

Danvers Public Schools Special Education Procedural Manual 2026-2027

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Updated August 2026

DANVERS PUBLIC SCHOOLS

DISTRICT STRATEGIC PLAN 2025-2030

Mission of the Danvers Public Schools

Creating a supportive environment where all learners thrive

Vision of the Danvers Public Schools and Portrait of a Learner

The Danvers Public Schools envisions students who are adaptable, resilient learners, empowered to thrive in a complex and ever-changing world.

We believe all students are capable and deserve a safe, supportive, flexible, and inclusive learning environment—one that nurtures curiosity, creativity, and perseverance while honoring students' different backgrounds, cultures, and identities.

Our graduates will be:



Resilient Problem Solvers who persevere through challenges, adapt to setbacks, and apply strategies to find thoughtful, practical, and effective solutions.



Critical and Creative Thinkers who analyze information deeply, generate innovative ideas, and approach problems with curiosity and imagination.



Compassionate and Ethical Citizens who act with empathy, integrity, and responsibility while valuing human connection, community, and positive decision-making.



Empathetic and Effective Communicators who listen actively, express ideas clearly with purpose in mind, and show respect for diverse perspectives.



Skillful Collaborators who work productively with others, appreciate different viewpoints, and contribute meaningfully to shared goals.

1.0 PURPOSE & INTRODUCTION.....	Page 5
• 1.1 Purpose	
• 1.2 Introduction	
2.0 PRE-REFERRAL AND REFERRAL PROCESS	Page 7
• 2.1 Pre-Referral	
• 2.2 Referral	
• 2.3 Consent to Evaluate (SE25)	
• 2.4 Standard Timeline Requirements	
3.0 EVALUATION PROCESS	Page 14
• 3.1 Initial Evaluation (SE1)	
• 3.2 “Private Evaluation” or “Outside Evaluation”	
• 3.3 Re-evaluations (SE12)	
• 3.4 Independent Educational Evaluations (IEE)	
• 3.5 Extended Evaluations	
• 3.6 Evaluation Reports (SE4)	
• 3.7 Confidentiality	
4.0 THE TEAM PROCESS.....	Page 22
• 4.1 The IEP Team (SE8)	
• 4.2 Disability Categories	
• 4.3 Effective Progress	
• 4.4 Specially Designed Instruction (SE49)	
• 4.5 Eligibility Determination	
• 4.6 Parent Disagrees with Eligibility Finding	
• 4.7 Special Considerations	
• 4.8 Age of Majority (SE7)	
5.0 DEVELOPMENT OF THE IEP	Page 35 (SE14, SE18)
• 5.1 Contents of the IEP	
• 5.2 Services, Supports, & Accommodations	
• 5.3 Placement (SE34, SE37, SE18B)	
6.0 PROPOSING IEPs	Page 49 (SE22)
• 6.1 Processing the Proposed IEP for Distribution to Parents (SE9)	
• 6.2 Parent Response to the Proposed IEPs and Placement	
• 6.3 IEP Amendments	
• 6.4 IEP Revisions (SE14)	

- 6.5 Declining Special Education Services

7.0 IMPLEMENTATION OF IEPs AND PROGRESS MONITORING Page 51

- 7.1 Retention of Students with IEPs
- 7.2 Students New to Danvers Public Schools
- 7.3 Voluntary Termination from School Prior to Graduation of Age 22
- 7.4 Progress Reports (SE13)

8.0 GRADUATION Page 53

- 8.1 Graduation Requirements for Special Education Students & Transition
- 8.2 College Testing Information

9.0 STUDENT DISCIPLINE PROCEDURES (SE44, SE45, SE46)..... Page 55

- 9.1 Provisions
- 9.2 Change of Placement
- 9.3 Manifestation Determination
- 9.4 Interim Alternative Educational Settings (IAES)

10.0 REQUEST FOR SERVICES Page 57

- 10.1 Request for Translation/Interpreter Services
- 10.2 Request for Duplicate Records
- 10.3 Release of Information
- 10.4 Parent Request for Observation
- 10.5 Parent and/or Student is Represented by an Attorney

APPENDIX..... Page 62

1.0 PURPOSE & INTRODUCTION

1.1 Purpose

This Special Education Procedure Manual (“Manual”) has been developed as a resource for Danvers Public Schools’ Staff and administrators to provide guidance on policies, practices and procedures and to ensure a responsive and inclusive environment based on each student’s individual needs. This manual or handbook is meant as a guide to providing a framework that brings cohesion and coherence to our ongoing work to better serve students with disabilities in Danvers.

This Manual or Handbook is a living document that will be continually updated to remain comprehensive and current, and to ensure fidelity with state and federal laws and regulations. Please take note that the following practices and procedures are aligned with the following laws and regulations:

- Massachusetts General Laws Ch. 71B, et seq. and Massachusetts Department of Elementary and Secondary Education Special Education Regulations 603 CMR 28.00 et. seq
- The Individual with Disabilities Education Improvement Act of 2004, and 34 CFR 300 et. seq.
- The No Child Left Behind Act (NCLB) helps to ensure equity, accountability and excellence in education for children with disabilities.
- Section 504 of the Rehabilitation Act of 1973 (as amended) , and 34 CFR 104 et. seq.
- Title VI of the Civil Rights Act of 1964
- The Equal Educational Opportunities Act of 1974
- Title IX of the Education Amendments
- Title II of the Americans with Disabilities Act of 1990

Since the special education laws and regulations are complex, this Special Education Procedure Manual summarizes state and federal regulations and outlines procedures to facilitate the implementation of the Regulations and ensure compliance. This Manual is not intended to be a replacement for careful study of the relevant state and federal laws and regulations.

The goal is for practitioners to benefit from this Procedure Manual as a resource and a guide to service students with special education needs. The aim is to improve special education services for students with disabilities, increase educational results, and strengthen the involvement of parents¹ and general education teachers.

¹ Please note, for purposes of this document, the term “parent” is used inclusively and refers to any individual acting in a parental or guardian capacity, including legal guardians or other persons with educational decision-making authority for the student.

Free and Appropriate Public Education (FAPE)

Consistent with the laws and regulations identified above, Danvers Public Schools is obligated to provide a Free Appropriate Public Education (FAPE) to all eligible students with disabilities. FAPE requires that special education and related services be individually designed to meet each student's unique needs and to provide an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.

Equal Opportunity

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

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

- art and music;
- vocational education, industrial arts, and consumer and homemaking education;
- work study and employment opportunities;
- counseling services available at all levels in the district;
- health services;
- transportation;
- recess and physical education, including adapted physical education;
- athletics and recreational activities;
- school sponsored groups or clubs; and meals.

1.2 Introduction

The Danvers Public Schools is committed to providing all students with disabilities access to the curriculum and general education programs. With a continuum of resources and services available, Danvers Public Schools will provide the instruction necessary to help students with disabilities make effective progress and obtain a meaningful educational benefit based on each student's individual circumstances.

Special education support and services should not be viewed as a separate model, but instead as part of the continuum of supports, services and interventions created to ensure that the educational environment is responsive to the diverse learning needs of all students. Working together, staff can ensure equal opportunity, full participation and increased outcomes for all learners, including students with disabilities.

We hope the information contained in this handbook will be helpful to all who are a part of the Special Education process within the Danvers Public Schools. We encourage you to share with parents' information to join the Danvers Special Education Parent Advisory Council, in order to connect with

other families and staff, and to help advise the district on current special education related issues, programs and information.

This Manual supports the alignment of the Danvers School District in Special Education with Federal and State regulations and procedural guidance. Danvers professional staff has received annual training in the direct use of the DESE website, including regulation search, the DESE Advisory Library, and on-going review of revised DESE regulations and requirements. Danvers adheres to the regulations and implementation guidance contained in this document

2.0 PRE-REFERRAL & REFERRAL PROCESS

2.1 Pre-Referral

Child Find (SE15)

Under the Individuals with Disabilities Education Act (IDEA) and Massachusetts General Law Chapter 71B, the district has a child find duty which means it must identify, locate and evaluate (with parental consent) all children ages three (3) through twenty-one (21) who are suspected of having a disability. To do so, all public-school districts must conduct “Child Find” activities.

It is the responsibility of Danvers Public Schools to identify any child who may have a disability who either:

- resides in the town of Danvers
- is in a district approved home-school program
- who attends a private school within the geographic boundaries of Danvers (resident or non-resident)

The Student Services Department of Danvers Public Schools is responsible for conducting Child Find activities to inform the public that every child with a disability is entitled to a free, appropriate public education designed to meet the child’s individual needs.

Pre-Referral Requirements and Response to Intervention

The Principal of each school shall adopt and implement the District's Curriculum Accommodation Plan (DCAP) created under section MGL, Chapter 71 section 38Q 1/2 in developing strategies for serving children with diverse learning styles within the regular classroom. The Principal of the child's school shall ensure that all efforts have been made to meet such child's needs within the general education program. These efforts and their results shall be documented and placed in the child's school record but they shall not be construed to limit or condition the right to refer a school age child for an evaluation under the provisions of this chapter.

Furthermore, under 603 CMR 28.03, the Principal's role has been greatly expanded. The Principal must promote instructional practices to respond to struggling students and ensure that adequate instructional support is available to students and teachers to include but not be limited to:

- **Instructional Support.** The Principal shall implement the plan developed and adopted by the district to ensure that efforts have been made or will be made to meet the needs of diverse learners in the general education program. The Principal shall promote instructional practices responsive to student needs and shall ensure that adequate instructional support is available for students and teachers. Instructional support shall include remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, § 2. Additionally, if an individual student is referred for an evaluation to determine eligibility for special education, the Principal shall ensure that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.
- **Coordination with special education.** The Principal with the assistance of the Administrator of Special Education shall coordinate the delivery and supervision of special education services within each school building.
- **Educational services in home or hospital.** Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the Principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The Principal shall coordinate such services with the Administrator of Special Education for eligible students.

****If the referral is coming from outside the school district, the Team Chair/School Psychologist should be immediately notified of the request. Additionally, the Team Chair/School Psychologist should refer the student to the MTSS Team. This will begin data collection on interventions being implemented and ensure the students are receiving support during the processing of the consent and evaluation.***

The Danvers Public Schools have established MTSS Teams in each building to assist teachers as they develop alternatives for students experiencing difficulties (behavioral, social or academic) in the regular classroom. The MTSS Teams are a small group of school staff that meets on a regular basis with teachers who request assistance in meeting the needs of students in their regular classrooms.

All MTSS documentation will be compiled and stored at each building as designated by the principal. Additionally, should the child be referred for an evaluation to determine eligibility for Special Education or related services, the MTSS process will occur concurrently and documentation will become part of the referral packet submitted to the Director of Special Education.

2.2 Referral

Referral for Initial MTSS Consideration

A referral for an initial evaluation to determine eligibility may be initiated by a parent or any person in a care-giving or professional position concerned with the student's development (Parent Referral) or as the result of a referral from the MTSS Team. The MTSS Team process will also be implemented in conjunction with a parent referral for evaluation. A parent's right to refer their child for a special education evaluation, however, is not limited and should never be delayed because the school district has not fully explored and/or attempted some or all of the available instructional support programs or any other type of interventions (i.e., District Curriculum Accommodation Plan (DCAP), Multi-Tiered System of Supports (MTSS), Title I). In any case where the parent or person making a referral has concerns about the student's development or a suspicion that the student may have an educational disability, the school district must respond in writing to the request within five (5) school working days. Written parental consent must be obtained before conducting any evaluation for special education services.

School Referral

Once the MTSS Team has determined that all efforts have been made to meet the needs of the student within the general education program, that the general education interventions and supports and efforts have been unsuccessful and the student is not making adequate progress; the MTSS team will review the data and support being provided and, if there is a basis to suspect the student is in need of special education and/or related services to access and/or progress effectively in the general education curriculum, the MTSS team should initiate an evaluation in order to determine special education eligibility. Documentation of this referral must be included in the student record. *The team will propose evaluations in the areas of suspected disability (areas of concern) based on the academic and medical data available.* The MTSS team will notify the parents of the school district's proposal for an initial evaluation. The Team Chair/School Psychologist shall send notice and consent within a "consent packet" in the parent's native/primary language or other mode of communication, unless it's clearly not feasible to do so, (including Parental Notice of Procedural Safeguards, N1, and Evaluation Consent) and shall coordinate the evaluation process. If a referral for a special education evaluation has been made and the district has asked for and received parental consent for an evaluation, the evaluation information from any instructional support program should be made available to the Special Education Team to consider when determining if the student is eligible for special education and/or related services.

