Truro District Corrective Action plan:

SE 9  Timeline for determination of eligibility and provision of documentation to parent.

Legal Standard  MA State Requirement 603 CMR 28.05(1); 28.06(2)(e)
Within forty-five working days after receipt of the parent’s written consent to an initial evaluation or a re-evaluation, the school district determines whether the student is eligible for special education and provides to the parent either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility.

Title / Role(s) of Responsible Person(s): Expected Date of Completion:

Yvonne O’Connor, Coordinator of Special Education  June 1, 2014
Brian Davis, Director of Special Education

Description:

All Special Education Staff will receive training regarding the timeline for determination of eligibility and provision of documentation to parents. Focus will be placed on the requirement that within forty-five working days after receipt of the parent’s written consent to evaluation (initial and / or re-evaluation), the Truro school determines whether the student is eligible for special education and provides to the parent either a proposed IEP and proposed placement or a written explanation of the finding of no eligibility.

Evaluation Tracking Sheets will be revised to include forty-five day due date projected from date of parent consent to evaluation.

Evidence of Completion of Corrective Action:

Special Education Meeting Agenda and Sign – in sheet for training sessions

Copy of Training Materials

Sample of Revised Evaluation and Eligibility Tracking Sheets

Description of Internal Monitoring Process:

Random sample of student records in which evaluations or re-evaluations have occurred

Annual Training and Review of Requirement at Special Education Staff Meetings and for any newly hired staff. Mentors for new special education staff will be directed to place emphasis on SE 9 requirements.
<table>
<thead>
<tr>
<th>Date/Notes</th>
<th>Meeting/Outcome</th>
<th>Team</th>
<th>Consent Date</th>
<th>30 Day Date</th>
<th>Referral Date</th>
<th>Type of Evaluation</th>
<th>DOB/Grade</th>
<th>Name</th>
</tr>
</thead>
</table>
Special Education
Regulations and Procedures
Ellen Varnerin-Educational consultant

November 20th, 2013

Attendance:

[Signatures]

See attached agenda
SPECIAL EDUCATION REGULATIONS AND PROCEDURES

Presented to the Special Education Staff
Truro Central School
By
Ellen Varnerin
Educational Consultant
November 20, 2013
AGENDA

SE 9 Timelines for Determination of Eligibility and Provision of Documentation to Parent(s)
   a) Convening the Team
   b) Completion of Evaluations
   c) Provision of IEP and N1 or N2 Forms

Page 1

SE 14 Review and revision of IEPs
   a) Guidance regarding IEP dates/timelines
   b) Regulations and Procedures for Writing Amendments
   c) Review of IEP-A1 and A2 Forms

Page 2

SE 19 Extended Evaluations
   a) Review of regulations
   b) Review of EE1 and EE2 forms

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Review and Discussion of IEP Writing Guide

Page 11
SE 9 Timelines for Determination of Eligibility and Provision of Documentation to Parent(s)

Convening the Team
Within forty-five school working days after receipt of the parent’s written consent to an initial evaluation or reevaluation, the school district must:

1. Conduct the evaluation;
2. Convene a Team meeting to review the evaluation data and determine whether the student is eligible for special education.
3. If found eligible, the Team must develop an IEP in accordance with state and federal laws and provide the parent with the Notice of Proposed School District Action (N1) form; as well as two (2) copies of the proposed IEP and proposed placement (PL1) form.
4. If the Team determines that the student is not eligible, the Team Chairperson must record the reason for such finding and provide written explanation of the finding of no eligibility to the parents within ten (10) days of the Team meeting. The N2 form is used for an initial evaluation to document the finding of no special needs. The N1 form is used when proposing to terminate services as a result of a re-evaluation.
5. When the Team, following a reevaluation, makes a Finding of No Eligibility, the written notice to the parent must contain the specific date, as agreed to by the Team, for special education services to end. Unless the parent is present at the Team meeting and clearly agrees to an immediate cessation of services, the written notice should specify a service-termination date at least thirty (30) calendar days after the date of the notice. In this way, the school district provides the parent with time to respond if the parent should determine that he/she wishes to appeal the Finding of No Eligibility.

