

Worcester Public Schools

Special Education Procedures Manual

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I INTRODUCTION & PURPOSE

The mission of the Special Education Department is to provide support, technical assistance and service to schools, staff, students, families and community stakeholders as we work collaboratively to promote safe schools where ALL children learn. Through our efforts we are committed to partnering with parents and schools to ensure the fidelity of specialized instruction, inclusion opportunities, professional learning and rigorous outcomes for students with disabilities.

We are committed to our focus on learning through a TEAM process of collaboration with our parents, community and staff! Our core beliefs are that Together Everyone Achieves More! It is through these key priorities that we continuously strive to develop specialized services to meet the individual needs of students with disabilities.

II LANGUAGE SERVICES

All parents are entitled to communication in their first and/or preferred language. The Worcester Public Schools gathers information from parents regarding their first and/or preferred language and provides interpretation and translation services, as required. All notices are provided in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

III CHILD FIND

Under both Section 504 and the IDEA (federal law), school districts have a legal responsibility to identify, locate and evaluate students, ages 3-21, for special education/related services. All students with disabilities, regardless of the severity of a disability, who are residing in the school district or are attending private school at private expense in the district's geographic boundaries and who are in need of special education and related services, are identified, located, and evaluated. Child find activities include students with disabilities attending private schools, highly mobile students with disabilities (such as migrant and homeless students), and students who are suspected of having disabilities and are in need of special education, even though they are advancing from grade to grade.

IV FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Students ages 3-21 that have a disability and have been found eligible are entitled to special education, supplementary aids and services, and related services at public expense and services are provided in conformity with an individualized education program (IEP). Special education includes specially designed instruction to meet the unique needs of the student which involves adapting, as appropriate, the content, methodology or delivery of instruction in order for the student to be involved in and make progress in the general education program, and to participate in extracurricular and other non-academic activities and related services necessary for a student with a disability to benefit from special education or to access the general curriculum.

The Worcester Public Schools offers a continuum of services and programming for special education students. Educational services that allow a student to make educational progress are available for eligible students that have been suspended or expelled from school.

V_TRANSITION OF YOUNG CHILDREN FROM EARLY INTERVENTION TO PRESCHOOL PROGRAMS

Public schools are responsible for providing special education services to eligible students upon their third birthday. The Worcester Public School works closely with Early Intervention to ensure that students are referred and evaluated prior to a student turning three years old. The Worcester Public School accepts referrals from Early Intervention, then will send a Consent to Evaluate Form for the parent/guardian signature.

The evaluation period begins when the district has received a signature on the Consent to Evaluate Form. Assessments will be completed within 30 school working days of the date the consent form is received if the child is over three years old and prior to the third birthday if the child is under three and the consent is received more than 30 days before the third birthday. If the child is attending school, the evaluations will take place at the school the child is attending. If the child is not attending school, the parent/guardian will receive notification of the date, time and place of the Evaluation.

Upon the completion of the assessments, a Team Meeting will be held and all testing will be reviewed and discussed. The parent/guardian will receive notification of the date, time, and place of the Initial Team Meeting once it has been scheduled. The meeting will be scheduled within 45 school days of the receipt of the signed Evaluation Consent Form if the child is over three and prior to the third birthday if the child is under three and the consent was received more than 30 days prior to the third birthday.

A diagnosis from a doctor or mental health professional alone is not enough to qualify for special education services. Information from a doctor or mental health professional is considered, along with a variety of information, and should be provided to the school district when a referral is made.

