



# **BRIDGE BOSTON**

## **CHARTER SCHOOL**

### **SPECIAL EDUCATION PROCEDURES NARRATIVE**

Revised April 2021

## **Table of Contents**

<b>1.0 Introduction and Purpose</b>	<b>7</b>
Communication With Non-English Speaking Parents	7
<b>2.0 Referral procedures</b>	<b>7</b>
2.1 Referral for Initial Evaluation	7
2.2 School Referral	8
2.3 Parent Referral	8
2.4 Private School referral	8
2.5 Sending out Consent to Evaluate	9
Selecting the Proposed Evaluation Measures	9
Required assessments:	9
Optional assessments:	9
2.6 What to do if a parent does not submit signed parental consent	10
2.7 Receipt of Consent at End of School Year	10
<b>3.0 Evaluation process</b>	<b>10</b>
3.1 Initial Evaluation	10
3.2 Assessment(s)	11
3.3 Assessments Required for Specific Learning Disabilities (SLD) Determination	11
3.4 Assessment Reports	12
3.5 Reevaluation Process	12
Reevaluation Steps	12
Step 1 – Outlook Calendar/eSTAR	13
Step 2 – Choose Proposed Measures	13
Step 3 – Discussing the Proposed Measures with Parent/guardian	13
Step 4 – Send Consent to Evaluate	13
Step 5 – Parent/guardian Reminder	13
Step 6 – Log Consent Received	13
3.6 Psychological Evaluations as part of the Reevaluation Process:	14

Step 7 – Request an Evaluation from Educational Psychologist	14
Step 8 – Schedule an Evaluation	14
Step 9 – Inform Parent/Guardians	14
Step 10 – Evaluation Conducted	14
Step 11 – Evaluation Report Completed and Sent	15
Step 12 – Send and File Evaluation Report	15
Step 13 – Schedule Reevaluation/Eligibility Meeting	15
Step 14 – Meeting Preparation	15
3.7 Private Evaluation at Parent Expense	16
3.8 Independent Educational Evaluation	16
3.8 Extended Evaluation	16
<b>4.0 The team process</b>	<b>17</b>
4.1 Team Composition:	17
Parent participation	17
4.2 Scheduling the Team Meeting	18
Step 1 – Scheduling	18
Step 2 – Notifying the Team	18
Step 3 – Meeting Invitations Sent & Logged	18
Step 4 – Reminder to Parent/Guardian/Teachers	19
Step 5 – Print Materials for IEP Meeting	19
4.3 Excusal from IEP Meetings	19
4.4 Private School	20
4.5 Meeting Date/Time Change at Parent Request	20
4.6 Team Responsibilities	20
4.7 Eligibility determination	20
4.8 The Special Education Eligibility Flowchart	21
4.9 Finding the Student Eligible	21
4.10 Finding the Student Not Eligible	22

4.11 What if a Parent Disagrees with the Eligibility Finding?	22
4.12 - A 504 Accommodation Plan may be Appropriate	23
<b>5.0 Development of the Individualized Education Program (IEP)</b>	<b>23</b>
5.1 IEP Components:	23
5.2 Duration of Team Meetings	25
5.3 Special Transportation	25
5.4 Extended School Year (ESY)	25
5.5 State/District Wide Assessment Accommodations	26
5.6 Students with Disabilities and Bullying	26
What the legislation says:	26
Procedures IEP Teams follow to avoid or address bullying, harassment or teasing	26
5.7 Required Documentation for students with Autism:	27
5.8 Assistive technology	28
<b>6.0 Placement determination</b>	<b>28</b>
6.1 Least Restrictive Environment (LRE)	29
6.2 Placement Meeting	29
6.3 Transition Planning	29
<b>7.0 Processing the proposed IEP for distribution to parents</b>	<b>30</b>
<b>8.0 Parent response to IEP</b>	<b>30</b>
<b>9.0 Implementation of the IEP</b>	<b>31</b>
<b>10.0 Disciplining students with special needs</b>	<b>34</b>
<b>11.0 Requests for services</b>	<b>36</b>
<b>12.0 Resolution of Disputes</b>	<b>38</b>
Local School District Procedures:	38
Department of Elementary and Secondary Education Procedures:	39
Bureau of Special Education Appeals:	39
Mediation:	40
Hearings:	40

Hearing Decision:	40
Student's Right to IEP Services and Placement:	41
<b>13.0 Independent Evaluations</b>	<b>41</b>
13.1 Parental Request for Independent Education Evaluations:	41
13.2 Public funding of independent education evaluations:	42
13.3 Independent Evaluation Options- Boston Area	43
Boston Medical Center	43
Boston Children's Hospital	43
Floating Hospital for Children at Tufts Medical Center	43
<b>14.0 Transitions</b>	<b>43</b>
<b>15.0 Equal opportunity to participate in vocational, supportive, and remedial services, as well as non-academic and extracurricular programs.</b>	<b>43</b>
<b>Appendix</b>	<b>46</b>
MANIFESTATION DETERMINATION FORM	46
Students on the autism spectrum- special considerations	49

## 1.0 Introduction and purpose

The Special Education Department at Bridge Boston Charter School is committed to providing students with disabilities access to the curriculum and general education programs. With in-school resources and necessary consultative services, we are able to provide the instruction necessary to help students minimize the impact of disability and maximize independence and participation in the community to prepare students for college, career and healthy productive lives.

The Bridge Boston Charter School Special Education Procedural Manual has been developed to ensure consistency and accuracy of special education practices in the school. The practices and procedures in this manual align with 603 CMR 28.00 Special Education Regulations. Required forms and documents referred to in the following sections can be found in Google Docs and eSTAR.

### COMMUNICATION WITH NON-ENGLISH SPEAKING PARENTS

When working with families whose primary language is not English, the school is required to provide translation services. These services may include interpreters at team meetings, as well as having documents translated. All special education documentation that is sent to the home should be translated for the family. This would include, for example, N1s, Evaluation Consent Forms, Meeting Invitations, assessments, IEPs. Copies of all interpreted documents should be sent to Special Education Administrator to be maintained as part of the student's file.

When an evaluation, IEP, progress report or consent for evaluation is being translated, a copy of the documents needing translation should be emailed to the Director of Special Education as a word document, to facilitate the translation process.

## 2.0 Referral procedures

Staff Responsible-

- All faculty and staff
- Special Education Administrator

### 2.1 REFERRAL FOR INITIAL EVALUATION

A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. Under the regulations, schools must ensure a responsive school environment that meets the needs of all students and should implement and document the use of attempted instructional strategies on a case-by-case basis. A parent's right to refer their child for a special education evaluation, however, is not limited and should never be delayed because the school has not fully explored and/or attempted some or all of the available instructional support programs or any other type of interventions (i.e.: DCAP/RTI/IST). In any case where the parent or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school must promptly send notice and seek permission to conduct an initial evaluation to determine if the student is eligible for special education. The school has **5 school days** to respond in writing to a parent's request for evaluation by completing a Proposed Action Notice (N1) and Evaluation Consent Form (N1A). A copy of the Parental Notice of Procedural Safeguards should be included as well.

## 2.2 SCHOOL REFERRAL

When the School Principal and Director of Special Education or the Student Support Team determines that all efforts have been made to meet the needs of the student within the general education program, and these efforts have not been successful, a student should be referred by school personnel for an evaluation to determine eligibility for special education. *The team will propose evaluations in the areas of suspected disability (areas of concern).* The Special Education Administrator shall ensure that documentation of the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility (ie DCAP). The Special Education Administrator, Principal, or other designee, will notify the parents of the school's proposal for an initial evaluation. The Special Education Administrator shall send notice and consent within a "consent packet" (including Parental Notice of Procedural Safeguards, N1, and Evaluation Consent) and shall coordinate the evaluation process. See Section 2.5, Sending out Consent to Evaluate, below.

## 2.3 PARENT REFERRAL

If a parent/guardian *requests information* about the evaluation process **the faculty member** will:

1. Immediately refer the parent/guardian to the special education administrator for further information about the process.
2. Email the special education administrator to inform them of the request.

If a parent/guardian makes an *explicit request* for a formal evaluation in order to determine eligibility for special education services **the faculty member** will:

1. Email the special education administrator informing them of that request.
2. The special education administrator will contact the family to gather information regarding their concern(s) and suspected area of disability.

If someone other than the parent/guardian requests an evaluation, then the special education administrator will:

1. Seek the consent of the parent/guardian before the evaluation can occur
2. Provide the parent/guardian with the opportunity to express any concerns or provide information on the student's skills or abilities before sending a Consent to Evaluate form.

## 2.4 PRIVATE SCHOOL REFERRAL

It is understood that Bridge Boston Charter School is not in a position where this event would occur. Public school policy would read as follows: When private school personnel submit a referral for a special education evaluation, the Director of Special Education or Principal must notify the parents immediately. The school district is obligated to conduct special education evaluations for students who attend private school at no cost to the private school or parents. An evaluation cannot be conducted without receipt of signed parent consent. The district must respond as described above in Section 2.3. When a parent of a private school student contacts the school district to request a special education evaluation, the same process as described above in Section 2.3, Parent Referral, should be followed. The ETF of the school the student would attend if indistrict is responsible for responding to this type of parent referral.

## 2.5 SENDING OUT CONSENT TO EVALUATE

When the special education administrator receives an email or has a conversation with a parent regarding an explicit request for an evaluation, **within 5 days** s/he will:

1. Contact the parent/guardian to discuss their concerns, explain the procedure, and ask that the parent provide the request in writing.
2. Contact the student's advisor and teachers to inform them of the request for evaluation and to get feedback about the student's strengths and weaknesses.
3. Notify the grade level team.
4. Create a profile for the student in eSTAR.
5. Create a file for the student and begin tracking the evaluation timeline.
6. Respond in writing to a parent's request for evaluation by completing a Proposed Action Notice (N1) and Evaluation Consent Form (N1A). A copy of the Parental Notice of Procedural Safeguards should be included as well (see below for details).
7. Create a one week reminder for the case manager to follow up with parent/guardian if consent not yet received. If the consent is not received at this point, the case manager should involve the director of Special Education and the Division Head to meet with the parents to see if there are concerns with the consent.

---

#### SELECTING THE PROPOSED EVALUATION MEASURES

Based on discussions with the parent/guardian and the student's advisor, teachers and any other faculty working with the student, the special education administrator will select the tests to be administered. Required and optional assessments are listed below:

---

#### REQUIRED ASSESSMENTS:

An assessment in all areas related to the suspected disability

1. An educational assessment by a representative of the school, including:
  - 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 school curriculum
  - an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults
  - a narrative description of the student's educational and developmental potential

---

#### OPTIONAL ASSESSMENTS:

The team may recommend, or a parent/guardian may request, one or more of the following:

1. 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.
2. a psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
3. 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/guardian.



**Note:** When a request for referral is received and a Consent to Evaluate form is signed, the Team has **30 school days to complete the evaluation** and **45 school days to hold an eligibility meeting**. Therefore faculty members should report the request to the special education administrator immediately.