On rare occasions, upon 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-district or a different setting for a student who has been served in an out-of-district program, the school district may schedule a separate Team meeting to determine placement. The placement meeting shall meet the participant requirements of federal special education law and shall be held within ten (10) school days following the meeting at which the Team developed the IEP. At the request of the parent, the placement meeting may be held at a later date.

Completion of Evaluations
All evaluators must include the “date of evaluation” in the heading of their assessment reports. The due date for completion of the evaluations is 30 school working days after receipt of the signed consent form by the district. Written summaries of evaluation results must be completed and available to parents, upon request, at least two (2) days prior to the Team meeting.
SE 14 Guidance Regarding IEP Dates/Timelines/Use of Amendments

All IEPs without exception must be reviewed PRIOR to the expiration date. There are NO provisions in the federal or state regulations that allow for extending any IEP even if the parent cancels or does not attend the IEP meeting. Should the parent cancel the meeting and there is not enough time to re-schedule prior to the IEP expiring, the Team should explain that by law the Team must meet before the IEP expires and offer to have the parent participate by an alternate method (i.e. phone conversation etc.).

Given that the district schedules the meeting after a phone call to discuss a mutually convenient time with the parent, the Team should hold the meeting in accordance with the attached informal guidance from DESE (regarding holding a meeting when the parent is unavailable or will not attend); document the efforts to have the parent participate under the additional information section of the IEP and on the N1, and offer to have a Team member call the parent to summarize the results of the meeting.

IEPs should run for one year. Thus, it is necessary to drop a day. (i.e. February 2, 2013 through February 1, 2014; the next IEP would then run from February 2, 2014 through February 1, 2015 and so on). As long as the meeting is held no longer than one month prior to the expiration date, the IEP run dates should not change if the meeting is held prior to the IEP expiration date. Please Note: Since some special education IEP programs such as esped automatically change the run dates based on the meeting date, it will be necessary to go into the ADM page and manually make the changes back to the original run dates.

Re-evaluation dates should coincide with the ending date of the IEP. For example, if the Initial or Re-evaluation IEP runs from February 2, 2013 through February 1, 2014 the due date of the next re-evaluation should be February 1, 2016. It is much easier to keep track of re-evaluations and ensure that they are completed on time when the due date of the re-evaluation is consistent with the dates on the IEP.

If the parent has not returned the signed evaluation consent form in time for the district to conduct the reevaluation prior to the date of the annual review, the Team must reconvene to review the IEP prior to the expiration date and then will need to reconvene a second meeting once the reevaluation has been conducted. The IEP will then need to be revised accordingly based the student's educational needs as identified through the reevaluation assessments.
**Scenario #1**
The Team has several IEPs due in one month and would like to move up the review date.

IEP dates are from February 15, 2013 to February 14, 2014.

The review meeting is scheduled for January 15, 2014. Since the review will take place *within one (1) month's* time of the expiration date, there is no need to change the dates of the IEP period. The new plan would continue to run in accordance with the original dates and go from February 15, 2014 through February 14, 2015.

**Scenario #2**
The Team has several IEPs due in one month and would like to move up the review date.

IEP dates are from February 15, 2013 to February 14, 2014.

The review meeting is scheduled for December 20, 2013. Since the review will take place *more* than one (1) month’s time before the expiration date, the dates of the new plan should be changed to coincide with the meeting date (i.e. new plan will run from December 20, 2013 through December 19, 2014).

**Scenario #3**
The IEP runs from April 15, 2013 through April 14, 2014.

The student is due for a 3 year re-evaluation April 14, 2014.