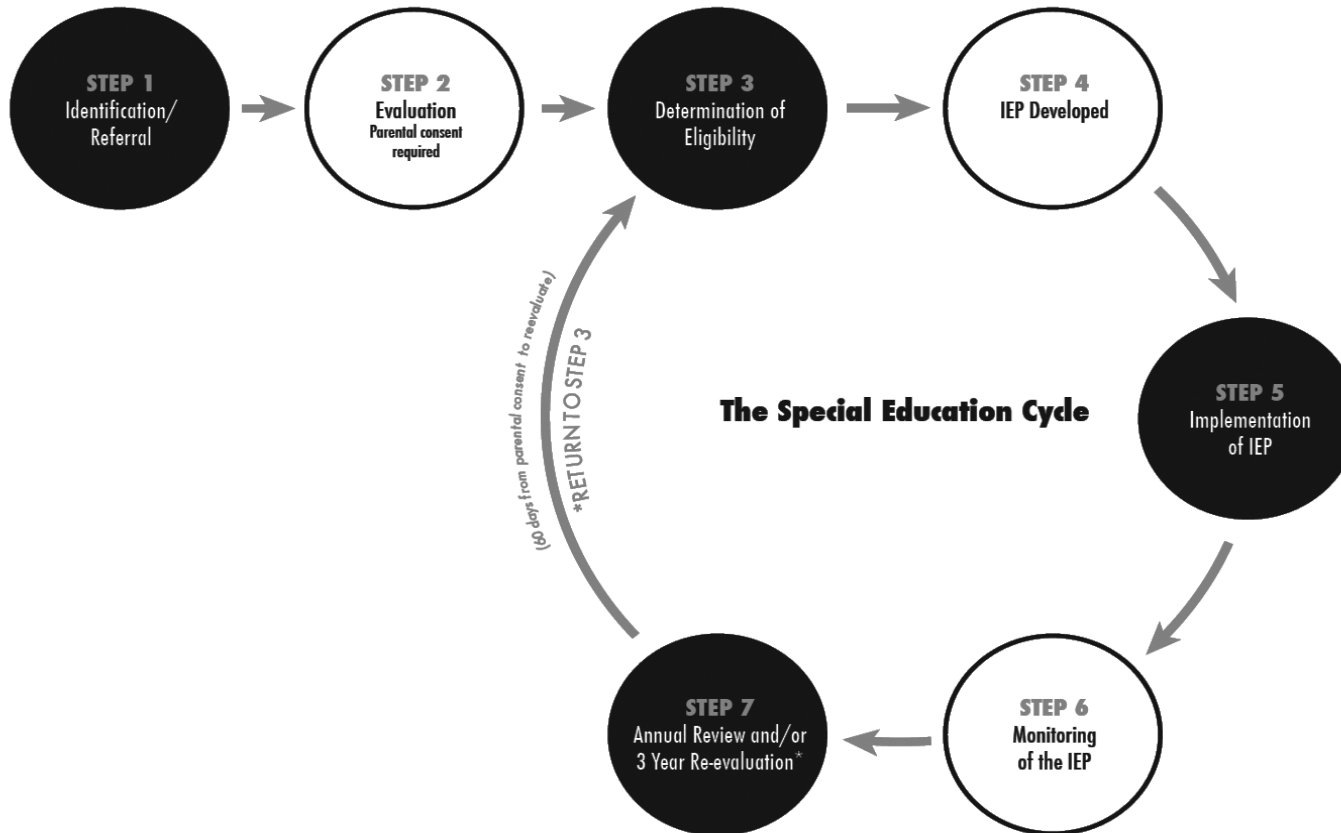
If the Team determines that the student is eligible for special education, the Team will develop an Individualized Education Program (IEP) for the child, and determine placement for delivery of services. Placement will be at the student's home school or the closest school to the home school that has openings and can meet the child's needs. Typically, incoming 3 year old students attend the morning preschool session, then attend the afternoon session in their second year of preschool. Except when assigned to specialized programs through the special education department, students are generally assigned to their homeschool for kindergarten.

VI THE IEP CYCLE

Initial Evaluation: the first time a student is evaluated (with parent consent) and determined to be eligible for special education.

Annual Review: an IEP meeting that takes place once a year to review the student's progress and update the student's IEP. Special education services cannot be discontinued at an annual review.

Three Year Re-Evaluation: an evaluation process in which new assessments are completed (with parent consent) and the Team re-determines special education eligible.