## 2.6 WHAT TO DO IF A PARENT **DOES NOT** SUBMIT SIGNED PARENTAL CONSENT

An evaluation process cannot begin until the school receives signed consent to evaluate from parents.

- If receipt of the consent has not been received within two weeks, the Director of Special Education will follow up with the parents to inquire if there are any questions or if an additional copy is needed. If a parent does not return the initial evaluation consent form within 30 calendar days of being sent home, a consent packet will be sent a second time, with the date documented.
- If parental consent is not received within 30 calendar days for a reevaluation, a second attempt, and if necessary, a third attempt will be made.
- If the parent revokes consent or refuses any evaluation, and the school determines that such action will deny the student a free and appropriate education (FAPE), the school shall seek resolution through the Bureau of Special Education Appeals (BSEA).

In situations of divorce, when there is shared custody, if the school is in receipt of signed consent to evaluate from either one of the parents, the school begins the evaluation process.

## 2.7 RECEIPT OF CONSENT AT END OF SCHOOL YEAR

If consent is received within thirty (30) to forty-five (45) school days before the end of the school year, the school must ensure that a Team meeting is scheduled. The proposed IEP and N1 or written notice of the finding of no eligibility (N2) will be sent no later than fourteen (14) days after the end of the school year. For consents received fewer than 30 school days prior to the end of the school year, the timeline starts at receipt of consent, stops on last day of school, and restarts at the start of the following school year (See 603CMR28.05(1)).

## 3.0 Evaluation process

### 3.1 INITIAL EVALUATION

Upon receipt of signed consent by the parent, the school shall provide or arrange for the evaluation of the student by a multidisciplinary team within **30 school days**. The Special Education Administrator will complete a Special Education Evaluation Notice including referral questions and any appropriate information, and provide it to all team members (see google doc). A Team meeting must be scheduled within **45 school days** from receipt of consent.

The Special Education Administrator is responsible for notifying the evaluation team members that consent has been received and assessments can be scheduled. The SEA will schedule the Initial Team meeting to occur within **45 school days** from receipt of consent and send to the parent(s) the following:

- A notice of team meeting
- An attendance sheet (N3a)

### 3.2 ASSESSMENT(S)

The assessment(s) used shall be adapted to the age of the student. The school shall ensure that appropriately credentialed and trained specialists administer all assessments. The evaluation must include assessments in all areas related to the suspected disability, plus educational assessments (Educational Assessment Forms Part A & Part B) by a representative of the school to include:

- 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 Common Core incorporating the Massachusetts Curriculum Frameworks and the school curriculum (Ed. Form A)
- An assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults (Ed. Form B)
- The school shall also thoroughly evaluate and provide a narrative description of the student's educational and developmental potential (i.e. psychological, academic, observation)
- A psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination
- An academic/achievement assessment by a qualified special education teacher, psychologist or other qualified personnel
- Any other evaluation necessary to address referral questions or suspected areas of disability [assessments may include Speech/Language, Occupational Therapy, Physical Therapy, Adapted Physical Education, Home Assessment, Health assessment that identifies medical problems or constraints that may affect the student's education.]
- 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 may be considered
- For children who are receiving early intervention services, current and appropriate early intervention assessments may be used to inform team decisions

### 3.3 ASSESSMENTS REQUIRED FOR SPECIFIC LEARNING DISABILITIES (SLD) DETERMINATION

When a specific learning disability is found to be the primary disability impacting a student's ability to access the general curriculum, a specific set of forms (see SEMS forms) must be used to aid in this determination. These forms consist of a historical review and educational assessment, identification of the specific area(s) of concern and evaluation methods, an analysis of certain exclusionary factors, a mandatory observation form, and, finally, a Team determination of eligibility that all Team members must sign.

### 3.4 ASSESSMENT REPORTS

Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impressions as well as specific recommendations. The evaluator shall define in detail, and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. *The evaluator should not determine eligibility in their evaluation*; However, recommendations around strategies and accommodations based on the findings would be appropriate. Assessments shall be completed prior to discussion by the Team and shall be made available to the parents **at least 2 school days** in advance of the Team Meeting. This includes Educational Assessment Part A & B.

Each person conducting an assessment must give the Director two (2) final, signed copies with the original signature (in blue ink). These reports must be submitted prior to the end of the third school day before the team meeting. For example, if a meeting falls on a Thursday, evaluations are due at the close of school on Monday. If a meeting falls on Tuesday, evaluations are due at the close of school on Thursday.

The evaluator may email a signed PDF copy of their report to the director for the purposes of meeting a deadline. The evaluator will provide the director with an original, signed version of the report for the cumulative file.

### 3.5 REEVALUATION PROCESS

A reevaluation will be conducted for each student with a current IEP every three years or more frequently if requested or recommended. Reevaluations may not occur more frequently than once a year unless both parents and LEA agree that evaluation is needed. Special Education Administrator shall complete the Special Education Evaluation Notice, including referral questions, for all evaluators (see google doc).

When a student is referred for a reevaluation, existing evaluation data should be reviewed first. If no additional information is needed to determine whether the student continues to be eligible, the school may request that a parent waive particular types of assessment(s). The parent may consent to waive the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver. When there are school-based recommendations for waived assessments, the Special Education Administrator should contact a parent/guardian directly to discuss the waiver process.

Evaluation is required **PRIOR** to ending an IEP service, including consultation. The assessment that is used can be a combination of standardized assessment and curriculum or classroom based assessment data.

#### REEVALUATION STEPS

Staff responsible:

- Special Education Administrator (SEA)
- Special Education Teacher (SE)
- Educational Psychologist (EP)
- Speech and Language Pathologist (SLP)
- Occupational Therapist (OT)

#### STEP 1 – OUTLOOK CALENDAR/ESTAR

Along with the SEA, the Special Education teacher should also be tracking the review and reevaluation dates for their case load. The reevaluation process will begin **two months prior to the due date.**

#### STEP 2 – CHOOSE PROPOSED MEASURES

The SEA will send an email to the SE, EP, SLP, and OT asking which tests they would like administered. The SEA will:

1. Review current and previous testing.
2. Consult with the student's advisor, regular education teachers and any pertinent ancillary providers to aid in determining which evaluations to use.

3. Consider additional tests based on student's current areas of need (OT, ancillary providers).

---

#### STEP 3 – DISCUSSING THE PROPOSED MEASURES WITH PARENT/GUARDIAN

Within 1 week of receiving the eSTAR reminder, SEA will:

1. Call parent/guardian to notify them that a reevaluation is due on "X" date.
2. Explain reevaluation process.
3. Discuss briefly the measures proposed.

---

#### STEP 4 – SEND CONSENT TO EVALUATE

The SEA will send out the following:

1. Customized Consent to Evaluate form from eSTAR (N1)
2. Parent/Guardian Questionnaire
3. Log Consent form sent to parent/guardians in eSTAR.
4. Create a 10 working day reminder for case manager to follow up with parent/guardian if consent not yet received.

---

#### STEP 5 – PARENT/GUARDIAN REMINDER

After one week the case manager will call the parent/guardian to remind them to send in the signed Consent to Evaluate form. After two weeks if the form is still not returned the SEA will then call the parent/guardian and explain the importance of the signed form. Following three weeks without a signed Consent to Evaluate form, Bridge Boston will follow guidelines and laws set forth by the Department of Secondary and Elementary Education (DESE).

---

#### STEP 6 – LOG CONSENT RECEIVED

The SEA will log when Consent form is received in eSTAR and file the Consent in the student's file.

### 3.6 PSYCHOLOGICAL EVALUATIONS AS PART OF THE REEVALUATION PROCESS:

---

#### STEP 7 – REQUEST AN EVALUATION FROM EDUCATIONAL PSYCHOLOGIST

After the SEA reviews the existing evaluation data (from the last evaluation and any assessments that have been completed within the last three years), she/he may do the following:

1. Generate a list of referral questions for this student, gathering information from general and special education teachers, related service providers and parents;
2. Determine, in collaboration with the psychologist, what testing is needed in order to answer referral questions. If there has been no change in cognitive function, and no neurological or brain based injury since the last evaluation, cognitive and psychological testing may not be needed. If projective tests are being conducted, these need to be explicitly stated on the evaluation consent form, which the parents sign. At least **45 school days prior** to the 3-year reevaluation date indicated on a student's IEP, the SEA will send out an Evaluation Consent Packet consisting of:
  - A proposal to conduct a reevaluation (see eSTARs: N1)

- An evaluation consent form (see eSTAR: N1a)

The SEA will:

1. Email the Contracted Educational Psychologist and/or the Contracted Ancillary Providers with the list of requested evaluations, the 30 day deadline and the 45 day deadline.
2. Log all communication in eSTAR.

---

#### STEP 8 – SCHEDULE AN EVALUATION

The Contracted Educational Psychologist will:

1. Look at student schedule and their calendar to choose a date and time that testing will occur.
2. Once the date and time has been set, email the SEA (who will email SLP and OT), affected teachers, and advisor.

The Ancillary Provider will:

1. Look at student schedule and their calendar to choose a date and time that testing will occur.
2. Once the date and time has been set, email the SEA (who will email EP), affected teachers, and advisor.

---

#### STEP 9 – INFORM PARENT/GUARDIANS

The advisor will:

1. Inform the parent/guardian of the scheduled testing date and time and who will be testing the student.

---

#### STEP 10 – EVALUATION CONDUCTED

The Evaluator will:

1. Pull the student from their class at the time previously determined.
2. Testing will begin in the designated testing area.
3. When testing is completed, email the SEA.
4. The written results are due five days before the 45 day deadline. Included in test results, evaluator will summarize in writing the procedures employed, the results, and the diagnostic impression, and will define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them in the form of specific accommodations or modifications. *The assessor may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.*
5. Email a soft copy to the SEA and provide 2 signed hard copies before the Team meeting is to occur.

---

#### STEP 11 – EVALUATION REPORT COMPLETED AND SENT

The Evaluator will email a soft copy to the SEA:

1. The SEA will read the report with an eye for error (grammar, typos). If errors are found the report will be sent back and the appropriate corrections made and resubmitted.
2. The report must include recommendations of the evaluator. If not, the report will be sent back and

the appropriate corrections made and resubmitted.

---

#### STEP 12 – SEND AND FILE EVALUATION REPORT

SEA will:

1. Track the completion date in eSTAR.
2. Attach the soft copy of the evaluation(s) to the student record in eSTAR.
3. Email a copy to SE and let them know that testing is completed.
4. File hard copy in the student's file.
5. Send a hard copy to the parent/guardian if requested. Parent/guardian must receive a signed hard copy of the evaluations when requested no later than **2 days prior** to Team meeting pursuant to 603 CMR 28.05(1).

---

#### STEP 13 – SCHEDULE REEVALUATION/ELIGIBILITY MEETING

Follow procedures outlined in Annual Review Scheduling.

