



Bedford Public Schools

Special Education Process and Procedures

Revised 2010

Table of Contents

Topic	Page Number
1. Introduction	1
2. Response to Intervention	2
• Instructional Support Teams	
3. Referral Process	2
• Initial Evaluation	
• School Based	
• Parent Request	
• Student privately placed by parent	
• Timelines/Forms	
4. Evaluation	7
• Required Assessments	
• Optional Assessments	
• Evaluation Procedures	
• Evaluation Reports	
• Provision of Outside Evaluation	
• Re-evaluation	
5. IEP TEAM	11
• Mandatory members	
• Member excusal	
6. Eligibility	12
• Disability Categories (with definitions)	
• Effective Progress	
• Specially Designed Instruction	
7. Parent's Due Process Rights	21
8. Independent Educational Evaluations (IEE)	21
9. Extended Evaluations	22
10. IEP Development	23
• Free and Appropriate Public Education (FAPE)	
• Least Restrict Environment (LRE)	
11. Placement	27
• Privately Placed at Parent Expense	

<ul style="list-style-type: none"> • Voluntary Termination from School Prior to Graduation/Age 22 • Graduation 	
13. Transition Services	28
14. Age of Majority	29
15. College Testing Information	30
16. Continuum of Special Education Services	31
<ul style="list-style-type: none"> • Preschool • K-12 Range of Services 	
17. Section 504	36
18. Legal Notices and Advisories	37
<ul style="list-style-type: none"> • Procedural Rights Brochure • FERPA • Student Records • Voluntary Termination of Special Education Services • Home/Hospitalized Educational Services • Translated IEP Forms & Notices 	
18. District Procedures	38
<ul style="list-style-type: none"> • District Curriculum Accommodation Plan • Program/Classroom Observation Guidelines • Request for Additional Instructional Assistance & Forms • Extended School Year & Forms 	
19. Reference Material on Discipline	47
<ul style="list-style-type: none"> • Disciplining Students with Special Needs • Manifestation Determination Form 	
20. Forms	49

Introduction

The Bedford Public Schools is committed to providing students with disabilities access to the curriculum and general education programs. With in-district resources and necessary consultative services, we are able to provide the instruction necessary to help students with disabilities close the gap between their skill abilities and their grade level expectations.

Special education support and services should not be viewed as a separate model, but instead as a part of the continuum of supports, services and interventions created to ensure that the general education environment is responsive to the diverse learning needs of all students. Working together, general education staff and special education staff can ensure equal opportunity, full participation and increased outcomes for all learners, including students with disabilities.

This manual has been developed as a resource for the Bedford K-12 Staff, Administration and Community. It references state and federal regulations and the processes of the Bedford Public Schools.

- The following policies and procedures are aligned with the Massachusetts Department of Education, Massachusetts General Laws ch. 71B, et seq., Special Education Regulations 603 CMR 28.00 et. seq. and IDEA 2004.
- The Individual with Disabilities Education Improvement Act of 2004 aligns IDEA closely to the No Child Left Behind Act (NCLB), helping to ensure equity, accountability and excellence in education for children with disabilities.
- Section 504 The Rehabilitation Act of 1973 (as amended).

Response to Intervention

A result of the Massachusetts Education Reform Act of 2000 reinforces the belief that general education curriculum is for each and every student. Therefore, special education “should not be a separate program, but rather should be one aspect of a continuum of supportive services and programs that are provided to ensure that the general education environment is a responsive one”. Massachusetts Department of Education, March 2001.

To that end, each of the schools in Bedford have developed a Response to Intervention Team as an avenue for gathering data and implementing interventions and or supports prior to a special education referral.

Response to Intervention is a process that enables teachers to meet collaboratively to share their expertise with one another in the effort to assist students who are experiencing academic difficulties accessing the curriculum or with social and emotional issues. The Rtl Team uses the federally required model of Rtl, which is a three-tiered model with increasing levels of intervention and the layering of instructional support as part of the general education program. Philosophically and practically, it aims to assess a student’s problem, provide remediation, and to measure the gains or continuing challenges the student may be having. The Rtl Team is **not** a part of the special education process. Although some students may eventually be referred for special education services, the Rtl is not seen in the regulations as a “pre-referral” mechanism.

The success of Rtl depends upon professional collaboration among team members and knowledge of the student’s educational history and current difficulties. In addition, team members directly involved with the student must have knowledge of how to select and correctly implement evidence-based interventions that are likely to address the student’s identified needs. Finally, team members must gather formative assessment data documenting the use of the intervention and student progress, and must use this data to inform future interventions.

Currently, Bedford has established Response to Intervention Teams in each building. Full implementation of Rtl is a multiyear process that was begun at the Davis in 2008 and will expand through all the buildings over the next two years.

Referral for Special Education

Referral for Initial Evaluation

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.

All interventions, instructional practices and accommodations should be documented in the Rtl process if the referral for special education has been put forward by the school district. Rtl can also be implemented in conjunction with a referral for evaluation.

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

Referral Process:

School Based Referral

Once the RTI Team has determined that all efforts have been made to meet the needs of the student, the RTI Team may refer the student for evaluation in order to determine special education eligibility. Documentation of this referral must be included in the student record.

Parent Referral

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

All referrals must be given directly to the TEAM Chairperson to begin the process. Parents are contacted to clarify concerns and help develop the evaluation plan in all areas of suspected disability.

Referrals for students in private school at own expense

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

Once the referral has been made, the district has an obligation to notify the parent in writing within five school working days of the referral and provide them with an evaluation consent form. The following materials should be included in this mailing:

- An N1 (Notice of Proposal), answering all six questions
- Evaluation Consent Form

Timelines:

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

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

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

Special Education Timelines

Once a referral is made either in writing from a parent or by the RTI Team it is necessary to follow the guidelines set out by the state laws and regulations,

Date Requirements	Necessary Forms
Within 5 school days of receipt of referral	<ul style="list-style-type: none"> • Notice of Proposal N1 • Evaluation Consent Form N1A • Parent's Rights Brochure
<p>Within 30 school days from receiving parental consent:</p> <ul style="list-style-type: none"> • Assessments must be completed • Parent's Release of Information (If independent evaluations have been completed) • Developmental History Form <p>Within 45 school days of receiving parental consent:</p> <ul style="list-style-type: none"> • Assessment reports must be completed • TEAM meeting must be held and an IEP developed (if applicable) 	<ul style="list-style-type: none"> • Reports must be made available to parents 2 days prior to the TEAM meeting • Meeting Invitation N3 • Attendance Sheet N3A
<p>At the TEAM meeting</p> <ul style="list-style-type: none"> • Attendance • Eligibility Determination • IEP Development • Summary of IEP proposal or copy of IEP 	<ul style="list-style-type: none"> • Attendance Sheet N3A • Special Education Eligibility / Initial and Reevaluation Determination ED 1 • Documentation of a Specific Learning Disability SLD • Admin. Data Page ADM 1 • Individual Education Plan or IEP 1-8 • Summary of Services
<p>No later than 3 school days after the TEAM meeting, a completed IEP needs to be submitted to the parents/guardian for signature, unless the parent is given a summary of goals/services or a 'sloppy copy' of the IEP as developed at the meeting. The district then has 10 school days to send formal IEP for parent signature.</p> <p>In the case of a TEAM determination of non-eligibility, the Notice of School District refusal to Act needs to be</p>	<ul style="list-style-type: none"> • Individual Education Plan IEP 1-8 • Notice of Proposal N3 • TEAM Determination of Placement PL1 • Notice of School District Refusal to Act N3 • Summary of Proposed Individualized Educational Program

submitted to the parent/guardian within 3 <i>school days.</i>	
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Evaluation

Evaluations of the student must be made in **all areas of suspected disability** in order to determine eligibility for Special Education.

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

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

Evaluations must provide information to determine present levels of academic achievement and related educational needs.

No single test should be used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), including information provided by parents, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record should be used.

Once the TEAM Chairperson receives the signed evaluation consent form, he/ she will notify all members of the TEAM that they may begin their evaluations. Additionally, at this time the TEAM meeting date will be confirmed with the parents / guardian and the TEAM will be notified of the date.

1. Each member of the TEAM is responsible for scheduling and completing their assessments according to the time parameters established.
2. Evaluation reports need to be available at least two working school days prior to the TEAM meeting.
3. Children who are part of the METCO program, and being evaluated will have their reports prepared to go home with them two days prior to the meeting. The METCO district coordinator will be informed of all referrals and included in all TEAM meetings. If the Bedford school team has significant concerns regarding the ability to program for the special needs of a METCO child within the resources and services provided in our district, a Boston special education liaison must be invited to the TEAM meeting.
4. The TEAM chairperson sends out a meeting invitation, attendance sheet and notice of report pick-up to the parents.

Required Assessments for an Initial Evaluation

Required assessments include:

1. An assessment in all areas related to the suspected disability.
2. An educational assessment by a representative of the school district, including
 - o Educational Assessment (28R/1) (Part A)
 - o Teacher Assessment (28R/1) (Part B)
 - o Specialists Assessment(s): All areas of suspected disability must be assessed. Functional behavioral assessments (FBA) must be conducted if the student's behavior interferes with learning.
 - o Observation of the student by someone other than the classroom teacher
 - a. A history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum; and
 - b. If necessary, an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
 - c. The school district shall also thoroughly evaluate and provide a narrative description of the student's educational / developmental status.
 - d. When a child is being assessed to determine eligibility for services at age three, an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged.
 - e. For children who are receiving early intervention services, school districts are encouraged to use current and appropriate assessments from Early Intervention TEAMS, whenever possible, to avoid duplicate testing.