VII THE INITIAL REFERRAL PROCESS

Child Find: Under both Section 504 and the IDEA, public school districts have a legal responsibility to *identify, locate* and *evaluate* students qualified for special education/related services, from birth to age 21. This applies to all children, including those who are homeschooled or in private schools, as well as those who are migrants or without homes.

Referral for Initial Evaluation: A student may be referred for an evaluation by the school, a parent, or any person in a caregiving or professional position, who is concerned with the student's development and suspects the student has a disability.

- The referral should include the student's name, date of birth, school, home address, telephone number, and the reason for referral or concern(s).
- When a student is referred for an evaluation to determine eligibility for special education, the school district shall send written notice to the student's parent(s) within five school days of receipt of the referral.
- The Worcester Public Schools will seek the consent of a parent (or person with educational signing rights) for the evaluation to occur and assess all areas of suspected disability.
- 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.

VII THE INITIAL AND RE-EVALUATION PROCESS

Timeline: Upon consent of a parent, the school district shall provide or arrange for the evaluation of the student by a multidisciplinary team within 30 school days, then hold a Team meeting to review assessments and determine eligibility within 45 school days.

Reports of assessment results: Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression. Further, each person conducting an assessment shall define the student's needs, in detail and in educationally relevant and common terms, while offering explicit means of meeting them. Evaluation reports 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 meeting.

Convening the Team: Within 45 school working days after receipt of a parent's written consent to an initial evaluation or reevaluation, the school district shall: (1) provide an evaluation; (2) convene a Team meeting to review the evaluation data; (3) determine whether the student is eligible for special education.

Eligibility Requirements:

- the student has one or more of the disabilities defined at 603 CMR 28.02(7) and,

- as a result of the disability(ies), the student is unable to make effective progress 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.

If Eligible: The Team will develop the IEP and provide a Team summary to the parent at the end of the meeting. The finalized IEP will be mailed within 14 calendar days of the meeting with the consent of the parent. If the parent does not receive a summary of the meeting or does not consent to 14 calendar days, the IEP will be sent within two days of the Team meeting.

If Not Eligible: The Team chairperson shall record the reason for such finding, list the meeting participants, and provide written notice to the parent of their rights in accordance with federal requirements within ten days of the Team meeting.

If a Parent Disagrees With A Finding of No Eligibility:

- Notify the district in writing their rejection of finding
- Request an independent evaluation (if desired)
- Reconvene the Team to follow dispute resolution steps (due process)

VIII THE TEAM PROCESS and IEP DEVELOPMENT (Initial Evaluations, Re-Evaluations & Annual Reviews)

Upon eligibility determination at an initial or re-evaluation meeting, or as part of an annual review, the IEP Team will meet to develop an IEP that meets the student's needs.

Required Team Members for all IEP Teams:

- the child's parents and/or guardians
- at least one of the child's special education teachers or providers
- at least one of the child's regular education teachers (if the student is, or may be, participating in the regular education environment)
- a representative of the school system who has authority to allocate district resources(Evaluation Team Chairperson)
- an individual who can interpret the evaluation results
- representatives of any other agencies that may be responsible for paying for or providing transition services (if the student is 16 years or, if appropriate, younger)
- the student, if aged 14 years or older
- other individuals who have knowledge or special expertise about the child
- English As A Second Language Teacher (as applicable)
- Interpreter (if parent does not speak English)

*** Parent/Guardian (and the district) have to give permission to excuse any required Team member from all or part of a team meeting. The excused Team member must provide written input *prior* to the Team meeting.

Parent/Guardian must be given the option to EITHER: (1) Excuse the absent Team member OR (2) Reschedule the meeting for a date when the Team member can attend.

Development of the IEP

- Parents/Guardians are a very important team member and also contribute to the team by sharing their vision for their child
- The evaluation results, teacher, and parent input is considered to determine, specially designed instruction, accommodations and modifications, measurable goals and objectives for the student, and appropriate services to ensure FAPE.

