s).

If you reject the IEP or portions of the IEP it is a good idea to request a meeting before you progress to more formal due process options.

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

*Required signature once a student reaches 18 unless there is a court appointed guardian.

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP will not be implemented unless the IEP is amended.

School District Name:

School District Address:

School District Contact Person/Phone #:

Team Determination of Educational Placement

IEP Dates: from _____ to _____

Student Name: _____ DOB: _____ ID#: _____

Team Recommended Educational Placements	Corresponding Placement
The Team identified that IEP services are provided outside the general education classroom less than 21% of the time (80% inclusion).	<input type="checkbox"/> Full Inclusion Program
The Team identified that IEP services are provided outside the general education classroom at least 21% of the time but no more than 60% of the time.	<input type="checkbox"/> Partial Inclusion Program
The Team identified that IEP services are provided outside the general education classroom for more than 60% of the time.	<input type="checkbox"/> Substantially Separate Classroom
The Team identified that all IEP services should be provided outside the general ed. classroom and in a separate school that only serves students with disabilities.	<input type="checkbox"/> Day School
The Team identified that IEP services require a 24-hour education program.	<input type="checkbox"/> Residential School
The Team identified home-based IEP services for a student who is 3 to 5 years of age.	<input type="checkbox"/> Home-based Early Childhood Program
The Team identified IEP services provided in a program outside of the home for a student who is 3 to 5 years of age.	<input type="checkbox"/> Center-based Early Childhood Program
The Team has identified a mix of IEP services that are not provided in primarily school-based settings.	<input type="checkbox"/> Other:

Other Authority Required Placements (Non-Educational)	Corresponding Placement
The placement has been made by a state agency to an institutionalized setting for non-educational reasons.	<input type="checkbox"/> Institutionalized Setting Specify agency:
A doctor has determined that the student must be served in a home setting.	<input type="checkbox"/> Home-based Program
A doctor has determined that the student must be served in a hospital setting.	<input type="checkbox"/> Hospital-based Program

Placement Consent Form

Specific Program Location(s) and Dates:

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district along with your response to the IEP. Thank you.

- I consent to the placement decision.
- I refuse the placement decision.
- I request a meeting to discuss the refused placement decision.

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

*Required signature once a student reaches 18 unless there is a court appointed guardian.

School District Name:

School District Address:

School District Contact Person/Phone #:

Progress Report on IEP Dated: from _____ to _____

Student Name:

DOB:

ID#:

INFORMATION FROM CURRENT IEP

Goal #:	Specific Goal Focus:
---------	----------------------

Current Performance Level: *What can the student currently do?*

This section should include the same information found in the "Current Performance Level" section of IEP page 4.

Measurable Annual Goal: *What challenging, yet attainable, goal can we expect the student to meet by the end on this IEP period? How will we know that the student has reached this goal?*

This section should include the same information found in the "Measurable Annual Goal" section of IEP page 4.

Benchmarks/Objectives: *What will the student need to do to complete this goal?*

This section should include the same information found in the "Benchmark/Objective" section of IEP page 4.

PROGRESS REPORT INFORMATION

Progress Report Date: _____ Progress Report # _____ of _____

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must answer the following two questions for each goal: **À** What is the student's progress toward the annual goal? **À** Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?

The information in this section of the progress report should be based on examples of your student's work and not anecdotal information. It should also be easy for you to understand; it should NOT be written in jargon.

The information included in progress reports should address each goal and objective on your student's IEP and should be generated from the data collection strategies discussed while writing the goals and objectives.

If you are confused by the progress report you should feel free to call the teacher or the district's contact person listed at the top of this page.

Don't be embarrassed to ask questions!

Reminder: If progress is not being made, the IEP can be changed. If you would like to change the IEP, notify the district's contact person, in writing, that you would like to schedule a Team meeting.

Use multiple copies of this form as needed.