---

#### STEP 14 – MEETING PREPARATION

Follow procedures outlined in Annual Review Scheduling, with the following additions/modifications:

1. The SEA will review evaluation results with the evaluator.

### 3.7 PRIVATE EVALUATION AT PARENT EXPENSE

When a parent submits to the school an evaluation report for a student who is **NOT** currently receiving special education services, the designated building personnel (e.g. Assistant Principal, Guidance Counselor) shall contact the parents to either discuss concerns or to schedule a meeting with the classroom teacher. The purpose of the discussion should be to gather information about the parent's concern, discuss available supports in place or available through general education, and determine if a referral for special education evaluation or 504 Accommodation Plan is being requested or would be appropriate. The Special Education Administrator should be notified of the receipt of the evaluation and be kept apprised of the results of the discussion or referral process.

For students already receiving special education services whose parent(s) submit private evaluations, the school has **10 school days** in which to schedule a Team meeting to review and consider information and recommendations included in the report. The Special Education Administrator should be notified immediately of the receipt of the private evaluation so that he/she can schedule the Team meeting. If a parent is providing a private evaluation during the three-year evaluation process, the school is still obligated to conduct its own assessments. The Special Education Administrator should consult with the parents as to the details so that the school does not duplicate the testing, thereby invalidating results of the later evaluation.

### 3.8 INDEPENDENT EDUCATIONAL EVALUATION

If a parent disagrees with an initial evaluation or reevaluation completed by the school, the parent may request an independent education evaluation (IEE). Parents may obtain a private education evaluation at

Special Education Procedures 14 of 48

private expense at any time. If the parent requests an IEE at public expense, the school must respond to the parent within 5 calendar days. In response, the school may either pay for the IEE (at public rates only) or request a determination from the BSEA that the school's evaluation was comprehensive and appropriate. The Director of Special Education should be notified immediately of any request for an IEE so that the appropriate response can be made and timelines followed. The parent's right to request an IEE is extended up to 16 months after an evaluation or reevaluation process has been completed.

### 3.8 EXTENDED EVALUATION

In order to consider an extended evaluation, the Team must have determined the student eligible for special education services.

1. The Team found the student eligible for special education and developed a partial or full IEP but recommended further assessment (Once the parent accepts the partial or full IEP, services must be implemented immediately).
2. The Team found the student eligible for special education but recommended further assessment before developing an IEP.

The extended evaluation period shall not be used to allow additional time to complete the required assessments and should not exceed 40 school days (8 school weeks).

If the parent consents to or accepts extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. (eSTAR; EE) The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete. The extended evaluation shall not be considered a placement.

See eSTAR for Extended Evaluation Form. Complete along with an N1.

## 4.0 The team process

### 4.1 TEAM COMPOSITION:

In accordance with 300.321, IEP Teams shall include the following:

1. The parent/legal guardian of the child
2. No fewer than one general education teacher of the child
3. No fewer than one special education teacher
4. A representative of BBCS who is:
  - a. qualified to provide and/or supervise specially designed instruction
  - b. knowledgeable about the general education curriculum
  - c. authorized to commit school funds (Director of Special Education, Principal, Executive Director)
5. An individual who can interpret evaluations
6. At the discretion of the parent and school, other individuals who have knowledge or expertise regarding the child (related service providers, etc.)
7. When appropriate, the child with a disability. However, once the student has turned 13, the student must be invited to his/her IEP Team meeting.
8. If necessary, a translator will be provided

\*For any student placed in a substantially separate placement who does not attend general education classes or specials/enrichment/essentials, a general education teacher is not required.

\*For any student placed in a substantially separate placement who does participate in general education classes or specials/enrichment/essentials even if only for short opportunities, the general education teacher familiar with the student must attend the team meeting.

---

## PARENT PARTICIPATION

Bridge Boston acknowledges the critical importance of parent/guardian participation in IEP meetings and has had tremendous success with attendance.

- The Special Education Administrator or Case Manager communicates with the parent/guardian prior to sending written notification, to ascertain if the time will work, and then notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend.

Communication regarding meeting scheduling is documented.

- Bridge ensures that one or both parents or guardians of a student are members of any group that makes decisions on the educational placement of their student.

- If neither parent/guardian can attend, Bridge uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.

- In cases where Bridge, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the school conducts the Team meeting and documents its attempts to facilitate the parents' participation.

## 4.2 SCHEDULING THE TEAM MEETING

---

### STEP 1 – SCHEDULING

The Case Manager will schedule the Team Meetings, providing written notice *at least ten school days* prior to the team meeting. Forms required for scheduling Team meetings include:

- A Meeting Invitation (see eSTAR Documents)
- Meeting Attendance Sheet (N3a, see eSTAR Documents)

The SEA will:

1. Contact the parent/guardians no later than **two weeks** before the IEP due date.
2. Record all attempts to contact in eSTAR, in "Communication Log."

---

### STEP 2 – NOTIFYING THE TEAM

The Case Manager will:

1. Send an email calendar invitation to the student's advisor, general education teachers, ancillary providers (as applicable), and any evaluator (if an evaluation was done).
2. Request a response within 24 hours.
3. Provide the General Education teacher with a blank Teacher Input Form.

The SEA will:

1. Email Ancillary Providers (if applicable), to gather information for IEP in order to update goals, benchmarks and service delivery.



The Regular Ed Teacher will:

1. Respond to meeting invitation within **24 hours**.
2. Complete and return Teacher Input Form to SEA within **three days** from receipt.

---

#### STEP 3 – MEETING INVITATIONS SENT & LOGGED

The SEA will:

1. Create meeting attendance form in eSTAR
2. Send the Meeting Invitation and attendance form from eSTAR with date, time and location of the meeting.
3. In cases when it has not already been received, a copy of the Notice of Procedural Safeguards will be included with the Meeting Invitation.
4. Mark the attendance form “Completed” and meeting form “Sent to Parent” in eSTAR
5. Place a copy of these items in the student’s meeting file in preparation for the IEP meeting.

---

#### STEP 4 – REMINDER TO PARENT/GUARDIAN/TEACHERS

The SEA will:

1. Ensure the case manager has called parent/guardian to remind them of the meeting the day before it is scheduled to happen.
2. Confirm in person or via email with those who are planning to attend (a reminder email can be sent).

---

#### STEP 5 – PRINT MATERIALS FOR IEP MEETING

The SEA will print the following:

1. Meeting Attendance (one copy)
2. Permission to Excuse Service Provider (one copy, if applicable)
3. Notes from any teacher or provider who is absent (copy for parent/guardian) – this can be a copy of the Teacher Input Form and/or other notes on student performance/progress
4. Drafted materials when applicable (elements of IEP, including Goals)
5. Agenda (one copy for each attendee)
6. Receipt of procedural Safeguards
7. Procedural Safeguards in parents preferred language
8. Medicaid reimbursement form

For initial and reevaluations, print these additional forms from eSTAR:

1. Special Education Eligibility Determination
2. Placement Consent
3. Educational Assessment A&B
4. SLD Forms, if applicable
5. Autism checklist, if applicable
6. Evaluation Results (not necessarily in eSTAR)

#### 4.3 EXCUSAL FROM IEP MEETINGS

The SEA will:

1. Confer with ancillary providers on IEP Team to determine their availability for the meeting.
  - If ancillary provider is unable to attend, the SEA will bring a copy of the Waiver form to the IEP meeting for the parent/guardian to sign. The Waiver form can be found in eSTAR, on the top of the Attendance Sheet.
  - Provide the Ancillary Provider with parent/guardian information and let Ancillary Provider know that they have one week from the meeting date to make contact with the parent/guardian in order to discuss student progress.
  - Have the Provider fill out relevant parts of the “Teacher Input Form” and take this document to the meeting.

The Ancillary Provider will:

1. Call the parent/guardian and discuss evaluation results and/or progress with them within one week of meeting.
2. Log a brief summary of phone conversation with parent/guardian.

#### 4.4 PRIVATE SCHOOL

In the case of a student attending a private school, the Evaluation Team Facilitator should encourage the parent to include a representative from the student’s school to attend the Team Meeting with agreement by the parent. A Consent for Release of Information should be included with the Meeting Invitation so the Team can obtain student’s current performance information.

#### 4.5 MEETING DATE/TIME CHANGE AT PARENT REQUEST

In the event that the parent contacts the school in need of rescheduling the Team meeting time and or date, the Special Education Administrator must send out a **NEW** Notice of Team Meeting Date and should use the text box for “details” to make note of the parent requested change: “Meeting date changed per parent request.” Copies of both meeting invitations should be included in students file.

#### 4.6 TEAM RESPONSIBILITIES

The Team is responsible for managing three important activities:

- Eligibility Determination/Initial and Reevaluations
- Development of the IEP
- Placement decision

#### 4.7 ELIGIBILITY DETERMINATION

In order to determine whether a student is eligible for Special Education services, the Team shall consider the following questions:

1. Does the child have one or more of the following types of disability? (see appendix for additional information regarding disabilities)
  - Autism
  - Developmental Delay
  - Intellectual Impairment
  - Sensory Impairment (Hearing, Vision, Deaf/Blind)
  - Neurological Impairment
  - Communication Impairment
  - Emotional Impairment
  - Physical Impairment
  - Specific Learning Disability
2. Is the student making effective progress?
3. Is the lack of effective progress the result of the disability?
4. Does the student require specially designed instruction in order to make effective progress or does the child require related services in order to access the general curriculum?
5. Are we sure that **the student's inability to progress is a result of the disability(ies) and not a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or math.**

#### 4.8 THE SPECIAL EDUCATION ELIGIBILITY FLOWCHART

The Eligibility Flowchart has been designed to assist Teams in making eligibility determinations. The flowchart is a worksheet and not a notice/form. The worksheet becomes part of the student record but does not need to be mailed to parents with the Proposed IEP. This form should be completed and included in the student's file.

If a student is found to have a disability, and does not require specially designed instruction in order to make progress, the student is not eligible for special education. 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. *If the student only requires accommodations, then that student is not eligible for special education. A 504 Accommodation Plan may be Appropriate.*

The Team shall examine the evaluative data, including information provided by the parent, and make one of the following determinations:

#### 4.9 FINDING THE STUDENT ELIGIBLE

If a student is found eligible for special education, an IEP must be developed. In most cases, development of the IEP will occur within a single meeting after the determination of eligibility has been made (see section titled "Development of the IEP").

1. A student may be found eligible if he/she 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.

**(i) Consistent with state and federal special education law, the Team shall establish whether a student has a disability(ies) as defined in 603 CMR 28.02(7), determine the type(s) of disability(ies) and shall ensure that the student's inability to progress is a result of the disability(ies) and not a result of an**

**inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or math.**

- (ii) 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.
- (iii) If the Team determines that the student is an eligible student, the Team shall develop an individualized education program (IEP).

#### 4.10 FINDING THE STUDENT NOT ELIGIBLE

If the Team determines that the student is not eligible, the Evaluation Team Facilitator shall record the reason for such finding on the Team Meeting Summary Notes. This should also be documented on the Notice of Refusal To Act Form (N2). At the conclusion of the meeting, parents should be given a copy of the Summary Notes, and the N2 must be sent to the parent within 10 school days of the Team meeting.