MCAS Considerations:

- The Team determines if a student would take standard MCAS or MCAS Alternative Assessment annually.
- The IEP Team will determine whether the student requires accommodations to access MCAS and those will be reflected in the IEP.
- Students must pass standard MCAS and complete district graduation requirements to receive a high school diploma.

Transportation

- **Regular Transportation:** If the student does not require transportation as a result of his or her disability, then transportation shall be provided in the same manner as it would be provided for a student without disabilities.
 - If regular transportation is noted on the student's IEP and the student is placed by the school district in a program located at a school other than the school the student would have attended if not eligible for special education, the student is entitled to receive transportation services to such program.
 - If regular transportation is noted on the student's IEP and the student is enrolled by his or her parents in a private school and receiving services under 603 CMR 28.03(1)(e), such student is not entitled to transportation services unless the school district provides transportation to students without disabilities attending such private school.
- **Special Transportation:** If the Team determines that the student's disability requires transportation or specialized transportation arrangements in order to benefit from special education, the Team shall note on the student's IEP that the student requires special transportation.

Least Restrictive Environment (LRE) To the maximum extent appropriate, students with disabilities, including students in public and private institutions or other care facilities, are educated with students who are not disabled and participate with non-disabled students in non-academic and extracurricular services and activities, including meals, recess periods, athletics, recreational activities, special interest

groups or clubs sponsored by the school district, and are referred to agencies that provide employment assistance to individuals with disabilities. Special classes, separate schooling, or other removal of students with disabilities from the general education environments occurs only if the nature or the severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Determination of Placement:

- At the Team meeting, after the IEP has been fully developed, the Team shall determine the appropriate placement to deliver the services on the student's IEP. Unless the student's IEP requires some other arrangement, the student shall be educated in the school that he or she would attend if the student did not require special education.

Parent Response To Proposed IEP And Proposed Placement

No later than 30 days after receipt of the proposed IEP and proposed placement, the parents shall:

- Accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal; and
- accept or reject the proposed placement.

Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay.

IX PARTICIPATION IN STATE-WIDE ASSESSMENT (MCAS)

Student Participation

All students, including students with disabilities and ELs, will be required to participate in all MCAS assessments that are scheduled for students in their grade, including

- students enrolled in public schools
- students enrolled in charter schools
- students enrolled in innovation schools, including virtual schools
- students enrolled in educational collaboratives
- students enrolled in approved and unapproved private special education schools and programs within and outside Massachusetts
- students receiving educational services in institutional settings
- students in the custody of the Department of Children and Families (DCF)
- students in the custody of the Department of Youth Services (DYS)

Students must participate in grade-level tests that correspond with the grade in which they are in. The student's IEP team or 504 plan coordinator

should address the questions below and consider options 1, 2, and 3 in the chart on pages 8-10:

- Can the student demonstrate knowledge and skills, either fully or partially, on the **standard MCAS test under routine conditions**?
- Can the student demonstrate knowledge and skills, either fully or partially, on the **standard MCAS test with accommodations**? If so, which accommodations are necessary for the student to participate?
- If no to the above questions, see the options below to determine whether the student should take the **alternate assessment** (MCAS-Alt).

(Note: Alternate assessments are intended only for students with significant cognitive disabilities who are unable to take standard MCAS tests, even with accommodations.

The student's IEP team or 504 plan coordinator must make a separate decision for each subject scheduled for assessment. A student may take the standard test in one subject and the alternate assessment in another. These decisions may be revised each time the team convenes.

Standard MCAS

Option 1

Decisions about test participation for each student with a disability (including ELs with disabilities) must be made by the IEP team and listed in the student's IEP, or be included in a 504 plan, for each content area test. Decisions include the following:

- Which **accommodations** the student needs to participate in MCAS testing, according to the policies outlined in this manual.
- Whether the student with a disability (or recently-arrived EL) requires a **paper- rather than a computer-based test**, and if so, in which subjects.
- The **EL accommodations** listed in Section VI of this manual must be considered for all English learners (ELs) with or without disabilities. Accommodations decisions must be made by an informal team of adults familiar with the EL student and documented in writing using the sample (or similar) form provided in Appendix B.
- If **accessibility features** are needed by a student with a disability, the Department encourages listing these to guarantee that they will be provided on the test.

