

# Special Education Program Plan Statement

In effect: January 1, 2001  
Updated: November 2011

## **INTRODUCTION**

### **IDEA -2004**

The federal special education law, the Individuals with Disabilities Education Act (IDEA), was reauthorized in December of 2004 and came fully into effect on July 1, 2005. The reauthorized act continues to emphasize the need to provide appropriate educational services to students with disabilities in order to improve educational results for these students.

### **Partnerships Improving Educational Outcomes for Students with Disabilities**

IDEA-2004 continues to emphasize the role of parents and expands opportunities for parents, general educators, and special educators to work together in partnerships that support student learning and the success of students in adult life.

### **LEA Compliance**

Every Local Educational Agency (LEA) must maintain the documentation named in each element of the *Special Education Program Plan Statement* to demonstrate compliance with IDEA-2004 at the local level. Massachusetts will align the submission of *Special Education Program Plan Statement* to the cohort model associated with the data collection activities for the State Performance Plans indicators. An updated Data Collection Schedule and District Cohort Assignments for the Massachusetts State Performance Plan for Special Education (MA SPP) Activities can be found at <http://www.doe.mass.edu/sped/spp/datacollection.html>.

LEAs assigned to Cohort 1 must complete and submit their *Special Education Program Plan Statement* to the Special Education Planning and Policy Development Office of the ESE by February 17, 2012. LEAs in Cohort 1 that completed a *Special Education Program Plan Statement* in FY11 will not be required to submit a new one.

The following are IDEA related websites:  
<http://idea.ed.gov/download/finalregulations.pdf>

The Massachusetts State Performance Plan for Special Education can be found at:  
<http://www.doe.mass.edu/sped/spp/>

The state special education regulations can be found at:  
<http://www.doe.mass.edu/sped/regs.html>

Other special education documents (advisories, forms, guidance) can be found at:  
<http://www.doe.mass.edu/sped/advisories/>

# Special Education Program Plan Statement

LEA Name: \_\_\_\_\_

District Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_,  
Name, Title

Contact Phone: - -

Contact Email:

## Directions

The superintendent or charter school leader, special education administrator and school committee chairperson/Board of Trustee Chairperson are required to initial each of the below sections; these initials indicate that the section's requirements have been read and understood by all respective professionals. Signatures corresponding to these initials must be provided on the Signature Page.

All principals are now required to sign on the Building Principals' signature page, but are not required to initial each page.

Regional school districts may elect to submit one Special Education Program Plan Statement for all of the LEAs within the region. If this option is elected, all special education administrators, school committee chairpersons, and superintendents must indicate through initials to the left of each section's requirements, that the requirements have been read and understood by all respective professionals. The Alternate Regional Signature Page should be completed by all appropriate representatives.

For questions about any of these requirements in this Program Plan document, please contact Barbara Dee at (781) 338-3382 or [bdee@doe.mass.edu](mailto:bdee@doe.mass.edu)

## District Organizational Information

|                                                                                   |                                                                            |                                                                      |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------|
| Number of buildings at each level:<br>Elem: _____<br>Middle: _____<br>High: _____ | Total number of students enrolled in the district or Charter School: _____ | Number of students eligible for special education (ages 3-21): _____ |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------|

As specified in the following statements, the LEA states that it follows state and federal policies and procedures, and has in place, programs and services that are consistent with federal and state special education laws and regulations. Along with a copy of the initialed Special Education Program Plan Statement, including the appropriate signature page, the LEA understands that it must also keep on file, current documentation at the local level that demonstrates its compliance with federal and state special education laws for ESE review.

It is recommended that when there is a change in any of the district representatives who have signed off on this document, the LEA review the Special Education Program Plan Statement

## Special Education Program Plan Statement

with new representatives. The ESE reviews special education documentation during a scheduled CPR and MCR and may request to review the documentation at anytime. The purpose of the CPR or MCR is to conduct routine monitoring visits across the state in order to satisfy state and federal monitoring requirements and to ensure that LEAs are implementing state and federal special education law according to requirements at 603 CMR 28.00 and 34 C.F.R. § 300.

***Optional District Notes:*** Each statement is provided with sufficient additional space so that the district may make notes, if such notes are helpful to review the district's compliance, to identify the location of district documentation, or to indicate that additional documentation is attached to the submission to ESE.

# Special Education Program Plan Statement

## ***I. ENFORCEMENT*** – documentation – withholding funds - notification in case of ineligibility

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| SPED: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|-------------------------------------------------------------------------------------------------------|

The school district states that any required documentation to support the implementation of federal and state special education laws will be kept current and will be on file at the school district. Such documentation will be made available promptly at the request of the ESE.

The school district understands that the ESE may withhold funds for special education from cities, towns, school districts, or private schools or agencies that do not comply with regulations or statutes related to special education, or do not carry out plans for such compliance within a reasonable period of time. In addition, the school district understands that in the event the school district is found ineligible for assistance under Part B of IDEA-2004, the ESE will give the school district reasonable notice and an opportunity for a hearing under 20 U.S.C. § 612 (d) (2004).

### *Horace Mann Charter Schools*

The school district understands that if a charter school (Horace Mann Charter Schools in Massachusetts) is included within the district, the school district must serve students with disabilities attending those schools in the same manner it serves students with disabilities in its other schools. The school district must provide funds under Part B (Fund Code 240) to those schools in the same manner it provides those funds to its other schools.

### *Public Charter Schools*

The school district understands that parents of students with disabilities attending public charter schools that are considered LEAs retain all rights under IDEA-2004 regardless of whether the charter school receives Part B (Fund Code 240) funds.

### **FEDERAL STATUTORY REFERENCES:**

- 20 U.S.C. § 612 (a) (15) (2004) (Performance Goals and Indicators)
- 20 U.S.C. § 612 (d) (2004) (Hearings Relating to LEA Eligibility)
- 20 U.S.C. § 613 (c) (2004) (Notification of LEA in Case of Ineligibility)
- 20 U.S.C. § 613 (a) (5) (2004) (Treatment of Charter Schools and Their Students, Children with Disabilities in Public Charter Schools)

### **FEDERAL REGULATORY REFERENCE(S):**

- 34 CFR 300.626 (State Policies and Procedures: Enforcement mechanisms)

### **MASSACHUSETTS REGULATORY REFERENCE(S):**

- 603 CMR 28.03(6) (School District Administration and Personnel: Enforcement)

### **ESE GUIDANCE:**

- [Administrative Advisory SPED 2006-4](#) (Assignment of Financial and Programmatic Responsibility for Special Education and Enforcement of Assignments)

### **OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

## Special Education Program Plan Statement

### **II. USE OF FUNDS** - *Commingling - Maintenance of Effort – Excess Costs – Instructional Support Services – Proportionate Share Calculation*

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| SPED: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|-------------------------------------------------------------------------------------------------------|

The school district states that funds to be used expressly for special education, especially federal funds, are kept in separate accounts and are not commingled with other funds. The school district understands that separate bank accounts are not necessary. In addition, the school district states that federal special education funds are used to supplement local and state expenditures for special education and related services. The school district understands that federal special education funds are appropriately used to pay the excess costs for special education and related services provided to students with disabilities (i.e. those costs that exceed the costs that are expended to provide general education services).