Optional Assessments

3. Optional assessments. The Administrator of Special Education may recommend or a parent may request one or more of the following:
4. 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.
5. A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
6. 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 a parent. (Developmental History Form)

Evaluation Procedures

1. TEAM members should coordinate their assessments with the student's teacher(s) and other evaluators so that the child is not over-tested on any given day. The persons conducting the assessments should ensure that the teacher is notified in advance of any pullout from class.
2. The TEAM Chairperson will inform the evaluators of the dates that the assessments are to be completed, within 30 school working days of the parent's signed consent. If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the District ensures that a TEAM meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year.
3. A TEAM meeting will be held within 45 school days to review the results of the evaluations and determine eligibility for special education.
4. Evaluation must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide and administer.

Evaluation Reports

All evaluation reports should be written in clear, jargon-free language. Assessments must also be translated into the parents' primary language, if the primary language is not English. Assessors should interpret and summarize results and diagnostic impressions to help the TEAM determine eligibility including the student's present levels of educational performance and areas of need arising from the student's disability. Educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum.

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

Provision of Outside Evaluation

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

If a student has **not** already been **identified as being eligible** for special education services and is not on an IEP, Bedford shall treat the receipt of the evaluation as a request for an initial evaluation to determine eligibility. Bedford maintains it right and responsibility to perform an evaluation. The independent evaluation will be considered as part of Bedford's comprehensive evaluation.

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

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

Re-Evaluations

A re-evaluation must be conducted for each student on an IEP every three years or more frequently if requested or recommended. Reevaluations occur not more frequently than once a year unless both parents and District agree that evaluation is needed. Conversely, the parent and district may agree that a re-evaluation is not needed. When a student is referred for a reevaluation, existing evaluation data should be reviewed first.

If, in preparation for the 3 year re-evaluation, the IEP TEAM and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, Bedford Public schools will convey to the parents:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

Bedford is not required to conduct further assessment unless requested to do so by the child's parents. The TEAM will conduct the 3-year re-evaluation meeting based upon the review of records, current performance, parent and staff input.

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

NOTE: All requirements mandated for Initial Evaluations, remain true for re-evaluations. Assessments and assessment reports must focus on the suspected disability as well as the student's current level of performance. Furthermore, all assessment reports must include educationally relevant accommodations and modifications should be identified to ensure the student's involvement and progress in the general education curriculum (SEE PAGES 8-11).

The IEP TEAM

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

- Student's parent(s) / Guardian
- A district representative who has the authority to commit district resources
- At least one regular education teacher who is familiar with the student (if the student is, or may be, participating in the regular education environment)
- The student if age 14 or older
- At least one teacher/specialist trained in the area of the suspected disability
- Individual qualified to interpret the instructional implications of the evaluations

Additionally, members may include:

- Other individuals who may be necessary for the development of the IEP at the discretion of the Director of Special Education
- If transition services, or vocational education is to be discussed, a representative of said agency
- Other individual's at the request of the parent

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

The Bedford Public Schools are dedicated to ensuring parental involvement in the TEAM process. Every effort will be made to ensure this participation. If a parent is unable to attend the TEAM meeting, the district will provide the parent/guardian with the opportunity to participate via conference call or tele-conference.

At least two days prior to the TEAM meeting, evaluation reports need to be made available to parents or guardians. Reports should clearly express the data as well as the findings from the evaluation sessions. Nationally normed, standardized tests are necessary for determining eligibility for special education.

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

For an annual IEP, copies of the existing IEP may be brought forward as the foundation for creating the new IEP. Note: The word Draft must be written or stamped at the top of each page. The TEAM chairperson, or designated TEAM member, will mark-up a 'sloppy copy' of the IEP reflecting the TEAM input. At the end of the meeting, either the Chairperson's 'sloppy copy' is copied or a summary of services and goal areas is prepared and given to TEAM members. All DRAFT copies are collected and destroyed.

Parents must be given either a 'sloppy copy' or a Summary of Proposed IEP at the end of the meeting.

IDEA 2004 permits members being excused if parent and district agree (written agreement from parent). If excused member has input it must be provided in writing. If parent and district agree, amendments and revisions can be made via written documentation without a formal TEAM meeting. Meeting attendance sheet listing all TEAM members participating in the planning of the amendment as well as amendment forms and N-1 should be completed. Alternative to "physical meetings" are explicitly allowed including video conferencing, telephone conferencing, or virtual meetings.

Eligibility

The Special Education Eligibility Flowchart has been designed by the Massachusetts Department of Education (ED 1) to assist TEAMS in making eligibility determinations. It is necessary to complete this form as a collective group at the TEAM meeting.

The flowchart is a worksheet and not a notice/form. This worksheet should become part of the student record but does not need to be mailed to parents and, if the student is determined eligible for services, it should not be attached to the IEP.

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

Determinations include:

1. The student is eligible. If the student has one or more of the disabilities defined at 603 CMR 28.0(7) and if, as a result of the disability (ies), the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the TEAM shall determine the student is eligible. If the TEAM determines the student is an eligible student, the TEAM shall develop an individualized special education plan.

2. The student is not eligible. "If the TEAM determines that the child is not eligible, the TEAM chairperson shall record the reason for such finding, list the meeting participants and **provide written notice to the parents** of their rights in accordance to federal requirements **within ten (10) days** of the TEAM meeting".

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

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

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

Disability Categories

Autism - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at **34 CFR 300.7**:

(i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affect a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b) (4) of this section.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c) (1) (i) of this section are satisfied.

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

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

Sensory Impairment - The term shall include the following:

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

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

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

Emotional disturbance is defined as follows:

1. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
 - a) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
 - c) Inappropriate types of behavior or feelings under normal circumstances.
 - d) A general pervasive mood of unhappiness or depression.
 - e) A tendency to develop physical symptoms or fears associated with personal or school problems.
2. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

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

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

Health Impairment - A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

Specific Learning Disability - The term shall have the meaning given in federal law at **34 CFR §300.7 and §300.541**.

Specific learning disability is defined as follows:

(i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

(ii) Disorders not included. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

The passage of [IDEA 2004](#) brought about significant changes in the determination of eligibility for students with Specific Learning Disabilities (SLD). The following information outlines the four necessary components for SLD eligibility determination under federal and state requirements and the accompanying forms (see appendix) provide documentation to meet the requirements.

COMPONENT 1: Historical Review and Educational Assessment

Documented on [SLD 1](#) (pink)

Historical Review [34 CFR 300.309(b)] *

To ensure that underachievement in the area of concern is not due to lack of appropriate instruction in reading or math the Team must consider that:

- A. the student has been provided appropriate instruction in general education settings and that instruction has been delivered by qualified personnel;
- B. there is data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was provided to the student's parents.

- If the components of the Historical Review have been met then the eligibility determination can continue using data from a response to scientific, research-based intervention method, or using results from an IQ/achievement discrepancy model. Each evaluation method is described below in Component 2: Area of Concern and Evaluation Method.
- If some, but not all of the aspects of the Historical Review have been met, and additional information is needed, then further information should be gathered within the general education setting during the evaluation period. See [SLD TA 3](#) for assistance in gathering the required information. Concurrently, move forward with all other eligibility requirements.
- If information is not available to assess the aspects of the Historical Review, the referral for special education evaluation should not go forward until the school has sufficient information to determine that the student has been given appropriate opportunities to learn in the general education environment. This instruction should be delivered by qualified personnel and data-based documentation of repeated assessments that reflect the student's progress should be collected. This documentation is to be provided to the student's parents. See [SLD TA 4](#).

Participation Skills [603 CMR 28.04(2)(a)(2)(ii)]

As part of the student's educational history, 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. Refer to [Educational Assessment: Part B](#) (28R/1).

Performance History [603 CMR 28.04(2)(a)(2)(iii)]

As part of the student's educational 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.

Refer to [Educational Assessment: Part A](#) (28R/1).

Medical Information [34 CFR 300.311(a)(4)] and optional [603 28.04(2)(b)(1)]

As part of the required documentation, the Team must provide educationally relevant medical findings, if any. The parent will most likely provide this information.

* Indicates a new requirement for SLD eligibility as of IDEA 2004.

COMPONENT 2: Area of Concern and Evaluation Method Documented on SLD 2 (blue)

Area of Concern [34 CFR 300.309(a)(1)]

To determine the existence of a SLD 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 [34 CFR 300.307(a)] *

IDEA 2004 allows for a process of eligibility based on the student's response to scientific, research-based intervention. It does not require the completion of an IQ/ achievement discrepancy model, although it can be used at the district's discretion.

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 intervention. This could be established through a research-based, Response to Intervention (RTI) model or a multi-tiered instruction process. Districts are encouraged to consider this option, however the student should be participating in the process before the referral for evaluation occurs. In addition to the data gathered through the response to scientific, research-based intervention process, supplementary data may be necessary. The Team should consider the need for appropriate diagnostic tests that determine how the student learns and what is impeding learning.

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. This can be established through the implementation of technically sound assessment instruments that assess cognitive and behavioral factors as well as physical or developmental factors. This is often referred to as the IQ/Achievement discrepancy model.

COMPONENT 3: Exclusionary Factors

Documented on [SLD 3](#) (yellow)

Exclusionary Factors [34 CFR 300.309(a)(3)]

No matter what evaluation method used, the Team must ensure that the identified area of difficulty is not primarily the result of:

- cultural factors;
- an 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](#) (purple)

Observation [34 CFR 300.310]

The student must be observed in his/her natural learning environment to document academic performance and behavior in the area(s) of difficulty. An observation can be conducted after the student has been referred for evaluation, or information from an observation in routine classroom instruction that was done before the student was referred for an evaluation can be used. If the student is less than school age (3-5 years old) the observation must be done in the student's natural environment.

* Indicates a new requirement for SLD eligibility as of IDEA 2004.

Eligibility Continued:

Effective Progress

TEAMs judge whether a student is making effective progress in school.