Accessibility features and accommodations for MCAS tests are listed in the following categories:

- **Universal Accessibility Features** (UF): Tools and supports that are available to all students, either on the computer-based tests or their paper-based equivalents.
- **Designated Accessibility Features** (DF): Flexible test administration procedures that may be used with any student at the discretion of the principal (or designee). These include changes in the location of test settings, group size, seating of students, and scheduling of test administrations.
- **Accommodations** (A): Specific supports available only to students with disabilities and English learners. Team members and educators responsible for developing IEPs and 504 plans must make decisions regarding which accommodations to provide and list these in the plan of each student (see pp. 16-22). We encourage districts to list accommodations for EL students using the sample form entitled Documentation of MCAS Accommodations for an EL Student (in Appendix B) which must be kept on file at the school.

***** **Paper-based edition** of the MCAS test may be administered as an accommodation to a student who is unable to use a computer or take the computer-based test due to a disability. (**Note:** This must be listed as an accommodation in the student's IEP or 504 plan)

- **“Special Access” Accommodations (SAs):** Formerly called nonstandard accommodations, these may be provided to students who meet certain guidelines and criteria.
- **English Learner Accommodations (EL):** Several accommodations are available to ELs who do not have disabilities.

***** **The following must be provided to all students on MCAS tests, including students with disabilities and ELs:**

Untimed test sessions until the end of the school day, as needed

Blank scratch paper (including blank, lined, or graph paper)

Assistance as needed from a test administrator in using the computer-based testing platform

MCAS Alt

Option 2

Students with significant cognitive disabilities who are unable to take the standard test or standard test with accommodations must take the MCAS Alternate Assessment. An MCAS ALT is appropriate if the student is:

- an individual with a significant cognitive disability, and is
- generally unable to demonstrate knowledge and skills on a computer- or paper-based test, even with accommodations, and is
- working on learning standards that have been substantially modified due to a significant cognitive disability, and is receiving intensive, individualized instruction in order to acquire, generalize, and demonstrate knowledge and skills,

IEP teams should not designate a student for an alternate assessment solely because he/she:

- is frequently absent from school;
- has not received instruction in the general curriculum;
- has a particular disability (e.g., all students with intellectual disabilities should not automatically be designated for the MCAS-Alt);
- is placed in a program or classroom where it is expected that students will take the MCAS-Alt;
- has taken an alternate assessment in the past (since this is an annual decision);
- has previously failed the MCAS test;
- is an English learner;
- is economically disadvantaged ;
- is a child in foster care;
- requires assistive technology or an augmentative communication system that has not been provided;
- attends a school in which the IEP team may have been influenced to designate the student

for an alternate assessment in order to receive disproportionate credit toward the school's accountability rating.

Grade Level or Competency Portfolio

Option 3

When the nature and complexity of a student's disability present significant barriers or challenges to standardized computer- or paper-based testing, even with the use of accommodations; and the student is working at or close to grade-level expectations, the student's IEP team or 504 plan coordinator may determine that the student should participate either in the "grade-level" (grades 3-8) or "competency" (high school) portfolio in one or more subjects. An grade level or competency portfolio may be appropriate if the student is:

- working on learning standards **at or near grade-level expectations and** is
- **sometimes able** to take a computer- or paper-based test, either without or with one or more test accommodation(s) **but**
- has a **complex and significant disability*** that does not allow the student to fully demonstrate knowledge and skills on a computer- or paper-based test of this duration,

*** The student should take the computer- or paper-based MCAS test, if possible, with necessary accommodations. **However**, the team may recommend that the student submit a "grade-level" or "competency" portfolio when the severity and complexity of the disability prevent the student from demonstrating knowledge and skills on the computer- or paper-based MCAS test, even with the use of accommodations.

