

## Turning Three

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In Massachusetts, the **Department of Public Health** oversees Early Intervention (“EI”) for children ages **birth to three** who are at risk for developmental delays.

The Individual Family Service Plan (“IFSP”) outlines the strengths and concerns of the family and the child and the services that will be provided. The services are paid for by health insurance, other third party payers, and through state and federal monies allocated for certain early intervention services under Part H of the Individuals with Disabilities Education Act (“IDEA”).

In Massachusetts, the **Department of Education** oversees the education services provided to children in local towns. Part B of the Individuals with Disabilities Education Act (“IDEA”) says that children identified as having special needs may receive special education services from **ages 3 until 22**.

### Process

1. Referral
2. Evaluation
3. Team Meeting regarding Eligibility
4. Development of an Individualized Education Program (“IEP”) and determination of Placement
5. Progress Reports and an Annual Review Meeting
6. Every three years your child is re-evaluated

If your child is in Early Intervention, with your permission the EI personnel will initiate the **referral process** for transition from Early Intervention into the School system. Early Intervention should make this referral when your child is **2 years and six months**.

**The school system has 5 days** to acknowledge the referral. Your permission must be given for the school system to evaluate your child. You should also receive notice of your rights during the entire process from the school system.

**Pre-assessment meeting;** you may request a pre-assessment meeting with the school system to discuss the evaluation, ask questions or state any concerns. You may also want to determine if the evaluations, which have taken place in EI, could be used to determine eligibility in the pre-school program. You may also request that an independent evaluation be used by the school system.

**Evaluations; within 30 school working days** of written parental consent, credentialed trained specialists evaluate the child. Your child must be evaluated in all areas of suspected disability. This may include looking at your child's;

health, vision, hearing, social and emotional well-being, general intelligence, how well your child communicates and use of his or her body

The evaluation must be complete enough (full and individual) to identify all of your child's needs for special education and related services:

- occupational therapy
- physical therapy
- speech therapy
- functional behavioral assessment

Early Intervention evaluations can be used by school system.

### **The Massachusetts regulations state in part under 603 CMR 28.04;**

(c) School districts shall provide the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral, the content of the proposed evaluation, and the evaluators used.

(d) Upon referral, school districts shall evaluate children who are two and a half years of age and who may be receiving services through an early intervention program. An initial evaluation shall be conducted in order to ensure that if such child is found **eligible**, special education services begin promptly at age three.

(2) **Initial Evaluation**; upon consent of the parent, the school district shall provide or arrange for the evaluation of the student by a multidisciplinary team within thirty (30) school days. The assessments used shall be adapted to the age of the student and all testing shall meet the evaluation requirements set out in state and federal law. The school district shall ensure that appropriately credentialed and trained specialists administer all assessments.

(i) When a child is being assessed to determine eligibility for services at age three (3), an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged.

(ii) 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.**

**Eligibility**; to be eligible for services under the IDEA a child must have a disability as defined by law:

- mental retardation
- hearing impairments
- speech or language impairments
- visual impairments
- serious emotional disturbance
- orthopedic impairments
- autism
- traumatic brain injury
- other health impairments or specific learning disabilities

**and** who by reason thereof need special education and one or more related services.

**Prior to the Team meeting;** Parents should send a written request for copies of all evaluation reports from the school system.

Under the Massachusetts regulations, Parents have a right to receive copies of the evaluations **at least two days** prior to the Team meeting.

Your written request may be sent any time after you give consent to the evaluations and should allow enough time for the school system to provide you with written copies of their assessments before the Team meeting.

*Note: Obtaining the assessments in advance enables the parents to prepare for the Team Meeting by reading the reports prior to the meeting and preparing any questions or comments they have regarding the assessments. Assessments should be done in all suspected areas of disability and should identify recommendations of the evaluator. Assessments should include recommendations.*

**The Team Meeting;** within **45 school working days** from the time parental consent is given for the evaluations to Team meeting. This should be **90 days** before the child's third birthday. The Team determines eligibility. **If the child is determined to be eligible** for special education, the Team develops an IEP.

**Team Members;** The Parents are members of the Team and a parents can bring independent evaluators, outside professionals, anyone else they choose [friend, family member, advocate]. The District's personnel, which must include a representative that is authorized to make decisions on behalf of the school district and a person qualified to interpret assessment results. Those people can be:

- a regular education teacher
- a special education provider of the student
- others knowledgeable about the student
- The Early Intervention Staff, if before the child's third birthday.

**Within 10 school working days after the Team meeting or 45 school working days from the time written consent was given by the parent,** you should receive two copies of your child's Individualized Education Plan.

**Parents have 30 calendar days to decide** what to do with the IEP. You may:

- accept it
- reject it
- accept it in part
- reject it in part
- or postpone any decision and ask to obtain an independent evaluation

*Note: **Early Intervention services terminate on a child's third birthday.** Parents should carefully consider that rejecting the whole IEP will leave their child without any services. Acceptance of part of the IEP is strongly encouraged to continue services for your child.*

**Placement;** the Team discusses and determines placement for the child. A placement form is attached to the IEP form. Placement is decided after the IEP is written and placement is determined by the needs of the child. IDEA 300.552

### **Least Restrictive Environment (Inclusion/general education classroom)**

The federal law, IDEA, mandates that students with disabilities **must be educated with their non-disabled peers to the maximum extent appropriate based on the student's needs**. This is known as the Least Restrictive Environment (LRE). The Team (including the parent) determines the placement that the student needs to provide the services on the student's IEP and the Team must choose the least restrictive environment able to provide those services. This means that the student should attend the school he or she would attend if non-disabled; unless the Team determines that the nature of the student's disability will not allow that student to have a successful educational experience in that environment.

FAPE and LRE are closely tied together. Both Federal and Massachusetts's special education laws require that a Team consider appropriate education in the least restrictive environment. In order to help your child be successful, **the Team must carefully consider whether supplemental aids and/or services and specialized instruction could make it possible for your child to be educated with non-disabled peers. If services can be appropriately provided in a less restrictive setting, the Team must choose that type of program and setting. If the student's program requires a more restrictive setting to be successful, then the Team may consider other settings. The Team should look class by class, activity by activity, and only remove your child from the general education classrooms if, and only if, supplemental aids and services would not make it possible for the student to remain in that classroom and make effective progress.**

Determination of the LRE is based on your child's IEP, not on a diagnosis or specific disability label. This determination must be made individually and carefully. Students cannot be placed in separate or more restrictive environments only because they require modification of the curriculum. It is important to remember that Teams do not have to choose between specialized help for a student and inclusion of that student in the general education classroom; students are entitled to both. After the Team has developed the IEP and understands the needs and goals for your child, then the Team will determine the most appropriate setting for your child's services. **LRE is an integral part of the placement determination.**

If Parents agree with the proposed IEP, the services begin in full at **age 3**.

For questions contact:

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