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

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

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

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

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

TEAMs judge whether the lack of progress is a result of the disability.

TEAMs must look at the evaluation results to see whether the lack of progress is a result of the disability or a result of other factors. Only if the TEAM determines the lack of progress is connected to a disability or disabilities may the TEAM continue on to discuss a possible finding of special education eligibility.

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

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

Specially Designed Instruction:

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

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

If the student only requires accommodations, then that student is not eligible for special education. General educators within the general education environment typically provide accommodations. Preferential seating, pencil grip use, or cooperative learning strategies are some examples of these kinds of typical accommodations. Accommodations do not involve modifying the material content, but do allow students to receive information in a more effective manner.

If TEAM concludes that the student is eligible for special education:

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

If the TEAM concludes that the student is not eligible for special education:

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

If as a result of a re-evaluation a student is found no longer eligible by the Team, but the parent is not in agreement with the decision, the end date of services must allow 30 days for the parent to seek resolution of their differences. End date of service may be adjusted to consider impact on schedules at the secondary level. End date should be clearly identified in the N-2.

Parent understanding of the evaluation data and agreement with it:

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

Parent's Due Process Rights

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

Independent Educational Evaluations (IEE)

When a student has been referred for a special education evaluation and the school district has obtained consent from the student's parent the district must assess the student in all areas related to the suspected disability as well as conduct a comprehensive educational assessment.

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

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

- The requested evaluation must be in an area that was assessed by the school district, and the request must be within sixteen (16) months from the date of that evaluation with which the parent disagrees. Parents may opt to have less than all the assessments already done, if they are satisfied with some of the assessments already completed. Should parents wish to request an independent evaluation that includes assessments not already done by the district, the District is not automatically required to pay for these assessments.
- A qualified person who is registered, certified, licensed or otherwise approved by the Commonwealth to conduct these assessments must conduct the evaluation. Documentation regarding these qualifications will be requested of the evaluator and required by the district. Additionally, the evaluator must abide by the rates set by the state agency responsible for setting such rates. These rates can be found at 114.3 CMR 30.00

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

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

- A completed Release of Information form, if the parent wants the district to forward a copy of the student's relevant educational records to the evaluator

In order to determine whether or not a family is eligible for public funding for an IEE, the family's financial status must be determined. If the child is eligible for free or reduced lunch, the district must fund the evaluation in full. If the family is not eligible, the district is required to fund the evaluation on a sliding fee scale, according to the family income.

The district uses a standard letter, outlining the requirements for requesting an IEE. Included with this letter should be a copy of:

- Free or Reduced price lunch form
- An evaluation consent form recommending a school based evaluation (if applicable).

If the family is either not eligible for public funding or refuses to provide the information to the district, or requests a publicly funded independent evaluation in an area not yet assessed by the district, a response must be provided to the parent within **five school days** whether or not the district will fund the evaluation, and should the district decide to not fund the evaluation, the district must proceed directly to the BSEA. Any requests by a parent for a publicly funded independent evaluation must be given to the Administrator of Special Education's office immediately.

Once the independent evaluation for a child already on an IEP is received, the TEAM must reconvene within ten school days to consider the results and make any necessary changes to the IEP. If a parent presents an independent private evaluation for a child prior to the initiation of an initial evaluation by the district, the District will convene a meeting to review the report and develop a proposal for evaluation. This will begin the initial referral and evaluation process. The outside evaluation will be considered by the Team along with the District's evaluation.

Extended Evaluations

If the TEAM has found the student eligible, and feels as though more information is necessary to develop an IEP, the TEAM may want to consider an Extended Evaluation (EE1, EE2). An Extended Evaluation may be used to gather further information needed to write an IEP. It is limited in time to a maximum of eight weeks. An Extended Evaluation may only be used if a parent agrees. It cannot be used to gather more information to determine eligibility.

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.

If there is sufficient information available to determine some objectives and services, 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 calendar weeks (Note: this is not school working days, but rather regular calendar weeks). The TEAM may decide to meet during that evaluation period. However, the TEAM must reconvene as soon as the additional evaluation data is available in order to review assessment data and/or complete the writing of the IEP.

IEP Development

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

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

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

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

Recommended services for each student must be individually considered and recommended and should not depend on known or existing services. All IEP sections need to be considered by all IEP TEAMS. No section should be skipped. Services within the IEP may assist the student with the following:

- To reach the IEP goals
- To be involved and progress in the general curriculum
- To participate in extracurricular and nonacademic activities
- To allow the student to participate with non-disabled students while working towards the IEP goals

Overall, the services and supports should lead the student to success and to greater independence. To accomplish this aim, services may be provided directly to the student and/or in behalf of the student. In others words, the supplemental aids and services recommended to benefit the student may be provided to the student, to the parents and/or to the school staff. Services that are provided to parents and school staff members should help them assist the student in reaching IEP goals.

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

The General Curriculum:

The IEP should be considered a primary tool for supporting a student's involvement and progress in the general curriculum, identifying the supports and services necessary to mitigate the impact of their disability allowing the student to access a **Free and Appropriate Public Education (FAPE)**. As defined by federal regulation, the general curriculum is the curriculum used with non-disabled children. All students, regardless of the nature or severity of the disability or their educational setting, must have access to and progress in the general curriculum.

Within Massachusetts, the general curriculum is defined as the Massachusetts Curriculum Frameworks in the following areas: English Language Arts, Mathematics, History and Social Sciences and Science and Technology. Other curriculum areas can and should be discussed if the student's disability affects progress in those areas.

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

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

The IEP must include:

1. Parent and/or student input or concerns
 - Focused, concise statement addressing educational concerns for the student, as well as any social and emotional concerns that the parents or student may have.
2. TEAM vision for the upcoming 1-5 years.
 - A vision statement is required for all students. The character of the statement will change based on the age of the student.
 - The intent of the vision statement is to look forward to future goals, usually 1-5 years in the future. For younger students, periods of transition from one grade to the next or from elementary to middle school may provide a time focus for these statements. The TEAM steps back from the here and now to take a broader, long-range perspective as it looks to where this student is headed in the future. Knowing where the student is headed makes it easier for the TEAM to eventually determine what progress needs to be made this year.
3. Student strength and key evaluation results
 - Type of disability in accordance with the definitions defined in the state and federal regulations
 - General education performance
 - MCAS or district scores (brief summary of assessment data)
 - Relevant information from any school or independent assessments

- Progress toward goals
4. Explanation of how the disability effects progress in the general curriculum areas. This should not be a reiteration of the profile.
 5. Necessary accommodations
 - These are developed by the service providers in conjunction with the regular education teacher(s). NOTE: If the student is included with non-disabled peers, input from regular educators is mandatory as they are responsible for the carry through on the accommodations. This only includes accommodations not identified as common practice through the District Curriculum Accommodation Plan (DCAP)
 - Accommodations are changes in course/test presentation, location, timing, student response or other attributes that are necessary to provide access for a student with a disability to participate and which do not fundamentally alter or lower the standard of expectations.
 6. Types of specially designed instruction (modifications)
 - Team must consider how Content, Methodology/Delivery of Instruction will be modified from the general education resource.
 - Performance Criteria reflects the modification of the content of the performance or the test by the student.
 - This is not an area of the IEP to list accommodations (the “HOW” something is done). Modifications address the “WHAT”.
 - Modifications are changes in course/test presentation, location, timing, student response or other attributes that are necessary to provide access for a student with a disability to participate BUT which also fundamentally alter and/or lower the standard of expectations.
 7. Current performance levels
 - An accurate description of how the student is performing in the various areas of need as identified by the IEP. Must convey sufficient information to provide clear levels of current functioning.
 8. Measurable annual goals
 - Goals should relate directly to those areas where the student's disability affects performance and should reflect a focus on those areas that make the biggest difference in the student's performance. Goals should not identify multiple curricular standards in a single curriculum area nor qualify as a detailed weekly or monthly lesson plan.
 - The IEP should be written with a direct connection between the current performance levels and the measurable annual goals. The current performance levels state what the student can currently do and identify key stumbling blocks. The goals state what the Team believes that the student will accomplish by the end of the IEP period. The current performance levels become the starting points for determining the goals and the goals become the end points for student accomplishment for the IEP period.
 - Goals are designed to provide reasonable educational benefit. The goals should be measurable. The objectives/benchmarks break the measurable annual goal into major milestones that the student is expected to reach within a specified amount of time. To help ensure measurability

objectives/benchmarks may also have target behavior, conditions, and outcomes. Goals also address the data collection strategy for measuring and documenting progress.

9. Break down of service provisions

- Service Delivery must denote the type of service provider i.e. Special education staff / Occupational Therapist / Speech Therapist. "Sped Staff" is not acceptable. If provided by a private vendor, the generic title (Occupational Therapist, Speech/Language) is still used, as is the reference to the type of service.
- A specific amount of time per cycle needs to be identified for all areas. "Ongoing, as needed" is not acceptable.
- All services, even services we provide by private vendors, need to be included on the service delivery grid as district services.

10. Nonparticipation justification

- Justification for any removal from general education and the basis of this conclusion by the TEAM.
- Is not a placement
- Driven by least restrictive environment (LRE)

To reinforce, IDEA's strong preference for involvement in the general education environment, the law requires a clear statement justifying why removal is necessary when removal occurs. TEAMS no longer need to identify the steps for moving a student to a less restrictive environment. Rather TEAM members must clearly identify times when a student is removed from the general education classroom and give good reason for such removal (Massachusetts Department of Education IEP Process Guide, June, 2001).