**2. The student is not eligible.** If the Team determines that the student is not eligible, the SEA 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. (603 CMR 28.05(2)(a)(2))

**3. Evaluations are deemed “inconclusive”.** During a Team meeting, if the Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, may agree to an **extended evaluation period**.

- The extended evaluation period shall not be used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a partial IEP that, if accepted by the parent/guardian, shall be immediately implemented by the school while the extended evaluation is occurring.
- The extended evaluation period shall not be used to allow additional time to complete the required assessments under 603 CMR 28.04(2)(a).
- If the parent/guardian consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.
- The extended evaluation may extend longer than one week, but shall not exceed eight school weeks.
- The extended evaluation shall not be considered a placement.

#### 4.11 WHAT IF A PARENT DISAGREES WITH THE ELIGIBILITY FINDING?

Parents have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA), including a finding of no eligibility. Parents may contact the BSEA directly. Information regarding how to contact BSEA is included in the Notice of Procedural Safeguards sent to parents with the consent packet. Parents should be asked if they are satisfied with the evaluations completed by the

school. If parents disagree with the school's evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the parent requests an IEE at public expense, the school must either pay for the IEE (public rate setting only) or, within five school days, request a determination from the BSEA that the school's evaluation was comprehensive and appropriate. (See Section 3.9, Independent Educational Evaluation, for more information about the Independent Educational Evaluation process).

#### 4.12 - A 504 ACCOMMODATION PLAN MAY BE APPROPRIATE

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. This law protects a person who has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include learning.

Determination of eligibility for a 504 Accommodation Plan is a separate process from the special education eligibility process and is coordinated through the Principal, Assistant Principal or Guidance Department.

If a parent or school member wishes to pursue a 504 eligibility process, they should be directed to contact the Principal, Assistant Principal or Guidance Department.

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 based on their individual needs. The District Curriculum Accommodation Plan (DCAP) is an important document and reference for additional information about general education supports and interventions, including best practice accommodations.

### 5.0 Development of the Individualized Education Program (IEP)

Upon determining that the student is eligible for special education, the Team shall develop an IEP. The first question to ask parents is, "What concerns do you have for your child that you want to see addressed in this IEP?" The IEP should be developed using the evaluation data and current school performance data to guide the development of goals and objectives for the student.

If an extended evaluation is needed due to insufficient information to develop an IEP, or if a parent is not satisfied with the evaluations and requests an Independent Evaluation, the Team may choose to write a partial IEP. If the Team writes a partial IEP, a parent may consent to the proposed partial program prior to completion of the full IEP. In such a case, the partial program shall be implemented immediately upon receipt of the signed partial IEP.

The Team should work together to develop the IEP. The Special Education Administrator will facilitate the process.

#### 5.1 IEP COMPONENTS:

In accordance with 300.320, the IEP shall be completed using the standard IEP format provided by the DESE (forms found on eSTAR). Key components of the IEP include:

1. A statement of the child's present levels of academic achievement and functional performance (including the way in which the disability affects the child's progress in the general curriculum) Parent Concerns Student Strengths and Key Evaluation Findings, a Vision Statement, Present Level of Performance for General Ed. Curriculum and other areas of education

2. Accommodations, Specially Designed Instruction
3. Measurable annual goals
4. A description of how the child's progress toward his/her annual goals shall be measured
5. Required services and Service Delivery
6. An explanation of the extent (if any) to which the child will not participate with non-disabled children
7. Accommodations that are necessary to measure academic achievement and functional performance on State and school-wide assessments
8. Schedule Modification including Extended School Year (ESY)
9. Transportation
10. Accommodations. The team should consider:
  - a. State-wide LEP testing, such as ACCESS
  - b. MCAS
  - c. School benchmark testing (i.e. ANET, DIBELS)
11. Placement.

A Summary of Team Meeting Form should be used to document the decisions made at the Team meeting (see google doc). Schools cannot come to a Team meeting with a completed IEP. The Team, including parents, must work together to develop the IEP for the student. Parents must leave the meeting with the Summary of Team Meeting. When developing an IEP, the Team must develop appropriate services that meet the needs of the student based upon the area(s) of identified disability. All service determinations are to stem from the current performance levels of the student as originated in the disability area(s). The addition of a service that a student is not currently receiving should not be made in the absence of an evaluation that presents disability linked data to support the implementation. The school 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).

Only related service providers may determine the specific evaluations to assess a possible area of need as determined by the Team. When possible, the related service provider should be invited to attend the meeting. In the case where a specialist is absent, the Team may not propose specific services. If assessments are recommended, the Team may request an assessment addressing the area of concern but should not identify a specific test. For example, the team could agree to a behavioral assessment rather than an FBA.

Please note, for initial and reevaluation meetings, each evaluator will be responsible for providing a summary of their evaluation and entering it into the key evaluation results section of the IEP. In addition the case manager is responsible for entering the MCAS/PARCC results (or note not applicable) as well as the disability category.

Upon determining that the student is eligible for Special Education, the Team shall write an IEP for the student and decide the student's placement. The IEP shall describe the special education and related services that the student requires and shall include all elements required under federal and state law.

(a) The IEP shall include specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or may consist solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements.

(b) The Team shall carefully consider the general curriculum, the learning standards of the Massachusetts Curriculum Frameworks, the curriculum of the school, and shall include specially designed instruction or related services in the IEP designed to enable the student to progress effectively in the content areas of the general curriculum.

(c) The daily duration of the student's program shall be equal to that of the regular school day, unless the Team states that a different duration is necessary to provide a free appropriate public education to the student. In such case, the Team shall specify the daily duration of the program, and the Team shall state on the IEP the reason for such different duration. An extended year program may be identified if the student has demonstrated, or is likely to demonstrate, substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.

## 5.2 DURATION OF TEAM MEETINGS

Team meetings should be run efficiently so that the Team is able to address the agenda and accomplish the goal of the meeting. To ensure Teams work together effectively and efficiently, the following recommendations are provided:

- Make reports available to parents ahead of time for review (two days prior to the Team meeting);
- Distribute all reports to Team members ahead of time for review;
- Evaluators provide a summary of their evaluation rather than a detailed review;
- Draft goals & objectives ahead of time in Word Document for consideration at the Team meeting;
- Discuss ONLY the goal focus rather than a detailed review of goals *and* objectives;
- Designate a timekeeper;
- Be sure that parents and teachers understand that the IEP is not meant to be a lesson plan;
- Refrain from using the Team meeting as a consult meeting – table discussions that can be held in follow-up conferences or consult meetings in order to remain on task.

## 5.3 SPECIAL TRANSPORTATION

If the Team determines that the student's disability requires transportation or specialized transportation arrangements in order to access special education services, the Team shall note on the student's IEP that the student requires such services. In such circumstances, transportation is a related service and the determination for need should be made as a data-driven decision linked to the student's identified area of disability with respect and consideration of the least restrictive environment for the student. This must occur at each type of Team Meeting, which includes a Team Determination of special transportation or renewal of special transportation.

## 5.4 EXTENDED SCHOOL YEAR (ESY)

ESY refers to special education and related services beyond the normal calendar year for students with disabilities. Eligibility for ESY is determined by examining two global criteria: regression/recoupment and nonregression. These criteria should be considered for every student using the following factors:

- The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students. (regression/recoupment)
- The nature of severity of the student's disability. (nonregression)
- The student's progress in the areas of learning is crucial to attaining self-sufficiency and independence from caretakers. (nonregression)
- The student's stereotypic, ritualistic, aggressive or self-injurious interfering behaviors prevent the student from receiving some educational benefits from his/her program during the school year (nonregression)
- Other special circumstances identified by the IEP Team such as: The ability of the student to interact with nondisabled students; the areas of the student's curriculum that need continuous attention; the student's vocational needs; and/or the availability of alternative



resources (nonregression).

ESY is officially discussed and determined at each child's annual IEP meeting. School staff will complete screenings and/or collect data to help make individual recommendations. Throughout the school year school staff are asked for ESY projections. Projections are used only for planning. They are not definitive and do not replace the need for individual student IEP Team decisions.

Early in the school year, a Team may not be able to make a determination for ESY services if the student is new to the staff. In that event, the Team may wish to delay this decision until later in the year. In most cases ESY determination should be made no later than March; however, in cases where there is a question regarding regression, the Team may use April vacation to document regression. In the circumstances of the "nonregression" criteria, ESY decisions should be made no matter how early in the school year an annual review meeting is held.

## 5.5 STATE/DISTRICT WIDE ASSESSMENT ACCOMMODATIONS

Teams continue to be responsible for deciding how all students will participate in state and district wide assessments. However, if no assessments are planned during a particular IEP period, the Team should note that no testing would occur and leave the remainder of the page blank. All students participate in state and district wide assessments with accommodations outlined in the IEP. Testing accommodations outlined on IEP 7 must be consistent with accommodations students generally receive in their curriculum as listed in Plep A. Students who require alternative assessments will continue to be evaluated through the MCASAlt until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

## 5.6 STUDENTS WITH DISABILITIES AND BULLYING

### WHAT THE LEGISLATION SAYS:

Chapter 92, Section 7 states: Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, §3, as amended by Chapter 92 of the Acts of 2010.)

Section 8 states: For students identified with a disability on the Autism Spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (G.L. c. 71B, §3, as amended by Chapter 92 of the Acts of 2010.)

### PROCEDURES IEP TEAMS FOLLOW TO AVOID OR ADDRESS BULLYING, HARASSMENT OR TEASING

During IEP meetings team members consider student's disability and the impact of the disability on the student's interaction and communication with others. For students on the autism spectrum, students who have a disability that affects social skill development, or other students whose disability may make him/her vulnerable to bullying, harassment, and teasing, the IEP Team considers how the disability affects his/her learning the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. Bridge Boston students receive support in developing appropriate skills and proficiencies through Second Step curriculum. IEP Teams consider ways the age-appropriate instruction on bullying prevention and intervention incorporated into the general curriculum already assists a student with a



disability in these areas and reflect this discussion in the IEP. If the IEP Team determines the student will unlikely learn these skills solely within the general curricular program the Team will consider a variety of modifications and/or services to address these skills and will be included in the student's IEP.

#### 5.7 REQUIRED DOCUMENTATION FOR STUDENTS WITH AUTISM:

Whenever an evaluation indicates that a child has a disability on the autism spectrum, 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 form in appendix)

As a school we have several responsibilities regarding students with social skills disabilities. We have an obligation to teach all of our students the skills that are needed to avoid and respond to bullying, harassment and teasing. Additionally, those students who have disabilities that result in poorly developed social skills require special attention.

For students with Autism and other disabilities affecting social skills development, this obligation requires a thoughtful, considered approach at Team Meetings because these students are more vulnerable to teasing and are not skilled in responding. This is a consideration included on the ASD checklist that is referenced by the Special Education Administrator during all Team meetings for a student who is identified as ASD. The checklist is not part of the IEP, but is a part of the student's special education file and should be included with all documents in the master file.

