



Foxborough Regional Charter School

Academic Excellence Committee Meeting

Published on December 8, 2025 at 12:45 PM EST

Date and Time

Wednesday December 17, 2025 at 8:00 AM EST

Meeting Format

Whether in person or online, the public is welcome to attend Board/Committee Meetings and have access to meeting minutes. Meetings are held once a month and additionally, as determined by the Board/Committee Chair. All meeting Agendas are posted on the school website at least 48 hours in advance of each public meeting.

During the meeting, the Board and its committees follow the published agenda. Gallery members are not part of the formal discussion or deliberations. Those wishing to speak at a meeting are asked to follow our [Privilege of the Floor Policy](#). To request to speak at a meeting, please complete the following [google form](#) before the start of the meeting.

Agenda

	Purpose	Presenter	Time
I. Opening Items			8:00 AM
A.	Record Attendance	Mia Ortiz	1 m
B.	Call the Meeting to Order	Mia Ortiz	1 m
C.	Privilege of the Floor	Mia Ortiz	1 m

	Purpose	Presenter	Time
II. Academic Excellence			8:03 AM
A. Academic Excellence Committee	Discuss	Tanisha Kimber	90 m
<ul style="list-style-type: none">• Overview of student services programs and improvements<ul style="list-style-type: none">◦ Special Education programming◦ Multilingual learner programming			
III. Other Business			9:33 AM
A. Approval of Meeting Minutes	Vote	Mia Ortiz	25 m
<ul style="list-style-type: none">• June 11, 2025• September 17, 2025• October 15, 2025• November 17, 2025			
IV. Closing Items			9:58 AM
A. Adjourn Meeting	Vote	Mia Ortiz	1 m

The listed matters are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

Coversheet

Academic Excellence Committee

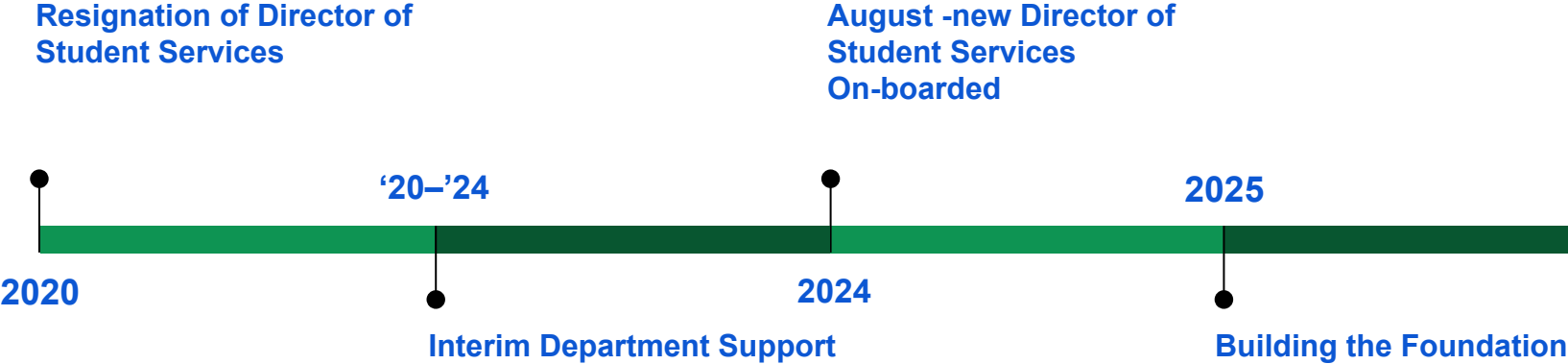
Section: II. Academic Excellence
Item: A. Academic Excellence Committee
Purpose: Discuss
Submitted by:
Related Material:
Overview of Student Services.pdf
FRCS Special Education Process and Procedural Manual - Updated 2025.docx.pdf

Overview of Student Services

December 17th 2025



Foundational Department Work



2024-2025 End of Year Summary

Staffing & Infrastructure

- Conducted comprehensive evaluation of staffing vs. caseload needs
- Identified critical personnel gaps and initiated structural reorganization of leadership roles within the Department.

Key Leadership Appointments

- Assistant Director of English Language Education (ELE) Services
- Coordinator of Special Education (COSE)


Instructional Program Enhancements

- Identified need for a specially designed curriculum for students with moderate to severe disabilities.
- Redesign and expansion of Extended School Year (ESY) programming

Additional Progress

- Updated FRCS Student Services [Website](#)
- Created FRCS [Special Education Procedural Handbook](#)

Special Education Vision



Each student has access to innovative, high-quality instruction in the least restrictive environment, tailored to meet their individual needs, which empowers each student to achieve at high levels and prepares them for post-secondary success.

What is Special Education?

- **Specially designed instruction (SDI) and/or related services** required to meet the unique learning needs of an eligible student with a disability (SWD) necessary to allow access to the general curriculum.
- Not every child with a disability will require special education services; **every child whose disability affects their school progress** is entitled to receive a **free and appropriate public education (FAPE)** which meets their unique needs.
- Once a child has been evaluated and determined eligible for special education, a team will develop an **Individualized Education Program (IEP)** to ensure the student receives all the supports and services they need to learn.

Special Education Law is organized around the following six principles:

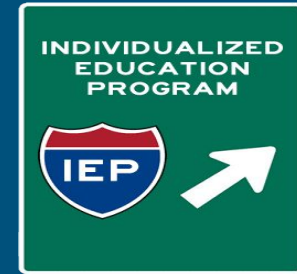
1. Parent and Student Participation



2. Appropriate Evaluation



3. Individualized Education Program (IEP)



Special Education Law is organized around the following six principles:

4. Free and Appropriate Public Education (FAPE)



5. Least Restrictive Environment (LRE)



6. Procedural Safeguards



Disability Types (603 CMR 28.02)

The disability types in the Massachusetts State Special Education Regulations are:

- Autism
- Developmental Delay
- Intellectual Impairment
- Sensory Impairment Hearing/Vision/Deaf-Blind
- Neurological Impairment
- Emotional Impairment
- Communication Impairment
- Physical Impairment
- Health Impairment
- Specific Learning Disability

Eligibility

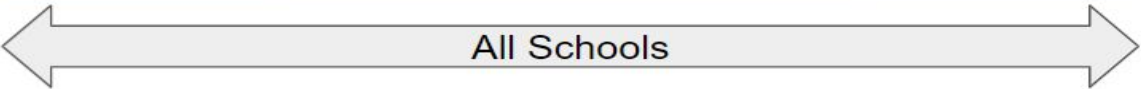
The evaluation should answer these questions:

1. Does the child have a disability? What type?
2. Does the disability cause the child to be unable to progress effectively in regular education?
3. Does the child require specially designed instruction to make progress or does the child require a related service or services in order to access the general curriculum?