Least Restrictive Environment (LRE)

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

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

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

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

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

Placement

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

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

Students Privately Placed at Parent Expense

Parents may choose to enroll a child in a private school at their own expense at any time. Massachusetts' special education law applies to all Bedford residents regardless of where they attend school. The school district must provide or arrange for evaluation, determine eligibility, propose an Individualized Education Program (IEP), and make services available to all eligible students who reside in the district, regardless of where they attend school. (Administrative Advisory SPED 2007-2: IDEA-2004 and Private School Students) Eligible students must be offered an IEP as developed by a Bedford IEP Team. Parents may decline special education services of the proposed IEP. **The District has the responsibility to reconvene the Team to consider the IEP on an annual basis, even if services have been declined.** The Team must review appropriate educational information and propose an IEP based upon student needs or propose to re-evaluate to determine eligibility for services.

Voluntary Termination From School Prior to Graduation or Age 22

Students, eligible for special education services, who withdraw from Bedford Public Schools prior to graduation or reaching age 22, must be given the opportunity to access special education services in pursuit of their diploma. If at any time prior to their 22nd birthday, the student is interested in receiving special education services and working

towards their diploma, they may contact the Bedford Special Education Department and request their file be activated. This information must be conveyed to eligible students at the time they withdraw from school, ideally through direct conversation. A letter confirming this information is mailed to the student with copy in Central Office file at the time they leave Bedford Public Schools.

Graduation Requirements for Special Education Students

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

Transition Services

Success in adult life is a goal we have for all students. Depending on the disability and the support services required in adult life, successful transition from high school to adult life might require that planning activities begin in elementary school with students exploring their interests in middle school. Starting the process early prepares students with disabilities to think about what they want to be able to do in adult life. In high school, transition planning includes exploring post-secondary opportunities and employment options, living arrangements, social supports, and community access. It may include connecting with the adult service agencies that may provide them with services when they graduate school or turn 22 years of age (Massachusetts Department of Education).

For students who will turn 14 during the IEP timeframe, transition planning is a necessary component to the development of the IEP. The TEAM considers the student’s course of study in relation to the student’s future goals. The student must be invited to all educational meetings where transition planning is discussed if they are 14. Transition planning can be discussed prior to the student’s 14th birthday. The student must be invited to the IEP meeting starting at age 14.

Beginning at age 14 or earlier if applicable, the vision section of the IEP, based on the individual student’s needs, should consider the student’s preferences and interests. Transition into adult life, post-secondary and working environments can be considered. Once a student has turned 14, the IEP must include a post-secondary vision statement as well as identify the transition services that support that vision.

IDEA defines transition services as: A coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

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

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

Age of Majority

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

At least one year before a student's 18th birthday, Bedford Public Schools must inform the student and the parents of the transfer of rights at age 18. (Age of Majority letter/form) We must include a statement in the IEP that the student and parents have been informed of this transfer of rights. Parents will continue to receive written notices but will no longer have decision-making authority unless one of the following occurs:

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

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

College Testing Information

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

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

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

In some cases, the College Board is asking that the student provide documentation of specific additional assessments or updated assessment information that the District does not need in order to deliver appropriate special education services to the student.

The District is not obligated to provide or pay for updated or additional assessments to support a student's request for accommodation on College Board examinations if such assessment information does not already exist and is not necessary for the appropriate special educational program for the student at the time of the request. The parent is responsible for paying for additional assessments that are needed for the sole purpose of supporting the student's request for accommodation on the College Board examinations.

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

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

Continuum of Services

In order to best meet the individual needs of students, the Bedford Public Schools has developed the following programs for students ages 3-22. These programs service students with similar disabilities using an integrated approach. As part of the TEAM process, the evaluation materials are reviewed, goals are developed and a service delivery grid is completed reflecting an individual student's needs. If necessary a specialized program or classroom will be investigated. The following is a description of the services and programs provided Preschool through grade eight.

Preschool TEAM

The Bedford Public Schools Preschool TEAM provides evaluations for three to five year old children. This TEAM consists of the Early Childhood Coordinator, a speech and language pathologist, a school psychologist, and an occupational therapist. On an as-needed basis, the itinerant physical therapist and the special education preschool teacher may provide an evaluation / observation and serve as a member of the TEAM. Members of the Preschool TEAM provide case management, consultation, and/or services for preschool-age children who are identified as having special needs.

Preschool Related Services

Children with identified needs/IEP are brought to the schools for speech and language therapy, occupational therapy, and/or physical therapy. If schedules permit, the therapists may also go to locations serving the preschoolers who have been identified as having special needs for observation and consultation. Additionally, a playgroup emphasizing social and physical skills for preschoolers is offered to recommended children.

Integrated Preschool Settings

- **Bedford High School Preschool**

An integrated preschool program is offered at Bedford High School in conjunction with the High School Child Development Classes. Staffed with a special educator and preschool teacher IEP services are provided in a preschool setting.

- **CASE Collaborative / LABBB Collaborative**

A number of preschoolers are serviced through placement in integrated preschool settings or substantially separate classes set up by the CASE Collaborative (Bedford High School) and LABBB Collaborative (Burlington High School) for children who have identified needs including hearing impairment, PDD/Autism, or developmental delay and require extended services.

Private Preschool Settings

If a preschooler's individual needs cannot be met in less restrictive programs, a private day school placement may be investigated.

Contracted Services

As necessary, additional contracted services (e.g., ABA) are provided to preschoolers identified throughout the school year.

Kindergarten through Grade 12

Liaison Support: Special education teachers work with classroom teachers to incorporate accommodations and modifications as outlined in students' Individual Education Programs into the general education setting throughout the day. In this inclusion model, special education staff "push" into the classroom to provide additional resources for instruction, modifications for assessments, and other IEP driven services. Teacher Assistants also provide accommodations and instructional supports in general education classrooms. At the middle and high schools, additional supports are provided through scheduled Learning Center classes in which students may receive more specialized instruction.

Davis School

Integrated Kindergarten: The Davis school has one kindergarten class designated an integrated kindergarten. This class provides special education and regular education services in an inclusive setting in order to support and facilitate each child's cognitive, language, physical, social, and emotional development through an integrated approach to learning. We maintain a balanced enrollment between children who are typically developing and children who may have some combination of language, motor, and/or social delays. Staff includes a kindergarten teacher, a special education teacher, a speech/language therapist, an occupational therapist, and teacher assistants. Students participate in the Davis kindergarten program across all settings.

Learning Center: The Davis School has small group, pull out classes to provide support in the acquisition of fundamental skills in reading and math. These students require more specialized instruction than can be delivered in the general education classroom. Learning Center staff will provide direct instruction in English Language Arts and/or math for students with IEPs that include this service. As with the Lane School Language Based Classroom, this instruction is coordinated with the classroom schedule to insure the student is out during a like instruction period. Special education staff also provides consultation to general education teachers on an ongoing basis. Teaching Assistants may be also assigned to classrooms for targeted, goal-oriented support as needed.

Special Education Reading: A staff member will be assigned part of the day to provide reading instruction for special education students that require a sequential, phonetically based program either individually or in small group.

Lane School

Learning Centers: Learning Centers provide students with specialized instruction in areas of need as identified on the student's IEP as well as instruction in developing compensatory skills so that the student can access the general education curriculum. The Learning Center teachers may also provide reinstruction in the core curriculum and test taking in small groups, as needed. Learning Center teachers may provide this support in both scheduled small group classes and/or as co teachers in mainstream Math and English classrooms. Teaching Assistants may also provide targeted, goal-oriented support in other curriculum areas, as needed.

Language Based Classroom: Similar to the Davis model described above, Language Based Classroom staff work with students who require more specialized instruction in English Language Arts and/or math. Within a separate learning center, students receive direct instruction that is specialized to meet individual needs, yet aligned with the Curriculum Frameworks. Teaching Assistants may also provide additional, targeted, goal-oriented support in the learning lab and the general education classrooms.

Crossroads Program: Students in the Crossroads Program have more significant learning challenges than students in the Language Based Classrooms. The Crossroads classroom provides identified students with specialized instruction and a modified curriculum in English Language Arts, reading, and math, as outlined in the student's Individual Education Program. All students are included for social studies, science, and electives. Teacher Assistants provide instructional support and accommodations in both the Crossroads Program and the inclusion classrooms.

Special Education Reading: A staff member will be assigned part of the day to provide reading instruction for special education students that require a sequential, phonetically based program either individually or in small group.

Transitions Program: Similar to the Transitions Program at JGMS, this program provides emotional/behavioral intervention and support. The special education teacher for this program will also be providing the reading services described above.

John Glenn Middle School

Learning Centers: Learning Centers provide students with both direct instruction in the core curriculum as well as in developing compensatory skills to improve their ability to access the curriculum independently. Learning Center teachers provide support both in scheduled small group classes and as co teachers in mainstream classrooms in Math and English. Teaching Assistants may also provide targeted, goal-oriented support in other curriculum areas.

Language Based Classrooms: Language Based Classrooms are subject specific and staff provide direct instruction in English Language Arts/Reading and/or Math, as determined by the IEP Team. Teaching Assistants may also provide targeted, goal-oriented support and accommodations as appropriate in inclusion classes. LBC staff

follows each student through all three grades at JGMS, thus enabling us to provide students with continuity of instruction by subject. Additionally, an individual special education liaison is assigned to each child as a case manager for all three years, providing the student with a familiar and knowledgeable advocate as he/she progresses through middle school.

Crossroads Program: Students in the Crossroads Program have more significant learning challenges than students in the Language Based Classrooms. The Crossroads classroom provides identified students with specialized instruction and a modified curriculum in English Language Arts and/or math, as outlined in the student's Individual Education Program. Students are included for social studies, science, and electives. Teacher Assistants may also provide instructional support and accommodations in both the Crossroads Program and the inclusion classrooms.