The state law requires specific steps in order to ensure that students with autism and social skills disabilities are taught the skills they need, at their level, to learn to respond to bullying effectively. How the IEP Team addresses this requirement is based on understanding the social and communication skill levels of the student and insuring that the student will:

- benefit from the general education bullying prevention curriculum as is,
- benefit from accommodations or a modified curriculum to insure he/she can access the curriculum, or
- benefit from separate goals and objectives within the IEP to address the skill deficits.

When a student is identified with a disability that affects social skills development or Autism, the development of an initial or revised IEP should include focus on accommodations and skill instruction to develop social and/or language skills.

Bullying is addressed through the curriculum differently at every grade level. If the student requires a separately delivered curriculum in social skills associated with recognizing, avoiding and responding to bullying, that should be addressed in the social pragmatics, communication or self-advocacy goal areas. The discussion about social skills, recognizing, avoiding and responding to teasing and bullying should be an integrated part of a Team meeting, if the student has social skills deficits. It should not be an add on. Many meetings will not require the explicit use of the term "bullying," but rather will naturally focus on social skills, peer relationships, social pragmatics, communication or self-advocacy.

The Team should document the discussion within the IEP of how it will address a student's social skills development in order to avoid or respond to bullying if a student lacks effective strategies.

#### 5.8 ASSISTIVE TECHNOLOGY

Assistive technology is considered for each eligible student, and if the student needs it in order to receive a free, appropriate, public education, the assistive technology is described in the IEP and provided by the school.

- Areas the team should consider for the use of assistive technology:
  - *Communication*- Does the student need an assistive device to express wants, needs, emotions, and knowledge?
  - *Computer Access*- Does the student need an assistive device to access the computer (i.e. switches, adapted keyboard, or adapted mouse)?
  - *Education and Transition*- Does the student need an assistive technology device to participate in classroom activities (i.e. switches, modified handwriting paper, manipulatives, pencil grips, calculator, or modified seating)? This section should include mobility and positioning to access the educational program. Physical Education equipment needs should be considered when looking at educational needs.
  - *Daily Living Skills*- Does the student need an assistive technology device to aid in feeding, grooming, self-care, and toileting (i.e. changing table, adapted eating utensils, or modified toileting system)?
  - *Listening*- Does the student need an assistive technology device in order to assist with listening (e.g. FM system)?
  - *Visual Aids*- Does the student need an assistive device to assist with visual abilities (i.e. colored paper, colored overlays, or modified lighting)?

## 6.0 Placement determination

At the Team meeting, after the IEP has been fully 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 in a separate classroom or school. The Team shall consider all aspects of the student's proposed special education program as specified in the student's IEP and determine the appropriate placement to provide the services. The Team shall determine if the student shall be served in an in school placement or an out of school placement and shall determine the specific placement according to the following requirements:

The decision regarding placement shall be based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.

The placement selected by the Team shall be the least restrictive environment consistent with the needs of the student. In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that the student needs.

The decision to enact a change in placement that constitutes placing the student in a more restrictive setting must come following an evaluation so that updated data may be used as a basis for the Team determination.

### 6.1 LEAST RESTRICTIVE ENVIRONMENT (LRE)

In accordance with 603 CMR 28.06 (2) and 34 CFR 300.130.550-300.556, Bridge Boston ensures the program selected for a student with a disability is the least restrictive environment.

The school shall ensure that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity

Special Education Procedures 26 of 48

of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The removal of a student from the general education setting is supported in the Nonparticipation Justification section of the IEP, which quotes the regulation describing the school's responsibility outlined above.

## 6.2 PLACEMENT MEETING

In the development of the IEP, if the needs of the student and the services identified by the Team are complex, and the Team is considering an initial placement out of school or in a different setting for a student who has been served in an out of school program, the school may schedule a separate Team meeting to determine placement. This separate placement meeting must occur within **10 school days** following the meeting at which the Team developed the IEP.

## 6.3 TRANSITION PLANNING

For every student who will be turning 14 years old within the new IEP period, the Transition Planning Form (eSTAR Documents) should be completed with the support of the student's case manager prior to the IEP meeting. This is a document that will be reviewed and revised at every annual IEP meeting for the student. It should be used as a tool to develop the student's vision statement in conjunction with the Team's vision for the student and to identify necessary skills the student may need in transitioning from high school to postsecondary outcomes. Best practice in transition planning is that the team will consider instruction, employment, and community experiences/post school adult living as outlined in the Transition Planning Form (See eSTAR).

---

### STUDENTS AGES 18 THROUGH 21 YEARS

While Bridge Boston Charter School is a K1-8 Charter, should the school develop a high school program in the future, the school district shall ensure that options are available for students ages 18 through 21 years. Such options shall include continuing education, developing skills to access community services, developing independent living skills, developing skills for self management of medical needs, and developing skills necessary for seeking, obtaining, and maintaining jobs. Such programs may have an educational and/or vocational focus and shall be considered in school programs if the program is operated by the public school and offers the student ongoing opportunities to interact with students or young adults without disabilities.

---

### AGE OF MAJORITY:

While Bridge Boston Charter School is a K1-8 Charter, should the school develop a high school program in the future, the Age of Majority **MUST** be discussed at the annual IEP meeting for students who are 17 years in age. The SEA must provide the student with a copy of the Parent's Notice of Procedural Safeguards. A discussion must take place regarding the Age of Majority and the student's rights. It may be helpful to refer to the Age of Majority letter for purposes of this discussion

The Special Education Administrator will also make each student and parent aware that at this meeting the Age of Majority Rights will occur **ON** the student's 18<sup>th</sup> birthday, and that the student will be asked to sign the Age of Majority letter indicating their decision (if they choose to make all educational decisions themselves, share in the decision making process with their parents, or continue to have parents make educational decisions).

The case manager will check the box under additional information that this matter was discussed at the IEP meeting. The N1 must clearly state that the PNPS has been provided to the student and that the Age

of Majority and student's rights have been discussed one year prior to the student's eighteenth birthday. The Special Education Administrator will ensure that on the student's 18<sup>th</sup> birthday the student will be provided with and sign the Age of Majority letter. In instances of a non-school day this will occur upon return to school.

If the student wishes to take the document home to review with the parent, it is the responsibility of the case manager to follow up with the student and schedule a meeting to discuss any concerns upon the student's request.

The original signed Age of Majority letter will be placed in the student's special education file.

All meeting notices and special education documentation must be sent to the student if the Age of Majority rights are solely with the student. If the rights are being shared with the parent/guardian then the parent and student will both receive the required documents and must co-sign all document

## 7.0 Processing the proposed IEP for distribution to parents

When parent(s) receive a Team Meeting Summary at the conclusion of a Team meeting, the school has **two calendar weeks** to send the Proposed IEP and Placement.

When parent(s) do not receive a Team Meeting Summary at the conclusion of the Team meeting, the school must provide the parents with a proposed IEP and Placement as soon as possible and not more than **3 to 5 school days** after the Team meeting has been held. If, in the unusual situation where a parent *requests* the completed IEP within three to five days of the Team meeting, the school must comply, regardless of whether it has provided a Team Meeting Summary.

Once IEP packets are completed, the Special Education Administrator will review and sign the IEP. It is the Team's responsibility to submit the IEP packet in a timely manner in order for the school to meet the required IEP timelines.

## 8.0 Parent response to IEP

No later than **30 calendar 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 a revised proposal; and,
  - Accept or reject the proposed placement

If parents have not responded to the IEP within twenty days, a letter is sent home with a copy of the IEP as well as the signature pages.

If the parents have not responded to the second request letter after thirty days, case managers will call the family and alert them that the IEP packet with the Required Forms and Notices is being sent a third time and needs a decision or the IEP will be filed as rejected with the BSEA.

## 9.0 Implementation of the IEP

---

#### ACCOUNTABILITY:

Per 603 CMR 28.06(3), 34 CFR 300.17(a); 300.101-104 and 300.154, Bridge Boston Charter School fully implements each IEP which has been consented to by the child's parent/guardian. All programs and services are provided without cost to the child's family.

In accordance with 603 CMR 28.05 (7)(b); 28.06(2)(d)(2) and 34 CFR 300.342, Bridge Boston Charter School ensures the following:

1. Where the IEP of the student in need of Special Education has been accepted in whole or in part by the student's parent/guardian, Bridge Boston Charter School provides the mutually agreed upon services without delay. Upon receipt of a signed IEP, amendment, or consent to evaluate, the Special Education Administrator sends an e-mail alert to all parties informing them that services (or testing) should commence.
2. At the beginning of the school year, Bridge Boston Charter School has an IEP in effect for each eligible student. If parents or sending schools do not provide Bridge Boston Charter School with the most recent signed IEP, every attempt is made to retrieve these as soon as possible.
3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP. All general education teachers participate in an annual Special Education training which provides instruction on their responsibilities in working with students in IEPs. The Principal and Special Education Administrator meet with teachers monthly to review student work and discuss IEP implementation.
4. Bridge Boston Charter School does not delay implementation of an IEP due to a lack of classroom space or personnel. In such cases, BBCS provides as many of the services on the IEP as possible and immediately informs the parent, in writing, of any delay, the reason for such delay, actions that the school is taking to address the issue, and alternate methods to meet the IEP goals. Upon agreement of the parents, Bridge Boston Charter School shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

---

#### PROCESS:

##### 9.1 Receipt of Signed IEPs

Parents are provided a self addressed envelope along with 2 copies of the proposed IEP to sign and return to the special education administrator. The Special Education Administrator will:

- Complete Placement decision with team and create Consent
- Input Primary disability/level of need in eSTAR
- Perform a status change (to active) in eSTAR
- Update administrative data sheet in eSTAR

##### 9.2 Receipt of Partially Rejected and Rejected IEPs

When an IEP has been rejected in full, it will appear in eSTR as Rejected. When it is rejected in part it will read as Active. The Special Education Administrator will immediately provide the Team with a copy of the parent's response. This enables Team members to know which parts of the IEP have been accepted and can be implemented. Should Team members have questions regarding implementation, they should IMMEDIATELY contact the Special Education Administrator.

The IEP must be implemented immediately upon signed response from parents.

If an IEP is rejected, in whole, or in part, the signature and placement pages will be immediately date stamped. This must be submitted to the BSEA **within 5 calendar days** of receipt by the school.

### 9.3 Amendments

At times it is necessary to amend an IEP. IEP amendments can be created for minor changes to the IEP. For example, the modification of a goal or addition of testing accommodations is appropriate. An amendment can be conducted via phone contact or email with the parent(s).

An amendment cannot extend the length of the IEP, nor can an amendment change placement. The elimination or offer of services is major and would require a new IEP.

An unsigned, rejected, and partially rejected IEP cannot be amended – any changes made to an unsigned IEP are considered “Revisions” to a proposed IEP and should be marked accordingly. An N1 is always included with an amendment.

#### Staff Responsible

- Special Education Administrator (SEA)
- The amendment process is a Team process. Communication and participation of parents is mandatory. This may be facilitated by in person meetings or phone conferences.
- As with IEPs, all amendments must be signed by the SEA and parent.