The answer to each of these questions should be “yes” in order to determine that a child is eligible for special education services.

Least Restrictive Environment (LRE) Continuum of Services

Setting	General Education [No Services]	Full Inclusion	Partial Inclusion	Substantially Separate
Percentage of Time Definition	No special education services	special education services outside the general education classroom less than 21% of the time	special education services outside the general education classroom 21% to 60% of the time	special education services outside the general education classroom more than 60% of the time
Description	Full day in the general education classroom	Push in or pull out special education services	Push in or pull out special education services	Special education services in separate cross-categorical classroom, with inclusive opportunities.



All Schools

Special Education Division

District Wide Staff

- Assistant Director of Special Education
- Coordinator of Special Education- (COSE -Team Chair for all IEP meetings)
 - 1 Board-Certified Behavior Analyst (BCBA) and 1 School Psychologist
 - Related Service Providers include:
- 2 Speech-Language Pathologists (SLPs), 1 SLP/A, 1 Occupational Therapist, 1 Physical Therapist, and 3 School Adjustment Counselors

Elementary School

- 3 Inclusion Teachers
- 3 Substantially Separate Teachers

Middle School

- 4 Inclusion Teachers
- 2 Substantially Separate Teachers

High School

- 2 Inclusion Teacher
- 1 Substantially Separate Teacher

Licensure

- 9 Grade level Special Education Inclusion Teachers
 - 8 hold Masters Degrees in Special Education
 - 1 holds Bachelor's Degree in Education
- 5 substantially separate teachers
 - All hold Masters Degrees in Special Education

Section 504- General Education

Under Section 504, a student is considered to have a disability if they have a physical or mental impairment that substantially limits one or more major life activities (such as learning, reading, concentrating, or communicating).

In these cases, a student may require **accommodations** to ensure equal access to the school program. If the student is found eligible under Section 504, the Team must develop a Section 504 Plan that outlines those accommodations.

Related Service IEPs

of Students on Related Services Only IEP = 30

- Team determined that SWD required a related service (SLP, OT, PT, etc) not SDI.
- The specific service(s) need allows the SWD to access the general curriculum.
- The setting and curriculum is General Education

Inclusion Services IEPs

of Students on Inclusion IEP = 109

- Special Education teachers co-plan and co-teach with General Education teachers to ensure:
 - Access to HQIM
 - Rigorous instruction tailored to individual student needs
 - Gen Ed curriculum, while providing SDI
 - Accommodations and curriculum modifications specific to IEP needs

Substantially Separate IEPs

of Students on Substantially Separate IEP = 30

- Level of disability impedes learning & warrants a change of placement from General Education to Substantially Separate Classroom (more restrictive setting)
- 1-2 grade bands of students assigned (e.g. Kindergarten/1st, 2-4, 5-6, 7-8)
- Paraeducators assigned to support academics, behavior and/or inclusion opportunities with general education peers
- Specialized Curriculum

Graduation and Postsecondary Outcomes

of students graduating on an IEP - Small cohort

SY 2024-2025 = 4 students, SY 2023-2024 = 4, SY 2022-2023= 2, SY 2021-2020=4

Trends

- LRE moving towards general education
- Working with HS guidance dept- survey (pre and post graduation)
 - SY25/26- 100% compliant in reporting (state tracking)

Post graduation trends

- Students either working PT and/or enrolled in higher ed colleges/universities

Student Services Vision Roadmap

Year 1 (SY25–26): Building the Foundation

Leadership Goals

1. Instructional Capacity Building & Curriculum Access
2. Progress Monitoring Systems
3. Inclusive Practice Alignment & LRE Expansion
4. Cross-Disciplinary Collaboration
5. Family and Student Empowerment

Multilingual Learning Programming

- Ensure that multilingual learners (MLs) thrive in an inclusive, academically rigorous, and culturally responsive learning environment.
- ML students are provided equitable access to meaningful learning opportunities that foster critical thinking, creativity, and global citizenship not only in school but beyond.
- Every educator is empowered and accountable for advancing students' academic and linguistic growth.
- ML team has access to the tools, curriculum, and professional development necessary to support students in developing both content knowledge and English language proficiency simultaneously.

Multilingual Learner Education Vision

Every multilingual learner (ML) at FRCS to graduate prepared to excel in college and career pathways of their choosing and to contribute meaningfully to their communities in an interconnected world.

Multilingual Learner Education Division

District Wide Staff

Assistant Director of ELE Services

Licensure

All educators hold Master's Degree and have passed the MTEL
5 out of 7 hold Structured English Immersion (SEI) endorsement - 2 take exam in January

Elementary School

- 4 ML Teachers

Middle School

- 2 ML Teachers

High School

- 1 ML Teacher

Family Resources- DESE Website

DESE helps families stay informed and involved, which is an important part of making sure all students with ML students get the support they need to succeed.

The Parent Hub

Tools- the *Parent's Guide to Special Education*, the *Notice of Procedural Safeguards*, and tips for choosing a special education advocate.

Information about assistive technology, learning materials, and how to help children move smoothly from early childhood programs to school.