Transitions Program: The Transitions Program provides a therapeutic and supportive classroom for students with emotional and behavioral challenges. These students typically are capable of engaging in grade level instruction with appropriate supports. Teacher Assistants may also provide targeted, goal-oriented behavior support for these students in their general education classrooms. The Transitions Program teacher coordinates services, provides therapeutic interventions, and instructional and behavior support in accordance with each student's Individual Education Program. A School Adjustment Counselor provides counseling support.

Bedford High School

Learning Centers: Students on IEPs are assigned to a learning center as part of their schedule. The Learning Center provides students with support for developing compensatory skills, reinstruction, and test taking, as required by the student's IEP. Additionally, Learning Center staff work with students to develop an understanding of their strengths and weakness and self-advocacy skills.

Language Based Classroom: The LBC teacher provides direct instruction and support to students with significant learning disabilities and needs, including low academic skills, language processing compromises, and poor ability to integrate information and apply knowledge to new tasks. At BHS, the LBC staff may also collaborate with Math and English teachers to provide support in the general education classrooms. If needed, the Language Based Classroom staff may also push into other core curriculum classrooms to help general education staff and provide accommodations and modifications.

Bridge Program: At the high school, we have added a class that is a continuation of the Transition Program at JGMS. At the high school it is called the Bridge Program, so that we can distinguish the program from IDEA's definition of "transition" as it applies to high school students. This program is a small, therapeutic, class for students with emotional and behavioral challenges. The Bridge Program teacher and Teacher Assistants provide identified students with targeted, goal-oriented supports both in the Bridge Program classroom and in inclusion classrooms. The School Adjustment Counselor provides counseling support.

RISE Program: The RISE Program is an integrated general education program servicing both special education and general education students who need encouragement, social and prevocational skill training, and tutorial support. It meets separately twice a day to provide support services from a school adjustment counselor. Students are included in general education classes for all other blocks during the day.

Related Services

Related services in the areas of counseling, speech/language, occupational therapy, and physical therapy are available from Bedford Public School staff. These services are provided in accordance with the needs of individual students and as outlined in the student's IEP. Related services focus on the student's academic and functional needs so that a student may make effective educational progress in the least restrictive environment. Related service providers may push in to provide services, pull out if the disability requires it, provide modeling and consultation to the general education staff, and consult with families. Additional related services, such as vision services, orientation and mobility, auditory services, or other services required by students with low incidence disabilities, are available via contracts with the appropriate agency.

Out of District Placements

Students requiring a more restrictive setting may be placed in out of district settings that range from public programs in other districts to collaboratives, such as CASE, LABBB, EDCO, SEEM, and MEC, to private special education schools. Placements are made in accordance with state and federal regulations to provide students with a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

Section 504

A student with a disability may be found not eligible for special education. However this child might be eligible for a Section 504 accommodation plan under the Americans with Disabilities Act. This is a general education responsibility, therefore this is a separate referral and consideration process and is not directly linked to special education. Please contact the building principal or guidance counselor for information regarding Section 504.

Legal Notices and Advisories

Parent's Notice of Procedural Safeguards

DESE website link:

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

The Family Education and Privacy Act (FERPA)

Bedford Public Schools website link:

<http://www.bedford.k12.ma.us/info/ferpa.html>

Voluntary Termination of Special Education Services by Parent

DESE website link:

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

Student Records

DESE website link:

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

Home / Hospitalized Educational Service

DESE website link:

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

Translated IEP Forms & Notices

DESE website link:

<http://www.doe.mass.edu/sped/iep/tforms.html>

District Procedures

District Curriculum Accommodation Plan (DCAP)

- Bedford Public Schools website link:
<http://www.bedford.k12.ma.us/super/dcap.html>

Observation Protocol

- Guidelines for Classroom/Program Observation
Bedford Public Schools website link:
<http://www.bedford.k12.ma.us/sped/observe.html>
- Observation Confidentiality Agreement

Determination of Additional Instructional Assistance

- Procedural Guidelines
- Instructional Assistance Forms

Extended School Year

- ESY Forms Instructions
- ESY Forms

Bedford Public Schools Guidelines for Classroom/Program Observation

Introduction

The purpose of *An Act to Provide Access to Information for Parents and Evaluators* (House Bill No. 391) is to protect the rights of parents in participation fully and effectively with school personnel in the development of appropriate educational programs for their children. To that end, the Bedford Public Schools has established guidelines regarding parents' observations of their child or child's program conducted by themselves, their educational advocate, or an evaluator. The cooperation of school and parent is essential to ensure the safety of children and the integrity of the program while under observation. The district's guidelines for observations of students and programs are as follows:

Requesting an Observation

- Parents are asked to submit their observation requests in writing to the Team Chairperson at their child's school to include the following information:
 - Student's name
 - Parent's name, telephone and/or email contact information
 - Student's classroom teacher and assigned grade
 - Observer's name, and if the observer is someone other than the parent, any relevant affiliation of the observer, along with telephone number and/or email contact information
 - Purpose of the observation, including any particular part of the school day the observer wishes to see, and the desired outcome of the observation.
 - Signed Release of Information (see attached form) giving permission for the district and observer to exchange information, including directly arranging the schedule for the observation.
- A request for observation shall be made to the Principal minimally 2 days in advance of the requested observation date. Principals will immediately notify the teachers involved and determine the appropriateness of the specific date requested.
- The building principal shall notify the Director of Special Education of the request to observe/evaluate.
- Different observation requests may require more planning and observation time than others depending on the complexity of the student's needs being evaluated or observed. For example, timely access following a request to observe a specific classroom, which the parties agree, can be achieved in an hour. In other instances, such as when a designee needs to observe the current and proposed programs, including periods of unstructured time to observe a student's interactions and responses, the observation may take longer to schedule. The duration and extent of the observation will be determined on an individual basis.
- For evaluators, observations may occur at greater frequency to complete an assessment. An evaluator must be credentialed/licensed in the area being evaluated. This will also be scheduled with the Principal or his/her designee. The Principal has the authority to determine the number, times, and dates of observations by visitors. This will

be done in consultation with staff so as to give adequate notice to the staff of the impending visits.

- The district does not generally schedule observations for certain portions of the year such as during MCAS testing or during the first few weeks of school or the month of June. In addition, because it may not be possible to accommodate all requests during the last quarter of the year, parents are urged to submit any observation request they may have as early as practicable in the school year. School staff retains its right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of program.

Expectations during the Observation

- For evaluators, the length of the observation shall be a reasonable time to address the purpose of the observation and desired outcome and shall be limited to an amount of time agreed upon by the evaluator and school principal/designee.
- The number of people scheduled to observe a child or program at one time shall be limited to 2 people and no children may accompany a parent, advocate, or evaluator.
- A school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will generally not be available for conversation during or immediately before/after the observation period.
- Those observing will be seated in an area that will not disrupt instruction.
- Staff members involved in a classroom observation will welcome observers to the class but will not interact with the observers before, during, or immediately after the observation period. Discussion of the observation may take place at a subsequent conference. Discussions should last no more than 20 minutes unless a Team Meeting is scheduled.
- Those observing shall respect student confidentiality and shall not share any impressions of other students with anyone. Observers will be asked to sign a statement (see attached form) that in the event that they obtain personally identifiable or confidential information during the course of an evaluation/observation, they will not disclose it.
- School safety procedures will be adhered to at all times. All visitors must register in the main office upon arriving and sign out when leaving. Any visitor who fails to comply with school regulations will be asked to leave the school and its grounds immediately.
- Principals retain the authority to exercise their discretion at any time to reschedule or terminate an observation in the event of a building emergency or a disruption that impacts the physical or emotional wellbeing of the children in the school or the program being observed or when necessary to protect:
 - The safety of the children in the program during the observation;
 - The integrity of the program during the observation; and
 - Children in the program from disclosure by an observer of confidential or personally identifiable information he/she may obtain while observing the program.

Follow Up

- If the parent request a Team Meeting and evaluation was conducted as part of the observation, the evaluator shall provide a written evaluation report to the district at least 10 days prior to the scheduled Team Meeting.

Bedford Public Schools
Guidelines for Classroom/Program Observation
Confidentiality Agreement

I/we understand that student confidentiality must be respected at all times when observing a classroom, program, or student.

I/we will not share any impressions of other students with anyone.

In the event that personally identifiable or confidential information is obtained during the course of an evaluation/observation, I/we will not disclose it.

_____ Observer	_____ Date
_____ Observer	_____ Date

**Bedford Public Schools
Procedural Guidelines
Determination of Additional Instructional Assistance
Through the Individual Education Plan**

I. INTENT

The goal for all students with disabilities under the Individuals with Disabilities Education Act is to develop and maintain independence in curricular and extracurricular activities in the least restrictive school setting. Therefore, a primary goal for all students with special needs is to encourage, promote, and maximize independence. For all students, additional paraprofessional support may only be included in the IEP within the context of this goal. Thus, when an additional assistant is assigned to support the student in fulfilling an IEP goal or goals (e.g., behavioral, self-help, academic, communication, etc.) the annual IEP goal(s) for which the assistant will provide support should reflect as much independence as is appropriate for the student; short-term objectives or benchmarks should be written to reflect increased independence, as appropriate for the student, until the annual goal is reached. If not carefully monitored, additional assistance can easily and unintentionally foster dependence; as a result, the IEP team must periodically review the continued need and effectiveness of this additional support.

II. LAW

State and federal special education laws require that all students with disabilities, *to the maximum extent appropriate*, be educated with their regular education peers, and participate in nonacademic and extracurricular activities. Removal from the regular education environment may only occur if the nature or severity of the disability is such that education in the regular class *with* the use of supplementary aids and services cannot be achieved satisfactorily. In making program and placement decisions, the IEP team must consider a continuum of program options, and select the option that is the least restrictive environment (LRE) in which the goals and objectives of the student's IEP can be met. If supports, services (i.e. specialized instruction and/or related services), modifications, and/or accommodations are needed in order for the child to benefit from his/her educational program, including supports for the teacher, these must be provided.