### 9.4 IEP Revisions

Once a Team meeting has been held and a proposed IEP has been sent to parents for response, a Team may revise or further develop the proposed IEP with parent agreement and input. The type of meeting and dates on the administrative page would not change. The N1 should **clearly state** that the IEP has been revised with the date of the Team meeting or parent contact as well as who precipitated the revision. Details of why and how the IEP was revised should be noted in the N1. Once the parents respond to the proposed revised IEP, the entire IEP packet will be filed in the students special education record.

#### Progress Monitoring/Progress Reports

*Progress reports are completed four times each year, and are mailed to families along with general education report cards. It is ultimately the responsibility of the SEA to ensure that progress reports are translated when necessary, proofread, printed, and included with report cards.*

Developing well written and meaningful progress reports starts with well written goals that include a statement of current performance, a goal statement, and objectives or benchmarks. Teams should use the current performance section as the starting point, based on what the student is currently able to do. The goals are the end points and the objectives or benchmarks are the steps between the starting and end points. Data should be included in the current performance so progress can be clearly measured between the current performance and the benchmarks.

Progress reports should reflect, in measurable terms, the student’s progress toward the annual goal and whether the progress is sufficient for the student to achieve the annual goal by the end of the IEP period. Progress reports must be sent to the parents at least as often as parents of nondisabled children are informed of their children’s progress (in conjunction with report cards).

By federal regulation, progress reports must answer the following two questions for each goal:

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

Team members should respond to the mandated questions by following these steps when writing their progress reports:

- Specify what the student has been working on
- List what the student has achieved
- Use measurable language where appropriate (i.e., John is greeting his peers upon arrival to school in 90% of measured opportunities)
- Indicate any stumbling blocks to progress and how the Team is responding (i.e., what refinements are or will be used to support the student's progress)
- Project whether the student will reach the annual goal if progress continues at its current pace

Progress reports may prompt the Team to amend an IEP. If a lack of expected progress continues past the first progress report and subsequent in class refinements, the Team should make IEP adjustments and may want to consider rewriting a goal to set a different and more attainable standard.

If a student is making more progress than projected, progress reports may make recommendations on next steps. Sometimes it may be appropriate to amend the IEP to add additional annual goals or adjust the expectations.

### Process

#### Staff Responsible

- Special Education Administrator (SEA)
  - Special Education Teacher (SE)
  - General Education Teachers (GEs)
  - Speech Language Pathologist (SLP)
  - Occupational Therapist (OT)
  - Counselor (CS)
  - Aides (ADs)
1. Progress reports expectations will be made clear to all staff in training prior to the start of the school year. Samples of progress reports will be used in training.
  2. Due date for progress reports is determined to be one week prior to due date for report cards to allow time for proofreading and translating.
  3. SEA communicates due dates to SE, GEs, SLP, OT, and CS at the beginning of the school year.
  4. At least three weeks prior to due date, SEA sends a reminder to SE, GEs, SLP, OT, and CS.
  5. All responsible staff should be aware of the goals and objectives for which they are responsible to track, and should ask clarifying questions when they receive the two week notification. Staff should use roster review and monthly supervision meetings for assistance with tracking methods as needed, and should seek further advice from SE and SEA when necessary.
  6. The SLP and OT will enter progress reports directly into eSTAR for any student for whom they are responsible for goal tracking.
  7. The SE will seek input from GEs regarding academic goals and will combine this information with their own data tracking, and will enter progress reports directly into eSTAR.

8. The GEs, CS, and ADs will be responsible for communicating progress regarding behavioral and social-emotional goals to the case manager, who will combine this information and enter these progress reports into eSTAR.

9. Two days prior to the due date, the SEA will send a final reminder to SE, GEs, SLP, OT, and CS.

10. On the due date, the SEA will confirm that all progress reports have been entered. At that time, any progress reports requiring translation will be sent out accordingly. *ALL progress reports needing translation are submitted as word documents.*

11. By the general education report card due date, the SEA will have proofread and case managers will have printed all progress reports (3 copies: parent, teacher and student file).

#### 9.5 Declining Special Education Services

If, after accepting IEP services, a parent chooses to decline those services, the parents should be provided with a Confirmation to Decline Special Education Services form, as well as the Procedural Safeguards Manual (see eSTAR). Once this form is signed and received, it should be sent to the Special Education Administrator.

#### 9.6 Updating Student Status

When a student's status has changed (e.g. graduated, moved, no longer eligible) and they will no longer be receiving special education services, a Student Status Update form should be completed by the Special Education Administrator.



## 10.0 Disciplining students with special needs

In *Honig v. Doe*, 559 IDELR 231 (EHLR 559:231) (U.S. 1988), the U. S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and related services under the IDEA). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if his/her misconduct was caused by, or was directly and substantially related to, his/her disability. ***A disciplinary change in placement occurs when a student is suspended in excess of ten (10) consecutive school days or subjected to a pattern of short term suspensions in excess of ten school days which constitute a pattern of removal.*** If the misconduct includes bringing a weapon or drugs to school, if the student has inflicted serious bodily injury on another person, or if he/she otherwise poses a danger to him/herself or others, then different rules governing removal from school will apply. In all events, suspension of more than 10 school days is subject to special rules and limitations when the student is disabled under either the IDEA or Section 504. Further, schools must continue to provide a free appropriate public education to IDEA eligible students with disabilities who have been suspended for more than 10 school days or expelled.

Outlined below are the procedural protections and disciplinary proceedings that pertain to these situations. Beyond the basic due process rights afforded to all students:

**Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district-Federal Requirements (IDEA-97)  
34 CFR 300.530-537**

- A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, Bridge Boston personnel, the parent, and other relevant members of the Team, as determined by the parent and the Director of Special Education, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to 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."
3. If Bridge Boston personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
  - a. 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
  - b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. Regardless of the manifestation determination, Bridge Boston may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
  - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or

- b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.

Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.

- 5. If Bridge Boston personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
- 6. Not later than the date of the decision to take disciplinary action, Bridge Boston will notify the parents of that decision and provide 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 the school district agree otherwise.

#### **Procedural requirements applied to students not yet determined to be eligible for special education Federal Requirements (IDEA-97)**

34 CFR 300.534

- 1. If, prior to the disciplinary action, Bridge Boston had knowledge that the student may be a student with a disability, then Bridge Boston will make all protections available to the student until and unless the student is subsequently determined not to be eligible. Bridge Boston may be considered to have prior knowledge if:
  - a. The parent had expressed concern in writing; or
  - b. The parent had requested an evaluation; or
  - c. Bridge Boston staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

Bridge Boston may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.

- 2. If Bridge Boston had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
- 3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

## **11.0 Requests for services**

### 11.1 Request for Services

Whenever a request for additional services is made, Special Education Administrator will determine the appropriate course of action.

- Request for Translation/Interpreter Services:

Whenever a family requires translation and/or interpreter services, or when the Special Education Administrator deems it appropriate, the case manager will initiate the process for obtaining one.

- Request for Duplicate Records:

If a request for special education records is received at the school level, parents should be directed to the Special Education Administrator. Documents will be made available within ten days of receipt of the request. One copy is provided at no charge, but additional copies are provided at a cost of \$.10 a page.

- Release of Information

In order to protect confidentiality of students, when communicating with private service providers of student, or releasing records, the school requires that parents sign a Consent for Release of Information form (See BBCS front desk).

### 11.2 Parent Request for Observations

Bridge Boston Charter School (BBCS) will collaborate with parents to provide timely response to requests received for observation of their children's current or proposed special education programs. The parent or his/her designated private evaluator or educational consultant may conduct observations. BBCS will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress. The following guidelines apply to arranging for such observations:

**Prior** to the observation occurring, parents must complete an Agreement for Observation of Student/Program, providing consent for an observation to be conducted (see BBCS policy for parent observations), as well as a Consent for Release of Information (See BBCS front desk). The observer must then sign the confidentiality agreement **prior** to the observation taking place.

The Special Education Administrator will provide a copy of the request to the building principal. In order to assist in timely scheduling, **BBCS staff will contact the identified observer directly within a week of parental request for observation with potential dates and times for the observation.**

A designated school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers or therapists to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to limit the impact on instruction and operation of the classroom.

The school does not generally schedule observations for certain portions of the year such as during state testing or during the first few weeks of school. In addition, because it may not be possible to accommodate all requests during the last few weeks of school, parents are urged to submit any observation request as early as practicable in the school year. In addition, school staff retains their right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of program. The school also expects all observers to avoid disclosing any personally

identifiable or confidential information they might obtain during the course of an observation (except about student being observed, in which case it will be used consistent with the parent's authority and direction).

### 11.3 Home-Hospital Educational Services

A student with a documented medical condition who has been or is expected to be confined to a home or hospital for a minimum of fourteen days during any school year is eligible to receive home or hospital educational services. When a student is hospitalized, the hospital usually contacts the Director of Behavioral Health directly to arrange for tutoring.

The Home Educational Services can begin as soon as the student's physician completes a Physician's Statement for Temporary Home or Hospital Education.

The educational services that are provided will be coordinated by the Special Education Administrator in conjunction with Director of Behavioral Health. The tutoring services will be provided with sufficient frequency to allow the student to continue his or her educational program, as long as the services do not interfere with the medical needs of the student.

If, in the opinion of the physician, a special education student is expected to remain at home, in the hospital or in a pediatric nursing home for medical reasons for more than 60 days, the Director of Special Education will convene a Team meeting to amend the existing IEP or develop a new IEP suited to the student's unique circumstances.

A parent/guardian of a general education student who is currently not attending school due to a medical condition may request a special education evaluation to determine if the student's medical condition meets special education eligibility requirements.

The school needs to provide sufficient frequency of tutoring to enable the student to keep up in her/his courses of study and minimize educational loss. This is determined on an individual basis. One hour per day is often adequate in the 1:1 tutoring situation, but the amount must be determined based on individual needs and the medical condition.

Educational Services should not interfere with medical needs.

The Principal or his/her designee coordinates these services with the Director of Special Education if the student is eligible for special education.

1. The Principal and Special Education Administrator collaborate to ensure classroom observations demonstrate implementation of IEPs.
2. The Special Education Administrator reviews results of school-level and statewide assessments as well as IEP Progress Reports to monitor success of IEPs.

## 12.0 Requests for services

### LOCAL SCHOOL DISTRICT PROCEDURES:

In accordance with 603 CMR 28.08, Bridge Boston Charter School shall implement the following problem resolution procedures.

1. Parent will be given an opportunity to present his/her concerns to the Special Education Administrator and, if appropriate, to the school principal. Concerns may be presented in writing or in a face to face meeting.
2. The Special Education Administrator or his/her designee shall respond, in writing, to the parent's concerns within 2 school days.
3. Parent/guardian will be informed of his/her right to dispute resolution through the Department of Elementary and Secondary Education.