Website- <https://www.doe.mass.edu/specialeducation/families/default.html>

Website- <https://www.doe.mass.edu/ele/families/>

Parent Advisory Council (PACs)

Special Education Parent Advisory Council (SEPAC)

English Learner Parent Advisory Council (ELPAC)

Interest Meeting held on 10/29/25 6:00pm (SEPAC)

Parents/guardians receive a flyer at IEP meetings and school based and district wide family events

District and School based newsletters continue to emphasize the importance of PAC memberships

Next Steps

- Expand academic enrichment opportunities for multilingual learners (MLs).
- Develop high school programming priorities including transition services and functional skill-building opportunities.
- Implement targeted paraeducator training to improve instructional support fidelity and behavior response in specialized settings.
- DESE Licensure and Supervision
- Collaborate with ED, Operations, Finance & to explore transportation options for student services to reduce costs

Student Services Vision Roadmap (Continued)

Year 2 (SY 26-27): Refine and Expand

Themes

1. Best practices in co-teaching
2. Instructional Resources- Tiered Interventions, Specially Designed Instruction, Targeted MCAS growth (ELA and Math)
3. Partnership with BSU- DESE Licensure cohort (Dual Licensure, Mod and Severe License)



*Foxborough Regional
Charter School
Special Education Process and
Procedure Manual
Updated Spring 2025*



Table of Contents

1. Introduction.....	4
A. Vision.....	5
B. Authority.....	5
2. General Education Interventions.....	5
A. Multi-Tiered Systems of Support (MTSS).....	6
3. Referral for Initial Evaluation	7
A. School Referral	8
B. Parent/Guardian Referral.....	8
4. Evaluation Consent Procedure.....	9
A. Initial Consent.....	9
B. Timeline.....	9
Addendum to Section B: Timeline.....	10
C. Evaluations in All Areas of Suspected Disability.....	12
5. Evaluation Components.....	12
A. Required Components in All Evaluations.....	12
B. Related Services Assessments.....	13
C. Documentation for a Specific Learning Disability.....	15
D. Reports.....	16
E. Evaluation Reports Submitted by Parent/Guardian.....	16
6. IEP Team Process.....	17
A. IEP Team Members.....	17
B. Scheduling a Meeting.....	18
C. Excusal of a Team Member from an IEP Meeting.....	18
7. Eligibility Determination.....	19
A. Eligibility Process.....	19
B. Effective Progress.....	21
8. Student is NOT Eligible for Special Education.....	22
A. 504 Eligibility.....	22
B. Not Eligible for an IEP.....	23
C. Extended Evaluation.....	23
D. Independent Education Evaluations (IEE).....	24
9. Student is Eligible for Special Education.....	24
10. Developing the IEP.....	25
A. Team Meeting Summary.....	26
B. Guidelines for the Re-Evaluation Process.....	26



C. Team Meeting Tips.....	27
11. Transition/Conversion IEPs.....	29
12. Components of the IEP.....	29
A. Assistive Technology.....	29
B. Multilingual Learners with Disabilities (MLWDs).....	30
C. Bullying Statement.....	30
D. Students with an Autism Disability.....	31
E. Transition Services.....	31
F. Specialized Transportation.....	32
G. Extended School Year (ESY) Guidelines.....	32
H. Placement.....	33
i. Least Restrictive Environment (LRE).....	33
ii. In District Programs.....	34
iii. Out of District Placement Recommendations.....	34
13. Timeline for Parents Response to Proposed IEP.....	34
14. Annual Meetings.....	35
15. Amendments.....	35
16. Progress Reports / Progress Monitoring.....	36
17. Dispute Resolution.....	36
18. Disciplining Students on IEPs.....	37
A. Protections for Students Not Yet Eligible for An IEP.....	39
B. Physical Restraints, Seclusion & Time-out.....	39
C. Use of Time-Out Rooms (Students with IEPs).....	40
19. Additional Topics.....	41
A. Home & Hospital Instruction	41
B. In-school Observations by Parents & Designees.....	41
20. Appendix Section.....	43



1. Introduction

Welcome to the Foxborough Regional Charter School's Special Education Process and Procedural Manual, developed as a resource for all educational stakeholders to assist in fostering a shared understanding and to improve outcomes for students with disabilities. Each school in the district should have a shared understanding of the statutory and regulatory requirements for the provision of special education and related services to eligible students, and this manual should provide such a common foundation of understanding for our families, students, educators, and community members .

At Foxborough Regional Charter School (FRCS), we believe that every student 'Enters to Learn and Exits to Lead.' Each FRCS student deserves the opportunity to reach their full potential, develop the skills necessary for success beyond our community, develop curiosity about the world, and while at FRCS experience a sense of belonging within our community. Grounded in our core values of Transparent Communication, Integrity, Respect, Diversity/Equity, Teamwork, and Growth, we are committed to ensuring that our practices and policies actively support these outcomes for every student. We do this by ensuring access to high quality instruction in all classes, using data driven equitable outcomes for students, supporting and empowering teachers, and designing inclusive community engagement and communication.

FRCS is committed to the enrichment of special education and related services to ensure that our students are learning in the least restrictive environment appropriate to meet their individual needs, and that all students, regardless of disability status, receive the services they need. Federal and state laws and regulations guarantee a free, appropriate public education (FAPE) in the least restrictive environment (LRE) to every student with a disability who is eligible for an Individualized Education Program (IEP). The school district must offer an IEP that is specially designed and reasonably calculated to enable the student to make appropriate progress in light of the student's circumstances.

To meet the diverse needs of our students, FRCS offers a full continuum of special education services, which may take place in the general education classroom or a separate setting, depending on each student's individual learning needs. Whenever possible, students with IEPs learn alongside their non-disabled peers, as required by law. Our team includes highly trained professionals, such as Special Education Teachers, Speech-Language Pathologists, an Occupational Therapist, a Physical Therapist, School Psychologists, Paraprofessionals, and a Board-Certified Behavior Analyst (BCBA). Together, they work to provide individualized support and services that help students thrive. At FRCS, parents and guardians are essential partners in the special education process. We value their input and collaboration as part of the IEP Team and encourage open communication to ensure the best outcomes for every student.