Massachusetts DOE/Progress Report/Individualized Education Program

Page _____ of _____

School District Name:

School District Address:

School District Contact Person/Phone #:

Special Education Placement Consent Form - PL1: 3-5 year olds

IEP Dates: from _____ to _____

Student Name: _____

DOB: _____

SASID: _____

Team Recommended Special Educational Placements

The Team identified that the majority of the IEP services will be provided in a program in the home for a child who is 3 to 5 years of age.	<input type="checkbox"/> Home
The Team identified that the majority of the IEP services will be provided in a clinician's office for a child who is 3 to 5 years of age.	<input type="checkbox"/> Service provider location
The Team identified that some or all IEP services will be provided in the inclusive early childhood program the child is already attending.	<input type="checkbox"/> IEP services in the inclusive early childhood program
The Team identified that the child should attend an inclusive early childhood program in order to receive some or all IEP services.	<input type="checkbox"/> Inclusive early childhood program
The Team identified that the child should receive IEP services in a program serving only young children with disabilities.	<input type="checkbox"/> Substantially separate program
	<input type="checkbox"/> Public or private day program
The Team identified that the child should attend a special education program in a residential school that only serves children with disabilities.	<input type="checkbox"/> Residential school

Location(s) for Service Provision and Dates: _____

Placement Consent

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district along with your response to the IEP. Thank you.

- I consent to the placement.
- I refuse the placement.
- I request a meeting to discuss the refused placement.

Signature of Parent, Guardian, Educational Surrogate Parent _____

Date _____

Other Authority Required Placements

Note: These non-educational placements are not determined by the Team and therefore service delivery may be limited and consent is not required.

The placement has been made by a state agency to an institutionalized setting for non-educational reasons.	<input type="checkbox"/>	The Department of Mental Health has placed the child in a hospital psychiatric unit or residential treatment program.
	<input type="checkbox"/>	The Department of Public Health has placed the child in the Massachusetts Hospital School.
A medical doctor has determined that the child must be served in a home setting.	<input type="checkbox"/>	Home-based Program
A medical doctor has determined that the child must be served in a hospital setting.	<input type="checkbox"/>	Hospital-based Program

School District Name:

School District Address: Massachusetts Department of Elementary and Secondary Education, Transition Planning Form

TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

Student:	SASID:	Age:
Date form completed:	Current IEP dates from: _____ to: _____	
Anticipated date of graduation:		
Anticipated date of 688 referral, if applicable:		

POST-SECONDARY VISION

Write the student's **POST-SECONDARY VISION** in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

DISABILITY RELATED NEEDS

Write the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

Specific Learning Disability Eligibility Checklist

COMPONENT 1: Historical Review and Educational Assessment (Documented on [SLD 1](#))

- Historical Review**
 - All requirements of the Historical Review have been met.
 - Some, but not all requirements of the Historical Review have been met. See [SLD TA 3](#) for assistance in gathering the additional information. Concurrently address all other eligibility requirements.
 - Information is not available to answer the requirements of the Historical Review. Therefore, the student cannot be found eligible with a SLD until the school has sufficient information to determine that the student has been given appropriate opportunities to learn in the general education environment. See [SLD TA 4](#).
- Participation Skills**
 - The Team must be able to provide an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
- Performance History**
 - The Team must review supporting evidence within the area of concern that indicates the student has: consistently performed within the range of performance of same-age peers; or consistently performed better than same-age peers; or consistently performed less well than same-age peers; or demonstrated inconsistent performance throughout his/her educational history.
- Medical Information**
 - The Team must provide educationally relevant medical findings, if any. This information will most likely be provided by the parent.

COMPONENT 2: Area of Concern and Evaluation Method (Documented on [SLD 2](#))

- Area of Concern**
 - The Team must establish that the student is not able to demonstrate the necessary processing skills to achieve adequately for his/her age or to meet ELA or Math Curriculum Framework standards when provided with appropriate learning experiences and instruction in one or more of the following areas: Oral Expression, Written Expression, Basic Reading Skills, Reading Comprehension, Reading Fluency Skills, Listening Comprehension, Mathematics Problem Solving, Mathematics Calculation.
- Evaluation Method**
 - A. Response to Scientific, Research-Based Intervention:** Determine that the student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based
 - and/or
 - B. IQ/Achievement Discrepancy Model:** Using appropriate assessments, determine that the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age, or ELA or Math Curriculum Framework standards, or intellectual development.