4. If a hearing is requested, a meeting will be convened with the parent within 15 days of receiving notice for a request.
5. A resolution session will not be required if both the school and parent/s agree in writing.
6. These local procedures shall not be used to delay or deny a parent's right to access other dispute resolution mechanisms.

---

#### DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION PROCEDURES:

The Department of Elementary and Secondary Education maintains a Problem Resolution System that provides for the investigation of complaints and the enforcement of compliance with 603 CMR 28.00, as well as with other statutes and regulations relating to the provision of publicly funded education. The Department can make findings on procedural issues and issues related to implementation of requirements. Any party wishing to file a complaint may do so through the Department. Use of the Department Problem Resolution procedures shall not prevent a party from requesting alternative administrative remedies of mediation or hearing on any matter, at any time. Copies of the Problem Resolution System Guidelines and Procedures are available from the Department upon request. Findings and orders issued by the Department on complaints and the Department's processing of a complaint are not reviewable by the Bureau of Special Education Appeals. Additionally, the pendency of a complaint before the Department does not make the Department a necessary party to actions on related issues pending before the Bureau of Special Education Appeals.

---

#### BUREAU OF SPECIAL EDUCATION APPEALS:

In order to provide for the resolution of differences of opinion among school districts, private schools, parents, and state agencies, the Bureau of Special Education Appeals, located with the Department, shall conduct mediations and hearings to resolve such disputes. The jurisdiction of the Bureau of Special Education Appeals over state agencies, however, shall be exercised consistent with 34 CFR §300.154(a). The hearing officer may determine, in accordance with the rules, regulations and policies of the respective agencies, that services shall be provided by the Department of Social Services, the Department of Developmental Services, The Department of Mental Health, the Department of Public Health, or any other state agency or program, in addition to the IEP services to be provided by the school. Mediations and hearings shall be conducted by impartial mediators and hearing officers who do not have personal or professional interests that would conflict with their objectivity in the hearing or mediation and who are employed to conduct those proceedings.

(a) A parent/guardian or a school, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with disabilities. A parent/guardian of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.

(b) No later than five calendar days after receipt of a request for hearing or notice that an IEP, or proposed placement, or finding of no eligibility for special education has been rejected by the parent, Bridge Boston Charter School shall send a copy of such request or notice to the Bureau of Special Education Appeals. The Bureau of Special Education Appeals shall then give notice in writing to the parties of the rights of the parents and school to request mediation and a hearing.

(c) Bridge Boston Charter School may not request a hearing on a parent's failure or refusal to consent to initial evaluation or initial placement of a student in a special education program.

(d) Bridge Boston Charter School may request a hearing to appeal the Department's assignment of school responsibility under 603 CMR 28.10 according to the procedures in 603 CMR 28.10(9).

---

#### MEDIATION:

A voluntary dispute resolution procedure, called mediation, shall be provided by mediators employed by the Bureau of Special Education Appeals and may be used by parents and schools to seek resolution of their dispute. Mediations shall be provided at no cost to the parties. No parent shall be required to participate in mediation.

(a) Within 30 calendar days of receipt of a request for mediation, the mediator shall schedule a mediation session at a time and place convenient to the parties. The mediation shall include the parent/guardian, any representative of the parent/guardian's choosing, and a representative(s) of Bridge Boston Charter School, with one representative who is authorized to resolve the dispute on behalf of the school. When the parties reach agreement, it shall be set forth in written form. Concurrent with a request for mediation or if no agreement is reached, the parents or school may request a hearing.

(b) All discussions that occur during mediation are confidential and may not be used as evidence in a hearing. Parents and schools may request a hearing without participating in mediation.

---

#### HEARINGS:

Five (5) calendar days after receipt of a written request for hearing, the Bureau of Special Education Appeals shall notify the parties in writing of the name of the assigned hearing officer and, as appropriate, shall provide either a date for the hearing or a statement of federally required procedures to be followed before a hearing date can be assigned.

a) The Bureau of Special Education Appeals shall issue Rules that state the parties' rights and obligations as to the hearing process, which shall be consistent with all state and federal laws. Such Rules shall be available to the public on request.

b) Except as provided otherwise under federal law or in the administrative rules adopted by the Bureau of Special Education Appeals, hearings shall be conducted consistent with the formal Rules of Administrative Procedures contained in 801 CMR 1.00.

c) The Special Education Appeals hearing officer shall have the power and the duty to conduct a fair hearing; to ensure that the rights of all parties are protected; to define issues; to receive and consider all relevant and reliable evidence; to ensure an orderly presentation of the evidence and issues; to order additional evaluations by the school or independent education evaluations at public expense when necessary in order to determine the appropriate special education for the student; to reconvene the hearing at any time prior to the issuance of a decision; to take such other steps as are appropriate to assure the orderly presentation of evidence and protection of the parties' rights at the hearing; to ensure a record is made of the proceedings; and to reach a fair, independent, and impartial decision based on the issues and evidence presented at the hearing and in accordance with applicable law.

---

#### HEARING DECISION:

The decision of the hearing officer of the Bureau of Special Education Appeals shall be implemented immediately and shall not be subject to reconsideration by the Bureau of Special Education Appeals or the Department, but may be appealed to a court of competent jurisdiction.

a) The written findings of fact and decision of the hearing officer along with notification of the procedures to be followed with respect to appeal and enforcement of the decision shall be sent to the parties and their representatives.

b) A party contending that a Bureau of Special Education Appeals decision is not being implemented may file a motion with the Bureau of Special Education Appeals contending that the decision is not being implemented and setting out the areas of non-compliance. The hearing officer may



convene a hearing at which the scope of the inquiry shall be limited to the facts on the issue of compliance, facts of such a nature as to excuse performance, and facts bearing on a remedy. Upon a finding of non-compliance, the hearing officer may fashion appropriate relief, including referral of the matter to the Legal Office of the Department or other office for appropriate enforcement action. The possibility of enforcement action does not make the Department a necessary party in matters pending before the Bureau of Special Education Appeals.

---

#### **STUDENT'S RIGHT TO IEP SERVICES AND PLACEMENT:**

In accordance with state and federal law, during the pendency of any dispute regarding placement or services, the eligible student shall remain in his or her then current education program and placement unless the parents and the school agree otherwise.

- a) If the parent/guardians are seeking initial placement in the public school, and the child is at least five years old, however, the child shall be placed in the public school program.
- b) For children three and four years of age, rights to services from the public school district are limited to children who have been found eligible for special education and have an IEP and placement proposed by the public school district and accepted by the parent.
- c) A hearing officer may order a temporary change in placement of an eligible student for reasons consistent with federal law, including but not limited to when maintaining such student in the current placement is substantially likely to result in injury to the student or others.
- d) Except as provided in 603 CMR 28.08(7)(a through c) above, any party seeking to change the eligible student's placement during the pendency of proceedings before the Bureau of Special Education Appeals or in subsequent judicial proceedings shall seek a preliminary injunction from a state or federal court of competent jurisdiction, ordering such a change in placement.

### **13.0 Independent evaluations**

---

#### **13.1 PARENTAL REQUEST FOR INDEPENDENT EDUCATION EVALUATIONS:**

In accordance with 603 CMR 28.04 and 34 CFR 300.502 (a)(3)(i), Bridge Boston Charter School responds to parental requests for independent educational evaluations (IEE) in the following manner.

1. All independent educational evaluations funded by the school are conducted by qualified persons who are registered, certified, licensed, or otherwise approved and who abide by the rates set by the state. Unique circumstances of the child are justified when an individual assessment rate is higher than normally allowed.
2. Bridge Boston Charter School has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost IEEs that are equivalent to the types of assessments done by the school.
3. Bridge Boston Charter School extends the right to a publicly funded IEE for sixteen months from the date of the evaluation with which the parent disagrees.
4. If the parent is requesting an evaluation in an area not assessed by BBCS, or if the student does not meet or the parent does not choose to share the financial documentation regarding income eligibility standards for free/reduced cost Independent Educational Evaluation, then BBCS responds in accordance with the requirements of federal law by paying for the IEE or, within five school days, proceeding to the Bureau of Special Education Appeals to show that its evaluation is comprehensive and appropriate. Where the BSEA finds that the school's evaluation was comprehensive and appropriate, BCS does not pay for the IEE requested by the parent.

5. Whenever possible, the IEE is completed and a written report sent to the parent no later than 30 days after the parent's request is made. If publicly funded, the report is sent to the parents and the school. The independent evaluator's report summarizes, in writing, procedures, assessments, results and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate *types* of placements but does not recommend specific classrooms or schools.
6. Within ten school days from the time that BBCS receives the report of the IEE, the Team reconvenes to consider the IEE and determine whether a new or amended IEP is appropriate.

---

### 13.2 PUBLIC FUNDING OF INDEPENDENT EDUCATION EVALUATIONS:

When the parent requests public funding for an Independent Education Evaluation, Bridge Boston Charter School shall abide by the following provisions for a sliding fee scale:

1. If the student is eligible for free or reduced cost lunch or is in the custody of a state agency with an Educational Surrogate Parent appointed in accordance with federal law, then Bridge Boston Charter School shall provide, at full public expense, an Independent Education Evaluation that is equivalent to the types of assessments done by the school. No additional documentation of family financial status is required from the parent.
2. If the family financial status is not known, Bridge Boston Charter School shall offer the parent information about the sliding fee scale and the opportunity to provide family income information to determine if the family may be eligible for public funding of all or part of the costs of an Independent Education Evaluation. Provision of financial information by the family is completely voluntary on the part of the family. The lack of financial information provided by the family will disqualify the family from such additional public funding of all or part of the costs of an independent education evaluation under 603 CMR 28.04(5)(c) but shall not limit the rights of parents to request public funding under 603 CMR 28.04(5)(d).
3. If the family agrees to provide financial information, such information shall include anticipated annual income of the family, including all sources of income and verifying documents. Financial information shall be reviewed by the school, shall be kept confidential during review by the school, shall not be copied or maintained in any form at the school except to note that information was provided and reviewed and met or did not meet sliding fee scale standards. Financial documents shall be promptly returned to the parent upon the school's determination of financial income status.
4. Bridge Boston Charter School shall consider family size and family income information in relation to Federal Poverty Guidelines and shall contribute public funds to the costs of the independent education evaluation according to the following standards:
  - (i) If the family income is equal to or less than 400% of the federal poverty guidelines, Bridge Boston Charter School shall pay 100% of the costs of an Independent Education Evaluation.
  - (ii) If the family income is between 400% and 500% of the federal poverty guidelines, Bridge Boston Charter School shall pay 75% of the costs of an Independent Education Evaluation.
  - (iii) If the family income is between 500% and 600% of the federal poverty guidelines, Bridge Boston Charter School shall pay 50% of the costs of an Independent Education Evaluation.
  - (iv) If the family income is over 600% of the federal poverty guidelines, Bridge Boston Charter School shall have no obligation to cost-share with the parent/guardian.