The school district states that it complies with the non-supplanting requirement and uses federal special education funds to supplement state and local funds. The school district's maintenance of effort is documented in the end of the year report (or comparable report for Charter Schools) and shows that the school district's spending of state and local funds for the education of students with disabilities is at least the same, either in total or per capita, as the amount it spent for that purpose in the previous fiscal year. The school district understands that it may reduce the level of expenditures below the level of expenditures for the preceding fiscal year for several reasons, including changes in personnel and a decrease in the enrollment of students with disabilities. The school district further understands that the required amount of state and local funds that must be spent from year to year for special education may be gradually decreased as the federal share of the costs of special education increases. The Department will maintain records to ensure that such consideration is fully given in the calculation of whether or not the school district is meeting the non-supplanting requirement. The school district understands that this flexibility is provided subject to continued compliance with all special education requirements and that it may be withheld if the district does not actively correct non-compliance when identified.

The school district understands that it may elect to use no more than 15% of its funds received under IDEA-2004 to develop and implement coordinated, instructional support services (called "early intervening" services in the IDEA-2004 statute) for students in grades kindergarten through grade 12 who have not been identified as needing special education or related services but who need additional academic and/or behavioral support to succeed in the general education environment. Should the school district elect to use funds in this manner, the school district states that it will complete and submit the Massachusetts Department of Elementary and Secondary Education's "Notice of Intent to Use Federal Special Education Entitlement Funds for Instructional Support Services" with its Part B Entitlement Grant (Fund Code 240). The school district states that it will provide any required data, including the number of students served under such funds and the number of these students who subsequently receive special education and related services during the preceding two-year period. The school district understands that should significant disproportionality based on race or ethnicity be found to be occurring within the district, the state will require the school district to reserve the full 15% of its entitlement funds to address the finding of significant disproportionality rather than to provide other instructional support services.

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Under the federal law, school districts determine the required proportionate share of federal funds that must be used to provide services to students enrolled by their parents in private schools. Each year, school districts must use, and document the use of the federal proportionate share, following consultation with the private schools and parents of eligible students. In Massachusetts, state law requires school districts to provide resident private school students with an IEP and a genuine opportunity to participate in the public special education program. A district may fulfill its responsibility to eligible Massachusetts resident students using either state or federal funds, or a combination of state and federal funds. A school district may elect to use additional state or federal funds to provide services to eligible out-of-state students, but is not required to do so.

## **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 611 (e) (4) (2004) (Prohibition Against Commingling)  
20 U.S.C. § 611 (a) (18) (A) (2004); 20 U.S.C. § 611 (b) (2004) (Excess Cost Requirement)  
20 U.S.C. § 613 (a) (2) (2004) (Use of Amounts)  
20 U.S.C. § 613 (f) (2004) (Early Intervening Services)  
20 U.S.C. § 616 (f) (2004) (Maintenance of Effort)

## **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.704(b)(3) (Allowable costs)  
34 CFR 300.704(b)(4)(i) (Direct and support services)  
34 CFR 300.203 (Maintenance of effort – LEA)  
34 CFR 300.608 (Maintenance of effort: State enforcement (SEA must prohibit LEA from reducing MOE))

## **ESE GUIDANCE:**

[Technical Assistance Advisory SPED 2011-1: Annual Fiscal Calculations](#)  
[Presentation SPED April 2009 \(Understanding IDEA and MOE under the ARRA\)](#) and  
[Race to the Top and ARRA Updates \(Massachusetts Department of Elementary and Secondary Education\)](#)  
[Administrative Advisory SPED 2008-1](#) (IDEA-2004 and Requirements Related to Maintenance of Effort)  
[Administrative Advisory SPED 2007-2](#) (IDEA-2004 and Private School Students)

## **RECORD KEEPING REQUIREMENT(S) INCLUDE:**

- Federal Special Education Entitlement Grants application & amendments
- End of the Year Report
- Notice of Intent form for instructional support programs
- Proportionate share worksheet

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

# Special Education Program Plan Statement

## **III. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| SPED: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|-------------------------------------------------------------------------------------------------------|

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

The school district states that it provides each eligible student aged three through twenty-one in the school district FAPE. The school district understands that it must ensure that an IEP or, at the option of the school district, an Individualized Family Service Plan (IFSP) is in effect for eligible children by a child's third birthday. The school district additionally states that educational services allowing a student to make educational progress is available for eligible students suspended or expelled from school consistent with federal law.

The school district understands that in order to provide FAPE, the student's IEP must "address all of the student's identified special education and related services needs and that the needed services and placement must be based on the student's unique needs and not on the student's disability." In order to provide FAPE, the school district trains and employs professionals who are competent to design instruction and provide an appropriate education to each student with a disability. The school district understands that providing FAPE may require consideration of the effect of the student's disability on, among other things, the proper functioning of hearing aids, non-academic services, recess, physical education, assistive technology, extended school day or year services, transportation, counseling and/or health services, and program options including art, music, and vocational education.

### **FEDERAL STATUTORY REFERENCE(S):**

- 20 U.S.C. § 602 (9) (2004) (Free Appropriate Public Education (FAPE))
- 20 U.S.C. § 614 (d) (2) (2004) (When IEPs Must be in Effect)
- 20 U.S.C. § 615 (k) (2004) (Interim Alternative Educational Setting)

### **FEDERAL REGULATORY REFERENCE(S):**

- 34 CFR 300.17 (Definition)
- 34 CFR 300.101(a) (General requirement)
- 34 CFR 300.304(c)(6) (Services and placement)

### **MASSACHUSETTS STATUTORY AND REGULATORY REFERENCE(S):**

- M.G.L. c. 71B, §§2, 3 (Children with Special Needs);
- 603 CMR 28.00

### **RECORD KEEPING REQUIREMENTS INCLUDE:**

- Student records, including IEPs developed and accepted for each student
- School district professional development plan or Comprehensive 3 Year District Improvement Plan

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## ESE GUIDANCE:

- [Technical Assistance Advisory SPED 2007-1](#): Autism Spectrum Disorder

OPTIONAL DISTRICT NOTES: \_\_\_\_\_

## IV. FULL EDUCATIONAL OPPORTUNITY GOAL (FEOG)

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| SPED: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|-------------------------------------------------------------------------------------------------------|

The school district states that it is able to provide or arrange to provide a full continuum of services and placements for students with disabilities eligible for special education aged three through twenty-one who have not attained a high school diploma or its equivalent.

### FEDERAL STATUTORY REFERENCE(S):

20 U.S.C. § 612 (a) (2) (2004) (Full Educational Opportunity Goal (FEOG))

### FEDERAL REGULATORY REFERENCE(S):

34 CFR 300.109 (Full Educational Opportunity Goal (FEOG))

### MASSACHUSETTS STATUTORY REFERENCE:

Massachusetts Education Reform Act of 1993 (Chapter 71 of the Acts of 1993)

OPTIONAL DISTRICT NOTES: \_\_\_\_\_

## V. PUBLIC INFORMATION

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| SPED: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|-------------------------------------------------------------------------------------------------------|

The school district states that it will maintain on site a copy of this Special Education Program Plan Statement and any supporting documentation submitted to the ESE. Furthermore, the school district states that it makes all such documents readily available to parents of students with disabilities and the general public upon request.