The Student Services Department has developed this manual to support the district's commitment to expanding inclusive learning opportunities for students with disabilities and ensuring that students of color and multilingual learners are not disproportionately identified as having disabilities or placed in substantially separate programs. The manual describes the practices and procedures that all school staff, including general and special educators and



administrators, must use to properly identify students eligible for IEPs and to address the learning needs of students on IEPs in the most inclusive, least restrictive environment appropriate to meet an individual student's needs. All personnel responsible for the implementation or coordination of special education evaluations and services must become familiar with these practices and procedures, as well as use the forms referenced in this manual, while always being mindful of the connection between this manual and FRCS's overall efforts to increase inclusive learning opportunities for students with disabilities. The district will review this manual at least annually, which may result in revisions to content and/or forms. The district administration will notify staff of any changes and post any updates publicly.

A. Vision

Each student has access to innovative, high-quality instruction in the least restrictive environment, tailored to meet their individual needs, which empowers each student to achieve at high levels and prepares them for post-secondary success.

B. Authority

The practices and procedures included in this Manual align with the Individuals with Disabilities Education Act (IDEA), 34 C.F.R. Part 300, M.G.L. ch. 71B, and [603 CMR 28.00](#) et seq. Required forms and documents can be found in the Appendix section of this manual.

2. General Education Interventions

Foxborough Regional Charter School is dedicated to providing high-quality special education and related services that support students in the least restrictive environment appropriate for their individual needs. Our commitment ensures that all students, regardless of disability status, have access to inclusive learning experiences, with a full continuum of services available to meet diverse needs. A strong emphasis will be placed on embedding Multi-Tiered Systems of Support (MTSS) into our practices. By designing and implementing equitable, tiered, and universally designed systems of support, schools can minimize or eliminate barriers and improve student outcomes. MTSS addresses students' academic, behavioral, and social-emotional well-being in ways that are culturally sustaining, ensuring that all learners receive the support they need to succeed.

The obligation to improve general education for all students also is required as a matter of state law. Specifically, MGL c. 71, § 38Q1/2 requires all school districts to implement a Curriculum Accommodation Plan to assist principals in ensuring that all efforts have been made to meet students' needs in general education. The plan "shall be designed to assist the regular education teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systematic instruction in reading and provision



of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services.” Principals’ responsibilities include promoting instructional practices that are responsive to student needs and ensuring 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.

Procedures for implementing Universal Design for Learning (UDL), a Multi-Tiered System of Support (MTSS), systematic reading programs, screening for dyslexia, and school-wide Positive Behavioral Supports and Interventions (PBIS) to support every student’s instruction in the least restrictive environment (LRE), the general education setting, and will continue to evolve, as appropriate, with FRCS’s development of a district-wide strategic educational plan.

A. Multi-Tiered Systems of Support (MTSS)

The Massachusetts Department of Elementary and Secondary Education provides a number of resources. These resources explain that MTSS is a framework for how school districts can build the necessary systems to ensure that each and every student receives a high-quality educational experience. It is designed to support schools with proactively identifying and addressing the strengths and needs of all students by optimizing data-driven decision-making, progress monitoring, and the use of evidence-based supports and strategies with increasing intensity to sustain student growth. In 2018, Massachusetts updated its MTSS Blueprint, with the current MTSS model in Massachusetts more explicitly focusing on equitable access and universal design for learning (UDL) and fully integrating social emotional, behavioral, and academic learning.

MTSS provides a continuum of supports which typically are conceptualized across three levels of increasing intensity. The three tiers of a multi-tiered system represent the level of support a student may need at any point in his/her/their schooling. All tiers are universally designed using the principles of UDL and ensure equitable access for all students. UDL is intended to increase access and engagement in learning by reducing physical, cognitive, intellectual, and organizational barriers, as well as other obstacles. Instructional goals, through the UDL lens, focus on standards-based instruction and the design of instruction that allows all students to have equitable access to grade-level standards in learning experiences that are engaging and personalized to their needs. UDL principles also lend themselves to implementing inclusionary practices in the classroom, including behavioral and social emotional teaching and learning. Within the MTSS model, universal supports such as high quality, universally designed, culturally sustaining, and evidence-based curriculum, instruction, and assessments are provided for all students.

Tier 1 is Universal Support, Tier 2 is Targeted Support, and Tier 3 is Intensive Support. All students receive challenging, grade-appropriate Tier I instruction through a general education program and have equitable access to high quality, universally designed academic, behavioral,



and social emotional curriculum and instruction that integrates culturally sustaining pedagogy and is linguistically responsive. Tier 2 supports are in addition to the supports provided in Tier 1 settings and generally are done in small groups and include additional opportunities to practice skills typically provided in the general education classroom. Tier 3 provides more intensive support that typically occurs individually or in very small groups and are in addition to the Tier 1 and Tier 2 supports the student is already receiving. Tier 3 supports are not synonymous with special education, and students with and without disabilities may need Tier 3 supports.

To ensure equitable access, districts must recognize all students as general education students first, and recognize diversity and inclusion as a necessary good. As a result, the focus of MTSS should be on creating strong Tier 1 systems and supports that are supplemented, not replaced, by Tier 2 and Tier 3 supports. All students, regardless of disability, English language proficiency status, income, race, or academic performance can receive Tier 1, 2, and 3 services. Movement amongst the three tiers is fluid and is not determined or defined by specific designations, such as diagnosed disabilities. Rather, movement is supported by data from universal screeners, diagnostic assessments, progress monitoring, and how a student responds to one level of intervention. A general educator's use of universal screening tools with all students can reliably identify potential areas of concern and allow educators to more proactively implement just-in-time supports in the less restrictive general education classroom.

While FRCS seeks to support academic, behavioral, and social emotional success in the general education setting before the school considers referring a student for an evaluation to determine eligibility for special education and/or related services, there are two important caveats: (1) If a disability is clearly evident or suspected and is evident in the data which demonstrates the student's difficulty in accessing grade-level material and standards, then a referral for an evaluation to determine eligibility for special education and/or related services should be made promptly, and (2) A parent's right to refer their child for a special education evaluation is not limited and never should be 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 such as a MTSS.

3. Referral for Initial Evaluation

A student may be referred for an evaluation in the area of suspected disability to determine eligibility for special education and/or related services by a parent or any person in a caregiving or professional position concerned with the student's development. FRCS must ensure a responsive school environment that meets the needs of all students and should implement and document the use of instructional support programs with an individual student. A parent's right to refer their child for a special education evaluation, however, is not limited and never should 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 such as a MTSS. In any case where the parent or any person in a caregiving or professional position is concerned with the student's development, progress in school, or has a suspicion that the student may have



an educational disability, FRCS must promptly send notice and seek written permission to conduct an initial evaluation to determine if the student is eligible for an IEP.