Parent Referral

A parent (including foster parent, guardian, an individual with whom the child lives, or an individual legally responsible for the child's welfare) or any person in a care-giving or professional position concerned with the student's development may refer a student at any time for an initial evaluation to determine eligibility for special education. This referral may be made either orally or in writing. A parent inquiry or expression of concern does not, by itself, constitute a formal request for an evaluation; however, any verbal inquiry or request regarding an evaluation should be promptly brought to the attention of the Team Chair/School Psychologist so that the appropriate follow-up can occur. If a parent or caregiver verbally requests an evaluation, the Team Chair/School Psychologists should be notified immediately. Parents are strongly encouraged to submit a written request for an evaluation; however verbal confirmation of the parent's decision to pursue a special education evaluation also necessitates that the referral process begin. Upon receipt of parent referral, the school district must respond in writing to the request within five (5) school working days. Parental consent (parent meaning the person with educational decision making authority) must be obtained in writing before conducting any evaluation for special education services.

District staff should inform parents about the instructional support process through MTSS available in their child's school and provide parents with an opportunity for this support process to take place as a first step. Parents should be encouraged, but not required, to access the MTSS process for their child prior to a special education evaluation. Parents should be told of their right to request a special education evaluation at any point, regardless of whether the MTSS process has been tried. *Unless given parent permission, the instructional support process cannot delay a parent's request for a special education evaluation.*

If a parent agrees to access the instructional support process as a first step instead of pursuing an evaluation, the Team Chair/School Psychologist shall confirm and document this via written agreement using an email, school letterhead, or N1 notice. This agreement should be maintained in the student cumulative file and a copy sent to the parents. Should a parent rescind a formal request for an evaluation, the Team Chair/School Psychologist shall document this via an N2.

When a parent of a private school student contacts the school district to request a special education evaluation, the same process would apply. The Team Chair of the school the student would attend if in-district is responsible for responding to this type of parent referral.

Early Childhood Referral

Upon referral, Danvers will evaluate children who are two and a half years of age and who may be receiving services through an early intervention program. An initial evaluation will be conducted in adherence to the timelines required for an initial evaluation. If a Toddler/PreK student is referred for an evaluation, an Initial Evaluation will be completed in order to ensure that if such child is found eligible,

special education services may begin promptly at age three (3) depending on the date of the initial referral.

For evaluation requests received from Early Intervention Programs the district will follow the process outlined above for school referrals.

Private School Referral

When private school personnel submit a referral for a special education evaluation, the Team Chair/School Psychologist must notify the parents immediately and forward them a Release of Information Form in order to facilitate communication between the private school staff and the district. The school district is obligated to conduct a review to determine if special education evaluations for students who attend private school is appropriate at no cost to the private school or parents. An evaluation cannot be conducted without receipt of a signed Parental Consent. The district must respond as described above in Section 2.4 – School Referral. The private school must provide all relevant educational documents to include all interventions provided for the suspected area of need.

If a student is residing in a neighboring state but attends a private school in Danvers, Danvers Public Schools is responsible for evaluating and/or providing services. The Team Chair at the appropriate level will begin the evaluation process.

2.3 Consent to Evaluate (SE25)

Parent Consent

Upon receipt of the completed Initial Evaluation Request Packet from a Problem Solving team indicating the parent's decision to continue the evaluation process or parent request for an evaluation, the Team Chair/School Psychologist will seek consent for the evaluation within five (5) school working days by electronically mailing a consent packet to the parents which includes:

- A proposal to conduct an initial team evaluation ([N1](#))
- An evaluation consent form ([N1A](#))
- A [notice of procedural safeguards](#) in the parent's native/primary language or other mode of communication used by the parent, unless it is clearly not feasible to do so.

NOTE: No testing/evaluations should begin prior to receiving the evaluation consent form back with a check indicating consent and a parent signature.

Consent for an initial evaluation for wards of the state is not required if the LEA cannot identify the parent or determine who has parental rights. The LEA will act pursuant to its rights and responsibilities under DESE regulation 603 CMR 28:10, School District Responsibility. The District is obligated to seek a surrogate parent, through the DESE, for wards of the state. A ward of the state includes foster children (except if the child has a foster parent) and a child who is in the custody of a public child welfare agency.

An additional evaluation should not be added to a consent form after that consent has been signed and testing is underway. However, if during the process of evaluation, the Team Chair or an evaluator discovers or uncovers the need for additional evaluations, or that an assessment should have been included on the original consent but was not, the Team Chair will need to generate a new consent to evaluate in the additional area. Parents must sign the new consent form, and this establishes a new set of timelines for the additional evaluation only. The Team will have to meet once to review the evaluations already underway and propose a new IEP and then meet again to review the additional evaluation. If the parents request additional assessments, the Team Chair will review the request and make a determination. A parent may waive any of the assessments requested by the Team.

No Parent Consent

If signed parental consent has not been received within thirty (30) calendar days excluding summer break, then the IEP will be considered rejected and subsequently sent to the BSEA pursuant to 603 CMR 28.05(7).

Revocation of Parental Consent

If the parent revokes consent to an initial evaluation or refuses to consent to an initial evaluation, the district may not seek resolution through the Bureau of Special Education Appeals (BSEA).

In situations where the student's parents/guardians may be separated, divorced, or when there is shared educational decision-making rights, if the district is in receipt of signed consent to evaluate from either one of the parents, the district begins the evaluation process.

Timelines

Massachusetts special education regulations require school districts to complete evaluations and convene Team meetings within defined timelines once written parental consent for an initial evaluation or reevaluation is received. The Student Services Administrative Assistant must log the date consent is received and immediately calculate the number of school working days remaining in the year. When consent is received close to the end of the school year, specific adjusted timelines apply to ensure compliance while recognizing that "school working days" are limited. Evaluation timelines must be documented in PowerSchool and the Team Chair/School Psychologist tracking sheet, and any adjusted timelines (summer deadline or paused/resumed timeline) must be noted in the student's record.

2.4 Standard Timeline Requirements

Upon receiving written consent, the district must:

- Complete all required assessments within thirty (30) school working days², and

² "School working days" include days when staff are required to report, even when students are not present.

- Convene the Team meeting and issue a proposed IEP or no-eligibility notice within forty-five (45) school working days.

Adjusted Timelines for End-of-Year Consents

Consent Received 30–45 School Working Days Before the Last Day of School

When written consent is received between thirty (30) and forty-five (45) school working days before the last school day, the district:

- Must complete evaluations;
- Must hold the Team meeting; and
- Must issue the proposed IEP or notice of no eligibility no later than fourteen (14) calendar days after the end of the school year.

Therefore, these Team meetings may occur after the last day of school, during the early summer window.

Consent Received Fewer Than 30 School Working Days Before the Last Day of School

When consent is received less than thirty (30) school working days before the last day of school:

- The timeline starts at the receipt of consent;
- The evaluation/Team meeting timeline pauses on the last school day; and
- Resumes on the first school working day of the following school year.

Therefore, evaluation timelines extend into September. Team chairs/School Psychologists must plan proactively to schedule meetings promptly when school reopens.

In the event consent is received at the end of the school year, the Team Chair/School Psychologist must provide the family with a written explanation that end-of-year consents follow state-adjusted timelines, the anticipated date range for the Team meeting, and assurances that all legal timelines will be met.

With regard to providers, administrators, specialists, and evaluators (e.g., school psychologists, BCBAs, SLPs, OTs, special educators) shall be notified of compressed or paused timelines for any evaluation. If a summer evaluation were to be required, the District must coordinate the evaluations in accordance with District staffing availability. If eligibility is determined in the fourteen (14)-day summer window, special education teachers and related service providers must be notified immediately to ensure a timely

start of services in September. For paused timelines, fall service schedules must be prepared in advance, so implementation begins promptly once the Team meets.

3.0 EVALUATION PROCESS

Evaluations of the student must be made in all areas of suspected disability in order to determine eligibility for Special Education. Eligibility must not be based on lack of reading or math instruction or on LEP (Limited English Proficiency).

Evaluations should be tailored to the specific referral questions for the individual student and need to address whether or not there is a disability, and if the disability affects the student's learning. The evaluations must be provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide and administer.

Evaluations must provide information to determine present levels of academic achievement and related developmental needs. No single test should be used as the sole criterion for determining eligibility. Rather, a variety of techniques (both formal and informal assessments), including information provided by parents and the student where appropriate, observation of the student in the classroom, work samples/portfolios, interviews, and review of the record should be used.

Team members should attempt to coordinate their assessments with the student's teacher(s) and other evaluators while adhering to evaluation timelines, so as not to over-test the child on any given day. Persons conducting assessments should make a good faith effort to evaluate the student at a time when they are able to obtain the most accurate representation of his/her/their ability.

3.1 Initial Evaluation (SE1)

Once the Team Chair/School Psychologist receives the signed evaluation consent form, the student services department will notify all members of the Team that they may begin their evaluations.

- Each member of the Team is responsible for scheduling and completing his/her/their assessment according to the time parameters established.
- Evaluation reports need to be available at least two (2) working school days prior to the Team meeting.
- The District sends out a meeting invitation and attendance sheet at least ten (10) school days prior to the scheduled meeting.

Required Assessments for an Initial Evaluation (SE1, SE2)

- Assessments in all areas related to the suspected disability

- Educational assessment by a representative of the school district, including
 - Educational Assessment (Part A)
 - Teacher(s) Assessment Form (Part B)
- A history of the student's educational progress in the general curriculum
- Narrative description of the student's educational /developmental status.

Optional Assessments

The Team may recommend or a parent may request one or more of the following if the student is suspected of a need to support their academic progress:

- Specialist Assessment(s) - Speech/Language, Occupational Therapy, Physical Therapy, Social Skills, Functional Behavioral Assessment
- Psychological/Cognitive Assessment
- Academic Assessment – these are not the same as “educational evaluation” and must be consented to separately. It is the practice of the Danvers Public Schools to include a review of all areas that may include a psychological evaluation if appropriate when requesting an academic assessment.
- Home Assessment - The Team should request this if there are significant concerns related to the home or family environment as they affect a student's school performance.
- Health Assessment - A comprehensive health assessment by a school nurse that identifies medical problems or constraints that may affect the student's education.
- For assessments to determine eligibility at age 3, an observation of the child's interactions in the child's natural environment or early intervention program may be considered.
- For children receiving early intervention services, current early intervention assessments may be used to inform Team decisions.

Nationally normed, standardized tests are necessary for determining eligibility for special education.

Evaluators will be immediately notified by the Team Chair/School Psychologist upon assignment that their report will require translation. This will assist evaluators in scheduling their assessments in an effort to assure ample time for translation. The Team meeting will be held within forty-five (45) school days of consent to evaluate, to review the results for the evaluations and determine eligibility for special education.

At least two (2) days prior to the Team meeting, evaluation reports are made available to parents or guardians. Reports should clearly express the data as well as the findings from the evaluation sessions. Nationally normed, standardized tests are necessary for determining eligibility for special education.

3.2 “Private Evaluation” or “Outside Evaluation”

When a parent submits an evaluation report for a student who is not currently receiving special education services, designated school personnel (e.g., Principal, School Administrator, Counselor) shall contact the parent to discuss their concerns or to schedule a meeting with the classroom teacher. The purpose of this initial discussion is to gather information about the parent's concerns, identify any support currently in place or available through general education, and determine whether a referral for a special education evaluation or a Section 504 Accommodation Plan is appropriate. The Team Chair/School Psychologist must be notified upon receipt of the evaluation and kept informed throughout the discussion and referral process.

For students already receiving special education services, the district is required to schedule a Team meeting within ten (10) school working days of receiving a private evaluation report in order to review and consider the findings and recommendations. The Team Chair/School Psychologist should be notified immediately upon receipt of the report to facilitate timely scheduling of the meeting. Parents/guardians must provide a complete copy of the written evaluation report in advance so the Team can fully consider the recommendations during the meeting.