No student may be denied the benefit of appropriate placement in the LRE merely because he/she needs additional supports/services; supports, modifications and accommodations are always at the discretion of the IEP team.

III. USE OF SPECIAL EDUCATION INSTRUCTIONAL ASSISTANTS

Appropriate use of Special Education Assistants

1. Placement in the least restrictive environment

The use of an assistant is only one support or service that may permit a student to achieve satisfactory progress and participate in a less restrictive environment. Unless this additional assistance is assigned with the goal of fostering independence, such a support can actually restrict the student's access to the general curriculum, social opportunities and other benefits of being assigned to a general education classroom. An IEP may include additional assistance only within the context of IEP goal(s) and objective(s) that are written to reflect attaining as much independence in the performance of the goal(s) and objective(s) as is appropriate for the student. The IEP must also include a schedule for evaluating the student's performance on meeting the goal(s) and objective(s) and for withdrawing or fading the support, as appropriate. *In every case, the first steps before assigning an additional assistant are to (1) carefully define*

the student's needs, and (2) then review all existing staff, programs and resources at the school site. This review must include a review of general and special education resources; and should consider such alternatives as accommodations and modifications for the student, the use of existing assistants at the school site, and mentoring and other collaborative instructional models for teacher support. A decision to assign an additional instructional assistant may never be made outside of the IEP process. In all instances, the final decision must involve the appropriate special and general educators, team chair, administrator, or consultant. A training plan for the teacher and assistant, and a plan for withdrawing the support, shall be developed.

2. Assistance in addressing behavioral problems

To implement behavioral plans for students with serious behavioral problems, it is often necessary to have an assistant present to intervene and record responses to the interventions, etc. *Assistant support may only be included in an IEP to support behavior if the student has Functional Behavior Assessment and a detailed Positive Behavioral Intervention Plan that includes a schedule for evaluating the plan and withdrawing or fading the support, as appropriate.*

3. Medically or physically fragile students

A very small percentage of the school population will require part-time or full-time assistance. Students who are on ventilators, have serious seizures, allergic reactions or are subject to other life threatening events may need the supervision of a specialized health care attendant, as specified by the IEP team in accordance with medical protocols. Other students with serious physical limitations may need relatively constant supervision and assistance with turning pages, completing assignments, complex medical procedures, self-care such as eating and toileting, and travel from one location to another.

However, even in these instances, assistants must never be provided without first considering less

intrusive alternatives that do not compromise the student's safety or ability to fully participate, and without a written plan to ensure that the student is permitted to do as much for himself/herself as is possible. In addition, it should never be assumed that these students will need such supports permanently, without medical evidence to the contrary; and the goal should always be to foster as much independence as is possible and appropriate for the student.

Inappropriate Use of Special Education Assistance

1. Student groupings

If the grouping in a classroom is such that the teacher cannot meet the needs of the students without additional Special Education assistance, the grouping may be inappropriate to begin with and the classroom composition might be reconsidered. However, the first step should always be to consider existing school staff and resources that might be put together in a collaborative way to assist the teacher; e.g., review of existing assistant's schedules in the school, peer support from general education, etc.

2. Disability/Placement stereotyping

Every student's needs must be addressed individually, and determinations must be based upon the

student's needs, not labels or packaged programs. A student with a cognitive impairment or a student included with his/her non-disabled peers does not compel the conclusion in every case that he/she requires additional assistance or any given program that is based upon such a model.

3. Class or Program change

The “need” for a Special Education Assistant should first be carefully defined, and all alternatives to meet the need considered before determining that an instructional assistant is the only answer. It should not be assumed a student moving from one program option to another (e.g., preschool to kindergarten, substantially separate to general education classroom, or one grade level to another (e.g., elementary school to middle school), requires additional Special Education assistance.

4. Supplemental Special Education Assistant Time/Additional Instruction and Remediation

Direct instruction is the responsibility of the classroom teacher. Assistant support is provided to help a student with accessing the teacher’s direct instruction, but does not supplant that instruction. Furthermore, assistant support is provided under the supervision and direction of the classroom teacher, special education teacher, or related services provider.

IV. PROCEDURES FOR DETERMINING THE NEED FOR ADDITIONAL INSTRUCTIONAL ASSISTANCE

Step 1 – Process initiated.

The process to determine the need for additional assistance is initiated when the staff or parent expresses the possible need for additional support for the student.

☐ ☐ The student’s liaison is contacted, who in turn contacts the appropriate Team Chair and the Director of Special Education or his/her designee.

☐ ☐ The building Team Chair with the liaison, the referring staff and/or parent, completes **Form IA-1– Request for Additional Assistance.**

Step 2 –The Team Chair collaborates with the regular education staff and all service providers to complete Form IA-2: Record of Attempted Modifications and Adaptations.

☐ ☐ Completion of these forms will assist the team in identification of target needs, i.e., critical times of the day, types of activities during which the student requires direct assistance; what is currently being done to address the student’s needs; and how existing and natural resources have been utilized. Attach completed forms to IEP if no further assistance is needed.

Step 3--If IEP team determines additional information is necessary:

The Team Chair arranges for at least two educators knowledgeable about the student and his/her program, one from general education and one from special education to observe the child. The observers will complete Form IA-3: Observational Evaluation to Determine the Need for Additional Special Education Assistance.

Additional observers may include the principal or assistant, principal, program specialist or appropriate District representative, behaviorist (if one is currently involved with the case), and psychologist (if student has behavior support plan but no behaviorist is involved).

The Observation Team, in conjunction with the building Team Chair

☐ ☐ Conducts observations.

☐ ☐ Obtains input from principal, parent, classroom teacher, and other appropriate staff, i.e. current classroom assistant, ancillary staff, program specialist, etc.

☐ ☐ Verifies implementation of Behavior Support Plan or Positive Behavior Intervention Plan, if one has been completed.

☐ ☐ Reviews records.

☐ ☐ What recent changes have occurred in the life of the student?

☐ ☐ Attendance history.

☐ ☐ Instructional levels. Are they appropriate for the student’s ability level?

☐ ☐ Assesses the learning environment.

- Has the student just changed from elementary (self-contained classrooms) to middle school (multiple classrooms and teachers), or middle school to high school?
- ☐ Identifies prior interventions and reviews the results.
- ☐ Reviews existing goals.
- For which goals will the assistant be listed as one of the service providers?
- Are new or modified goals required for independence in the areas of need?
- ☐ Obtains input from principal or vice principal as appropriate.
- ☐ Completes **Form IA-4: Student Needs for Additional Support Rubric and Form IA-5: Summary of Evaluation for Additional Support.**
- ☐ Holds IEP meeting to review assessment.
- ☐ Move to Step 4.

Step 4 – IEP Revision (See Guide to IEP including Instructional Assistance.)

If it is determined the student requires additional assistance, the IEP must include the following:

- ☐ Documentation that alternatives were considered.
- ☐ *Goals and objectives* that address the skills that need to be taught – specifically, independence in academic, social, or other functional areas – in order for supplemental assistant to be appropriately faded.
- ☐ The *schedule of review* of the student's program, which leads to the fading of the additional support. Except in cases of ongoing medical need, the team must meet within 6 months to review the student's progress and the effectiveness of the assistance.
- ☐ *Frequency, duration and location of the assistance.* **Note:** Special Education assistance may not exceed the annual review date. Renewal of such a service must be made, if still needed, at the annual review.
- ☐ *Behavioral support.* When the purpose of the Special Education Assistant is to support the student with serious behavioral problems, the IEP shall include a thorough Positive Behavioral Support Plan specifying the duties of the Special Education Assistant in relationship to the teacher and other staff, and a specific plan for fading the support.

Additional instructional assistance will commence upon receipt of a signed and dated IEP.

Bedford Public Schools

REQUEST FOR ADDITIONAL SPECIAL EDUCATION INSTRUCTIONAL ASSISTANCE

Student: _____ District: _____ Birthdate: _____
 Age: _____ Male: __ Female: __ Grade: _____ School: _____
 Parent/Guardian: _____ Home Phone: _____
 Address: _____ Work Phone: _____

Check the areas of *intensive* need that might indicate the need for additional assistance.

Health	Personal Care	Behavior	Instruction
<input type="checkbox"/> Health Plan <input type="checkbox"/> G-Tube <input type="checkbox"/> Medications <input type="checkbox"/> Suctioning <input type="checkbox"/> Food Prep <input type="checkbox"/> Monitoring Health Status/Safety <input type="checkbox"/> Wheel chair <input type="checkbox"/> Other	<input type="checkbox"/> Full Toilet Care <input type="checkbox"/> Diapers <input type="checkbox"/> Toilet Training <input type="checkbox"/> Dressing <input type="checkbox"/> Eating <input type="checkbox"/> Hygiene <input type="checkbox"/> Positioning <input type="checkbox"/> Other	<input type="checkbox"/> Aggressive <input type="checkbox"/> Assaultive <input type="checkbox"/> Non-Compliant <input type="checkbox"/> Over Active <input type="checkbox"/> Runs Away <input type="checkbox"/> Self-injurious <input type="checkbox"/> Property Destruction <input type="checkbox"/> Other Please attach Behavior Support Plan or Positive Behavior Intervention Plan, if applicable.	<input type="checkbox"/> Physical Assistance <input type="checkbox"/> Verbal Prompting <input type="checkbox"/> Modifications/ Accommodations <input type="checkbox"/> Discrete Trial <input type="checkbox"/> TEACCH <input type="checkbox"/> Assistive Tech. <input type="checkbox"/> PECS <input type="checkbox"/> Social Skills Development <input type="checkbox"/> Communication <input type="checkbox"/> Other

Describe EACH area of *intensive* need marked above. Use additional paper if needed.