A. School Referral

When the School Principal or designee determines that all available supports within the general education program have been attempted without success, the student should be referred for an evaluation to determine eligibility for special education and/or related services. To initiate the referral, the Principal will contact the Coordinator of Special Education (COSE), and the referring teacher will inform the parents that a special education evaluation has been requested. Parents can expect a call from the COSE within five (5) days to explain the evaluation process, to answer any additional questions, and to obtain any parent input on the student's strengths and needs. As part of the evaluation process, the Principal will ensure that documentation of the instructional support services provided to the student is included in the evaluation materials reviewed by the Team. The COSE will coordinate the evaluation process, including sending a "consent packet" to the parent in their native language, which includes formal notice and consent for the evaluation. For further details, see the Evaluation Consent Procedures below.

B. Parent/Guardian Referral

Parents are strongly encouraged to submit a written request for an evaluation; however, verbal confirmation of the parent decision to seek a special education evaluation also necessitates that the referral process begin. If a parent/guardian or caregiver verbally requests an evaluation, the school principal or designee should be notified immediately who then will notify the COSE. The COSE will contact the parent to gather information regarding the concern(s) and suspected area of disability.

District staff should inform parents about the instructional support process (i.e. 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 are encouraged, *but are not obligated*, to access the instructional support process for their child before having their child evaluated. As noted above, a parent's right to refer their child for a special education evaluation 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. If a parent agrees to access the instructional support process as a first step before pursuing a special education evaluation, the COSE, building Principal or designee shall document this via written agreement with the parent that explicitly notes the parent's right to pursue the special education evaluation process at any time.

Procedural Guidance

FRCS has 5 school days to respond in writing to a parent request for evaluation. The COSE shall be responsible for sending out a notice to the parent to obtain consent to evaluate in their native language within the 5 school days timeline. Therefore, communication of the parent request and collection of necessary information must occur promptly. FRCS rarely will have occasion to refuse to conduct an initial evaluation for students referred for evaluation and may do



so only if the parent or other individual making the referral has no suspicion of a disability and is not concerned about the student's development.

4. Evaluation Consent Procedure

A. Initial Consent

Within five **(5) school days** of receiving a referral for evaluation, the Student Services Administrative Assistant will send out a referral packet containing:

- Notice of Proposed District Action
 - Include description of assessments to be administered and opportunity to consult regarding evaluation process
- Evaluation Consent Form
- Notice of Procedural Safeguards

Parents must provide written consent to testing before testing can begin.

Upon receipt of the signed and accepted Evaluation Consent Form, the COSE will then notify the assessors who will be completing the accepted evaluations.

When Parent does not sign Evaluation Consent Form

If the parent does not return the Evaluation Consent Form within thirty (30) calendar days, the Student Services Administrative Assistant calls the parents to discuss any concerns. If, after ten (10) additional days, the parent/guardian does not respond, a second Evaluation Consent Form shall be sent by regular mail. In addition, the COSE will be notified if parental response to the proposed evaluation is not received within 30 calendar days after the second attempt. The COSE shall mark the consent form as rejected for non-response and ensure that attempts to obtain consent are documented in the Parent communication log in SchoolBrains. If the parent revokes consent or refuses the proposed evaluation and the district determines that such action will deny the student access to a Free and Appropriate Public Education (FAPE), the district shall seek resolution through the Bureau of Special Education Appeals (BSEA).

B. Timeline

Upon receipt of the signed evaluation consent form, the timeline for the evaluation process begins. The evaluation, including the written report, must be completed within thirty (30) school working days. An eligibility determination meeting must be scheduled within forty-five (45) school working days from receipt of the signed parental consent form to review the evaluation data, determine eligibility and develop an IEP, if required. The Student Services Administrative Assistant contacts the parents to set up the Team meeting. A Team Meeting Invitation and an Attendance Form listing invited Team members, including the student if turning 14 years within the IEP period are sent home to parents



💡 Teams should expedite evaluations involving referrals for students who are involved with a student discipline issue.

Consent Received at the End of the School Year

If consent is received within 30 to 45 school working days before the end of the school year, FRCS shall ensure that a Team meeting is scheduled so as to allow for the provision of the proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year. For consents received with fewer than 30 to 45 school working days prior to the end of the school year, the timeline starts at the receipt of consent and stops on the last day of school, and re-starts the following school year.

Addendum to Section B: Timeline

Roles and Responsibilities

Upon receipt of the signed parental consent form, the Student Services Department ensures that all required evaluations and the eligibility determination process are completed within the established state timelines. To promote consistency and accountability, staff roles are defined as follows:

- **Coordinator of Special Education (COSE) and Student Services Admin Assistant:**
 - Ensures parental consent is obtained and uploaded into the student's file within two (2) school days of receipt.
 - Collaborates with evaluators to schedule and coordinate all assessments.
 - Communicates regularly with evaluators and families to ensure the process remains on track.
- **Evaluator(s):**
 - Completes assigned assessments and diagnostic reports within the 30-school-day evaluation period.
 - Submits written reports to the COSE and Student Services Administrative Assistant prior to the eligibility meeting.
 - Notifies the Coordinator of Special Education immediately if any evaluation component is delayed and provides detailed explanation of the delay.
- **Student Services Administrative Assistant:**
 - Records the date of consent into the Evaluation Tracking Log within two (2) school days of receipt.
 - Coordinates scheduling of the eligibility determination meeting once evaluations are completed.
 - Ensures meeting invitations and attendance forms are sent to parents/guardians consistent with procedural requirements (Parents should be given 2 weeks notice).
- **Director of Student Services/Leadership Team :**
 - Monitors the Evaluation Tracking Log weekly to ensure evaluations remain within compliance timelines.



- Reviews potential delays, provides guidance to evaluators, and communicates with building administrators as needed.