The parent has not signed a consent for the re-evaluation or the consent was not returned within 45 days of the IEP expiring. The IEP *must* be reviewed before the April 14, 2014 expiration date and the plan should be written for a year (i.e. April 15, 2014-April 14, 2015). However, the Team will also need to *meet again* once the re-evaluation has been completed and the IEP will need to be re-written at that time based upon information gathered through the evaluation process.

For example:

Re-evaluation meeting is held May 25, 2014. The new plan should then be written to run from May 25, 2014 through May 24, 2015 and the next 3 year re-evaluation would then be due May 24, 2017.
Scenario #4
The Team has several re-evaluations due in March and would like to conduct an early re-evaluation.


Grid A Services
Any consultative services written into the A Grid must reference corresponding goals/objectives that are delineated in either the B Grid or the C Grid. Service providers must be consulting around specific IEP goals/objectives. A specific time must be delineated for the consultation. The use of on-going is not appropriate as it implies that the consultation is occurring throughout the entire duration of the student's program. If a general education teacher is expected to carry out a goal and this service is delineated in Grid B then consultation should be provided to the general education teacher and included in Grid A.

Procedures for Writing Amendments
Amendments should only be written to reflect minor changes in a current IEP. They should not be written to extend an expiring IEP or for a change in placement. There are no provisions in the federal or state regulations to extend IEPs beyond the expiration date.

➤ Examples of some Minor Changes Include:
  - Minor changes in the wording of a goal
  - Minor changes in service delivery times within the same Grid (i.e. Grid B change from 2 X 45 mins to 3 X 30 mins.)
  - Additional accommodations to PLEP A, PLEP B and MCAS

➤ Examples of Major Changes that would necessitate a revised IEP would include:
  - Adding or deleting a goal
  - Adding or deleting a service
  - Changes services from one Grid to another

Please adhere to the following procedures when proposing an amendment:

➤ Complete the IEP-AI and IEP-A2 (amendment) forms delineating the proposed changes that will be included in the amended IEP. When the signed Amendment form is returned
and accepted it **MUST** be attached to the IEP that it is amending.

➢ A completed "Notice of Proposed School District Action" form (N1) must be completed whenever the Team proposes an amended IEP and/or revised IEP.

If the Team is proposing an IEP to reflect services that will result in either a less restrictive placement (i.e. changing from partial inclusion to full inclusion placement) or a more restrictive placement (i.e. from a full inclusion to partial inclusion) then a **revised** IEP (Not an amendment) must be written along with a new PL1 form reflecting the change in placement. Please refer to the definitions and/or percentages described on the PL1 form to determine whether or not a change in placement is being proposed.

**Placement Decisions**

The Team is only responsible for identifying the **type** of placement (i.e. Full Inclusion, partial inclusion etc.) not the specific program or teacher.

IEP Teams have no jurisdiction over the assignment of a student to a specific teacher and/or specific district program.

Although input from the Team is considered, the building principal is responsible for identifying the general education teacher or team to which the student is assigned. The district (i.e. sped director) is responsible for identifying the specific substantially separate type program or out of district placement to which the student is assigned.

The type of placement is determined by the amounts of services delineated in Grid C of the IEP not the specific teacher and/or classroom/program in which the student receives services.

The placement should be discussed and determined **only** after the IEP is written.
School District Name:
School District Address:
School District Contact Person/Phone #:

Individualized Education Program (IEP) Amendment

Amendment will be attached to IEP dated: from _________ to _________

<table>
<thead>
<tr>
<th>Student Name:</th>
<th>DOB:</th>
<th>ID#:</th>
<th>Grade/Level:</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>What change(s) will be made to the existing IEP?</th>
<th>Why?</th>
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</table>

Use only for minor changes that do not change type of placement.
Individualized Education Program Amendment

Attached to IEP Dated: from ________ to ________

Student Name: __________________________ DOB: __________ ID#: __________

Additional Information

Response Section

School Assurance

I certify that the changes in this amendment are those recommended by the Team and that the indicated services will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

☐ I accept the IEP amendment.
☐ I reject the IEP amendment.