This referral is made at the request of Teacher Parent/Guardian Other (*Circle One*)

 Signature of Referring Person Date: _____

 Signature of Program Administrator Date: _____

Bedford Public Schools

ADDITIONAL SPECIAL EDUCATION INSTRUCTIONAL ASSISTANCE
Record of Attempted Modifications and Adaptations

On this sheet record each modification that has been made in an effort to address the student's needs for additional assistance.

Some suggestions to consider are:

- Change daily schedule
- Change student groupings
- Utilize peer or cross age tutoring
- Use a different level and difficulty of materials
- Reduce the amount of work given
- Use a different instructional approach
- Use a multi-sensory approach
- Reduce distractions
- Provide instructional aids
- Reinforce desired behavior with positive rewards

Modifications/Adaptation Attempted and Setting	Date Initiated	Result
Modifications/Adaptation Attempted and Setting	Date Initiated	Result
Modifications/Adaptation Attempted and Setting	Date Initiated	Result

Bedford Public Schools

**OBSERVATIONAL EVALUATION TO DETERMINE THE NEED
FOR ADDITIONAL SPECIAL EDUCATION INSTRUCTIONAL ASSISTANCE**

Student Name: _____ DOB: _____

Disability: _____ Date Reviewed: _____

Case Manager/Liaison: _____

Current Program: _____

To be completed by the person(s) conducting observations.

1. What observational procedures were used?

2. Based on the observation, what are the constraints that make it difficult to meet the student's needs with the existing resources?

3. What would be required to be able to meet the student's needs with the existing resources?

4. How would additional support solve the problem?

**OBSERVATIONAL EVALUATION TO DETERMINE THE NEED
FOR ADDITIONAL SPECIAL EDUCATION INSTRUCTIONAL ASSISTANCE**

5. If the referral is the result of behavioral issues, please review the Functional Behavior Analysis (FBA) and Behavior Intervention Plan (BIP) and answer the following questions:

- A. Does the plan contain the following elements:
 - 1. Clear description and definition of the problem behaviors?
 - 2. Elements for prevention of the problem behavior?
 - 3. A specific replacement behavior and a plan for teaching the replacement behavior?
 - 4. What should happen when the problem behavior occurs?
 - 5. Is there a specific plan for reinforcing acceptable behavior? Are the reinforcers specified and is there a specific plan for how and when to deliver reinforcement?
- B. Are all elements of the plan being implemented as the plan specifies?
- C. Are data routinely and systematically collected about the behavior?
- D. Does staff have the necessary training and skills to implement the BIP?
- E. What needs to be done to strengthen the BIP and to improve the consistency of implementation of the plan?

6. If the referral is the result of instructional issues please answer the following questions:

- A. In what setting are the instructional issues requiring additional support?
- B. Are there instructional accommodations that can be made that would allow the student to better benefit from the instructional curriculum?
- C. Does the person responsible for making the curriculum modifications and accommodations have sufficient training and skills to do so?
- D. What part of instruction causes the greatest difficulty for the student?
- E. How are the difficulties with instruction manifested by the student?

Student Name: _____ DOB: _____ Disability: _____ Date Reviewed: _____
 Teacher: _____ Current Program: _____

Select the number that best describes the student in each rubric category that is appropriate.

	Health/Personal Care/Rating	Behavior/Rating	Instruction/Rating	Inclusion/Mainstreaming/Rating
0	General good health. No specialized health care procedure or medications taken. No time required for health care. Independently maintains all "age appropriate" personal care needs. <input type="checkbox"/>	Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends. <input type="checkbox"/>	Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts. <input type="checkbox"/>	Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers. <input type="checkbox"/>
1	Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedure. Medications administration takes less than 10 minutes time. Needs reminders to complete "age appropriate" personal care activities. <input type="checkbox"/>	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited. <input type="checkbox"/>	Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on tasks, follow directions and to remain engaged in learning. <input type="checkbox"/>	Participates with modification and accommodation. Needs occasional reminders of room and schedule. Requires some additional support to finish work & be responsible. Needs some social cueing to interact with peers appropriately. <input type="checkbox"/>
2	Chronic health issues (ear infections, ADD, diabetes, bee sting allergy). Generic specialized health care procedure and takes medication. Health care intervention for 10-15 min. daily (diet, blood sugar, medication). Requires reminders and occasional additional prompts or limited hands-on assistance for washing hands, going to the bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents. <input type="checkbox"/>	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavior management plan, but unable to experience much success without behavior support plan implementation. <input type="checkbox"/>	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions. <input type="checkbox"/>	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications & accommodations to benefit from class activities. Regular socialization may require adult facilitation. <input type="checkbox"/>
3	Very specialized health care procedure and medication. Limited mobility or physical limitations requiring assistance (stander, walker, gait trainer or wheelchair). Special food prep or feeding. Health related interventions 15-45 min. daily. Frequent physical prompts and direction assistance to participate in personal care. Food prep required regularly. Requires toilet schedule, training, direct help, diapering. <input type="checkbox"/>	Serious behavior problems almost daily. Defiant and/or prone to physical aggression. Requires a Behavior Intervention Plan (BIP) and behavior goals and objectives on the IEP. Requires close visual supervision to implement BIP. Medication for ADD/ADHD or other behaviors. <input type="checkbox"/>	Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions & monitoring. Cognitive abilities & skills likely require modifications not typical for class as a whole. Needs individualized methodologies (ABA, DTT, etc). Requires signing over 80% of the time. <input type="checkbox"/>	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to & from class. Always requires modifications & accommodations for class work. Requires adult to facilitate social interaction with peers. <input type="checkbox"/>
4	Specialized health care procedures requiring care by specially trained employee (G tube, tracheotomy, cauterization.) Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 min. daily. Direct assistance with most personal care. Requires two-person lift. Direct 1:1 assistance 45 or more min. daily. <input type="checkbox"/>	Serious behavior problems with potential for injury to self and others, runs-away, aggressive on a daily basis. Functional Behavior Analysis has been completed and the student has a well developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors. <input type="checkbox"/>	Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodation and modification not typical for the class group. <input type="checkbox"/>	Always requires 1:1 staff in close proximity for direct instruction, safety, mobility or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times. <input type="checkbox"/>

Bedford Public Schools

Summary of Evaluation for Additional Support

Student: _____ DOB: _____ School: _____

Age: _____ ☐ Male ☐ Female Grade Level: _____ Liaison: _____

Parent/Guardian: _____ Home Phone: _____

Based on documentation and observation the following is recommended:

- ☐ Implementing alternative strategies
- ☐ Structuring the environment
- ☐ Using existing staff members (specify time and activity)
- ☐ Increasing training
- ☐ Instructional support in the following areas of intensive need:

Health/Personal Care	Behavior	Instruction	Inclusion/Mainstreaming
<input type="checkbox"/> Implementation of specialized health plan	<input type="checkbox"/> Implementing individualized behavior plan	<input type="checkbox"/> Provide physical prompts	<input type="checkbox"/> Direct adult instruction
<input type="checkbox"/> G-tube	<input type="checkbox"/> Implementing crisis intervention techniques	<input type="checkbox"/> Provide verbal prompts	<input type="checkbox"/> Provide physical support/positioning
<input type="checkbox"/> Suctioning	<input type="checkbox"/> Redirecting/removing from class	<input type="checkbox"/> Structured teaching/assignments	<input type="checkbox"/> Provide safety/close visual supervision
<input type="checkbox"/> Providing physical support/positioning	<input type="checkbox"/> Prohibiting wandering or bolting of student	<input type="checkbox"/> Support use of assistive technology	<input type="checkbox"/> Facilitating social interaction with peers
<input type="checkbox"/> Toileting	<input type="checkbox"/> Providing safety supervision	<input type="checkbox"/> Implement individualized methodologies	<input type="checkbox"/> Adapting materials
<input type="checkbox"/> Feeding-full support	<input type="checkbox"/> Supervision during breaks	<input type="checkbox"/> Provide signing	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	

Describe how assistant will be provided training.

For EACH area of intensive need marked above indicate which IEP goal objective addresses the area of intense need. Use additional paper if needed to describe all the needs.

Describe school day description and assistance needed. Specify time(s) and activity(ies). Use additional paper if needed.

Instructions/Notes for Extended School Year Forms

1. You must fill out a “Student Recommendation Form” and an “Extended School Year Documentation Form for each child for whom you are recommending the summer program. No student can be recommended for the summer program without these completed forms.
2. Although the student’s liaison (most likely the special educator) will be responsible for turning in the student’s Extended School Year form it is the responsibility of the **therapist** or other teacher who is recommending services to get the form from the liaison **and fill in the appropriate section** of the student’s form (e.g. Speech, Physical Therapy, etc.).
3. You need to fill out the form for all areas in which you are concerned that the student will regress (e.g. Reading and Math, or OT, Reading, and Other). This information should be used to determine what program/services the student will need. You must complete information for at least two vacations (e.g. September and January, or January and February).
4. The **definition of substantial regression** we are using is: requiring an equal number of days following the break as there were days in the break for the students to demonstrate skills at the level they were able to demonstrate on the day before the beginning of the break (i.e. after summer break, students should be at their June levels of performance by mid to late October).
5. The forms will be **collected once** during the school year. The “Student Recommendation Form” and the “Extended School Year Documentation Form” fill be collected on March _____. Please do not wait to complete the forms. You should be completing the forms after each vacation.

EXAMPLE

	January	February
Skill Description:	Sight word vocabulary	Aggression to Peers
Level Prior to Vacation:	Max was able to identify 78/100 grade level sight words the week before the holiday break.	In the weeks prior to vacation, Max hit or pinched students on average 1 time a week.
Level After Vacation:	The day he returned from vacation he was only able to identify 28/100 words.	The week he returned from vacation he hit and pinched students 5 times.
Date Which Child Reached Previous Level:	Max was able to identify 80/100 words on January 15 th .	Max’s behavior returned to once a week levels the week of January 20 th .