Evaluation Tracking

To maintain compliance with Indicator 11 (Timely Initial Evaluation), all initial evaluations must be entered into the district's FRCS Evaluation Tracking Log within two (2) school days of receiving signed parental consent.

The tracking log includes key data points such as:

- Student name and SASID
- Consent date
- Evaluation components and assigned evaluators
- Projected eligibility meeting date
- Status updates and completion notes

The tracking log is reviewed weekly by the Student Services leadership team to verify timely progress and identify any cases requiring follow-up. Any potential delay is reviewed immediately by the Director of Student Services or designee.

Compliance Checkpoints

To ensure adherence to state and federal regulations, FRCS implements the following compliance checkpoints throughout the evaluation process:

- **Weekly Review:** Case managers and evaluators review all active evaluations to confirm components are scheduled and in progress.
- **Pre-Eligibility Verification:** One week prior to the 30th school day, the Director or designee verifies completion of all evaluation components and documentation.
- **Quarterly File Audits:** The Director of Student Services conducts quarterly reviews of a sample of evaluation files to confirm compliance with timelines and documentation standards.

Findings from compliance checkpoints are discussed at Student Services team meetings, and process adjustments are made as needed.

Communication and Documentation

In the event of a delay outside the district's control (e.g., parent cancellation, student illness, or refusal to participate), the COSE must:

- Document the reason in the student's record,
- Notify the Director of Student Services, and
- Update the tracking log to reflect the nature of the delay.

Parent communication regarding rescheduling or evaluation updates should be documented in writing (e.g., email summary or parent contact log entry).

End-of-Year Consents



For consents received within 30–45 school working days before the end of the school year, FRCS will ensure that a Team meeting is scheduled to allow for the provision of the proposed IEP or written notice of non-eligibility no later than fourteen (14) days after the end of the school year. For consents received with fewer than 30–45 school days remaining, the timeline pauses at the close of school and resumes on the first day of the next school.

C. Evaluations in All Areas of Suspected Disability

Complete the necessary and appropriate evaluations. Do not do a speech, PT, or OT evaluation if there is nothing in the record that shows this to be an area of concern. The Team cannot determine that a student is a child with a disability if the primary reason for the determination is:

1. lack of appropriate instruction in reading, including the essential components of reading instruction
2. lack of appropriate instruction in math; or
3. Limited English proficiency.

*For further details, see the Eligibility Determination section below for a list of educational disabilities defined by IDEA.

Evaluations must provide information to determine present levels of academic achievement and related developmental needs. No single assessment shall be used as the sole determinant of eligibility. When conducting an initial evaluation, the Team will use a variety of formal and informal assessment tools and strategies to gather relevant functional, developmental, social-emotional, and academic information about the student. This includes input from parents that may help determine whether the student qualifies as a student with a disability under the IDEA. If the student is eligible, the evaluation will also inform the development of the IEP, ensuring it supports the child's involvement and progress in the general education curriculum.

5. Evaluation Components

A. Required Components in All Evaluations

- An assessment in all areas related to the suspected disability, e.g. Academic Achievement, Speech & Language, Occupational Therapy, Physical Therapy, etc.
- An educational assessment which includes:
 - History of student's progress in the general education curriculum
 - At least one current teacher's assessment of the student's abilities in relation to the standards of the Massachusetts Curriculum Frameworks and the district's curriculum; however, all of the student's teachers should be encouraged to complete Form B
 - An assessment of behaviors that contribute to learning (attention skills, participation behaviors, memory, communication, social relations with groups, peers, and adults)



B. Related Services Assessments

Related services include transportation and such developmental, corrective, and other supportive services that are required to assist a child with a disability to benefit from special education. The following is a non-exhaustive list of Related Services assessments:

Speech and Language Therapy

A Speech-Language Therapy assessment is administered by a licensed Speech-Language Pathologist (SLP) and focuses on the area of suspected need which may include language (expressive and receptive), speech (phonology/articulation and fluency), and/or social pragmatics.

Occupational Therapy

An Occupational Therapy assessment is administered by a licensed Occupational Therapist and may include assessment of sensory processing, upper extremity coordination, and perceptual and visual-motor skill

Physical Therapy

A Physical Therapy assessment is administered by a licensed Physical Therapist (PT) and may assess one or more of the following: range of motion, muscle strength, muscle tone, reflex integration, posture, endurance, gait, functional skills, and gross motor skills. The evaluation determines if the student can safely navigate the school environment and access all elements of the school program.

Augmentative and Alternative Communication/ Assistive Technology

Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. Schools should be prepared to promptly refer students with disabilities for an AAC evaluation if they are unable to communicate effectively with oral speech so that the district can ensure the provision of AAC aids, devices, and services appropriate to the students' needs.

Applied Behavior Analysis (“ABA”) Assessment

The ABA Assessment process involves an interview tool and direct observation of the student in the natural environment in which the skill deficits or behavioral challenges are being observed. The purpose of this evaluation is to assess the extent to which the currently modified and supported instructional environment is able to support the student in developing the skills needed to access their educational environment with increasing independence. The ABA Assessment is based off of the Adaptive Behavior Skills Assessment which looks at student independence across 8 domains (Cooperation and Reinforcer Effectiveness, Attending and Classroom Readiness, Foundational Communication, Independent Play and Leisure Skills, Social Skills, Classroom Participation and Group Instruction Skills, Following Classroom Routines, and Behavioral Concerns). This assessment is not norm referenced. It is, rather, a criterion referenced assessment where we are assessing the extent to which the student has the skill, not comparing them to their same aged peers as is done in other Special Education assessments. As such, this assessment does not confer a student with an educational disability on its own. A student must be



found eligible on another norm referenced assessment in order to be found eligible for Special Education Services.

Functional Behavioral Assessment (FBA)

A Functional Behavior Assessment is required any time that the team determines that the behavioral concerns that a student is displaying are a manifestation of a student's disability. They can, however, be helpful in a variety of contexts beyond manifestation determinations. A Functional Behavior Assessment is an observational assessment that depends on data collection over time, interview tools, and supporting observations to make determinations about the environmental causes for a student's behavior. An FBA is the first step to the development of a function-based behavior support plan that should focus on supporting the student to acquire new strategies for responding to challenges that occur in their environment and reducing reinforcement for challenging responses. The purpose of an FBA and function-based behavior support plan is to set up a student's environment to encourage (reinforce) more appropriate responses to triggers in the environment while simultaneously supporting the student through the challenging responses to those triggers in a way that minimizes reinforcement and also supports the student to navigate the challenge safely.