### FEDERAL STATUTORY REFERENCE(S):

20 U.S.C. § 613 (a) (8) (2004) (Public Information)

### FEDERAL REGULATORY REFERENCE(S):

34 CFR 300.212 (Public Information (LEA))

### RECORD KEEPING REQUIREMENT(S) INCLUDE:

- Maintenance of this Special Education Program Plan Statement and all supporting documentation at the school district

OPTIONAL DISTRICT NOTES: \_\_\_\_\_

# Special Education Program Plan Statement

## **VI. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION**

|                                         |
|-----------------------------------------|
| SPED Administrator: _____               |
| School Committee or<br>Board of Trustee |
| Chairperson: _____                      |
| Superintendent: _____                   |

The school district states that it will protect the confidentiality of any personally identifiable information that is collected, used or maintained in accordance with federal and state law.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 617 (c) (2004) (Confidentiality of Personally Identifiable Information)  
34 CFR Part 99 (Family Educational Rights and Privacy Act (FERPA))

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.627 (Department use of Personally Identifiable Information))  
34 CFR 300.625 (Family Educational Rights and Privacy Act (FERPA): Children’s Rights)

### **MASSACHUSETTS REGULATORY REFERENCE:**

603 CMR 23.00 (Student Records Regulations)

### **OPTIONAL DISTRICT NOTES: \_\_\_\_\_**

## **VII. CHILD FIND & RECORD KEEPING**

|                                         |
|-----------------------------------------|
| SPED Administrator: _____               |
| School Committee or<br>Board of Trustee |
| Chairperson: _____                      |
| Superintendent: _____                   |

The school district states that child find activities ensure that all students with disabilities, regardless of the severity of a disability, who are residing in the school district and who are in need of special education and related services, are identified, located, and evaluated. Child find activities include students with disabilities attending private schools, highly mobile students with disabilities (such as migrant and homeless students), and students who are suspected of having disabilities and are in need of special education, even though they are advancing from grade to grade.

The school district states that it uses multiple methods of informing the public of the availability of special education services and has general information available to parents and interested parties upon request. The district assures that it also complies with all state and federal requirements in relation to evaluation and maintains information on the conduct of evaluations and the results of such evaluations. The district states that it provides information to the ESE on the number of evaluations conducted and the outcomes of such evaluations upon request.

The school district states that it maintains appropriate procedures to ensure that an accurate and unduplicated child count is provided to the ESE upon request. A child count represents students with current, accepted IEPs who are provided, at a minimum, direct special education and/or related services by the district or by an out-of-district provider through a contract with the district, including parentally-placed private school students for whom the district is providing publicly funded special education services.

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The district states that it does not include as part of its special education child count: (a) students who are determined by the Department to be erroneously classified as eligible to be counted under federal or state special education requirements; (b) students who are no longer receiving special education and/or related services; and (c) students with disabilities for whom the district has no programmatic responsibility, even if the district has financial responsibility.

## *Public Charter Schools*

The school district understands that charter schools considered LEAs in Massachusetts may limit child find activities to students within the charter school. Parents of students with disabilities attending charter schools retain all rights under IDEA-2004 regardless of whether a public charter school receives federal special education funds.

### **FEDERAL STATUTORY REFERENCE(S):**

- 20 U.S.C. § 612 (a) (3) (2004) (Child Find)
- 20 U.S.C. § 617 (c) (2004) (Confidentiality of Information)
- 20 U.S.C. § 613 (a) (5) (2004) (Children with Disabilities in Public Charter Schools)
- 34 CFR Part 99 (Family Educational Rights and Privacy Act (FERPA))

### **FEDERAL REGULATORY REFERENCE(S):**

- 34 CFR 300.111(a) (Basic requirement)

### **MASSACHUSETTS REGULATORY REFERENCE:**

- 603 CMR 23.00 (Student Records Regulations)
- 603 CMR 28.03(1) (General Responsibilities of the School District)

### **ESE GUIDANCE**

[Administrative Advisory SPED 2007-2](#) (IDEA 2004 and Private School Students)

### **RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Sample notices to agencies and schools (or their equivalent)
- Electronic submission via the Student Information Management System (SIMS) of the number of students with disabilities within each disability category that have been located, evaluated, and identified as eligible, and students who were evaluated and found not eligible.
- Upon request, documentation needed for State Performance Plan Indicator #11 on meeting initial evaluation timelines

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

## **VIII. EVALUATION AND DETERMINATION OF ELIGIBILITY**

|                                                               |
|---------------------------------------------------------------|
| SPED Administrator: _____                                     |
| School Committee or<br>Board of Trustee<br>Chairperson: _____ |
| Superintendent: _____                                         |

The school district has in effect policies and procedures consistent with federal and state law that address initial evaluation, evaluation procedures, determination of needed evaluation data, determination of eligibility, procedures for determining eligibility, placement, and reevaluation. The school district understands that a student cannot be determined to be eligible for special education solely because of limited English

proficiency, because the student fails to meet the school discipline code, or because the student lacks instruction in reading or math.

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The school district states that an evaluation is not conducted without parental consent. Following the initial evaluation and placement of a student in a special education program, if, after multiple attempts to contact the parent, the parent fails to respond or the parent refuses consent to subsequent reevaluations, and the school district believes that lack of consent to such evaluation denies FAPE to the student, the school district states that it will seek resolution via due process procedures.

The school district states that initial evaluations are individually planned and must include evaluation in all areas related to the suspected disability as well as evaluation in relation to the student's educational progress and performance. No single procedure is used as the sole criterion for determining whether a student is eligible for special education. Evaluation involves a variety of both formal and informal assessments, including: information provided by parents; observations by teachers and service providers; student performance samples which provide functional and developmental information and information related to the student's involvement in and progress in the general curriculum; the student's special education and related service needs, whether or not commonly linked to the disability; and the student's current educational status. For preschool children, information must relate to the participation of the child in developmentally appropriate activities.

The school district states that assessments are selected and administered so as not to be discriminatory on a racial or cultural basis, and are provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally. Evaluations identify the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. If a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test measures, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test is designed to measure). If an assessment is not conducted under standard conditions, a description of the extent to which it varies from standard conditions is included in the evaluation report.

Assessors report in writing the assessment results and diagnostic impressions as well as educationally relevant recommendations for meeting the identified needs of the student. Upon request, evaluation summaries are made available to parents at least two days before the Team meeting. The Team, including the parents, meets to review the evaluation reports and makes an eligibility determination or decides if additional data is needed. If the parents request an independent educational evaluation (IEE), the school district provides the parents with the appropriate information. If the IEP Team makes a determination that a student has a disability and requires special education, an IEP is developed. If it is determined that the student is not eligible for special education, the reasons are recorded and parents are provided written notice of the finding.