Bedford Public Schools
Extended School Year Student Recommendation Form
Due: _____

Name of Student: _____ **LASID:** _____

School: _____ **Current Grade:** _____

Current Program: _____

Classroom Teacher: _____ **Special Education Liaison:** _____

Please check which services you are **considering** recommending:

- ☐ Preschool Program
- ☐ Elementary Classroom Program
- ☐ Tutorial Program:
 - ☐ Wilson ☐ Reading Comprehension ☐ Mathematics
- ☐ Speech and Language Services
Summer Service Delivery (i.e. 1 x 30): _____
- ☐ Occupational Therapy Services
Summer Service Delivery (i.e. 1 x 30): _____
- ☐ Physical Therapy Services
Summer Service Delivery (i.e. 1 x 30): _____

Are all of these services in the student's most recently signed IEP?

☐ Yes ☐ No

Was the Student recommended for summer services last year?

☐ Yes ☐ No If Yes, did the student attend? ☐ Yes ☐ No

If not, do you have a meeting scheduled **prior to May 1st** during which you will discuss extended school year eligibility?

☐ Yes When? _____

☐ No Why not? _____

Please return this form with a copy of the student's
"Extended School Year Documentation Form" to
CynnTimer, Special Education Department, JGMS
by _____

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

READING (Check Areas) <input type="checkbox"/> Decoding <input type="checkbox"/> Sight words/vocabulary <input type="checkbox"/> Fluency <input type="checkbox"/> Reading comprehension	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

WRITING (Check Areas) <input type="checkbox"/> Sentences <input type="checkbox"/> Editing <input type="checkbox"/> Long composition <input type="checkbox"/> Organization	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

MATH (Check Areas) <input type="checkbox"/> Computation <input type="checkbox"/> Problem solving <input type="checkbox"/> Work problems	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

SPEECH AND LANGUAGE (Check Areas) <input type="checkbox"/> Vocabulary <input type="checkbox"/> Articulation <input type="checkbox"/> Fluency <input type="checkbox"/> Expressive language <input type="checkbox"/> Receptive language	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

PHYSICAL THERAPY (Check Areas) <input type="checkbox"/> Functional motor skills <input type="checkbox"/> Muscle strength <input type="checkbox"/> Postural stability <input type="checkbox"/> Physical endurance <input type="checkbox"/> Range of motion	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

OCCUPATIONAL THERAPY (Check Areas) <input type="checkbox"/> Motor <input type="checkbox"/> Sensory integration <input type="checkbox"/> Vision perception <input type="checkbox"/> Visual motor <input type="checkbox"/> Handwriting	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Bedford Public Schools: Extended School Year Documentation Form

Name of Student: _____ School: _____ Sp. Ed. Teacher: _____

OTHER (Check Areas) <input type="checkbox"/> Social/emotional <input type="checkbox"/> Behavior <input type="checkbox"/> Attention/focus	September (after summer break)	January (after Dec. break)	February (after Feb. break)
Skill Description:			
Level Prior to Vacation:			
Level After Vacation:			
Date Child Reached Previous Level:			

Disciplining Students with Special Needs

The Individuals with Disabilities Education Act (IDEA) and related regulations provide eligible students with certain procedural rights and protections in the context of student discipline. A brief overview of these rights is provided below.

In general, students may be excluded from their programs, just as any other student can be, for up to ten school cumulative days per school year. However, when a student is excluded from his/her program for more than ten school days in the school year, school staff may be required to provide alternative educational services for the student. In addition, the student's Team must convene a meeting (a "manifestation determination review") to determine whether the student's behavior was caused by his/her disability or had a direct and substantial relationship to his/her disability.

At the manifestation determination review Team meeting, members of the Team, including the parent/guardian, will review all relevant information in the student's file, including the IEP, teacher observations, and any information provided by the parent/guardian to determine if the conduct in questions is caused by or had a direct and substantial relationship to the child's disability or was the direct result of the district's failure to implement the IEP.

If the Team determines the behavior was not a direct result of the student's disability, or any other suspected disability, or the result of the district's failure to implement the IEP, the school may discipline the student according to the school's code of student conduct, except that the district must continue to provide the student with educational services during the period of suspension or expulsion. However, if the Team determines that the behavior was a direct result of the disability, the student may not be excluded from the current educational placement (except in the case of weapons, drugs, or serious bodily injury) until the Team develops and the parent(s)/guardian(s) consent(s) to a new IEP. The Team must also conduct a functional behavior assessment and develop or revise a behavioral plan for the student to address the problem behavior.

In the event a student possesses, uses, sells or solicits a controlled substance or possesses a weapon, or seriously injures an individual at school or a school function, a school may place a student in an interim alternative education setting for up to 45 school days. Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 school days upon determination that the current placement is substantially likely to result in injury to the student or others.

When a parent(s)/guardian(s) disagrees with the Team's decision on the "manifestation determination" or with a decision regarding placement, the parent(s)/guardian(s) has a right to request an expedited due process hearing from the Bureau of Special Education Appeals.

Similar procedures apply to students with plans under Section 504 of the Rehabilitation Act of 1973.

Please note that when a student with a disability is reported to the police for an alleged crime, special education and disciplinary records must be furnished to the police.

The Individuals with Disabilities Education Act Regulations at 34 CFR 300.529 state the following:

Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Right and Privacy Act (Authority: 20 U.S.C. 1415(k)(9)).

Additional information regarding the procedural protections for special education students can be obtained from the Director of Special Education. The Director of Special Education can also provide information on disciplinary procedural protections available to students who have identified disabilities and who are not eligible for services under the IDEA.

BEDFORD PUBLIC SCHOOLS

MANIFESTATION DETERMINATION REVIEW FORM

THE MANIFESTATION DETERMINATION REVIEW MUST BE CONDUCTED WHEN THE SCHOOL IS CONSIDERING AN ADMINISTRATIVE RECOMMENDATION FOR A DISCIPLINARY CHANGE IN PLACEMENT (E.G., INTERIM ALTERNATIVE EDUCATION PLACEMENT OR SUSPENSION/EXPULSION OF LONGER THAN 10 CUMULATIVE SCHOOLS DAYS) FOR A STUDENT WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP). THE REVIEW MUST BE CONDUCTED IMMEDIATELY AFTER THE RECOMMENDATION, AND NO LATER THAN 10 SCHOOL DAYS AFTER A STUDENT IS ASSIGNED TO A DISCIPLINARY SETTING.

PLEASE NOTE THAT STUDENTS ON 504 ACCOMMODATION PLANS ARE ALSO SUBJECT TO THE 10-DAY RULE AND THE REQUIREMENT TO CONDUCT A MANIFESTATION DETERMINATION REVIEW.

Participants

Please see attached IEP Team Meeting Attendance form.

Considerations for Review

Describe the behavior subject to disciplinary action:

In carrying out a Manifestation Determination Review, the IEP Team (as determined by the parent and the local educational agency) shall review: (*The written descriptions are optional.)

☐ All relevant information in the student's file

*Describe:

☐ The student's IEP

*Describe:

☐ Any teacher observations of the student

*Describe:

☐ Relevant information provided by the parent

*Describe:

Manifestation Determination

The IEP Team members, including the parent, have reviewed all relevant information, including evaluation data, information regarding the disciplinary offense, relevant observations, the current IEP and placement, patterns of student behavior across settings and across time, and other relevant information and input provided by staff and/or parents. Based on this review, the IEP Team makes the following determinations.

If the determination of the Team is "Yes" to either of the statements below, then the behavior must be considered a manifestation of the student's disability.

In relation to the behavior subject to discipline and the student's disability:

1. The conduct in question was caused by the student's disability or had a direct and substantial relationship to the student's disability. ☐ Yes ☐ No
2. The conduct in question was the direct result of the local school district's failure to implement the IEP. ☐ Yes ☐ No

The determination of the Team is that behavior subject to discipline is:

- ☐ not a manifestation of the disability; records are transferred to general education for disciplinary procedures.
- ☐ a manifestation of the disability.

Educational Services

The Bedford Public Schools shall provide any student with a disability who is removed from his/her current placement for more than ten cumulative school days irrespective of whether his/her behavior is determined to be a manifestation of the student's disability with educational services.

Special Circumstances

In situations of offenses involving drugs/controlled substances, weapons, or serious bodily injury, a student may be removed for up to 45 days to an interim alternative educational setting (IAES) even if the Team determines that the behavior was a manifestation of disability.

Functional Behavior Assessment/Behavior Intervention Plan

A Functional Behavior Assessment (FBA) is a process for addressing student problem behaviors, the settings under which the problem behaviors may or may not be observed, and the function of the problem behavior. This information is obtained by collecting data from direct observation and is used to develop a behavior intervention plan (BIP) to reduce the frequency or severity of the problem behavior. A FBA will be conducted on all students with disabilities who are suspended for ten or more days in a school year. The FBA should be integrated, as appropriate, throughout the process of developing, reviewing, and if necessary, revising a student's IEP.

Stay Put

If a parent challenges a manifestation determination or disciplinary placement in an IDEA due process hearing, the student must remain in the disciplinary setting pending the decision of the Hearing Officer or the expiration of the disciplinary placement term, whichever comes first.

Parent Signature

- ☐ I received notice of procedural safeguards on the day on which the decision to take disciplinary action involving a change in placement was made [34 CFR 523(a)(i)].
- ☐ I agree with the determination above.
- ☐ I disagree with the determination above and request an expedited hearing [H.R. 1350 615(K)(3)].

Parent Signature: _____

Date: _____

District Forms

District forms are available to staff in the Special Ed Forms folder in First Class email.