Optional Assessments

The following are **optional** assessments that can be requested by the Assistant Director of Special Education, designee, or the parent/guardian.

- A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant information from the student's health records.
- A psychological assessment (please see below for FRCS' recommendation for when to request a psychoeducational assessment)
- A home assessment details any pertinent family history and home situations that may affect the student's education and, with written consent, may include a home visit.

When the assessment information about the student cannot be gathered by the required or optional assessments, other specialized assessments may be considered.

Psychoeducational Assessments

A psychoeducational assessment is administered by a licensed school psychologist, licensed psychologist, or licensed educational psychologist. Psychoeducational assessments may include classroom observations, interviews of school staff, record reviews, as well as individually administered tests. A psychoeducational assessment may include measures of cognitive ability, educational achievement, adaptive behaviors, and social/emotional functioning. Specific measures are selected to address the reason for student referral or area(s) of suspected disability.

Type of Assessment	Cognitive	Academic	Adaptive, Behavioral, Emotional	Assessments for Multilingual Learners



Purpose	Measure a student's general intellectual ability (e.g. IQ) or cognitive abilities (e.g. more specific skills that contribute to general intellectual functioning)	Measure a student's ability to perform specific academic tasks including reading, writing, oral comprehension, and/or mathematics.	Measure a student's ability to perform daily activities of living, including communication, social interactions, self-care, behavioral functioning, executive functioning, and emotional functioning.	Measure student's acquisition of English Please note that the assessment tools used during this evaluation may not fully reflect the student's cultural, linguistic, or educational background. As such, the results should be interpreted with caution. Factors such as language proficiency, prior educational experiences, and cultural norms may have influenced the student's performance. Additional information from classroom observations, work samples, and input from educators and family members should be considered when making decisions about the student's strengths, needs, and appropriate supports.
Related Constructs	Verbal Reasoning Non-Verbal Reasoning Visual Spatial Memory Processing Speed Executive Functioning	Oral Expression Phonemic Awareness Reading Fluency, Comprehension Math Fluency, Problem Solving Writing Spelling	Functional Communication Social Behavior Attention / Hyperactivity Emotional Regulation Self-Care Executive Functioning	Listening Speaking Reading Writing

Most initial evaluations that occur after a child is six years old will include a psychoeducational evaluation. A psychoeducational evaluation also must be conducted if: a child (1) is suspected of having a learning disability or an emotional disability or (2) currently is eligible for an IEP due to a developmental disability and will be turning 9 years old, which is when a student ages out of a developmental delay disability category.

C. Documentation for a Specific Learning Disability

When the suspected disability is a specific learning disability, the assessments must include: a cognitive evaluation; academic achievement testing in reading, math, or written language; processing assessments to help determine relative strengths and weaknesses in different modalities; and observation of the student by someone other than the student's teacher. All previously recorded standardized tests should be reviewed. All Team members must participate in the completion of the DESE mandated form entitled "Team Determination of Eligibility". The following four components also are required to be completed:



- Component One - Historical Review and Educational Assessment
- Component Two - Area of Concern and Evaluation Method
- Component Three - Exclusionary Factors
- Component Four - Observation (Forms are by grade level).

Team members must certify in writing whether the SLD forms reflect their conclusion of a finding of a specific learning. Any individual who disagrees with the written report must submit a separate statement to express their differing conclusions. The Team cannot identify a child as having a specific learning disability if the significant gap between ability and achievement is primarily caused by a visual, hearing, or motor impairment; an intellectual or emotional disability; or environmental, cultural, or economic disadvantage. Additionally, a lack of appropriate instruction in reading or math, including the absence of scientifically based, evidence-based instruction, or limited English proficiency (LEP) cannot be the primary reason for a student's learning difficulties.

When determining eligibility for special education services under SLD, the evaluation Team must carefully consider these factors. If a student's learning challenges are primarily due to any of these exclusionary factors, they do not qualify for an SLD diagnosis under IDEA and Massachusetts law.

D. Reports

All evaluation reports should be written in clear, jargon-free language. In accordance with CMR 28.04(2)(c), each person conducting an assessment shall summarize in writing the procedures used, the results, and the diagnostic impression, and shall define in detail the student's educational needs, offering explicit means of meeting them. Summaries of assessments shall be completed prior to discussion by the Team and, upon request, shall be made available to the parents at least two days in advance of the Team discussion at the meeting occurring pursuant to 603 CMR 28.05(1). **In addition, the evaluator may recommend appropriate types of placements, but shall not recommend specific classrooms, programs, or schools.**

E. Evaluation Reports Submitted by Parent/Guardian

If a parent submits a private/independent educational evaluation report for a student who is not eligible currently for an IEP, the Assistant Director of Special Education or designee should review the report and treat the submission as a parent referral for an evaluation to determine IEP eligibility. As a general rule, FRCS shall propose conducting an initial evaluation of the student rather than waiving the district's right to conduct an initial evaluation with evaluators of the district's own choosing.



💡 Note: The law is clear that the Team needs to consider all outside evaluations and results. The definition of an evaluation is an assessment, not just a letter.

6. IEP Team Process

A. IEP Team Members

Upon completion of the agreed upon assessments and within forty-five (45) school days of receipt of a parent/guardian's written consent to evaluate, the Team convenes to review evaluation data to determine eligibility for special education services and/or related services and, depending on the determination, develops an IEP and proposes a placement.