☐ I reject the following portions of the IEP amendment with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

☐ I request a meeting to discuss the rejected IEP amendment or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

*Required signature once a student reaches 18 unless there is a court appointed guardian.

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP amendment will not be implemented unless the IEP or IEP amendment is changed.
SE 19 Extended Evaluations.

If evaluation information is inconclusive and the Team has found the student eligible for special education, the Team may want to consider an Extended Evaluation. An Extended Evaluation may be used, with parental permission, to gather additional information needed to write an IEP. Teams must be aware of the state regulatory restrictions placed on the use of Extended Evaluation.

Extended Evaluation cannot be used for the following purposes:

- To extend the evaluation timelines for required assessments
- To deny programs or services to a student
- To constitute a temporary placement

If a student has been found eligible for special education services, the Team should write a partial or full IEP in conjunction with an Extended Evaluation Form. This action will ensure, with parental acceptance of the IEP, that a student is not denied services determined necessary at a Team Meeting.

An extended evaluation may run from one to eight weeks. The Team may decide to meet during that evaluation period. However, the Team must reconvene as soon as the additional evaluation data is available in order to review assessment data and/or complete the writing of the IEP.

**School District Name:**

**School District Address:**

**School District Contact Person/Phone #:**

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**Extended Evaluation Form**

Evaluation Dates: from ___ to ___

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<table>
<thead>
<tr>
<th>Student Name:</th>
<th>DOB:</th>
<th>ID#:</th>
<th>Grade/Level:</th>
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**Why is an extended evaluation period being recommended?** (Check one)

- [ ] The Team found the student eligible for special education and developed a ☐ partial IEP/ ☐ full IEP but recommended further assessment. *(Check one box within the sentence itself.)*

- [ ] The Team found the student eligible for special education but recommended further assessment before developing an IEP.

**Important Details from State Regulation — §603 CMR 28.00: An extended evaluation should be used when evaluation information is inconclusive and should not be used to deny programs or services determined necessary by the Team. If the Team has determined eligibility and some necessary objectives and services, then the Team should write a partial IEP and, with parent acceptance, immediately implement the partial IEP while the extended evaluation is occurring. The evaluation may extend from one to eight school weeks but no longer than eight school weeks. The Team may meet at intervals during this period and should reconvene promptly when the evaluation is complete to make any final decisions about IEP services. The extended evaluation should not be used to allow extra time to complete required assessments and is not considered a placement.**

1. What are the current evaluation findings?

2. What type(s) of additional information is needed?

3. How will the additional information be obtained? Identify personnel, specific evaluators and assessments, if known, and locations for assessments.

4. What time period *(longer than one week but not to exceed eight school weeks)* is needed to complete the necessary evaluation(s)?

5. Should the Team meet at intervals during the extended evaluation period? If yes, please specify meeting dates and times.

6. What date will the Team reconvene to complete an IEP? Please specify meeting date and time.
Extended Evaluation Form

Student Name: ___________________________ DOB: ______ ID#: ______

Evaluation Dates: from ______ to ______

Additional Information

Response Section

School Assurance

I certify that the evaluation(s) in this Extended Evaluation are those recommended by the Team and that the indicated evaluation(s) will be provided.

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

☐ I accept the recommended Extended Evaluation.  ☐ I reject the recommended Extended Evaluation.

☐ I reject the following portions of the Extended Evaluation with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

☐ I reject the offer of an Extended Evaluation and wish to have an IEP immediately developed.

☐ I request a meeting to discuss the rejected Extended Evaluation or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over*

Date

*Required signature once a student reaches 18 unless there is a court appointed guardian.

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed Extended Evaluation will not be implemented unless the Extended Evaluation form is amended.

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

Massachusetts ESE/Extended Evaluation Form REVISED (11/16/00) EE-2 Page ____ of ____

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