COMPONENT 3: Exclusionary Factors (Documented on [SLD 3](#))

- Exclusionary Factors**
 - The team must ensure that the student's lack of progress is not primarily the result of cultural factors, environmental or economic disadvantage, limited English proficiency, a visual, hearing, or motor disability, mental retardation, or an emotional disturbance.

COMPONENT 4: Observation (Documented on [SLD 4](#))

- Observation**
 - The student must be observed in his/her natural learning environment to document academic performance and behavior in the area(s) of difficulty.

ENTER DISTRICT NAME HERE

SPECIFIC LEARNING DISABILITY TEAM DETERMINATION OF ELIGIBILITY

Student _____ SASID # _____ Grade _____ Date _____

Component 1

All requirements for historical information and educational assessment have been addressed:

- Historical Review and Performance History
 Participation Skills Medical Information

Attach completed SLD 1.

Component 2

The Team has identified the Area(s) of Concern and has evidence that:

- The student is not making effective educational progress for his/her age or to meet ELA or Math Curriculum Framework standards when using a process based on the student's response to scientific, research-based intervention.
Attach completed SLD 2.
and/or
- There is a severe discrepancy between IQ and achievement and the student exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age or ELA or Math Curriculum Framework standards, or intellectual development.
Attach completed SLD 2.

Component 3

- The Team has determined that the lack of achievement in the area of concern is not a result of cultural factors; environmental or economic disadvantage; limited English proficiency; visual, hearing, or motor disability; mental retardation; or an emotional disturbance.
Attach completed SLD 3.

Component 4

- Relevant behavior has been observed and the relationship of that behavior to the student's academic functioning has been noted.
Attach completed Observation form(s).

Findings

The Teamⁱ has reviewed Components 1-4 and the Eligibility Flow Chart and has determined that the student has a Specific Learning Disability and requires Special Education services.

- Yes No

Sign and check if you agree or disagree with the findings aboveⁱⁱ.

_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree	_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree
Name and Title		Name and Title	
_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree	_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree
Name and Title		Name and Title	
_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree	_____	<input type="checkbox"/> agree <input type="checkbox"/> disagree
Name and Title		Name and Title	

ⁱ The Eligibility Team must include the parent of the student, the student's general education teacher or a general education teacher qualified to teach a student of his or her age, and at least one person qualified to conduct individual diagnostic examinations of students.

ⁱⁱ If a Team member disagrees with the conclusions of the Team report, the Team member must submit, and attach to this documentation, a separate statement presenting his or her conclusions.

School District Letterhead

To: [Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]

Re: [Name of Student and other identifying information (i.e. DOB, ID#)]

Subject: **The school district proposes the following:** [Check all that apply.]

- An Evaluation
- An IEP/Amendment
- A Placement
- Other: _____
(please specify)

Notice Date: [Date notice is to be mailed.]

The school district has recently discussed this student and, with your input, has developed a proposal. We have described our actions and our reasons for these actions on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights within the *Interim Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. This notice is enclosed for initial evaluations. You should have received your *Interim Notice of Procedural Safeguards* on _____ if you will be attending an IEP/Amendment or Placement meeting during this school year. We will also disseminate the notice at your request and upon disciplinary removal to an interim alternative education setting. You should carefully review this brochure and the enclosed material before making any decisions.

The school district staff is available to speak to you or meet with you about your rights and the school district's proposal. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

An Evaluation Consent Form, an IEP or an IEP Amendment must be signed and returned, as we are required by law to have a signed copy on file regardless of your decision. Please return a copy as soon as possible but no later than the date listed below. Thank you.

Document Return Date: [Date or non-applicable]

District Contact Person: [Name and Role]

Contact Information: [Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]

Enclosures:

- Interim Notice of Procedural Safeguards* [for initial evaluations, parent request or disciplinary removal]
- Other: [Specify: Evaluation Consent Form, Extended Evaluation Form, IEP, IEP Amendment, etc.]