If a parent submits an outside evaluation during the district's three-year reevaluation process, the district remains obligated to conduct its own Review of Existing Evaluation Data (REED) to determine eligibility and/or the need for additional assessments. In such cases, the Team Chair/School Psychologist will collaborate with the parent to ensure that the district's testing does not duplicate the independent evaluation, which could risk invalidating subsequent results. All efforts will be made to avoid redundant assessments. If the Team decides to waive a particular assessment based on the private evaluation, the Team Chair/School Psychologist will issue a *Waiver of Assessments* form for the parent to sign, to be submitted with the Evaluation Consent Form.

Parents may choose to obtain an outside evaluation at private expense at any time. For students not currently identified as eligible for special education services and not on an IEP, receipt of such an evaluation will be treated as a relevant academic record for *Child Find* purposes, and the district determines whether a referral for a special education evaluation or a Section 504 Accommodation Plan is appropriate. The evaluation should be reviewed by a staff member with appropriate expertise in the area assessed.

Consideration of an outside evaluation does not replace the Danvers Public Schools' right and responsibility to conduct its own evaluations to determine special education eligibility. Independent evaluations will be considered as part of the district's comprehensive review of all relevant documents and data.

3.3 Re-Evaluations (SE12)

A re-evaluation or Review of Existing Evaluation Data will be proposed for each student with a current IEP every three (3) years, or more frequently if requested or recommended. A re-evaluation does not immediately result in additional testing. The team is required to review existing evaluation data that includes all relevant formal and informal testing to make a decision as to what additional testing if any is

needed to proceed. Re-evaluations occur not more frequently than once a year unless the Team agrees that an evaluation is needed.

When a student is referred for a re-evaluation, existing evaluation data should be reviewed first. If no additional information is needed to determine whether the student continues to be eligible, the district may request that a parent waive particular types of assessment(s). The parent may consent to waive the assessment(s) or may choose to have the assessments completed regardless of the recommendation for waiver. When there are school-based recommendations for waived assessments, the Team Chair/School Psychologist should contact a parent/guardian directly to discuss the waiver process. Any evaluation consent packet to be sent to the parent/guardian shall be sent forty-five (45) days before the 3 year evaluation date on a student's IEP. Written parental consent is required prior to conducting a re-evaluation. If a parent refuses to provide consent to a re-evaluation and the District determines that this refusal will result in a denial of free appropriate public education for the student, then the District may seek recourse at the BSEA.

If the district suspects that a student is no longer eligible for special education services based on observable and/or measurable progress, then a re-evaluation that includes formal testing in the area of need must occur to change the previous determination of eligibility. Special Education services or related services may not stop until a meeting is held and written notice with a prospective service termination date is provided, with the exception of graduation with a regular diploma or aging out. For those children, the District must provide a summary of performance, academic and functional performance, including recommendations on how to assist the child to meet postsecondary goals.

NOTE: All requirements mandated for Initial Evaluations, remain true for re-evaluations. Assessments and assessment reports must focus on the suspected disability as well as the student's current level of performance. Furthermore, all assessment reports must include educationally relevant accommodations that have been identified to ensure the student's involvement and progress in the general education curriculum.

3.4 Independent Educational Evaluations (IEE)

Parents should be asked if they are satisfied with the evaluations completed by the school district. If parents disagree with the district's evaluation, they may have a right to an Independent Educational Evaluation (IEE). If the parent requests an IEE at public expense, the district must either pay for the IEE at [MA approved rates for Team evaluation services](#) or, within five (5) school days, request a determination from the BSEA that the district's evaluation was comprehensive and appropriate. If the district does not respond within five (5) school days, or fails to initiate the appropriate process, it may be found in violation of federal and state procedural requirements.

The Team Chair should immediately notify the Director of Special Education of any request for an IEE so that the appropriate response can be made and timelines followed.

Parents may obtain an IEE of their child by qualified professionals at their own expense at any time. In addition, both federal and state laws provide parents with a procedure for requesting public funding for an IEE when they disagree with an evaluation conducted by the Danvers Public Schools.

Eligibility for a Publicly Funded IEE

In accordance with Massachusetts General Laws c. 71B, §3 and 603 CMR 28.04(5), parents are entitled to receive a publicly funded IEE if the following conditions are met:

- The IEE request is made within sixteen (16) months of the district evaluation with which the parent disagrees.
- The evaluation area requested must correspond to one or all areas already assessed by the school district.
 - Parents may request an IEE in select areas if they are satisfied with other components of the original evaluation.
 - If parents request additional evaluations in areas not yet assessed by the district, the district is not automatically required to fund those assessments.

Procedures for Requesting an IEE

To request an IEE at public expense, parents must submit the following information in writing:

- A statement indicating which part(s) of the school district's evaluation they disagree with;
- A list of the specific assessments or evaluation components they are requesting;
- The name, address, and telephone number of the proposed independent evaluator or agency.

Upon receipt of this request, the district will send the parent a "Response to Your Request for an Independent Educational Evaluation" letter within five (5) school days.

The Team Chairperson/School Psychologist must immediately notify the Student Services Department upon receiving any IEE request to ensure timely and appropriate action.

Financial Eligibility for Public Funding

If the parent requests public funding, the district must determine financial eligibility using a [Sliding Fee Scale](#):

- Families whose children qualify for free or reduced-price lunch are eligible to have the IEE fully funded by the district.
- Families who do not qualify may be required to share the cost on a sliding scale, based on household income.

Parents will be asked to complete the Sliding Fee Scale for Public Payment of Independent Educational Evaluation form. If the parent refuses to provide the financial documentation, the district may deny funding and must then notify the parent and proceed with a BSEA hearing if necessary.

Evaluator Qualifications and Rate Approval

The independent evaluator must:

- Be licensed, registered, or otherwise approved by the Commonwealth of Massachusetts to conduct the type of evaluation being requested.
- Charge only the rates set by the state agency (114.3 CMR 30.00).
 - Requests to use evaluators who charge above this rate will be reviewed by the district on a case-by-case basis.

The district reserves the right to request documentation of the evaluator's qualifications and fee schedule before authorizing the IEE.

Review and Use of IEE Results

Once the IEE is completed and the report is received by the district:

- The Team must reconvene within ten (10) school working days to review and consider the findings and recommendations of the independent evaluation.
- The Team Chair/School Psychologist must be notified immediately upon receipt of the report to schedule the meeting.

While the Team must consider the results of the IEE, it is not obligated to adopt all recommendations from the independent evaluator.

3.5 Extended Evaluations

In accordance with 603 CMR 28.05 and DESE Administrative Advisory SPED 2019-2

An Extended Evaluation may be considered when a student has been found eligible for special education, but the evaluation data available is inconclusive or insufficient to support the development of a complete Individualized Education Program (IEP). The purpose of an Extended Evaluation is to gather additional diagnostic information necessary to inform IEP development and programming decisions.

An Extended Evaluation may only be conducted under the following conditions:

- The student has been found eligible for special education services.

- The Team has developed a partial or full IEP, and the parent has provided consent to begin services immediately.
 - *OR* the Team has not yet developed an IEP, pending the collection of additional information through an Extended Evaluation.
- The parent or guardian must provide written consent for the Extended Evaluation.
- An Extended Evaluation Form must be completed and sent to the parent immediately following the Team meeting in which the Extended Evaluation is proposed.

The use of an Extended Evaluation is strictly regulated by the Massachusetts Department of Elementary and Secondary Education. It shall not be used for the following purposes:

- To extend the timeline for completing required assessments under initial or reevaluation procedures;
- To deny or delay services determined necessary by the Team;
- As a placement decision—an Extended Evaluation is not considered a placement and does not constitute a change of placement.

Teams must ensure that any services agreed upon in the IEP (partial or full) are implemented immediately following parental acceptance. A special education administrator should be consulted prior to initiating an Extended Evaluation to ensure compliance with [Administrative Advisory SPED 2019-2](#)

Evaluation Timeline and Team Responsibilities

- An Extended Evaluation may be conducted for a period of up to 40 school days (8 weeks).
- During the Extended Evaluation period, the Team may reconvene as needed; however, the Team must meet promptly once the additional evaluation data is available to:
 - Review assessment results,
 - Finalize IEP development or revisions,
 - Determine appropriate placement and services.

The Team must clearly document the specific areas of need, the types of assessments or observations to be conducted, and the timeline for completing the Extended Evaluation.

The Extended Evaluation form should be completed along with an N1 by the Team Chair and sent to the Student Services Department.

3.6 Evaluation Reports (SE4)

All evaluation reports should be written in clear language. Each person conducting an evaluation shall summarize in writing the procedures employed, the results, and the diagnostic impressions as well as specific recommendations. All evaluation reports should be written in clear, parent-friendly language and be translated into the parent's primary language at the parent's request, if the primary language is not English. *The evaluator should not determine eligibility in their evaluation*; however, evaluation reports should summarize and interpret results and diagnostic impressions, identify educationally relevant accommodations, and provide any recommendations based on the evaluation. This information will help the Team determine eligibility and identify appropriate services based on the student's present level of educational performance and areas of need arising from the student's disability.

Each person conducting an assessment must send the Team Chair/School Psychologist a final, signed copy **at least two (2) school days** in advance of the Team meeting. This includes Educational Assessment Parts A & B. These reports must be submitted prior to the end of the third school day before the team meeting. For example, if a meeting falls on a Thursday, evaluations are due at the close of school on Monday. If a meeting falls on Tuesday, evaluations are due at the close of school on Thursday. The report must follow district formatting.

Once those assessment reports are sent to the Team Chair/School Psychologist, he/she will notify the Parent that they are available, and the location thereof for pickup. If the assessment reports are to be sent via email to the parent, parents will sign a notice to receive documentation.

When an evaluation by a district staff member is being translated, a copy of the evaluation should be emailed to the translation service as a PDF document or preferred program to facilitate the translation service.

3.7 Confidentiality

All evaluation information is confidential and will only be shared by the school with people directly involved with your child, such as teachers and Team members. You must give written consent before the school may share this information with any other person or professional; this includes their provided release or the district Authorization for Release form.

4.0 THE TEAM PROCESS

4.1 IEP Team (SE8)

The following are mandated members of the IEP Team (individuals may serve in more than one role as appropriate):

- The student's parent(s)/guardian
- A district representative who:
 - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - is knowledgeable about the general education curriculum; and
 - is knowledgeable about the availability of resources of the local educational agency;
- At least one (1) general education teacher who is familiar with the student (if the student is, or may be, participating in the general education environment) ;
- The student if age 14 or older within the IEP period;
- If the student is participating in a special education program, at least one (1) special education teacher or, where appropriate, at least one (1) special education provider for the student;
- At least one teacher/specialist trained in the area of the suspected disability; and
- An individual who can interpret evaluation results.

Additionally, members may include:

- Other individuals who may be necessary to write an IEP for the child, as determined by the Director of Student Services.
- When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting.
- When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options.
- Other individual(s) who have knowledge or expertise regarding the student.
- Other individuals at the request of the student's parents.

The Team meeting is designed to incorporate school staff, parents and other invited personnel as a unified group to determine eligibility and/or develop an IEP for a particular child. Members of the Team attend the Team meeting unless:

- The parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR:
- The parent and district agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed; or
- The district and the parent agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP Team prior to the meeting.

Team meetings are projected to last approximately one (1) hour. If the Team feels that they have not covered all necessary facets of eligibility, IEP development and placement, the Team may agree to extend the meeting or reconvene to continue the conversation.

If a student attends a private school, the Team Chair should encourage the parent to include a representative from that student's school, but the parent does not have to grant this. If a staff member will attend the meeting, a Release of Information Form should be included with the meeting invitation when it is mailed to the parent so the Team can freely discuss the student.

For an annual IEP, copies of the existing IEP may be brought forward as the foundation for creating the new IEP. Note: The word "Draft" must be written or stamped at the top of each page. At the end of the meeting, a Summary of Proposed IEP will be provided to parents.

If parents and district agree, amendments and revisions can be made via written documentation without a formal Team meeting.

Meeting attendance sheet listing all Team members participating in the planning of the amendment, as well as amendment forms and N-1, should be completed.