At least once every three years, or sooner if a teacher or parent makes a request, the LEA must arrange for a reevaluation in order for an IEP team to decide whether a student continues to need special education and to have current evaluation information to allow a consideration of necessary additions or modifications to the special education program of the student. The school district understands that the reevaluation may be waived if both the district and the parent agree

## Special Education Program Plan Statement

that it is not necessary because they are in common agreement that the student continues to be eligible. A reevaluation does not occur more frequently than once a year unless the parent and LEA agree otherwise.

The school district states that it will provide an eligible student, whose eligibility terminates due to graduation or exceeding the age of eligibility, with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student to meet his or her postsecondary goals.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 614 (a) & (b) (2004) (Procedures for Evaluation and Determination of Eligibility)  
20 U.S.C. § 614 (c) (1) (2004); 20 U.S.C. § 614 (d) (1) (B) (2004) (IEP Team)  
20 U.S.C. § 615 (b) (1) (2004) (Independent Educational Evaluation)  
20 U.S.C. § 615 (b) (2) (2004) (Prior Notice)  
20 U.S.C. § 613 (d) (1) (2004) (Procedural Safeguards Notice)  
20 U.S.C. § 614 (a) (1) (D) (2004) (Parental Consent)

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.15 (Definition of Evaluation)  
34 CFR 300.304 (Evaluation Procedures)  
34 CFR 300.502 (Independent Educational Evaluation)  
34 CFR 300.300 (Parental Consent)

### **MASSACHUSETTS STATUTORY AND REGULATORY REFERENCE:**

M.G.L. c. 71B, § 7 (Use of bias-free tests)  
603 CMR 28.04 (Referral and Evaluation)  
603 CMR 28.05 (The Team Process and Development of the IEP)  
603 CMR 26.00 (Chapter 22 of the Acts of 1971 - prohibits discrimination)

### **ESE GUIDANCE:**

[Administrative Advisory SPED 2011-2](#): Amendments to the State Special Education Regulations - 603 CMR 28.00

[Technical Assistance Advisory SPED 2009 - 1](#) (Observation of Education Programs by Parents and Their Designees for Evaluation Purposes)

[Technical Assistance Advisory SPED 2007 -1](#) (Autism Spectrum Disorder)

[Memorandum on Specific Learning Disability – Eligibility Process/Forms](#) (December 11, 2007)

[Administrative Advisory SPED 2004-1](#) (Independent Educational Evaluation)

[Administrative Advisory SPED 2004-3](#) (College Testing Information)

### **RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Student records, including appropriate forms and notices regarding evaluation
- Student records, including a written summary the student's academic achievement, functional performance and recommendations on meeting post-secondary goals for students whose eligibility terminates due to graduation or exceeding the age of eligibility
- Documentation of parental consent for evaluation
- Evaluation reports
- Upon request, documentation needed for State Performance Plan Indicator #7 on Preschool outcomes and Indicator #11 on evaluation timelines

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

# Special Education Program Plan Statement

## IX. PARENT PARTICIPATION AND OTHER TEAM MEMBER PARTICIPATION IN IEP MEETING

|                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|
| SPED Administrator: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|---------------------------------------------------------------------------------------------------------------------|

The school district states that it makes every effort to ensure that one or both of the parents of a student with a disability are present at each IEP meeting and are afforded the opportunity to participate through timely notice and a mutually agreed upon meeting time and place. If a parent cannot attend an IEP meeting, the school district uses other methods to ensure parent participation including individual or conference calls.

The school district keeps a record of attempts to contact parents such as telephone calls, copies of correspondence, and/or visits to the parent's home and/or the place of the parent's employment. The record includes a description of the result of each attempt. If the school district is unable to convince the parents to attend an IEP meeting, the school district conducts the IEP meeting.

The school district understands that when a student is without parental representation and requires a special educational surrogate parent (SESP) to be appointed, the school district must ensure that a prompt request for an SESP is made to the state SESP program. The state SESP program will make such appointment and the SESP will have all the rights of a parent in special education decision-making. Upon request from the state SESP program, the school district states it will assist in identifying a person willing to serve as an SESP.

When necessary, the school district provides an interpreter for parents who are deaf or whose native language is other than English.

The school district states that it provides parents with a list of Team participants that includes members filling all of the required roles. The school district states that the composition of the IEP Team meets the requirements of state and federal special education law. The school district understands that the following roles must be filled at an IEP Team Meeting: 1) parent(s) of the student with a disability; 2) the student with a disability, when appropriate; 3) not less than one general education teacher if the student is or may be participating in the general education environment; 4) not less than one special education teacher; 5) a representative of the LEA who has the authority to commit resources; 6) an individual who can interpret evaluation results; and 7) at the parent or agency's discretion, other individual(s) who have knowledge of the student. Such list of expected Team members is provided to the parent in advance of the Team meeting. If there is a reason to consider excusing any member from participation in the Team meeting, the school district states that it understands that the parent makes such decision and documents their permission for such excusal in writing. The school district states that any Team member who is excused from participation by the parent and who has information for the Team to consider, that Team member provides the information no later than the date and time of the Team meeting and provides such information in writing.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 614 (d) (1) (B) (2004) (IEP Team)

20 U.S.C. § 614 (d) (1) (C) (2004) (Attendance Not Necessary and Team Member Excusal)

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20 U.S.C. § 615 (b) (2) (A) (2004) (Surrogate Parents)  
20 U.S.C. § 614 (f) (2004) (Alternative Means of Participation)

## **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.321 (IEP Team)  
34 CFR 300.322 (Parent Participation)  
34 CFR 300.328 (Alternative Means of Participation)

## **MASSACHUSETTS REGULATORY REFERENCE(S):**

603 CMR 28.05 (The Team Process and Development of the IEP)  
603 CMR 28.07 (Parent Involvement)

## **ESE Guidance:**

[Technical Assistance Advisory SPED 2009 – 1](#) (Observation of Education Programs by Parents and Their Designees for Evaluation Purposes)

## **RECORD KEEPING REQUIREMENT(S) INCLUDE:**

- Parent contact log
- Team participation list
- Written excusal by the parent of Team members
- Upon request, documentation needed for State Performance Plan Indicator #8 on parent involvement
- Revised Progress Report Form and IEP-4

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

## **X. INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

|                                                               |
|---------------------------------------------------------------|
| SPED Administrator: _____                                     |
| School Committee or<br>Board of Trustee<br>Chairperson: _____ |
| Superintendent: _____                                         |

The school district states that at the beginning of each school year, every student eligible for special education has an IEP in effect that is accessible to all general education, special education, related service, and other service providers who are responsible for the implementation of the IEP. Each teacher and provider is informed of his/her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. Beginning no later than the first IEP developed when the eligible student with a disability is 14, the Team considers the student's need for transition services and documents their discussion. If appropriate, the IEP includes a statement of needed transition services. The school district understands it must maintain documentation of a full discussion of the student's transition needs, whether or not such discussion identifies needed transition services for the IEP. Such documentation must be reviewed and updated annually thereafter.