X_INDEPENDENT EDUCATIONAL EVALUATION (IEE)

If the parent disagrees with the evaluation findings:

- Parents have the right to request the IEE, at the expense of the public school, within 16 months of the school's evaluation.
- There is a right to only one IEE in each area of disability or suspected disability each year.
- Within 5 days the district either: Agrees to pay OR Initiates a hearing through Bureau of Special Education Appeals (BSEA) to show that their evaluation was "comprehensive and appropriate"
- The parent chooses an independent evaluator. The Independent Educational Evaluation must be conducted by a qualified person(s), who is registered, certified, licensed or otherwise approved and who abides by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student may justify an individual assessment rate that is higher than that normally allowed, although there are no circumstances in this case that warrant a different rate.
- Prior to the evaluation, it is imperative that the independent evaluator enter into a written contract with the Worcester Public Schools for said evaluations. Payment will not be authorized without entering into a written agreement prior to the evaluation. As set forth above, all contracted fees must conform to 114.3 CMR 29.04 and 30.00. If you would like assistance in identifying an Independent Evaluator(s) who does accept these rates, please contact the Office of Special Education.
- The Independent Evaluator must summarize in writing the procedures employed, the results, and the diagnostic impressions, 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 of schools. Upon receipt of the written evaluation with an accompanying invoice to the Administrator of Special Education for the approved assessments, payment will be

processed for disbursement.

- The school district only pays the rate set by the state. The district may provide additional funds based on “unique circumstances of the child” requiring additional hours of testing.
- There is a state voluntary cost-sharing program for parents with a sliding scale fee based on income. The family may be asked to provide financial information.

Upon Receipt Of An IEE

- The TEAM reconvenes to consider an independent evaluation within 10 school days of receiving the report. The TEAM meets to consider the recommendations of the independent evaluation and update the IEP if appropriate.

XI TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

Through the IEP Team process, parents and students are notified at least one year before the student reaches the age of majority, 18 years of age, that all decision making and consent rights previously accorded to the parents are transferred to the student when the student reaches the age of majority, unless a court of competent jurisdiction awards guardianship prior to the student's 18th birthday. When students reach the age of majority, parents continue to have the right to receive copies of all written notices that are sent to the student. In Massachusetts, students are considered adults and competent to make their own educational decisions at 18 years of age. Unless there is a court appointed guardian or the adult student has chosen to delegate decision making to her or his parent, the school district seeks the written consent of the student in order to continue her or his special education program.

XII BULLYING, HARASSMENT OR TEASING IN IEPS

Students to Consider

Students with disabilities. As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing

IEP Teams are expected to discuss the impact of bullying , harassment and teasing for ALL students, including ALL students with Autism, described above or are vulnerable to being a target of bullying based on an actual or perceived characteristic as described by M.G.L. c. 71 Section 37O.

Team Procedure

- The IEP Team must discuss and make a determination as to whether a student's disability impacts social skills development or makes a student susceptible to bullying or harassment.

- Complete the district bullying form for all students that meet the above criteria at all initials, re-evaluations and annual review. Form is kept in the student's special education folder.