Parent Participation in Team Meetings (SE8, SE26)

The Danvers Public Schools is dedicated to ensuring parental involvement in the Team process. Every effort will be made to ensure this participation. If a parent is unable to attend the Team meeting, the district will provide the parent/guardian with the opportunity to participate via conference call or teleconference.

Danvers Public Schools encourages parental involvement and sharing of information between district and parents to support the provision of appropriate services to its students. As used in these guidelines/procedures, the term "parent" includes biological and adoptive parents, legal guardians, persons acting in the place of a parent, such as relatives and stepparents, foster parents, persons appointed as surrogate parents and adult students.

Danvers Public Schools shall afford the parents of a child with a disability an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child; and the provisions of FAPE (free appropriate public education) to the child. In the Danvers Public Schools, these meetings are IEP Team meetings.

When a meeting is scheduled parents will be:

- notified of the IEP Team meeting early enough that they will have an opportunity to attend; and
- notified of the purpose, time, and location of the meeting and who will be in attendance.

When the meeting is to address the IEP or placement, the parents will be:

- notified that the district or the parent may invite others who have knowledge or special expertise of the student and meetings shall be scheduled at a mutually agreeable time and place.

Generally, Danvers Public Schools expects that notice of an IEP Team meeting shall be provided ten (10) school days prior to the meeting unless waived by the parent. The goal of ten (10) days prior notice does not apply for meetings that need to be rescheduled or need to be held on an emergent basis, such as a Manifestation Determination.

The district shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents who are Deaf or Hard of Hearing or whose native language is other than English.

The staff person responsible for inviting the parents to meetings will keep documentation of the information provided and the methods used to notify the parents of the meeting. If the meeting is rescheduled due to parent request, a revised meeting invitation with a new date and a specific notation that the meeting was “rescheduled due to parent request” will be sent out. In accordance with 603 CMR 28.05(1) and federal special education regulations under 34 CFR §300.322(d), if the district is unable to secure the participation of the parent/guardian after three (3) documented and reasonable attempts, it may proceed with the IEP or placement meeting without the parent/guardian present. All efforts to involve the parent/guardian must be clearly documented, including records of telephone calls, correspondence, and any other methods used to encourage participation.

- Efforts to include the parent will be recorded on the N1 sent out following the meeting
- Documentation will be kept in the student’s special education file.

Decision Making at Team Meetings

Team decisions are based on consensus, not majority votes. The Team must come to consensus regarding each component of the Eligibility Determination process, IEP development and placement decision. When disagreement arises, the Team must make a good faith effort to review available data, discuss differences and agree on the decision as a group. If the Team still has not reached consensus on a

component of the IEP after a good faith effort to address differences, it is the sole responsibility of the Team Chairperson/School Psychologist to make the decision and proposal for the Team.

Communication with Non-English-Speaking Parents

Massachusetts special education regulations require school districts to provide all special education notices, documents, and communications to parents and guardians in both English and the primary language of the home, unless clearly not feasible. This expectation ensures equitable access to the special education process and supports parents in fully participating as equal members of the IEP Team.

Danvers Public Schools is committed to removing language barriers and ensuring that families receive information in a language they understand. This requirement applies to all stages of the special education process, including referral, evaluation, Team meetings, IEP development, procedural safeguards, and ongoing communication regarding student progress or services.

When working with families whose primary language is not English, the district is required to provide translation and interpreter services. These services may include interpreters at team meetings, as well as having documents translated. All special education documentation should be translated then reviewed and edited as needed by a School Translator before the document is sent to the family. This would include, for example, NIs, Evaluation Consent Forms, Meeting Invitations, assessments (reports), IEPs, etc. Copies of all interpreted documents should be sent to the Student Services Office to be maintained as part of the student's file. When translation services are required, please contact the Team Chair/School Psychologist. At each Team meeting, the Team Chairperson/School Psychologist should determine through the Home Language Survey documented in PowerSchool to determine whether oral interpretation and/or written translations are required. If interpretation is required, Advanced Education Interpreters must be provided for IEP Team meetings or other meetings relating to special education. The Home Language Survey should be completed annually until the parents indicate they do not require either oral interpretation or written translations. This signed form should be sent to the Student Services Office to be maintained in the student's file.

When an evaluation by a district staff member requires translation, a copy of the evaluation should be emailed to the translation company to facilitate the translation process and the specific language required.

4.2 Disability Categories

Team members should identify the type of disability category from the list below before taking the next step in the eligibility process:

Autism – A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR §300.8(c)(1):

- (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined below.
- (ii) Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section.
- (iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

Developmental Delay – The learning capacity of a young child (3–9-year-old) is significantly limited, impaired or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.

Intellectual Impairment – The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. The term Intellectual Impairment shall include students with mental retardation.

Sensory Impairment – The term shall include the following:

- **Hearing** – The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditory- presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.
- **Vision** – The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
- **Deaf-Blind** – Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

Neurological Impairment – The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control, and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills information processing,

affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

Emotional Impairment - As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

Communication Impairment - The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.

Physical Impairment – The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student's educational performance.

Health Impairment – A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

Specific Learning Disability – Specific learning disability is defined as follows:

- General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations,

including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

- The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

If the Team determines that there is a disability, it must then ask a final question: **Does the student require specially designed instruction in order to make progress?**

4.3 Effective Progress

Teams evaluate whether a student is making effective progress in school. The Team must make a judgment on whether the student is making effective progress in the general education program. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the districts and vocational programs and activities.

To evaluate whether a student is making effective progress, the Team must determine whether the student has:

- Made documented growth, with or without accommodations, in knowledge and skills acquisition including social/emotional development, the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district;
- Made growth according to the chronological age, the developmental expectations and the individual educational potential of the child.

When considering if the student has made effective progress, the Team must specifically look at whether the disability(ies) is causal to an inability to make progress. Such a finding is pivotal in the eligibility determination. The law clearly states that students may not be determined eligible solely because of a need for reading or math instruction or because of limited English proficiency or social maladjustment. Teams sometimes struggle in trying to decide if a student is making effective progress and look for specific guidelines to assist in making this important decision. Effective progress, however, is not easily translated to test scores, academic achievement, social skills or other individual or specific variables, but rather is an interrelated measure. Teams, therefore, should carefully review evaluation data and make student-centered decisions on this important issue.

Teams determine whether the lack of progress is a result of the disability. Teams must look at the evaluation results to see whether the lack of progress is a result of the disability or a result of other factors. Only if the Team determines the lack of progress is connected to a disability(ies) may the Team continue on to discuss a possible finding of special education eligibility.

According to state and Federal regulation, a student may not be found eligible solely because the student is unable to follow the school discipline code, has limited English proficiency, is considered socially

maladjusted, or has lacked reading or math instruction due to absences from school or formalized instruction. These reasons may become part of the Team's deliberations, but the essential finding of the Team must be that the lack of progress is, at least in part, a result of one or more disabilities(ies).

If the Team determines that the student is not progressing effectively in the general education program in the general education curriculum, it must then ask a final question: **Does the student require specially designed instruction in order to make effective progress or to access the general education curriculum?**

4.4 Specially Designed Instruction (SE49)

Specially Designed Instruction consists of modifications not regularly provided for students in the general education program. Specially designed instruction includes modifications that affect content, delivery of instruction, methodology and/or performance criteria and are necessary to assist the student in participating and learning.

Related services necessary to access the general curriculum are considered special education and may be provided alone, or in combination with specially designed instruction. Specially designed instruction is the responsibility of the special education teacher.

If the student only requires accommodations, then that student is not eligible for special education. General educators within the general education environment should provide DCAP and/or accommodations. Accommodations do not involve modifying the material content but do allow students to access curriculum.

4.5 Eligibility Determination (SE9)

The [Eligibility Flowchart](#) has been designed to assist Teams in making eligibility determinations. The flowchart is a worksheet and not a notice/form. The worksheet becomes part of the student record but does not need to be mailed to parents with the Proposed IEP. This form should be completed and included in the packet sent to the Office of Special Education. The flowchart is used to answer the three (3) questions of eligibility. Determinations include:

Eligible for Special Education

If the student has one (1) or more of the disabilities defined at 603 CMR 28.02(7) (see list below) and if, as a result of the disability(ies) the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services, the Team shall determine that the student is eligible. The Team must ensure that the student's inability to progress is a result of the disability(ies) and **NOT** a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading and math. The Determination of Eligibility is based upon the examination of data, including information provided from the parent.

If the evaluation Team determines that the student is eligible for special education services, an Individualized Education Program (IEP) must be developed. Whenever possible, the IEP can be developed in a single Team meeting, after the determination of eligibility (IEP1-8). A draft IEP may NOT be created and brought to an eligibility meeting as eligibility has not yet been determined.

The final step in the IEP process is determining the appropriate placement for the student. The decision of the type of placement should be made by the Team immediately after the IEP is developed. If this does not happen for a specific reason, the placement meeting must be held within ten (10) school days of the initial IEP meeting. The placement must reflect the IEP goals and services that the Team has identified as necessary in order for the student to make affected progress.

Not Eligible for Special Education

To be determined eligible for special education, a student must first be found to have a qualifying disability, and as a result of that disability, be unable to progress effectively in the general education program without specially designed instruction and/or access to the general education curriculum without one or more related services. All Teams should discuss general education interventions in order to help the student access all aspects of the curriculum and meet any areas of need.

The District Curriculum Accommodation Plan (DCAP) is an important document and reference for additional information about general education supports and interventions, including best practice accommodations. The DCAP is available on the district website and linked [here](#).

If the Team determines that the child is not eligible, the Team Chairperson/School Psychologist shall record the reason for such finding on the N2, list the meeting participants and provide written notice to the parents of their rights in accordance with federal requirements within ten (10) days of the Team meeting.

If, as a result of a re-evaluation, a student is found no longer eligible by the Team, but the parent is not in agreement with the decision, the end date of services must allow thirty (30) days for the parent to seek resolution of their differences unless the parent agrees to an immediate cessation of services. End date of service may be adjusted to consider impact on schedules at the secondary level. The end date should be clearly identified in the N2 and sent to the parent within ten (10) school days of the Team meeting.

If a student has been found not eligible, a 504 plan may be appropriate.

4.6 Parent Disagrees with the Eligibility Finding

Parents have the right to appeal any eligibility determination to the Bureau of Special Education Appeals (BSEA) including a finding of no eligibility. Parents may contact the BSEA directly. Information

regarding how to contact BSEA is included in the [Notice of Procedural Safeguards](#) sent to parents with the consent packet or at the start of the school year.

4.7 Special Considerations

Special Requirements for Students on the Autism Spectrum (SE3A)

M.G.L. c. 71B § 3 and the new MA IEP form require that whenever an evaluation indicates that a student has a disability on the autism spectrum, the IEP Team must consider and specifically address a defined set of autism-related needs in the IEP. These requirements ensure that programming addresses the student's communication, social interaction, sensory, behavioral, and other needs that affect progress in the general curriculum.

When the Team determines that a student has a disability on the autism spectrum, the Team must explicitly consider each of the following areas and document how they are addressed in the IEP:

1. **Verbal and Nonverbal Communication Needs.** The student's expressive and receptive communication skills, social/pragmatic language, and the use of augmentative and alternative communication (AAC), if applicable.
2. **Social Interaction Skills and Proficiencies.** The need to develop social understanding, reciprocal interaction, cooperative play/learning, perspective-taking, and relationship-building with peers and adults.
3. **Sensory Experiences.** Needs arising from the student's unusual responses to sensory experiences, including sensory sensitivities or sensory-seeking behaviors and the need for environmental or sensory regulation supports.
4. **Resistance to Change in Environment or Routines.** Needs resulting from resistance to environmental change or changes in daily routines, including the need for visual supports, transition plans, and predictable structures.
5. **Repetitive Activities and Stereotyped Movements.** Needs resulting from engagement in repetitive activities and stereotyped movements, and supports to promote engagement, learning, and regulation across settings.
6. **Positive Behavioral Interventions, Strategies, and Supports.** The need for positive behavioral interventions, strategies, and supports to address any behavioral difficulties related to the student's autism, including self-regulation, flexibility, and executive functioning.
7. **Other Disability-Related Needs Impacting Progress in the General Curriculum.** Any other needs resulting from the student's autism that affect access to and progress in the general curriculum, including social-emotional development, independence, activities of daily living, and functional skills (including vocational and community skills as appropriate by age).