The school district states that the Massachusetts IEP mandated forms are used in the school district and that all elements of the IEP are fully considered. In all cases, when a paraprofessional or an assistant is involved in providing services to a student with an IEP, the school district understands that it is sound practice for the school district to inform the parent of this when the IEP is developed.

## Special Education Program Plan Statement

The school district ensures that each Individualized Education Program (IEP) is developed, reviewed, implemented and revised for each student with a disability in accordance with federal and state requirements.

The school district states that for students identified with a disability on the autism spectrum, that the IEP Team considers and specifically addresses the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

The school district states that 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 Team addresses the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

The school district states that assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required by the student's IEP. On a case-by-case basis, the use of devices in a student's home or in other settings is required if the student's IEP team determines that the student needs access to those devices in order to receive FAPE.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 614 (d) (2004) (Individualized Education Programs)

20 U.S.C. § 614 (d) (3) (B) (2004) (Consideration of Special Factors)

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.320 (Definition)

### **MASSACHUSETTS STATUTORY AND REGULATORY REFERENCE(S):**

M.G.L. c. 71B, § 3, (as amended by Chapter 92 of the Acts of 2010) (An Act Relative to Bullying in Schools)

603 CMR 28.03(4) (School District Administration and Personnel – Standard procedures and forms)

603 CMR 28.05 (Team Process and Development of the IEP)

101 CMR 10.00 (Chapter 688 of the Acts of 1983 – transitioning - turning 22)

### **ESE GUIDANCE:**

[Technical Assistance Advisory SPED 2011-2: Bullying Prevention and Intervention Addressing the Needs of Students with Disabilities in the IEP and in School Bullying Prevention and Intervention Efforts](#)

[Administrative Advisory SPED 2010-2: School-Based Medicaid and Nursing Services](#)

[Administrative Advisory SPED 2009 – 1: Services for Young Children with Disabilities, Ages 5 and 6, in Preschool Programs](#)

[Technical Assistance Advisory SPED 2009 – 1: Transition Planning to begin at Age 14](#)

[Administrative Placement/Environment Information – PL-2 \(3-5 year olds\); PL -2 \(6 – 21 year olds\)](#)

### **RECORD KEEPING REQUIREMENT(S) INCLUDE:**

- Student records, including IEPs
- Required forms and notices present in student records
- Progress reports

# Special Education Program Plan Statement

- Behavioral intervention plans, as appropriate
- Upon request, documentation needed for State Performance Plan Indicator #13 on secondary transition planning

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

## **XI. PROCEDURAL SAFEGUARDS**

|                                                               |
|---------------------------------------------------------------|
| SPED Administrator: _____                                     |
| School Committee or<br>Board of Trustee<br>Chairperson: _____ |
| Superintendent: _____                                         |

The school district states that due process procedures ensure that parents and students are afforded the procedural safeguards required by federal and state law. The Notice of Procedural Safeguards, (previously known as the Massachusetts Parent's Rights Brochure), is given to parents of a student with a disability at a minimum upon initial referral for evaluation, and subsequent to a finding of eligibility the Notice of Procedural Safeguards is provided once per year and upon request. The Notice of Procedural Safeguards includes information on the opportunity to examine records, confidentiality, parent participation in meetings, information on independent educational evaluations, prior notice, mediation, due process hearings, civil action, student's status during administrative or judicial proceedings, transfer of parental rights at age of majority (age 18 in Massachusetts), parental consent, surrogate parents, revocation of consent, change of placement for disciplinary removals, and manifestation determination. The school district states that written notice explaining the reasons for proposing or refusing is provided whenever the district proposes or refuses to initiate or change identification, evaluation, IEP services, or educational placement, and contains all of the required notice elements. All notices are provided in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

### **FEDERAL STATUTORY REFERENCE(S):**

- 20 U.S.C. § 615 (d) (1) (2004) (Procedural Safeguards Notice)
- 20 U.S.C. § 615 (b) (3) (2004) (Procedural Safeguards – Types of Procedures – Written Prior Notice)
- 20 U.S.C. § 615 (b) (4) (2004) (Procedural Safeguards – Types of Procedures – Native Language)

### **FEDERAL REGULATORY REFERENCE(S):**

- 34 CFR 300.300(b)(4) and 300.9 (Parent Revocation of Consent)
- 34 CFR 300.508(c) (Notice required before a hearing on a due process complaint)
- 34 CFR 300.512(c) (Parental rights at hearing)
- 34 CFR 300.520 (Transfer of parental rights at age of majority)

### **MASSACHUSETTS REGULATORY REFERENCE(S):**

- 603 CMR 28.04 (Referral and Evaluation)
- 603 CMR 28.05 (The Team Process and Development of the IEP)
- 603 CMR 28.07 (Parent Involvement)
- 603 CMR 28.08 (Dispute Mechanisms)

### **RECORD KEEPING REQUIREMENT(S) INCLUDE:**

- Student records
- Notice of Procedural Safeguards

# Special Education Program Plan Statement

- Standard notice to parents (forms N1 & N2)
- National Instructional Materials Accessibility Standards (NIMAS) – Additional Assurance Required for IDEA Part B Grant

## ESE GUIDANCE

[Administrative Advisory SPED 2011-2](#): Amendments to the State Special Education Regulations - 603 CMR 28.00

[Administrative Advisory SPED 2010-1: Federal regulations changes \(-including revocation of consent\) SPED Additional Guidance](#): National Instructional Materials Accessibility Standards (NIMAS) – Additional Assurance Required for IDEA Part B Grant

## OPTIONAL DISTRICT NOTES: \_\_\_\_\_

### **XII. LEAST RESTRICTIVE ENVIRONMENT (LRE)**

|                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|
| SPED Administrator: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|---------------------------------------------------------------------------------------------------------------------|

The school district states that a Team that includes the parents determines the educational placement of each student with a disability after the Team has developed the student's IEP. The identified placement; is based on the student's IEP; and is as close as possible to the student's home. A student in the school district is not removed from education in age-appropriate general education classrooms solely because of needed modifications in

the general curriculum. Unless the IEP requires some other arrangement, the student is educated in the school that she or he would attend if non-disabled. The school district provides a continuum of alternative placements to meet the unique needs of each student with a disability. Placements include instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions as necessary to support the needs of eligible students. For students who require it, supplementary services are provided in conjunction with general education class instruction.

The school district states that, to the maximum extent appropriate, students with disabilities, including students in public and private institutions or other care facilities, are educated with students who are not disabled and participate with non-disabled students in non-academic and extracurricular services and activities, including meals, recess periods, athletics, recreational activities, special interest groups or clubs sponsored by the school district, and are referred to agencies that provide employment assistance to individuals with disabilities. Furthermore, the school district states that special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only if the nature or the severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 612 (a) (5)(2004) Least Restrictive Environment)

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.114 (State eligibility requirements)

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**MASSACHUSETTS REGULATORY REFERENCE(S):**

603 CMR 28.02(12) (Definitions – least restrictive environment)

603 CMR 28.06(2)(b) (Placement and Service Options – least restrictive environment)

**RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Student records
- Copies of ESE forms (PL1 & PL2)
- Contracts with out-of-district programs (private and public), as appropriate

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

**XIII. TRANSITION OF YOUNG CHILDREN FROM EARLY INTERVENTION (PART C) TO PRESCHOOL PROGRAMS (PART B)**

|                                                               |
|---------------------------------------------------------------|
| SPED Administrator: _____                                     |
| School Committee or<br>Board of Trustee<br>Chairperson: _____ |
| Superintendent: _____                                         |

The school district states that an (IEP) or, at the option of the school district and parent, an IFSP is developed in accordance with federal and state law for children with disabilities by their third birthday. If the school district chooses to offer an IFSP for the year that the student turns age 3, parents are provided a detailed explanation of the differences between an IFSP and an IEP. In such case, the parents give written informed consent if

the parents choose an IFSP.