### 13.3 INDEPENDENT EVALUATION OPTIONS- BOSTON AREA

---

#### BOSTON MEDICAL CENTER



Department of Pediatrics  
Developmental & Behavioral Pediatrics  
Vose Hall  
4<sup>th</sup> Floor  
88 East Newton Street  
Boston, MA 02118  
Call: 617.414.4841  
Fax: 617.414.7915

---

BOSTON CHILDREN'S HOSPITAL  
300 Longwood Avenue  
Boston, MA 02115 USA

Call: 617-355-6000  
TTY: 617-730-0152

---

FLOATING HOSPITAL FOR CHILDREN AT TUFTS MEDICAL CENTER

755 Washington Street  
Boston, MA 02111  
Phone: 617-636-5000

## 14.0 Transitions

When a student with an Individualized Educational Program ages out of the program or graduates, the school will provide a summary of the student's academic achievement and functional performance, including recommendations in assisting the student in meeting post-program goals.

## 15.0 Equal opportunity to participate in vocational, supportive, and remedial services, as well as non-academic and extracurricular 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.

Programs, services and activities include, but are not limited to:

---

### ART AND MUSIC

Bridge Boston students participate in art and music at each grade level. All students participate, regardless of placement or disability. Bridge Boston makes every effort to make complicated schedules involving pull-out sessions for Speech, OT, Math, Literacy, and Counseling that do not overlap with art or music times.

---

### VOCATIONAL EDUCATION, INDUSTRIAL ARTS, AND CONSUMER AND HOME MAKING EDUCATION

These are currently not programs available at Bridge Boston for any students.

Special Education Procedures 41 of 48

---

#### WORK STUDY AND EMPLOYMENT OPPORTUNITIES

These are currently not programs available at Bridge Boston for any students.

---

#### COUNSELING SERVICES AVAILABLE AT ALL LEVELS IN THE SCHOOL

Bridge Boston students are eligible for counseling services available at all levels in the school if this support is determined necessary by their IEP team, or, for students not receiving Special Education services, if this support is determined necessary by their grade level team. Students requiring counseling for Special Education needs are given priority over other students when setting counseling schedule, so as to help accommodate the various other scheduling needs they may have.

Current counseling services available to all students include:

- Individual play therapy
- Social skills instruction
- Group play therapy
- Referral to Home for Little Wanderers for classroom support, parent support, or individual or group play therapy
- Referral to MSPCC for In Home Therapy, therapeutic mentor, or family therapy

---

#### HEALTH SERVICES

All Bridge Boston students have equal access to health services. If a student requires Health Services, they may access this support whether in a general education classroom or in a pull-out for Occupational, Speech, Physical Therapy, Counseling/Social Skills.

---

#### TRANSPORTATION

All Bridge Boston students who live further than one mile from the school have access to transportation provided by Boston Public Schools. Those students requiring door-to-door, wheelchair bus, or one-on-one support per their IEP receive these services in order to continue accessing transportation.

---

#### RECESS AND PHYSICAL EDUCATION, INCLUDING ADAPTED PHYSICAL EDUCATION

Bridge Boston students participate in Recess and PE at each grade level. All students participate, regardless of placement. Bridge Boston makes every effort to make schedules involving pull-out sessions for Speech, OT, Math, Literacy, and Counseling that do not overlap with recess or PE times. Should a student require adapted PE, this service would be provided.

---

#### ATHLETICS AND RECREATIONAL ACTIVITIES

Bridge Boston students in grades 5 and up participate in athletics and recreational activities during enrichment time. All students participate, regardless of placement.

---

#### SCHOOL-SPONSORED GROUPS OR CLUBS

Bridge Boston students in grades 5 and up participate in seasonal clubs. All students are eligible to participate, regardless of placement.

---

## MEALS

All Bridge Boston students are provided free breakfast, lunch, and snacks, regardless of their placement. Students enjoy meals and snacks together with few exceptions; occasionally a social skills group is offered over lunch, or a language (typically pragmatics) session is offered over snack. Incorporating food habits into these sessions benefits the students' growth in these life skills areas. Otherwise, Bridge Boston makes every effort to make complicated schedules involving pull-out sessions for Speech, OT, Math, Literacy, and Counseling that do not overlap with meals.

## Appendix

### MANIFESTATION DETERMINATION FORM

**Student's Name:**

**Date of Incident Resulting in Suspension:**

**Date of Manifestation Determination:**

**Review of Student's Suspensions**

Provide the date of the suspension and the conduct that earned the suspension:

When the school anticipates a student's change in placement because of disciplinary removals, the school, the parent, and other relevant members of the student's IEP Team must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents, to determine if the conduct that is subject to disciplinary action was a manifestation of student's disability.

1. Describe the conduct subject to disciplinary action.
2. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the student's disability?  
☐ Yes  
☐ No
3. Did the school implement the student's IEP?  
☐ Yes  
☐ No
4. If the answer to question 3 above is "no," was the conduct in question the direct result of the non-implementation of the IEP?  
☐ Yes  
☐ No
5. Describe the relevant information and facts considered as well as the basis for the answers given to the above questions.
6. The determination of the Team is that the behavior subject to discipline is:  
☐ A manifestation of the disability  
☐ Not a manifestation of the disability

#### **Next Steps When Conduct Was a Manifestation of Student's Disability**

**Step 1:** The Team must take one of the following two actions. Please indicate the action taken by the Team:

- ☐ The Team developed a plan for conducting a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP) for the student will be implemented

OR

- ☐ A BIP already exists, which the Team reviewed and modified, as necessary, to address the conduct that was in question.

Describe Action Taken (e.g. Plan for conducting FBA, modifications made to BIP):

**Step 2:** Ensure that the student returns to the pre-disciplinary placement unless one of the following two situations applies:

1) Through the Team process, the school has proposed a change in placement that the parent has accepted in writing

OR

2) The conduct that was in question was one of the three “special circumstances” that enables school personnel to remove a student to an interim alternative educational setting (“alternative setting”) for not more than 45 school days even when the behavior is determined to be a manifestation of the student’s disability. The “special circumstances: are if the student, while at school, on school premises, or at a school function (1) possesses a weapon, (2) possesses or uses illegal drugs (or sells or solicits the sale of controlled substance), or (3) inflicts serious bodily injury on another person.

**Step 3:** If the “special circumstances” described above in step 2 apply, the Team must determine:

a) which educational services are necessary to enable the student to continue to participate in the general education curriculum (although in another setting) and to progress towards meeting the IEP goals

**AND**

b) the alternative setting where the student will receive such services, in the event that school personnel exercise the right to remove the student for not more than 45 school days.

Describe Required Services and Alternative Setting:

### **Next Steps When Conduct Was Not a Manifestation of Student’s Disability**

**Step 1:** The Team must determine:

a) which educational services are necessary to enable the student to continue to participate in the general education curriculum (although in another setting) and to progress towards meeting the IEP goals

**AND**

b) the interim alternative educational setting (“alternative setting”) where the student will receive such services, in the event that school personnel impose further discipline for the conduct in question.

Describe Required Services and Alternative Setting:

**Step 2:** The Team should consider whether it would be appropriate to conduct a functional behavioral assessment and to provide behavioral intervention services designed to address the conduct in question so that it does not reoccur.

---

### **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: \_\_\_\_\_

---

Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Special Education Administrator : \_\_\_\_\_ Date: \_\_\_\_\_

## STUDENTS ON THE AUTISM SPECTRUM- SPECIAL CONSIDERATIONS

Whenever an evaluation indicates that a child has a disability on the autism spectrum, the IEP team shall consider and shall specifically address the following:

### THE VERBAL AND NONVERBAL COMMUNICATION NEEDS OF THE CHILD

The team should review:

- the student's current level of communication,
- the system of communication most effective for the student,
- the functions for which the student uses and understands language,
- the student's ability to use and understand non-verbal communication (e.g., eye gaze, facial expression, gesture), and
- any emerging communication skills reported by the family or other Team members.

The team should then use this information to determine skills that need further development, and should be sure to include in the IEP the specific supports and interventions necessary to increase the student's ability to effectively communicate and understand others.

- Consider assistive technology
- Provide services to increase oral communication when appropriate
- Consider alternative augmentative communication in addition to, or in lieu of, oral communication when appropriate

### THE NEED TO DEVELOP SOCIAL INTERACTION SKILLS AND PROFICIENCIES

The team should consider

- the student's ability to respond appropriately to the social approach of others,
- the types of social interactions the student is capable of initiating,
- the student's pragmatic language skills, and
- anecdotal information about the student's abilities within small and large group settings and in typical activities for students of that age.

The team should then use this information to determine skills that need further development, and should be sure to include in the IEP the specific supports and interventions necessary to increase the student's ability to effectively develop social interaction skills.

- Consider whether a behavior plan is warranted
- Determine who will teach new social skills and in what setting (ie. social skills group, classroom, speech and language)
- Ensure that issues of possible bullying and harassment have been addressed in the IEP

### THE NEEDS RESULTING FROM THE CHILD'S UNUSUAL RESPONSES TO SENSORY EXPERIENCES

The team should consider

- Does the student with ASD demonstrate a lack of awareness to his/her body in space, and/or a need for a higher level of input in tactile experiences
- Is the student's eye gaze avoidant of, or fixated on, particular sights?
- How does the student with ASD respond to auditory events?
- Does the student with ASD respond in an atypical fashion to olfactory events or tastes?

The team should then use this information to determine accommodations that will allow the student to best focus on learning and assigned activities.

---

THE NEEDS RESULTING FROM RESISTANCE TO ENVIRONMENTAL CHANGE OR CHANGE IN DAILY ROUTINES

The team should consider

- The need for a visual schedule
- How the student may benefit from visual supports, timers, and verbal reminders to support transitions
- The most successful modality for communicating changes or transitions

---

THE NEEDS RESULTING FROM ENGAGEMENT IN REPETITIVE ACTIVITIES AND STEREOTYPED MOVEMENTS

The team should consider

- The function of any routines or rituals, mannerisms, or patterns of interest
- The extent to which these activities interfere with activities such as socialization or academic lessons

The team should then use this information to determine skills that need further development, and should be sure to include in the IEP the specific supports and interventions necessary to increase the student's ability to effectively participate in learning and other activities.

- Consider who will teach "replacement behaviors" or modification of behaviors
- When possible, have sensory therapies take place in the classroom when it is compatible with the learning activity and does not take away the student's focus from learning, in order to decrease frequency in high rates of repetitive movement.
- Consider seating to reduce frequency of movement

---

THE NEED FOR ANY POSITIVE BEHAVIORAL INTERVENTIONS, STRATEGIES, AND SUPPORTS TO ADDRESS ANY BEHAVIORAL DIFFICULTIES RESULTING FROM AUTISM SPECTRUM DISORDER

The team should consider

- The need for a functional behavioral assessment
- The need for a Behavior Intervention Plan

---

OTHER NEEDS RESULTING FROM THE CHILD'S DISABILITY THAT IMPACT PROGRESS IN THE GENERAL CURRICULUM, INCLUDING SOCIAL AND EMOTIONAL DEVELOPMENT

The team should consider

- The need for organizational supports such as visual organizers
- The need for previewing, reviewing, or other variation in instruction