

Navigating BPS - Ages 3 to 22

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- Children with special needs can become eligible for special education services beginning at age three.
- Services may end when a child receives a diploma or may extend to age 22
- Any child regardless of age must first be found eligible to receive special education services. To be eligible a child must have a disability **and** because of that disability require special education or related services to make effective progress.

How is Eligibility Determined?

- Eligibility is determined by evaluations. A student may be referred for an evaluation or any person in a care giving or professional position concerned with the student's development. 603 CMR 28.04(1).
- A referral can be made at any time. For children in Early Intervention this referral should be made at age 2.5 years.
- Once a referral is made within 5 school days the school should send notice to the parents of receipt of the referral, and this notice should include a request for consent to evaluate.

Required Assessments

- Massachusetts regulation 603 CMR 28.04 (2)(a).
- An assessment in all areas of suspected disability.
- An educational assessment by a representative of the school district.
- (iii) including: an assessment of the student's attention skills, participation behaviors, communication skills, memory, social relations with groups, peers and adults.

Children with Autism Spectrum Disorder

- Massachusetts Law c. 71B, sec. 3 requires
- Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhetts's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the IEP Team shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; the needs resulting from the child's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.
- See DESE advisory @ http://www.doe.mass.edu/sped/advisories/07_1ta.html

Completed Evaluations

- **(c) Reports of assessment results;** Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. The assessor may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. Summaries of assessments shall be completed prior to discussion by the Team and, upon request, shall be made available to the parents at least two days in advance of the Team discussion at the meeting occurring pursuant to 603 CMR 28.05(1).
- Note: You need to request copies of the assessments at least two days in advance in writing, you can put this request right on the evaluation consent form.

Preparing for the Team Meeting

- Read any assessments in advance and make a list of questions you may have regarding the assessments.
- Write your parent concerns before the meeting and include information from any recent evaluations, progress reports etc., and areas of priority you want the next IEP to target.
- Write your vision statement in advance of the Team meeting.
- If you have any outside evaluations submit them to the Team, remember the District has 10 school days to review your reports before convening a Team meeting.
- Let the District know of anyone you have invited to the Team meeting.
- Your Team meeting needs to be at a date and time convenient to you, if you need to reschedule the date and time on the notice contact your special education coordinator.
- Bring someone with you to take the notes so you can listen and participate in the discussions.

The Team Process

- If the student has one or more of the disabilities defined at 603 CMR 28.02(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 that the student is eligible.

603 CMR 28.05 (2)(a)(1)

- If the Team finds a student eligible, then it will develop an IEP.
 - Once eligibility has been determined, the type of disability of the student shall not be used to provide a basis for labeling or stigmatizing the student. Additionally, the type of disability shall not define the needs of the student and shall in no way limit the services, programs, or inclusion opportunities provided to the student.

603 CMR 28.05 (2)(a)(1)(ii)

Developing the IEP

- Parent Concerns
- Vision Statement
- Key Evaluation and Summary results (recent evaluations should be included here)
- PLEP A---how disability impacts access to general curriculum
 - Accommodations, Modifications, Progress monitoring
- PLEP B---other areas of need (related services; OT, PT, speech, ABA and non-academic activities)
 - Accommodations, Modifications, Progress Monitoring
 - Goals and Objectives
 - Service Delivery
 - Transportation, Extended Day, Extended Year
 - MCAS
 - Transition Plan **for students 14 years or older**
 - Placement (after the IEP is developed)

Least Restrictive Environment

- *Least restrictive environment (LRE)* shall mean the educational placement that assures that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled and that special classes, separate schooling or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- 603 CMR 28.012 (12)
- Your child is entitled to be educated with their typical peers unless the TEAM, including you, decides otherwise. Team decides type and location of placement. See BSEA **case # 04-2506**

Completion of IEP Meeting

- *Current Practice:* Since 2000, an IEP provided to a parent within 3-5 days of the Team meeting fulfills the requirement for "immediate" delivery of the IEP to the parent. The parent has an additional 30 days to respond to the proposed IEP.
- *Guidance:* Currently, most districts have the technology or resources that make it possible to present at least the key service components of an IEP to the parents as they leave the IEP development Team meeting. This is referred to as a "**summary.**" At a minimum, this summary of the decisions and agreements reached during the Team meeting must include:
 - (a) a completed IEP service delivery grid describing the types and amounts of special education and/or related services proposed by the district, and
 - (b) a statement of the major goal areas associated with these services.
- By providing parents with this summary at the conclusion of the Team meeting, in the Department's opinion the district has complied with the requirement to provide the parent with the key decisions and agreements immediately. The district may then take no more than two calendar weeks (this reflects the former ten school working days standard) to prepare the complete IEP for the parent's signature and for the student's records (both home and school).
- See DESE memo dated December 1, 2006 on DESE website under advisories: "Memorandum on the Implementation of 603 CMR 28.05(7): Parent response to proposed IEP and proposed placement"

Parental Response to IEP

- Parents have 30 calendar days to respond to the IEP
 - Accept in Full
 - Accept in Part/Reject in Part
 - Accept or Reject Placement
- Note: Parents have the right to reject any proposed changes they do not agree with and can invoke their “stay put” rights to either services, placement or both.
- You can also request a Team meeting to discuss the rejected portions and you may request mediation, mediation is free and is another chance to resolve the issues in dispute with the District. DESE provides a mediator.

Resources

1. **Boston Public Schools Office of Family and Student Engagement** will provide support for parents at IEPs and in the problem solving process.
Michelle Brooks, Assistant Superintendent @ mbrooks3@boston.k12.ma.us 617 635-9660
2. **Federation for Children with Special Needs** 617 572-2094, www.fcsn.org the federation provides information on special education in Massachusetts. Check out their website or call for information on workshops or contact them for questions regarding special education. This resource is free and available to all parents.
3. **Massachusetts Department of Elementary and Secondary Education** www.doe.mass.edu/sped this website provides information on state education issues. For assistance with matters involving your child's Individualized Education Plan (IEP) you may contact **Program of Quality Assurance** 781 338-3700 and ask for the compliance officer in your area. www.doe.mass.edu/bsea/decisions.html
4. **Wrightslaw** www.wrightslaw.com this website offers information and publications on special education issues, federal laws (IDEA) and regulations. Parents can also subscribe to their monthly newsletter.