Autism-Specific IEP Team Procedures

1. Pre-Team Preparation

- Team Chairs/School Psychologists review referral information and current evaluations to confirm whether autism has been diagnosed or is suspected.
- Relevant specialists (e.g., BCBA, SLP, OT, school psychologist, special educator) are invited and prepared to contribute to autism-specific considerations.
- If needed, requests for additional assessments (e.g., FBA, sensory profile, communication or social skills assessments) are initiated prior to the meeting.

2. During the Team Meeting

The Team Chair/School Psychologist ensures that all required autism-related areas are discussed. The discussion must include:

- Student strengths
- Data-based needs
- Environmental factors and sensory context
- Required supports across settings (general education, specials, lunch/recess, transitions, community-based activities).

The Team documents its discussion and decisions in the Present Levels and the autism-specific question fields on the IEP form.

3. Post-Meeting Documentation

- Team Chairs/School Psychologists verify that autism-related considerations are explicitly documented and that each identified need is linked to goals, accommodations, and services as appropriate.
- Service providers review their assigned sections (goals, Service Delivery Grid, accommodations) to ensure alignment with autism-related needs.
- The finalized IEP must include all required supports before being sent to parents/guardians.

4. Program Placement & Specialized Supports

If the Team determines that the student requires a specialized program (e.g., RISE, SOAR, EMBARK, STRIDE), the Team Chair/School Psychologist coordinates:

- Scheduling and classroom/program placement
- Staff assignments (special educators, BCBA, SLP, OT, IA support)
- Any necessary training or coaching for staff supporting the student
- Consistency of supports across general education and specialized settings

5. Collaboration With Families

- Families receive clear explanations of how autism-specific needs were considered and how they are being addressed in the IEP.
- The Team collaborates with families to understand the student's needs across home and community environments and to ensure consistency of supports where possible.

6. Monitoring & Compliance

- Team Chairs/School Psychologists maintain oversight to ensure SE 3A requirements and the autism-specific questions on the new IEP form are consistently addressed for all students identified with autism.
- Internal IEP audits include a review of autism-specific documentation, goals, and services.

Noncompliance triggers corrective action, which may include staff training, adjustments to IEP content, and follow-up meetings with the family as needed.

Special Requirements for Specific Learning Disabilities

As required by law, when the existence of a specific learning disability (SLD) has been determined, it is necessary to document said disability. The Department of Elementary and Secondary Education has developed appropriate forms for the development of determination of SLD: (Please refer to Special Programs to complete SLD forms.)

- [SLD Component 1](#)
- [SLD Component 2](#)
- [SLD Component 3](#)
- SLD Classroom Observation Forms:
 - [Pre-School/Kindergarten](#)
 - [Elementary \(Grades 1-4\)](#)
 - [Middle \(Grades 5-8\)](#)

- [Secondary \(Grades 9-12\)](#)
[SLD Team Determination of Eligibility](#)

In accordance with 603 CMR 28.04(2)(c) and 34 CFR §300.309, the determination of a Specific Learning Disability (SLD) must be made by the Team based on a comprehensive evaluation process. The district does not rely solely on the presence of a severe discrepancy between intellectual ability and academic achievement.

A student may be determined to have a Specific Learning Disability when the Team finds that the student is not making effective progress in school due to a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. This may manifest in difficulties in one or more of the following academic areas:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem-solving

The Team must consider a variety of data sources, which may include:

- The student's response to scientific, research-based interventions as part of a Tiered Instructional Model (TIM) or Response to Intervention (RTI) framework;
- A pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards, or intellectual development;
- Other valid, research-based evaluation methods.

All evaluations must be administered in accordance with 603 CMR 28.04(2)(a), using instruments and procedures in the language and form most likely to yield accurate information about the student's academic, developmental, and functional performance. The district must also observe the student in their natural learning environment to document academic performance and behavior in the area(s) of difficulty.

The Team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of a visual, hearing, or motor impairment, an intellectual disability, emotional disturbance, or of environmental, cultural, or economic disadvantage.

The final determination of eligibility must reflect a careful consideration of all evaluation data, classroom performance, and input from parents and educators.

Team members must certify in writing whether the written report reflects their conclusion of a finding of a specific learning disability. Any individual who disagrees with the written report must submit a separate statement to express their differing conclusions.

4.8 Age of Majority (SE7)

Massachusetts has established 18 as the age of majority. At that age, all students are considered adults and competent to make their own decisions. This right extends to every student with a disability who is receiving special education services.

At least one year before a student's 18th birthday, Danvers Public Schools must inform the student and the parents of the transfer of rights at age 18 (Age of Majority letter/form). In the IEP and in an N1, there should be a statement that the student and parents have been informed of this transfer of rights. Parents will continue to receive written notices but will no longer have decision-making authority unless one of the following occurs:

- Parents receive guardianship of the student from the court;
- A Student elects to share decision-making with the parents or other adults, including allowing them to co-sign the IEP; this choice must be made in the presence of the Team and documented in writing; or
- A Student elects to delegate decision-making to the parents or other adult; this choice must be made in the presence of the Team and documented in writing. If a disagreement between the parent and student arises during a meeting, the team will follow the student's decision.

Teams should distribute the Danvers 'Age of Majority' forms to students and parents on or before the 17th birthday. By the 18th birthday, students must choose an option on page 2 of the 'Age of Majority' packet. If, at this time, students choose to take sole responsibility for their special education decisions, they must complete the choice at the bottom of page 2, identifying if they wish to continue their special education services.

5.0 DEVELOPMENT OF THE IEP (SE14, SE18)

Upon determining the student is eligible for special education, the Team shall develop an IEP. The IEP shall be completed using the standard [IEP format](#) provided by the [Department of Elementary and Secondary Education](#) (DESE). The Special Education Team Chairperson/School Psychologist will facilitate the process. The IEP should be developed using the evaluation data and current school performance data to guide the development of goals and objectives for the student.

Annually, the IEP must be reviewed and updated to reflect the growth the student has made, and new goals need to be developed. Input from general educators, special educators, parents and related service providers needs to be included. Input from the student is required if the student is fourteen (14) years old and older.

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

5.1 Contents of the IEP

Key components of the IEP include:

Student and Parent Concerns

The family's voice is a vital component of the Team's work. Their knowledge of the student's strengths, challenges, and aspirations offers context that cannot be replicated by evaluation data alone, even by experienced professionals. This approach reinforces IDEA's emphasis on meaningful family participation and ensures that the IEP is both individualized and student-centered from the start. The IEP begins with input from parents/guardians and, when appropriate, the student. This provides an opportunity for the family to share educational, social, emotional, and developmental concerns. District staff may utilize tools such as a *Vision Questionnaire* to support families in articulating their input.

Student and Team Vision

For younger students, the vision may reflect developmental or academic transitions (e.g., entry into kindergarten or middle school). For students aged 14 and older, the vision must reflect the student's preferences, interests, and post-secondary goals, in accordance with IDEA transition requirements. Vision statements should represent high expectations and dreams and reflect the entire Team's vision for the Student with input from both staff and parents.

Student Profile

The Student Profile identifies the student's disabilities, English Learner (EL) status, if applicable, and any assistive technology currently used to support learning. It provides essential context for understanding the student's instructional needs and ensures that services and accommodations are tailored appropriately.

Present Levels of Academic Achievement and Functional Performance (PLAAFP)

The Present Levels of Academic Achievement and Functional Performance sections describe how the student's disability affects involvement and progress in the general education curriculum. It identifies the academic and functional areas impacted by the disability and explains the resulting barriers to access and learning.

This section describes the student's instructional and functional needs, including the extent to which the disability affects performance in academic areas, social/emotional or behavioral functioning, communication, and other areas such as sensory, health, motor, or executive functioning, as applicable.

Postsecondary Transition Planning

For students age fourteen (14) and older, the IEP must include postsecondary transition planning based on age-appropriate transition data. This section documents the anticipated date of graduation, the student's preferences, interests, and postsecondary goals, and the courses of student and services designed to support those goals. When appropriate, interagency responsibilities or referrals (e.g., Chapter 688) are identified, and the transfer of rights at age 18 is documented at least one year in advance. If the parent or student does not participate, the district must document reasonable efforts to obtain input.

Accommodations and Modifications

This section identifies the accommodations and, if applicable, modifications required for the student to access instruction and assessments. Accommodations must be individualized, reflect classroom practice, and not fundamentally alter academic standards. Modifications, which change content, methodology, or performance expectations, must be clearly distinguished from accommodations and justified by the impact of the disability. All accommodations and modifications should be supported by the student's present levels and instructional needs.

State and/or Districtwide Assessment/Alternate Assessment

The IEP must document how the student will participate in state and districtwide assessments, including any approved testing accommodations that align with classroom accommodations. If the Team determines that alternate assessment participation is appropriate, the rationale must be clearly documented and based on the student's disability.

Measurable Annual Goals

Each annual goal must be preceded by a brief description of the student's current level of performance in the identified area of need. Goals must be measurable, directly linked to the impact of the disability, and aligned with the student's vision and present levels. For students participating in alternate assessments, objectives or benchmarks are required. Each goal must include a method for measuring progress, and progress reports must be issued on the same schedule as report cards.

Schedule of Progress Reporting

This section specifies how and when the student's progress toward each measurable annual goal will be reported to parents. Reports must be provided at least as frequently as general education report cards and include information about the student's progress toward meeting each goal. Objective data should be included whenever possible.

Participation in the General Education Setting

This section specifies the extent to which the student will participate with nondisabled peers in general education classrooms and activities. If the student will not participate fully in general education, the rationale must be clearly documented.

Service Delivery

The Service Delivery Grid documents all special education and related services, including the service provider, location, frequency, and duration. Services must be described with sufficient specificity and should avoid vague terms such as “as needed.” Grid A reflects consultation services, Grid B reflects direct services in the general education setting, and Grid C reflects direct services outside of general education. Services must be clearly tied to identified needs and goals.

Transportation Services

Transportation is identified as a related service only when the student’s disability affects the ability to access transportation typically available to peers. Any specialized transportation services must be clearly described and justified based on the student’s needs.

Non-Participation Justification/Schedule Modification

The IEP must describe the extent to which the student will participate with nondisabled peers in the general education setting. If the Team determines that removal from general education or schedule modifications are necessary, the rationale must be documented. Decisions must be based on the student’s needs and supported by data.

Extended School Year Services

ESY services are provided only when data demonstrates that the student is likely to experience significant regression and difficulty recouping skills without extended services. The basis for the ESY determination, including relevant data, must be documented in the IEP.

Additional Information

Additional Information includes any information that may impact the student’s educational program but is not captured in other sections. Examples may include medical considerations, behavioral supports, social-emotional needs, safety concerns, and assistive technology details beyond or needs clarification of what is in the Student Profile or other relevant observations. The Team may also include notes on communication strategies, parent preferences, or contextual factors that support implementation of the IEP.

Placement

The IEP must reflect the Team’s determination of the Least Restrictive Environment (LRE) in which the student can make effective progress. If services are delivered outside the general education setting, the Team must justify why education in general education, even with supports and services, cannot be satisfactorily achieved, consistent with IDEA requirements.

5.2 Services, Supports, & Accommodations

Academic Support

Academic Support refers to specially designed instruction provided by a licensed special education teacher to address a student's individual learning needs as outlined in their Individualized Education Program (IEP). This support may occur:

- Within the general education classroom (inclusion or co-taught model), where the special education teacher collaborates with general educators to implement accommodations, provide targeted instruction, or modify content as needed;
- Outside the general education setting, in a small-group or one-to-one environment, to provide direct instruction in skill areas such as reading, writing, mathematics, executive functioning, or other areas of identified need.

Academic Support is not a substitute for general instruction, but rather a supplemental and individualized service designed to promote access to and progress within the general education curriculum. The frequency, duration, and location of Academic Support services are determined by the IEP Team and documented in the IEP Service Delivery Grid.

Related Services (SE49)

Related services are supportive services required to enable a student with a disability to benefit from special education and to make effective progress in the general curriculum, as determined by the Individualized Education Program (IEP) Team. These services are provided in accordance with federal (IDEA 2004) and state regulations (603 CMR 28.00).