Addition Questions for the Team to Consider

- Does the student feel safe at school? If not, why not?
 - Is the school aware of the student being a target of bullying? Do educators believe the student could potentially become a target? Why?
 - Are parents aware of any incidents of bullying against the student? When? Where? What was the nature of the bullying? Did the bullying occur in school (if so, where? e.g., hallway, cafeteria), out of school, on a transportation vehicle, or was it cyberbullying? When the parent addressed the question with the student, did the student understand that bullying had taken place?
 - Does the student have a clear understanding of what bullying is and is he or she able to identify bullying attempts (as well as teasing and harassment)?
 - Does the student display particular verbal or nonverbal behavior that makes him/her more vulnerable to bullying?
 - Does the student engage in behavior that might be identified as bullying? Is there concern that any new or emerging behavior might be identified in this way?
 - Given the specific nature and extent of the student's disability, is the student able to conform to the school's code of conduct relative to bullying prevention and intervention?
 - Is the student able to access the general education curriculum, including the bullying prevention and intervention curriculum?
 - Does the student have sufficient self-advocacy skills to obtain help/know what to do if he/she is bullied?
 - What particular skills does the student need to develop to guard against becoming a target or to stop aggressive behaviors directed toward him/her?
 - Does the student have friends at school/in the community who would report bullying or defend the student if the student is subjected to bullying?
 - Is the student socially isolated? Does the student spend time physically removed from his or her peers? What has been done to integrate the student into the social life of the school during the school day and during extracurricular activities?
 - Does the student have someone she/he trusts at school to whom she/he may report bullying?
 - Does the student have an aide? If so, is this aide present during high-risk time periods (e.g., recess, lunch)?
 - Are there times of day with less adult supervision and less structure where bullying is more likely to occur? Are there places in the building where bullying is more likely to occur?
 - Is there a Behavioral Intervention Plan for the student and, if so, is it being followed? Does it need to be amended to include new information regarding bullying prevention and intervention strategies?
- Determine what goals, objectives, services, supports, instruction, and/or accommodations should be included in the student's IEP based on the discussion using the bullying form and above considerations.
 - Document the Team discussion and determination on PLEP B, page 8 of the IEP, as well as the N1

*** If it is disclosed that the student has been involved in bullying, whether they have bullied or been bullied, this must be reported to building administration to ensure a response consistent with the districts Bullying Intervention Plan and state law

XIII PROCEDURES FOR SUSPENSION OF STUDENTS WITH DISABILITIES (or suspected disabilities) AND MANIFESTATION DETERMINATIONS

Manifestation determination: Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the LEA's failure to implement the IEP.

Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and school district agree otherwise.

When to hold a manifestation determination meeting:

- a special education student or student with a suspected disability has been suspended for longer than 10 consecutive days
OR
- a special education student or student with a suspected disability has been suspended for a series of suspensions that are shorter than 10 consecutive days, but constitute a pattern

*** The manifestation determination must be held prior to the decision to take disciplinary action when the disciplinary action will result in a change of placement.

Who to hold a manifestation determination meeting for:

- any special education student
- any student in which the district had prior knowledge of a suspected disability
 - the parent had expressed concern in writing; or
 - the parent had requested an evaluation; or
 - the district staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student or

- the student is in the student support process (SSP)

*** The district may not be considered to have had prior knowledge if the parent has not consented to evaluation after 30 days of receiving the consent or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility

*** If the parent requests an evaluation subsequent to the disciplinary action, the district must conduct an expedited evaluation to determine eligibility.

Manifestation determination procedure:

- Convene the IEP Team, which must include all relevant Team members (parent, student, administrator that issued discipline, all district personnel that will review an evaluation or can speak to the student's disability related needs)
- Review all relevant information in the student's file, including:
 - the IEP and most recent evaluations
 - any teacher observations
 - any relevant information from the parents, including independent evaluations
- Determine whether the behavior was caused by or had a direct and substantial relationship to the disability OR was the direct result of the district's failure to implement the IEP-"a manifestation determination."
- The determination of the Team must be documented in an N1 that is translated (as appropriate) and sent to the parent with written notice of procedural safeguards

If the behavior IS a manifestation of the student's disability:

- The Team proposes a functional behavioral assessment and behavioral intervention plan, and provides consent to evaluate to the parent
If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior
- The student returns to the original placement unless:
 - the parents and district agree otherwise or the hearing officer orders a new placement
 - the discipline infraction involves special circumstances: drugs, weapon or serious bodily injury

If the behavior IS NOT a manifestation of the student's disability:

- The suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
 - services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; **and**
 - as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.