The school district understands that it is good practice to invite providers of early intervention programs to participate in transition planning conferences in order to ensure effective transition from early intervention programs to preschool programs. In Massachusetts, this means the school district meets with representatives of the Massachusetts Department of Public Health (DPH) or other entities providing early intervention services to discuss the facilitation of transition from Part C to Part B programs.

**FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 636 (2004) (Individualized Family Service Plan)

20 U.S.C. § 638 (3) (2004) (FAPE for children beginning at age 3)

20 U.S.C. § 612 (a) (9) (2004) (Transition of Children from Part C to Preschool Programs)

20 U.S.C. § 614 (d) (2) (B) (2004) (When IEPs Must be in Effect – for children aged 3)

20 U.S.C. § 614 (d) (2004) (Individualized Education Programs)

**FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.124 (Transition from Part C to Part B)

**MASSACHUSETTS STATUTORY AND REGULATORY REFERENCE(S):**

M.G.L. c. 111G (Early Intervention)

603 CMR 28.06(7) (Programs for Young Children)

**RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Student files including documentation of use of IFSP, description of differences between IEP/IFSP, and written parent consent, if applicable

# Special Education Program Plan Statement

- Upon request, documentation needed for State Performance Plan Indicator #12 on transition from part C-B

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

## **XIV. STUDENTS IN PRIVATE SCHOOLS ENROLLED BY THEIR PARENTS**

|                                                               |
|---------------------------------------------------------------|
| SPED Administrator: _____                                     |
| School Committee or<br>Board of Trustee<br>Chairperson: _____ |
| Superintendent: _____                                         |

The school district states that students with disabilities who have been placed in private schools by their parents are provided with publicly funded special education and related services in accordance with federal and state special education law at no cost to the parents and that these students have all the rights of students with disabilities served in the school district, including the right to an IEP and the procedural safeguards of the law. The

school district will expend federal funds on or for the benefit of a private school student in proportion to the number of eligible special education students attending private schools in the district. State funds may be used to supplement, but not supplant the expenditure of federal funds. (See also: II. Use of funds)

When using federal funds the school district may provide services to students enrolled in private school on the premises of the private school. If the school district provides special education services funded with state or local funds, services must be provided in a public school facility or other public or neutral site. School districts understand that they are expected to work actively with parents of private school students to achieve reasonable access to public school services, including coordinating with private schools, locating neutral sites to provide services, and contracting with outside service providers, including other public school districts if students are enrolled in private schools outside of the public school district's boundaries.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 612 (a) (10) (2004) (Students in Private Schools)

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.130 (Definition of Parentally Placed Private School Children with Disabilities)

### **MASSACHUSETTS STATUTORY AND REGULATORY REFERENCE(S):**

Section 2 of Article 46 of the Amendments to the Constitution of Massachusetts (the Anti-Aid Amendment)

603 CMR 28.03(1)(e) (General Responsibilities of the School District -Private Schools at Private Expense)

### **ESE GUIDANCE:**

[Administrative Advisory SPED 2007-2](#) (IDEA 2004 and Private School Students)

### **RECORD KEEPING REQUIREMENTS INCLUDE:**

- Child count
- Student records
- Proportionate share worksheet

# Special Education Program Plan Statement

OPTIONAL DISTRICT NOTES: \_\_\_\_\_

## XV. PERSONNEL

|                                                               |
|---------------------------------------------------------------|
| SPED Administrator: _____                                     |
| School Committee or<br>Board of Trustee<br>Chairperson: _____ |
| Superintendent: _____                                         |

The school district states that the school district's professional development plan or Comprehensive 3 Year District Improvement Plan provides on-going training for special education and general education personnel in order for all school personnel to understand and acquire the collaboration skills necessary to work in teams to assist eligible students with disabilities to be involved in and make progress in the general curriculum (the curriculum available to

students without disabilities), to participate in extracurricular and other non-academic activities, and to be prepared for employment and other post-school activities.

The school district states that special education, general education, and related services personnel that provide services to students with disabilities are appropriately and adequately prepared according to state requirements and are certified, licensed, board registered, or otherwise approved to provide such services by the relevant professional standards board or agency for the appropriate profession. The school district understands that it is responsible to take measurable steps to recruit, hire, train and retain highly qualified teachers according to the standards under IDEA-2004 and the No Child Left Behind Act (NCLB).

The school district states that only paraprofessionals or assistants that are appropriately trained and supervised on a regular basis by appropriately certified or credentialed staff are permitted to assist in providing special education and related services. A special education paraprofessional whose position is funded through Title I funds and who works in a targeted assistance Title I program and who is providing instructional support must also meet the highly qualified standards under NCLB. In all cases, when a paraprofessional or an assistant is involved in providing services to a student with an IEP, the school district understands that it is sound practice for the school district to inform the parent of this when the IEP is developed.

### **FEDERAL STATUTORY AND REFERENCE(S):**

20 U.S.C. § 602 (10) (2004) (Highly Qualified Definition)

20 U.S.C. § 635 (a) (8) (2004) (Comprehensive System of Personnel Development (CSPD))

20 U.S.C. § 612 (a) (14) (2004) (Personnel Qualifications)

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.18 (Highly qualified definition)

34 CFR 300.156 (Personnel qualifications)

### **MASSACHUSETTS REGULATORY REFERENCE(S):**

603 CMR 7.00 (Educator Licensure and Preparation Program Approval)

603 CMR 44.00 (Recertification)

### **ESE GUIDANCE:**

[Technical Advisory 07-01](#) (Amended May 2010): (Teacher Qualifications in Massachusetts Charter Schools)

# Special Education Program Plan Statement

[Administrative Advisory SPED 2005-1](#) (Reauthorization of the Individuals with Disabilities Education Act and the Highly Qualified Special Education Teacher)

## RECORD KEEPING REQUIREMENT(S) INCLUDES:

- Training documentation
- School district professional development plan or 3 Year District Improvement Plan
- Certificates, licenses or other credentials
- Memorandum on New Requirements for Registration of Sign Language Interpreters Who Work in Educational Settings

OPTIONAL DISTRICT NOTES: \_\_\_\_\_

## XVI. PERFORMANCE GOALS AND INDICATORS

|                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|
| SPED Administrator: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|---------------------------------------------------------------------------------------------------------------------|

The LEA states that it has either aligned the district curriculum with the Massachusetts Curriculum Frameworks or has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards. Furthermore, the LEA states that at least one member of every IEP team is familiar with the Curriculum Frameworks and the student's educational performance such that the team is able to discuss the eligible student's appropriate access to the general curriculum.