Related services may include, but are not limited to:

- Speech-language pathology and audiology services
- Occupational therapy (OT)
- Physical therapy (PT)
- Psychological services
- Counseling services
- Social work services in schools
- Orientation and mobility services
- Services provided by a Teacher of the Deaf and/or Educational Audiologist
- School health services and school nurse services

- Medical services (for diagnostic or evaluation purposes only)
- Transportation, when required due to the student's disability
- Early identification and assessment of disabilities in children

Related services are provided when the IEP Team determines that such services are necessary to support the student's access to and progress within the educational setting. These services are documented in the IEP and reflected in the Service Delivery Grid, including the type of provider, setting, frequency, and duration.

Services may be delivered through:

- In-class (push-in) models, where the provider supports the student in the general education or inclusion setting, or
- Pull-out models, where the student receives services individually or in a small group in a separate location, based on the nature of the service and student need.

The goal of related services is to ensure that each student can access a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) and work toward their identified IEP goals.

Assistive Technology

If the Team determines the student would benefit from the use of assistive technology devices and services, then an appropriate evaluation in the student's customary environment should be conducted in accordance with the Individuals with Disabilities Education Act. When considering technology, teams must address the following:

- An evaluation that includes a functional evaluation of the student in the student's customary environment
- Instructional needs of the student that address the student's educational goals, social needs, environmental realities, and practical concerns
- Purchasing of appropriate technology which assumes that the Team will consider
- The appropriate selection, design, fitting, customizing, adapting, applying, maintenance, repairs and replacing equipment as needed.
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs
- Training for students and parent/guardians

- Training or technical assistance for: professionals (including those providing education or rehabilitation services); employers; other individuals who provide services to eligible students; those who employ eligible students; or those who are otherwise substantially involved in the major life functions of the eligible students.
- Ongoing evaluation of technology use and equipment.

The district will ensure that appropriate devices are secured for students who have qualified and have demonstrated a need within their IEP for assistive technology.

Special Transportation

If the Team determines the student's disability requires specialized transportation arrangements in order to access special education services, the Team shall note in the student's IEP the requirement for such services. In such circumstances, transportation is a related service and the determination for need should be made as a data driven decision linked to the student's identified area of disability with respect and consideration of the least restrictive environment for the student. A goal may also be considered to address independence and progress toward inclusion of transportation with typical peers. This can occur at any type of Team meeting and the determination to provide transportation should be revisited annually.

If an in-district specialized program is not offered in a student's neighborhood school, the student will be provided transportation to the appropriate school, but this is not considered specialized transportation. On IEP Transportation Page (IEP 6) check "no" and explain that the student is accessing services in a non-neighborhood school.

Extended School Year (ESY)

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

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

attention; the student's vocational needs; and/or the availability of alternative resources (non-regression).

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

Early in the school year, a Team may not be able to make a determination for ESY services if the student is new to the staff. In that event, the Team may wish to delay this decision until later in the year. In most cases ESY determination should be made no later than March (using the regression data collected following the Thanksgiving, December, and February school breaks); however, in cases where there continues to remain a question regarding regression, the Team may use the student's return from April vacation to document the existence or non-existence of regression. In the circumstances of the "non-regression" criteria, ESY decisions should be made no matter how early in the school year an annual review meeting is held.

ESY Definitions

- Regression – Decline in the performance of a skill or acquired knowledge, as specified in the annual goals of the student's IEP, that occurs during a break in instruction.
- Recoupment – A student's ability to regain the skill performance or relearn the acquired knowledge to approximately the same level that existed just prior to the break in instruction.
- Significant – Regression/Recoupment is significant when the recoupment period is longer than the length of the break in instruction.

State/District Wide Assessment Accommodations

Teams continue to be responsible for deciding how all students will participate in state and district-wide assessments. However, if no assessments are planned during a particular IEP period, the Team should note that no testing would occur and leave the remainder of the page blank. All students participate in state and district wide assessments with accommodations outlined in the IEP. Testing accommodations outlined on IEP must be consistent with accommodations students generally receive in their curriculum as listed in PLEPs. Students who require alternative assessments will continue to be evaluated through the MCAS-Alt (See Section 5.5 – MCAS Alternative Assessments) until otherwise advised by the Massachusetts Department of Elementary and Secondary Education.

Transition Services

Transition planning is an essential component of the IEP process and is required under both federal (IDEA 2004) and state (603 CMR 28.00) law. In Massachusetts, transition planning must begin no later than age 14. The purpose of transition planning is to prepare students with disabilities for life after high school,

including post-secondary education, training, employment, independent living, and community participation.

Transition services are coordinated, results-oriented activities designed to help the student achieve their postsecondary goals. These services are individualized based on the student's strengths, preferences, interests, and assessed needs, and may include academic and vocational instruction, job exploration, work-based learning experiences, self-advocacy and independent living skills, and links to adult agency or community supports. All transition services must be documented in the student's IEP, ensuring alignment with the student's measurable postsecondary goals in education/training, employment, and, when appropriate, independent living.

Beginning at age 17, the IEP must include discussion of the transfer of rights at age 18. Parents and students must be provided with written notice at least one (1) year in advance, and the student's preferences and choices regarding decision-making authority should be documented. If the student chooses to assume sole responsibility for their special education decisions, this choice must be documented in the IEP, and any delegation of decision-making to parents or other adults must also be recorded. When students are likely to require adult services after high school, the IEP Team must consider interagency referrals, such as Chapter 688, and identify any potential adult service agencies to support a smooth transition.

Autism-Specific IEP Content

For students with a diagnosis of Autism Spectrum Disorder, the IEP Team must consider and address:

- Verbal and nonverbal communication needs
- Social interaction skill development
- Sensory sensitivities
- Resistance to changes in routine or environment
- Repetitive behaviors or interests
- Behavioral needs and appropriate interventions
- Any other ASD-related challenges affecting access to the curriculum

On the new MA IEP form, these considerations must be documented in:

- The Present Level of Academic Achievement and Functional Performance sections (Academics; Behavioral/Social/Emotional; Communication; Additional Areas), and
- The autism-specific question fields that open when "Autism" is selected in the Student Profile.

The Team must ensure that each applicable ASD-related need is clearly described, including how it impacts access, participation, and progress in the general curriculum. Any identified autism-related needs must be explicitly addressed through:

- Measurable annual goals and, when appropriate,
- Short-term objectives/benchmarks that target communication, social interaction, behavior/self-regulation, sensory regulation, and other disability-related areas.
- The Service Delivery Grids (direct and consult services)
- Behavior Intervention Plans (BIPs), if applicable
- AAC plans and training supports for student/staff/family, if applicable
- Sensory supports and related services (e.g., OT)
- Environmental or instructional accommodations
- Crisis or de-escalation plans, when appropriate

5.3 Placement (SE34, SE37, SE18B)

The Team decision regarding a student's placement is made once the IEP is fully developed. It is based upon the individual needs of the particular student. The Team Determination of Placement page, (PL 1) should be included with the IEP. If a placement decision is not possible at the IEP meeting, a separate meeting must be held within ten school days to discuss the options available.

At the Team meeting, after the IEP has been developed, the Team shall consider the identified needs of the student, the types of services required, and whether such services may be provided in a general education classroom with supplementary aids and/or services or if necessary, after considering Least Restrictive Environment, in a separate classroom or school.

Least Restrictive Environment (LRE) (SE20)

The Danvers Public Schools shall ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, and that special classes, separate schooling, or other removal of children with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

As the Team discusses placement, the least restrictive environment will be selected as it correlates with the student's needs. To the extent possible, students with disabilities will be educated with their non-disabled peers.

Teams should consider in-district settings as they relate to the student's needs. These settings include, the general education classroom, a learning center/resource room or separate classroom.

If a student's needs cannot be met within the public-school setting, an out-of-district placement may be explored. If the Team designates an out-of-district placement, the Team shall state the basis for its conclusion that education of the student in a less restrictive environment with the use of supplementary

aids and services could not be achieved to provide the student with a free, appropriate public education in the least restrictive environment.

In most cases, the Team who wrote the IEP will decide the placement immediately after the IEP is developed. If the student's needs and corresponding services are complex and the Team is considering an initial out-of-district program or a different setting for a student currently in an out-of-district placement, a subsequent meeting might be scheduled to finalize the placement decision. In all cases, the parent continues to be an equal participant in the Team process.

Continuum of Special Education Services ((SE34)

Danvers Public Schools provides a broad array of services for children and youth identified with disabilities from the ages of three (3) through twenty-two (22). State and federal special education laws and regulations, namely the Individuals with Disabilities Education Act (IDEA), govern the referral, evaluation and placement procedures. Danvers Public Schools is committed to the goal of providing an appropriate education for students with needs in the least restrictive environment.

Below are the range of special education programs and services offered by the Danvers Public Schools.

Specialized Programs

The **EMBARK** program is designed to provide comprehensive, individualized educational and behavioral support for students with complex developmental, behavioral, and communication needs. Grounded in the principles of Applied Behavior Analysis (ABA), the program aims to cultivate and enhance essential skills for academic success, meaningful social interaction, adaptive functioning, and long-term independence, focusing on filling in developmental milestones for early learners and shifting to the development of activities of daily living and vocational skills for older learners with the goal of fostering independence and active participation in their communities.

The **STRIDE** program is designed to provide individualized educational and behavioral support for students who require specially designed instruction to access the curriculum successfully. The program emphasizes academic growth, meaningful social interactions, adaptive functioning, and long-term independence within the school setting.

The **SOAR** program is specifically designed for students with language-based learning disabilities, including dyslexia, with the goal of enhancing literacy skills and strategies while ensuring students receive the support needed to engage with grade-level curriculum. These students typically possess average to above-average cognitive abilities but require a multi-sensory approach to strengthen their reading, writing, listening, speaking, and organizational skills.

The **RISE** program is a comprehensive, multi-faceted educational framework designed to support students who face emotional, behavioral, and developmental challenges. The program integrates both

academic and therapeutic services to ensure that every student receives the individualized support they need to thrive. It offers a nurturing and structured environment where students not only pursue academic excellence but also develop essential life skills such as emotional regulation, social interaction, and self-awareness.

Grade Level Inclusion Classrooms

Grade-level inclusion classrooms are general education settings that support students with mild to moderate disabilities, providing them access to the general curriculum alongside their non-disabled peers, in alignment with the principles of the Least Restrictive Environment (LRE).

Instruction and classroom activities are differentiated, modified, or accommodated based on each student's Individualized Education Program (IEP) or identified learning needs. Support within inclusion classrooms is provided through a collaborative teaching model, where general educators work closely with:

- Special education teachers,
- Instructional Assistants (IAs), and
- Related service providers (e.g., speech-language pathologists, occupational therapists, behavior specialists).

These supports may be delivered through:

- Push-in services, where providers support students within the classroom setting
- Pull-out services, where students receive targeted instruction in a separate setting (individually or in small groups), when necessary to meet IEP goals

The focus of the inclusion model is to provide academic, executive functioning, behavioral, and social-emotional support in a way that promotes student independence and meaningful participation in the curriculum. Special education staff also collaborate with classroom teachers to adapt instructional content, materials, and assessments to meet students' diverse learning profiles.

Instructional strategies and interventions are evidence-based and aligned with Massachusetts Curriculum Frameworks, ensuring all students work toward grade-level standards with appropriate support.

Out of District Placements (SE37, SE38)

Students requiring a more restrictive setting may be placed in out-of-district settings that range from public programs in other districts to collaborative settings to private special education schools.

Placements are made on an individual basis and determined by the Team in accordance with State and Federal regulations to provide students with a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

Students Privately Placed at Parent's Expense (Unilateral Placement)

Parents may choose to enroll a child in a private school at their own expense at any time. Massachusetts' special education law applies to all Danvers residents regardless of where they attend school. The school district must provide or arrange for evaluation, determine eligibility, propose an Individualized Education Program (IEP), and make services available to all eligible students who reside in the district, regardless of where they attend school. (Administrative Advisory 2018-1) Eligible students must be offered an IEP as developed by a Danvers IEP Team. Parents may decline special education services of the proposed IEP. The District has the responsibility to reconvene the Team to consider the IEP on an annual basis, even if services have been declined. The Team must review appropriate educational information and propose an IEP based upon student needs or propose to re-evaluate to determine eligibility for services.