Procedure for placing in an Interim Alternative Education Setting (IAES):

- The IEP Team must convene to determine an appropriate IAES for the duration of the student's suspension
- The interim alternative education setting must:
 - enable the student to continue in the general curriculum
 - enable the student to continue to receive services identified on the IEP
 - and provide services to address the problem behavior
- The determination of the Team must be documented in an N1 that is translated (as appropriate) and sent to the parent

XIV EQUAL ACCESS TO DISTRICT PROGRAMS

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

A school district must provide students with disabilities an equal opportunity to participate in its existing extracurricular athletic programs. This means that a school district must not exclude students based on stereotypes and assumptions. It also means that a school district must make an individualized inquiry to determine if there are reasonable modifications, or necessary aids and services, which would allow a student with a disability the chance to take part in the activity. The eligible student's 504 or IEP Team will discuss whether the student requires modifications or necessary aids and services to participate in extracurricular activities.

XV STUDENTS IN PRIVATE SCHOOLS ENROLLED BY THEIR PARENTS

Child Find and Meaningful Consultation: Proportionate share procedures, including child find activities and meaningful consultation with private schools located within the geographic boundary of the district.

- Proportionate Share district consultant contacts and visits every private school in the district to provide information regarding Child Find, services for eligible students and Professional Development offerings. For purposes of this law, homeschool students are considered privately placed students. Ongoing consultation and support is available.
- Early on in the school year, Administrators from the private schools and homeschool parents are invited to attend a Meaningful Consultation meeting to review Child Find, services for eligible students and Professional Development offerings. School representatives sign in on an agenda which is provided as Written Affirmation Following Consultation. Written Affirmation Of Consultation. These sign in sheets are provided to DESE.
- The consultation process is discussed with school representatives at the Meaningful Consultation Meeting. The district currently has two Proportionate Share consultants that communicate frequently with the schools and parents.
- Meaningful consultation meetings are also scheduled with parents of students who are homeschooled.

- School representatives sign in for the Meaningful Consultation meeting. Written affirmation is also obtained when the district's consultant meets with the individual private and parochial schools. Parents of homeschooled students sign in for the Meaningful Consultation meeting.
- Child Find and the referral process are reviewed at the Meaningful Consultation meetings with private schools and homeschooling parents. Information is also available on the Worcester Public Schools website under Special Education

Evaluation of Homeschooled and Private School Students

- When contacted by parent/guardian and/or school regarding student specific concerns, district staff provide parent/guardian or school staff with a form to complete to begin special education referral process Parent Request for Special Education Evaluation
- Worcester Public Schools evaluates students that reside in Worcester and attend a private or parochial school within Worcester. Worcester Public Schools will also evaluate students that attend a private or parochial school in Worcester but reside outside of Worcester if requested by the parents.

Special Education and Related Services/Service Plans

- Service Plans are written for private and parochial school students who are accessing services and/or provided with technology using Proportionate Share funds. Direct services are scheduled between the service providers and families/schools at a mutually agreed upon location and time.
- During ongoing consultation meetings with private school officials, any disputes would be resolved.

XVI PROCEDURAL SAFEGUARDS

Due process procedures ensure that parents and students are afforded the procedural safeguards required by federal and state law. The Notice of Procedural Safeguards, (previously known as the Massachusetts Parent's Rights Brochure), is given to parents of a student with a disability at a minimum upon initial referral for evaluation, and subsequent to a finding of eligibility the Notice of Procedural Safeguards is provided once per year and upon request. The Notice of Procedural Safeguards includes information on the opportunity to examine records, confidentiality, parent participation in meetings, information on independent educational evaluations, prior notice, mediation, due process hearings, civil action, student's status during administrative or judicial proceedings, transfer of parental rights at age of majority (age 18 in Massachusetts), parental consent, surrogate parents, revocation of consent, change of placement for disciplinary removals, and manifestation determination.

[Parent's Notice of Procedural Safeguards](#)

[Aviso de las Salvaguardias del Procedimiento para los padres](#)

[All Available Languages](#)