## FEDERAL STATUTORY REFERENCE(S):

20 U.S.C. § 612 (a) (15) (2004) (Performance Goals and Indicators)

## FEDERAL REGULATORY REFERENCE(S):

34 CFR 300.157 (Performance Goals and Indicators)

## MASSACHUSETTS REGULATORY REFERENCE(S):

603 CMR 28.02(17) (Definitions – progress effectively in the general education program)

## ESE GUIDANCE:

[Administrative Advisory SPED 2004-2](#) (AYP and Students with Disabilities)

[Massachusetts State Performance Plan](#)

## RECORD KEEPING REQUIREMENT(S) INCLUDES:

- Upon request, documentation needed for State Performance Plan Indicator #14 on post-secondary outcomes

OPTIONAL DISTRICT NOTES: \_\_\_\_\_

# Special Education Program Plan Statement

## **XVII. PARTICIPATION IN STATE AND DISTRICT-WIDE ASSESSMENTS**

SPED Administrator: \_\_\_\_\_  
School Committee or  
Board of Trustee  
Chairperson: \_\_\_\_\_  
Superintendent: \_\_\_\_\_

The school district states that students with disabilities are included in general state and district-wide assessment programs, with appropriate accommodations, if necessary. The school district uses state guidelines for the participation of students with disabilities in the Massachusetts Comprehensive Assessment System (MCAS). Participation may include taking MCAS tests with accommodations, if necessary, or taking an alternate

assessment for those students that cannot participate in on demand testing even with appropriate accommodations.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 612 (a) (16) (2004) (Participation in Assessments)

20 U.S.C. § 612 (a) (16) (D) (2004) (Reports on Assessments)

### **FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.305(a)(1)(ii) (In evaluation)

### **ESE GUIDANCE:**

[Commissioner's Mailing: Requirements for the Participation of Students with Disabilities in MCAS \(Spring 2010 Update\)](#)

[Administrative Advisory SPED 2004-3](#): (College Testing Information)

### **RECORD KEEPING REQUIREMENT(S) INCLUDE:**

- School district reports on the assessment of non-disabled students, including the number of students with disabilities participating in regular assessments and in alternate assessments
- Performance results of students with disabilities are publicly reported in aggregated and disaggregated formats unless doing so would result in the identification of an individual student

### **OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

## **XVIII. FINANCIAL RESPONSIBILITY FOR ENSURING SERVICES**

The school district states that a representative of the school district who has the authority to

SPED Administrator: \_\_\_\_\_  
School Committee or  
Board of Trustee  
Chairperson: \_\_\_\_\_  
Superintendent: \_\_\_\_\_

commit the resources of the district is present at each IEP meeting. The school district states that all IEPs are implemented without delay upon parental consent and at no cost to the parent. The school district understands that if a non-educational agency fails to provide or pay for the special education and related services identified in the student's IEP, the IEP team must

reconvene to determine an alternate method of providing the services or the LEA must provide and pay for these services.

The school district understands that it may use Medicaid or other public insurance benefits programs in which a student participates to provide or pay for services. The school district may not require parents to incur out-of-pocket expenses nor may the school district require parents to sign up for public insurance. In addition, the school district understands that it may

## Special Education Program Plan Statement

not use a student's benefits if that use would: decrease available lifetime coverage or any other insured benefit; result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the student; increase premiums; or lead to the discontinuation of insurance.

The school district states that it accesses a parent's private insurance only with the parent's informed consent. Each time the school district proposes to access the parent's private insurance, the school district obtains the parent's consent and informs the parent that her/his refusal to permit the school district to access her/his private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the eligible student or his/her family.

The school district understands that proceeds from public and private insurance will not be treated as program income and that reimbursement from federal funds such as Medicaid will not be considered "state or local" funds for the purpose of the maintenance of effort provisions.

### **FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 640 (b) (2004) (Methods of Ensuring Services)

### **MASSACHUSETTS REGULATORY REFERENCE(S):**

603 CMR 28.10 (School District Responsibility)

### **ESE GUIDANCE:**

[Administrative Advisory SPED 2010-2](#): School-Based Medicaid and Nursing Services

[Administrative Advisory SPED 2006-4](#) (Assignment of Financial and Programmatic Responsibility for Special Education and Enforcement of Assignments)

### **RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Notice to parents requesting access to private insurance

### **OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

### **XIX. SUSPENSION AND EXPULSION**

The school district states that all students, including students with disabilities, receive prior written

|                                         |
|-----------------------------------------|
| SPED Administrator: _____               |
| School Committee or<br>Board of Trustee |
| Chairperson: _____                      |
| Superintendent: _____                   |

notice regarding the school's code of conduct as described in the district's or school's handbook and that the information is provided in English and in their native language, if other than English. The school district states that it maintains data on suspensions and expulsions of students with disabilities, and provides such information to the Department of Elementary and Secondary Education electronically by incident and individual student. If

significant discrepancies between suspension and expulsion for students with disabilities as compared to students without disabilities are identified, the school district reviews and, when appropriate, revises its policies, procedures, and practices.

The school district understands the requirements for discipline procedures and the role of school personnel and the student's IEP team. The school district is aware of its responsibilities

# Special Education Program Plan Statement

to promptly evaluate and determine eligibility for those students not yet determined to be eligible for special education when a referral is made prior to or subsequent to disciplinary proceedings that result in suspension or expulsion. The school district states that it provides the procedural protections of law to students eligible for special education who are suspended for 10 consecutive or cumulative school days; or who are suspended for less than 10 consecutive or cumulative school days during the school year but the nature of the suspensions constitute a pattern. In such cases, the school district conducts a manifestation determination with the student's IEP Team to determine if the behavior was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP. Depending upon the circumstances, the school district provides services consistent with special education law and the determination of a hearing officer, the student's IEP team and/or the student's special education teacher.

## **FEDERAL STATUTORY REFERENCE(S):**

- 20 U.S.C. § 612 (a) (22) (2004) (Suspension and Expulsion Rates)
- 20 U.S.C. § 615 (k) (2004) (Interim Placement in Alternative Educational Setting)
- 20 U.S.C. § 614 (d) (3) (B) (i) (2004) (Consideration of special factors)
- 20 U.S.C. § 615 (k) (5) (2004) (Children Not Yet Eligible for Special Education)

## **FEDERAL REGULATORY REFERENCE(S):**

- 34 CFR 300.170(a) (Suspension and expulsion rates)
- 34 CFR 300.704(b) (4) (ix) (Alternative programming for children expelled)
- 34 CFR 300.101(a) (Provision of FAPE)
- 34 CFR 300.534(d) (2)(ii) (Suspension or expulsion without services)

## **MASSACHUSETTS STATUTORY REFERENCE(S):**

- M.G.L. c. 76, §§16-18 (General Standards- exclusion of students)
- M.G.L. c. 71, §§37H & 37H1/2 (Policies relative to conduct of teachers or students; Student handbooks; Felony complaint or conviction of student; Suspension; Expulsion; Right to appeal)