Home-Hospital Educational Services

A student with a documented medical condition who has been or is expected to be confined to a home or hospital for a minimum of fourteen (14) school days during any school year is eligible to receive home or hospital educational services. When a student is hospitalized, the hospital usually contacts the Student Services Office directly to arrange for tutoring. Building personnel should contact the Student Services Office, if the hospital has not done so already.

For students to be eligible for home-hospital educational services, the student's physician or nurse practitioner must complete a Physician's Statement for Temporary Home or Hospital Education, SPED 28R/3, form or an equivalent signed statement in accordance to requirements outlined in 603 CMR 28.03(3)(c). The notice must include: (1) the date the student was admitted to a hospital or was confined to home, (2) the medical reason(s) for the confinement, (3) the expected duration of the confinement; and (4) what medical needs of the student should be considered in planning the home or hospital education services.

The home-hospital educational services provided will be coordinated by the home/hospital coordinator with the building administration. The tutoring services will be provided with sufficient frequency to allow the student to continue his/her/their educational program, as long as the services do not interfere with the medical needs of the student.

For students who attend private special education schools or collaboratives at Danvers's expense, that specialized school is responsible for providing tutoring during home-hospital periods, at their expense, as long as the student remains enrolled in that school.

If, in the opinion of the physician, a student is expected to remain at home, in the hospital or in a pediatric nursing home for medical reasons for more than sixty (60) days, the Special Education Administration or the Team Chair will/School Psychologist convene a Team meeting to amend the existing IEP or develop a new IEP suited to the student's unique circumstances.

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

The school district needs to provide sufficient frequency of tutoring to enable the student to keep up in her/his courses of study and minimize educational loss. This is determined on an individual basis. One hour per day is often adequate in the 1:1 tutoring situation, but the amount must be determined based on individual needs and the medical condition. Home-hospital educational services should not interfere with medical needs.

Students enrolled in private school at parent expense are also eligible for home-hospital tutoring through the public school *only* if they also qualify for special education services. (At times, this may involve conducting an initial evaluation for a student.) The Physician's Statement for Temporary Home or Hospital Education, SPED 28R/3, form or an equivalent signed statement requirement also applies to students enrolled in private school at the parent expense.

Instructional Grouping and Age Span Requirements for Students Five and Older

The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports, for smaller instructional groups serving students with complex special needs.

When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed:

- 8 students with a licensed special educator,
- 12 students if the licensed special educator is assisted by 1 aide, and
- 16 students if the licensed special educator is assisted by 2 aides.

For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed

- 8 students to 1 licensed special educator, or
- 12 students to 1 licensed special educator and 1 aide.

After the school year has begun, if instructional groups have reached maximum size, the administrator of special education and the licensed special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.

In such cases, the administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated. Such steps to reduce instructional group sizes for subsequent years are documented by the district.

The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the commissioner of elementary and secondary education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.

6.0 PROPOSING IEPS (SE22)

6.1 Processing the Proposed IEP for Distribution to Parents (SE9)

Once IEP packets are completed, the appropriate administrator or designee will review and sign the IEP. The appropriate individual will then be responsible for electronically mailing a copy of the IEP to the home. It is the Team's responsibility to submit the IEP packet in a timely manner in order for the school district to meet the required IEP timelines.

Following the development of the IEP, the school district must provide the parents with a proposed IEP and Placement as soon as possible and not more than **five (5) school days** after the Team meeting has been held. The Team must allow time for the Student Services Office to process and electronically mail a copy of the IEP, so the IEP must be submitted to the Student Services Office within **three (3) school days** of the Team meeting.

An IEP checklist titled IEP Checklist/Cover Sheet has been created to guide team chairpersons/school psychologists on the compilation of the IEP packets to be submitted to the Student Services Office for processing. The IEP Checklist/Cover Sheet **MUST** be completed in full by the liaison at the request of the Team Chair/School Psychologist. IEP packets must include all necessary components in the listed order outlined on the checklist when they are submitted for processing.

6.2 Parent Response to the Proposed IEPs and Placement

The Office of Special Education immediately stamps the signature and placement pages. The Office of Special Education's Administrative Assistant will change the IEP status in PowerSchool.

No later than **thirty (30) calendar days after receipt** of the proposed IEP and proposed placement, the parents shall:

- Accept or reject the IEP in whole or in part;
- Request a meeting to discuss the rejected portions of the IEP; or,

- If mutually agreed upon, accept a revised proposal; and
- Accept or reject the proposed placement.

Receipt of Accepted IEPs

Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay. For students younger than three years old, the school district shall implement all accepted elements of the IEP at age three (3) years old.

The school district cannot delay implementation of the IEP due to lack of classroom space or personnel. Teams must provide as many of the services on the accepted IEP as possible and shall immediately inform the parent in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offer alternative methods to meet the goals on the accepted IEP. Upon agreement from a parent, the school district shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

Receipt of Partially Rejected and Fully Rejected IEPs (SE25A, SE25B)

If an IEP is rejected, in whole, or in part, the signature page and placement page will be immediately date stamped and submitted along with the Administrative date page to the BSEA **within five (5) school days** of receipt by the district.

When an IEP has been rejected in full, the IEP status will appear in PowerSchool as Rejected. When it is rejected in part, the IEP status will appear in PowerSchool as Partially Accepted. The Student Services Office will immediately provide the Team Chair/School Psychologist, who will share with the Team, a copy of the parent's response. This enables Team members to know which parts of the IEP have been accepted and can be implemented. Should Team members have questions regarding implementation, they should IMMEDIATELY contact the Team Chair/School Psychologist. If questions still remain, the Team Chair/School Psychologist will contact the Assistant Director of Special Education for clarification.

The Team Chairperson/School Psychologist can revise the IEP to address the partial or full rejection if the Team Chairperson/School Psychologist believes those changes are appropriate (See Section 8.5 – IEP Revisions). Otherwise, the Team Chairperson/School Psychologist will schedule a reconvene meeting to address the parent's concerns.

6.3 IEP Amendments

The Individualized Education Program (IEP) Amendment is designed to be a stand-alone document or to be used in conjunction with other IEP pages. An amendment cannot extend the length of the IEP, nor can an amendment change placement, which includes adding or removing services.

The explanation of a proposed change should include the IEP section(s) that the change will affect. Team members are to attach an IEP page to the amendment to help clarify the recommended adjustment. For instance, if an IEP goal is being altered, the goal page with the reworded goal should be attached or if service delivery is being altered, the service delivery grid, with the adjusted services should be attached. Attach the Administrative Data sheet to the amendment before sending it to the Team Chairperson/School Psychologist for signature. A placement change should not be reflected in an amendment, but rather a revised IEP. An N1 is always included with an amendment. When amending a service, the start date is the date of the proposed amendment, and the end date is on or before the end date of the IEP being amended.

Please note, an unsigned, rejected, and partially rejected IEP cannot be amended – any changes made to an unsigned IEP are considered “Revisions.”

6.4 IEP Revisions (SE14)

Once a Team meeting has been held and a proposed IEP has been sent to parents for response, a Team may revise or further develop the proposed IEP with parent agreement and input. The type of meeting and dates on the administrative page would not change. The updated N1 should **clearly state** that the IEP has been revised with the date of the Team meeting or parent contact as well as who precipitated the revision. Details of why and how the IEP was revised should be noted in the N1. Once the parents respond to the proposed revised IEP, the district will follow the policy outlined in Section 6.2 Parent Response to the Proposed IEPs and Placement.

6.5 Declining Special Education Services

A parent may discontinue special education and related services provided to his or her child by notifying the school district in writing that the parent revokes consent to the continued provision of all special education and related services to the child. The school district shall respond promptly by sending notice to the parent of the district's intention to discontinue all special education and related services to the student ten (10) school days from the date of the district's notice based on the parent's revocation of consent.

7.0 IMPLEMENTATION OF IEPs AND PROGRESS MONITORING

7.1 Retention of Students with IEPs

When the school administration first considers a student with an IEP for possible retention, the school principal or designee will notify the school's Team Chair/School Psychologist. The student's IEP Team must reconvene to discuss the appropriateness of the student's IEP, whether the potential retention means the student is not making adequate progress toward IEP goals and if so, whether failure to make adequate progress is disability- related. The Team must also determine whether retention would result in a denial of a free appropriate public education for the student. Discussion should be documented with an N1 and if necessary, an updated IEP.

7.2 Students New to Danvers Public Schools

When a student enrolls in Danvers Public Schools with an IEP from another in-state school district, the district will implement comparable services without delay. The IEP Team should reconvene within four (4) to six (6) school weeks to discuss the student's transition into Danvers Public Schools and propose any necessary updates to the student's IEP.

When a student enrolls in Danvers Public Schools with an IEP from an out-of-state school district, the district will implement comparable services without delay. Upon enrollment, the district can seek consent to re-evaluate the student's needs and determine eligibility for special education services.

7.3 Voluntary Termination from School Prior to Graduation or Age 22

Students eligible for special education services, who withdraw from Danvers Public Schools prior to graduation or reaching age 22, must be given the opportunity to access special education services in pursuit of their diploma. If at any time prior to their 22nd birthday, the student is interested in receiving special education services and working towards their diploma, they may contact the Danvers Special Education Department and request their file be activated. This information must be conveyed to eligible students at the time they withdraw from school, ideally through direct conversation. A letter confirming this information is mailed to the student with a copy placed in the Student Services Office file at the time they leave Danvers Public Schools.

7.4 Progress Reports (SE13)

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

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

At the preschool and elementary school, progress reports are sent twice a year. In middle school, progress reports are sent three times a year. In high school, four times a year. For students placed in an out of district program, progress reports are sent four times a year to parents.

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

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

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

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

Progress reports may prompt the Team to amend an IEP. If a lack of expected progress continues past the first progress report and subsequent in-class refinements, the Team should reconvene. The Team must discuss if the IEP and related goals are appropriately developed to provide the student with an opportunity to receive meaningful benefit from the educational experience necessary for FAPE. The team should determine if the student's lack of progress is disability-related.

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

Mailing Home and Filing Progress Reports (SE13)

Each term the district must provide parents with notice on the student's progress towards meeting his/her IEP goals. The Progress Reports must be electronically mailed or sent home ***at the same time as*** report cards. Liaisons are responsible for finalizing and printing two copies of each Progress Report for students on their caseload. One copy to be mailed/sent home and one copy sent to the Student Services Office for filing. Progress reports should be translated when necessary.

8.0 GRADUATION

8.1 Graduation Requirements for Special Education Students & Transition (SE6)

In accordance with M.G.L. c. 71.s. 1, a student with a disability who requires special education is entitled to receive publicly funded special education until this student turns twenty-two or "attains a high school diploma or its equivalent," whichever comes first. To receive a diploma, all Danvers students, including those receiving special education services, must meet the graduation requirements as outlined

in the Danvers High School Course of Studies book. Furthermore, the students must earn the Competency Determination by fulfilling the requirements within [School Committee Policy IKFE – Competency Determination](#).

Danvers Public Schools ensures that all students with disabilities, including those placed out-of-district, have equal opportunity to meet the Massachusetts Competency Determination (CD) and local graduation requirements.

8.2 College Testing Information

The College Board has recently changed its eligibility requirements for testing accommodations. Districts and parents are reporting that the College Board is rejecting many requests for accommodation(s) because the documentation supporting the request is not sufficient under its new eligibility standards. As a result, parents and students are asking Districts to conduct additional evaluations or eligibility assessments to support students' requests for accommodations.

What is the District's responsibility to provide supporting documentation to the College Board when a student has requested accommodations on College Board tests (e.g., PSAT/NMSQT, SAT or AP)? The District provides the College Board with documentation supporting the student's request for accommodation(s) when such documentation is available, consistent with the Massachusetts Student Records Regulations (see 603 CMR 23.00).

In some cases, the College Board is asking that the student provide documentation of specific additional assessments or updated assessment information that the District does not need in order to deliver appropriate special education services to the student. The District is not obligated to provide or pay for updated or additional assessments to support a student's request for accommodation on College Board examinations, if such assessment information does not already exist and is not necessary for the appropriate special educational program for the student at the time of the request. The parent is responsible for paying for additional assessments that are needed for the sole purpose of supporting the student's request for accommodation on the College Board examinations.

If the parent requests an evaluation or assessment, whether or not the request describes the reason for the request, the District must respond in accordance with the requirements of state and federal special education law. The District may either agree or disagree to conduct such an assessment and provide notice to the parent of the decision. The District's decision not to conduct the assessment is subject to the due process requirements of the law.

If a request for an evaluation is made for the purpose of demonstrating a need for accommodations on College Board tests, and the school District has no reason to believe the student has a disability or needs special education services, then the District can deny the request for an eligibility evaluation; the District must notify the parent of the decision.

9.0 STUDENT DISCIPLINE PROCEDURES (SE44, SE45, SE46)

9.1 Provisions

Students identified as receiving special education and/or related services are expected to meet the requirements for behavior as set forth in the Student Handbooks. Additionally, there are specific safeguards provided by the IDEA and Section 504 that apply to students with disabilities in certain circumstances beyond the due process protections provided to all students. The procedural safeguards provided by federal law for students with disabilities apply to:

- Students who currently receive special education services through an IEP;
- Students who currently receive accommodations through a Section 504 Plan; or
- Students whom the District knows, or has reason to know, prior to the incident giving rise to the disciplinary action, might be eligible for special education.
 - This may include students who have been referred for an evaluation prior to the incident, students whose parent has expressed concern in writing that the child is in need of special education and related services prior to the incident, or students about whom staff have expressed specific concerns of a pattern of behavior directly to the Principal, Teach Chair, or the Director of Special Education.

These protections do not apply to students whose parents have refused an evaluation or special education services and for students who have been evaluated and found ineligible.

9.2 Change of Placement

In *Honig v. Doe*, 559 IDELR 231 (EHLR 559:231) (U.S. 1988), the U. S. Supreme Court prohibited certain disciplinary actions that result in a change of placement for a student with a disability (one receiving special education and related services under the IDEA). Generally, a student with a disability cannot be subjected to a disciplinary change of placement if his/her misconduct was caused by, or was directly and substantially related to, his/her disability. A disciplinary change in placement occurs when a student is suspended in excess of ten (10) consecutive school days or subjected to a series of short-term suspensions in excess of ten (10) cumulative school days which constitutes a pattern of removal. For suspensions that will extend beyond ten (10) school days, the Team must determine:

1. If the behavior that warranted the disciplinary act was caused by or had a direct and substantial relationship to the disability; or
2. If the behavior was a direct result of the school district's failure to implement the IEP.

This meeting is called a Manifestation Determination meeting.

9.3 Manifestation Determination

A Manifestation Determination meeting **must** be conducted prior to any removal constituting a disciplinary change of placement. A Manifestation Determination **must** be held within 10 school days of

any decision to impose discipline that would result in a **change of placement** to determine whether the conduct giving rise to discipline was a manifestation of the student's disability. The Manifestation Determination should be held prior to the student's 11th day of removal from school.

At the Manifestation Determination meeting, relevant members of the Student's IEP/504 Team meet to consider whether the student's behavior giving rise to the disciplinary incident is a manifestation of the student's disability. To make this decision, the Team considers:

1. Whether the conduct is directly and substantially related to the Student's disability; or
2. Whether the conduct is the direct result of the District's failure to implement the IEP.

Behavior Is Not A Manifestation of the Disability

If the behavior is not a manifestation of the student's disability...

- The principal may impose sanctions applicable to all students.
- The principal must provide FAPE, as determined by the IEP Team, for students on IEPs as of the 11th day of removal.
- There is no obligation to provide FAPE for 504 students although they have the right to an opportunity to make academic progress during the period of exclusion in accordance with M.G.L. c. 76, § 21.
- The Team may consider a Functional Behavior Assessment or review of an existing behavior intervention plan, but it is not required.

Behavior Is A Manifestation of the Disability

If the behavior is a manifestation of the student's disability...

- A Functional Behavioral Assessment and the review of a Behavior Intervention Plan (BIP) is required only after determining that the conduct was a manifestation of the student's disability and when found to be appropriate by the Team.
- The student returns to school prior to the 11th day of removal, unless the conduct meets the criteria for a unilateral removal, the school district obtains parental consent, or there is a Hearing Officer's order, or a temporary restraining order (TRO) has been issued.
- A student with a disability may be placed in an Interim Alternative Educational Setting (IAES) only upon the recommendation of the Team and the consent of the parent/guardian, or the student if he/she is 18+. Under certain specific circumstances, a student may be unilaterally placed in an IAE by his/her Team.

When parent(s)/guardian(s) disagree with the Manifestation Team's decision on the "manifestation determination" or with a decision regarding placement, the parent(s)/ guardian(s) has a right to request an expedited due process hearing from the Bureau of Special Education Appeals (BSEA). The student

will remain in the disciplinary placement imposed by school authorities pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

9.4 Interim Alternative Educational Settings (IAES)

If the misconduct includes bringing a weapon or drugs to school, if the student has inflicted serious bodily injury on another person, or if he/she otherwise poses a danger to him/herself or others, then different rules governing removal from school will apply.

A student can be unilaterally removed, regardless of manifestation determination, to an IAES for up to 45 school days for:

- Possession of a dangerous weapon on school premises or at a school- sponsored or school related event;
- Possession or use of illegal drugs on school premises or at a school sponsored or school related event;
- Solicitation of a controlled substance on school premises or at a school- sponsored or school related event; or
- Infliction of serious bodily injury.

The 45-day IAES must:

- Enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the IEP;
- Provide services and modifications designed to address the behavior that gave rise to the removal and to prevent the behavior from recurring; and
- End at the conclusion of the 45-school day period and the student shall be returned to his/her previous placement unless the parent/guardian/student consents to an extension of the IAES or an Order is obtained authorizing the student's continued removal.

10.0 REQUEST FOR SERVICES

Whenever a request for additional services is made, the liaison should contact the Team Chair/School Psychologist who, in turn, will determine the appropriate course of action.

10.1 Request for Translation/Interpreter Services

Whenever a family requires translation and/or interpreter services and building-based options are not available, the Team Chair/School Psychologist will initiate the process for obtaining translation services by contacting the Special Education Office at least two (2) calendar weeks prior to the meeting date.

Communications in English and the Primary Language of the Home (SE29)

Massachusetts special education regulations require school districts to provide all special education notices, documents, and communications to parents and guardians in both English and the primary language of the home, unless clearly not feasible. This expectation ensures equitable access to the special education process and supports parents in fully participating as equal members of the IEP Team.

Danvers Public Schools is committed to removing language barriers and ensuring that families receive information in a language they understand. This requirement applies to all stages of the special education process, including referral, evaluation, Team meetings, IEP development, procedural safeguards, and ongoing communication regarding student progress or services.

In accordance with SE 29, the district must:

- Provide all required written communications, including evaluation consent forms, meeting invitations, proposed IEPs, progress reports, and notices of refusal, in both English and the parent's primary language, unless doing so is not practicable.
- Ensure that interpretation services are available during Team meetings and other school-family communications so that parents can participate meaningfully in discussions and decision-making.
- Document the family's primary language of the home and preferred method of communication in the student record and ensure that information is kept current.
- Use qualified translators and interpreters to provide accurate, culturally appropriate translations and interpretations.
- Provide families with a translated copy of the IEP and any amendments as soon as possible following the completion of the English version.

Danvers Public Schools Procedures for Interpretation/Translation

1. Identification of Primary Language

- Upon enrollment, families complete the Home Language Survey, which identifies the primary language spoken at home.
- Team Chairs/School Psychologist and school-based staff verify language preference with families during initial referral or the first Team meeting.
- Language preference is recorded in the student information system and reviewed annually.

2. Translation of Written Documents

- All special education documents requiring parent signature or review are submitted for translation through approved district translation services.

- Team Chairs/School Psychologists initiate translation requests immediately after completing the English version of the IEP or other required notices.
- Families are provided both the English and translated versions and are informed that the translated documents are intended to support full understanding of the IEP process.

3. Interpretation During Meetings

- Interpreters are scheduled for any Team meeting involving a family whose primary home language is not English.
- Interpreters must be qualified and should interpret neutrally, accurately, and confidentially.
- The Team Chair/School Psychologist ensures all meeting information is communicated clearly and that parents have the opportunity to ask questions in their preferred language.

4. Ongoing Communications

- Routine school communications regarding the student's special education services, including progress reports, Team meeting invitations, prior written notices, and disciplinary notices, are provided in the family's primary language whenever required and feasible.
- Staff are encouraged to use plain language and avoid jargon to support clarity in translation.

5. Documentation & Recordkeeping

- The need for translation/interpretation is documented in the student's record and reflected in the IEP.
- When translation is not feasible due to exceptional circumstances (e.g., a language with no available translators), the district documents the reason and ensures that interpretation services are provided.

6. Monitoring & Compliance

- Team Chairs/School Psychologists ensure that all translations and interpretations required under SE 29 are completed in a timely and accurate manner.
- The district conducts periodic reviews of translated documents and interpreter use to ensure consistency with state requirements.
- Any findings of noncompliance result in corrective action, including staff training, improvement of translation processes, and follow-up with families.

10.2 Request for Duplicate Records

If a request for special education records is received at the school level, the school principal or designee should contact the Student Services Office. Documents will be made available within ten (10) calendar days of receipt of the request. One copy is provided at no charge, but additional copies are provided at a cost per page.

10.3 Release of Information (SE59)

In order to protect confidentiality of students, when communicating with private service providers of students (including advocates), or releasing records, the district requires that parents sign a Consent for Release of Information form.

10.4 Parent Request for Observations

The Danvers Public Schools collaborates with parents to provide timely response to requests received for observation of their children's current or proposed special education programs. The parent or his/her designated private evaluator or educational consultant may conduct observations. Danvers will provide an opportunity for observation of sufficient duration and extent to enable evaluation of the child's performance in his/her current program or to evaluate a proposed program's ability to enable the child to make effective progress.

Any potential observer must complete and submit an Observation Request Form at least five (5) days in advance of any requested date for observation, except in urgent circumstances. Multiple appointments may be made to observe a variety of classes/periods/therapy sessions.

A designated school staff member will accompany the observer during the observation period. Given the ongoing responsibility of teachers, therapists and other staff to serve students, they will not be available for conversation during or immediately before/after the observation period. All efforts should be made to limit the impact on instruction and operation of the classroom. **No audio or video recordings are permitted during the observation.**

The district does not generally schedule observations for certain portions of the year such as during state testing or during the first few weeks of school. In addition, because it may not be possible to accommodate all requests during the last few weeks of school, parents are urged to submit any observation request as early as practicable in the school year. In addition, school staff retain their right and obligation to restrict program observation where necessary to protect the safety of a child or the integrity of the program. The District also requires all observers to avoid disclosing any personally identifiable or confidential information they might obtain during the course of an observation (except about students being observed, in which case it will be used consistent with the parent's authority and direction).

10.5 Parent and/or Student is Represented by an Attorney

If the parent and/or student is represented by an attorney, and said attorney plans to attend any meeting as outlined by this handbook or by 603 CMR 28.00, then the district reserves its right to have its attorney present at said meeting. If the staff member was not informed that the parent/student would be bringing an attorney, then the staff member should contact their supervisor to determine whether the meeting can continue or whether said meeting should be delayed and/or rescheduled to allow for the district's attorney to attend the meeting as well.

APPENDIX

TFM (Tiered Focus Monitoring standards)

603 CMR 28.00 Special Education Regulations

- [Parent's Notice of Procedural Safeguards](#)
 - [PreK/Elementary Annual Student Participation Questionnaire](#)
 - [Middle & High School Annual Student Participation Questionnaire](#)
 - [Parent Notification Letter - MCAS Alternate Assessment](#)
 - [Team Meeting Summary](#)
- IEP Checklist/Cover Sheet for IEP
- [Initial/Reevaluation](#)
 - [IEP Amendment](#)
 - [Annual Review](#)
 - [Extended Evaluation](#)
 - [Finding of No Eligibility](#)
- [Progress Report Cover Sheet](#)
 - [Consent for Release of Information](#)
 - [Observation Consent Form](#)
 - Waiver For Assessment (Special Programs)
 - [Physician's Statement for Home/Hospital Placement](#)