## **ESE GUIDANCE:**

[Administrative Advisory SPED 2006-1](#): Reauthorization of the Individuals with Disabilities Education Act --Initial Implications for School District Practices

## **RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Student handbook
- Suspension log and report to the Department
- Codes of conduct
- Behavioral intervention plans, as appropriate
- Local policies and procedures for discipline, as applicable

## **OPTIONAL DISTRICT NOTES: \_\_\_\_\_**

## **XX: TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY**

|                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|
| SPED Administrator: _____<br>School Committee or<br>Board of Trustee<br>Chairperson: _____<br>Superintendent: _____ |
|---------------------------------------------------------------------------------------------------------------------|

The school district states that parents and students are notified at least one year before the student reaches the age of majority, 18

## Special Education Program Plan Statement

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

**FEDERAL STATUTORY REFERENCE(S):**

20 U.S.C. § 615 (m) (2004) (Transfer of Parental Rights at Age of Majority)

**FEDERAL REGULATORY REFERENCE(S):**

34 CFR 300.320(c) (Definition of Individual Education Plan)

34 CFR 300.520 (Transfer of Parental Rights)

**MASSACHUSETTS STATUTORY AND REGULATORY REFERENCE(S):**

M.G.L. c. 231, §85P (Age of majority - legal capacity)

603 CMR 28.07(5) (Parent Involvement -student participation and consent at the age of majority)

**ESE GUIDANCE:**

[Administrative Advisory SPED 2011-1: Age of Majority](#)

**RECORD KEEPING REQUIREMENT(S) INCLUDES:**

- Student records
- Indication on IEP of discussion one year in advance of age of majority
- Notices to students and parents in applicable situations

**OPTIONAL DISTRICT NOTES:** \_\_\_\_\_

# Special Education Program Plan Statement

## SPECIAL EDUCATION PROGRAM PLAN STATEMENT COVER SHEET

The Special Education Program Plan Statement must be completed and submitted to the Massachusetts Department of Elementary and Secondary Education (ESE) by Tuesday January 31, 2012. The timely submission of this updated Special Education Program Plan Statement is required for continued receipt of any federal special education funds.

LEA Name: \_\_\_\_\_

District Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_,  
Name, Title

Contact Phone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Contact Email: \_\_\_\_\_

Date Mailed: \_\_\_\_\_

### Information Included:

- Special Education Program Plan Statement with initials at each assurance
- Signature Page
- Regional Signature Page (if applicable)
- Building Principals' Signature Page (if applicable)

### Reason for Submission:

- Cohort Cycle
- New Charter School
- School Consolidation
- Other (please specify: \_\_\_\_\_)

### Mail to:

Barbara Dee  
Special Education Program Plan Statement  
Massachusetts Department of Elementary and Secondary Education  
Special Education Planning and Policy Development Office  
75 Pleasant Street  
Malden, MA 02148

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### ESE USE ONLY:

Date Received: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Reviewed by: \_\_\_\_\_

### Information Included:

- Special Education Program Plan Statement
- Signature Page
- Regional Signature Page (if applicable)
- Building Principals' Signature Page

# Special Education Program Plan Statement

## INDIVIDUAL DISTRICT/CHARTER SCHOOL SIGNATURE PAGE

**LEA Name:** \_\_\_\_\_

**District Code:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_,  
Name, Title

**Contact Phone:** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**Contact Email:** \_\_\_\_\_

**Date Mailed:**

My signature on this page signifies that I have read and I understand the Special Education Program Plan Statement. I have read and I understand each of the statements of requirements. Along with a copy of the Special Education Program Plan Statement and the Signature Page, I understand that the school district must keep on file current documentation at the local level that demonstrates that the school district is in compliance with federal and state special education laws for ESE review.

\_\_\_\_\_  
Special Education Administrator  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Initials

\_\_\_\_\_  
Date

\_\_\_\_\_  
School Committee/Board of  
Trustee Chairperson Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Initials

\_\_\_\_\_  
Date

Additionally, as superintendent or charter school leader, I state that I have discussed these requirements with all building principals to ensure their understanding of these requirements of special education law. I have discussed with each of the building principals their responsibility to coordinate services with the special education administrator on behalf of the students with disabilities in this district. I further state that discussion of these requirements is and will continue to be a part of the orientation that this district provides for newly hired administrators.

\_\_\_\_\_  
Superintendent/Charter School  
Leader Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Initials

\_\_\_\_\_  
Date

# Special Education Program Plan Statement

## ALTERNATE REGIONAL SCHOOL DISTRICT SIGNATURE PAGE

**Name of Regional District:**

**All LEAs in the Regional District with Regional District Codes included:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact Person:**

Name, Title

**Contact Phone:**

- -

**Contact Email:**

My signature on this page signifies that I have read and I understand the Special Education Program Plan Statement. I have read and I understand each of the statements of requirements. Along with a copy of the Special Education Program Plan Statement and the Signature Page, I understand that the school district must keep on file current documentation at the local level that demonstrates that the school district is in compliance with federal and state special education laws for ESE review.

Please include the required information for all of the appropriate representatives from each LEA within the Regional District. Use additional sheets if necessary.

|                                                                                  |                       |                   |               |
|----------------------------------------------------------------------------------|-----------------------|-------------------|---------------|
| _____<br>Special Education Administrator Signature                               | _____<br>Printed Name | _____<br>Initials | _____<br>Date |
| _____<br>Special Education Administrator Signature                               | _____<br>Printed Name | _____<br>Initials | _____<br>Date |
| _____<br>Special Education Administrator Signature                               | _____<br>Printed Name | _____<br>Initials | _____<br>Date |
| _____<br>Special Education Administrator Signature                               | _____<br>Printed Name | _____<br>Initials | _____<br>Date |
| _____<br>Special Education Administrator Signature                               | _____<br>Printed Name | _____<br>Initials | _____<br>Date |
| _____<br>School Committee Chairperson/<br>Board of Trustee Chairperson Signature | _____<br>Printed Name | _____<br>Initials | _____<br>Date |

Additionally, as the Superintendent for all the LEAs in my regional district, I state that either my designee or I have discussed these requirements with all of the building Principals to ensure their understanding of these requirements of special education law. I, or my designee, have discussed with each of the building Principals their responsibility to coordinate services with the Special Education Administrator on behalf of the students with disabilities in this district. I further state that discussion of these requirements is and will continue to be a part of the orientation that this district provides for newly hired administrators.

|                                   |                       |                   |               |
|-----------------------------------|-----------------------|-------------------|---------------|
| _____<br>Superintendent Signature | _____<br>Printed Name | _____<br>Initials | _____<br>Date |
|-----------------------------------|-----------------------|-------------------|---------------|

# Special Education Program Plan Statement

## BUILDING PRINCIPALS' SIGNATURE PAGE

My signature on this page signifies that I have read and I understand the Special Education Program Plan Statement. Furthermore, I have discussed with the Superintendent and I understand my responsibility to coordinate services with the Special Education Administrator on behalf of the students with disabilities in this district.

\_\_\_\_\_  
Building Principal

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Principal

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date