Mandatory Team Members:

1. The **parents/guardians** of the child;
2. Not less than **one general education teacher** of the child (if the child is, or may be, participating in the general education environment);
3. Not less than **one special education teacher** of the child, or where appropriate, not less than one special education provider of the child;
4. A representative of the LEA who:
 - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of FRCS;
5. An **individual who can interpret** the instructional implications of evaluation results, who may be a member of the team described in (2) through (6);
6. At the discretion of the parent or school, other individuals who have **knowledge or special expertise regarding the child**, including related services personnel as appropriate;
7. Whenever appropriate, the **student** (beginning at age 14) will be invited to the Team meeting. The student's name will appear on the attendance form Every effort will be made to have the student participate in some or all of the Team meeting and their input will be included.
8. Multilingual Learner (ML) department representative, if applicable
9. District identified interpreter, if applicable

For students in a substantially separate classroom who participate in some inclusion opportunities, a general education teacher familiar with the student is required to attend the meeting

Team Additions if Discussing Transition Planning

- FRCS must invite the student to the Team meeting, regardless of age, if one purpose of the meeting is to consider the student's post-secondary goals and transition service needed to assist the student in reaching those goals. If the student does not attend the IEP meeting, FRCS must "take other steps to ensure that the student's preferences and interests are considered."



- To the extent appropriate, FRCS also must invite, with consent of the parent (or student who has reached the age of majority), a representative of any other agency that is likely to be responsible for providing or paying for transition services. See the Transition Planning Section for additional information


B. Scheduling a Meeting

The Student Services Administrative Assistant schedules all Team meetings (initials, reevaluations, and annuals) within mandated timelines and should send the following to the parent/guardian and members of the evaluation team at least ten (10) school days before the scheduled meeting:

- Notice of Team Meeting/Meeting Invitation
- Attendance Sheet
- Parent Procedural Safeguards

In the event that the parent/guardian requests to change the meeting date or time, and the COSE agrees, Student Services Administrative Assistant must send out a new Combined Meeting Invitation and Attendance Sheet and must document the parent request.

District staff members receive an outlook invitation with the meeting date and time. If a staff member receives an outlook invitation and they know they are unable to attend they must inform the Student Services Administrative Assistant immediately; otherwise, their attendance is required unless the student's parents excuse them. For more information, see the excusal process below. If the student is fourteen (14) years of age or older, the student will receive a meeting invitation in the same manner as the student's parent. However, for students between the ages of 14-17, the student's parent/guardian ultimately will determine if the student attends all or part of the Team meeting. All evaluations are made available to parents at least 2 days prior to the Team meeting. The Student Services Administrative Assistant is responsible for sending the evaluation reports to parents.

 If the parent's language preference is anything other than English, then a request for an interpreter through the district's translations and interpretations vendor must be made at the time the invitation is sent out or earlier, if possible. All assessment reports must also be translated into the parent's language preference.

C. Excusal of a Team Member from an IEP Meeting

Attendance Not Necessary: A Team member is not required to attend a Team meeting (in whole or in part) if the parent and the LEA agree that the member's attendance is not necessary because the member's area of the curriculum or related service is not being modified or discussed at the meeting. This must happen in advance of the meeting!

Attendance Excused: A Team member may be excused from attending a Team meeting (in whole or in part) when the meeting involves a discussion of the member's area of curriculum or related service if:



- (a) The parent and LEA consent to the excusal in advance of the meeting and in writing; and
- (b) The member submits written input into the development of the IEP to the parent and other Team members prior to the meeting.

7. Eligibility Determination

A. Eligibility Process

The Team should review evaluation data and get input from the Team members and the Parent. Use the MA DESE Eligibility Flowchart to assist in making eligibility determinations. This becomes part of the student record but does not need to be mailed to the parent/guardian, and, if found eligible, it should not be attached to the student's IEP.

If the student has one or more of the MA defined disabilities 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 education curriculum without the provision of one or more related services, the Team shall determine that the student is eligible.

*In cases of a three-year reevaluation meeting, the effective progress question focuses on whether the student would continue to make effective progress without special education services and/or related services.

The following is the list of educational disabilities set forth in state and federal special education laws. The Massachusetts special education regulations define these educational disabilities as follows:

- ***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).
- ***Developmental Delay*** - The learning capacity of a young child (3-9 years 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. Such terms shall include students with mental retardation.
- ***Sensory Impairment*** - The term shall include the following:
 - ***Hearing Impairment or Deaf*** - 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 auditorily-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

- **Vision Impairment or Blind** - 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 §300.8(c)(4), 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;
 - 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*** - 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. Use of the term shall meet all federal requirements given in federal law at 34 CFR §§300.8(c)(10) and 300.309.

B. Effective Progress

When determining eligibility for special education services, IEP Teams must assess whether the student is making effective progress in the general education program. This includes academic, social, emotional, and behavioral development, and must be evaluated in relation to the student's chronological age, developmental expectations, individual educational potential, and the Massachusetts Curriculum Frameworks as well as the FRCS curriculum.

Definition of Effective Progress

Per MA DESE guidance, effective progress is not solely based on grades. Teams must evaluate whether the student's participation in all areas of school life reflects meaningful growth—academically and non-academically—compared to neurotypical peers. Passing grades alone do not confirm effective progress, and failing grades may support—but do not automatically determine—a finding of insufficient progress.

Disability-Related Impact

If a student is not making effective progress, the Team must determine whether this is a result of the student's disability. Evaluation data must be analyzed to rule out other causes such as:

- Limited English proficiency
- Lack of appropriate instruction in reading or math



- Behavioral issues unrelated to disability
- Difficulty adhering to the school discipline code

Only when a lack of progress is directly linked to the student's disability can the Team proceed with eligibility discussions.

Eligibility Criteria for an IEP

To qualify for special education services under Massachusetts law, a student must:

- Have a documented disability;
- Show lack of effective progress due to that disability; and
- Require specially designed instruction or a related service to access the general curriculum.

A student may be eligible for an IEP if they require only a related service, even without specially designed instruction. Additionally, students needing specially designed instruction are entitled to related services if necessary to benefit from instruction and/or access the curriculum.


8. Student is NOT Eligible for Special Education

A. 504 Eligibility

The MA DESE Eligibility Flowchart directs Teams to consider possible eligibility for a Section 504 Plan when a student is found ineligible for an IEP. If the Team determines that the student has a disability but does not require specially designed instruction, the next step is to consider eligibility under Section 504 of the Rehabilitation Act of 1973.

Under Section 504, a student is considered to have a disability if they have a physical or mental impairment that substantially limits one or more major life activities (such as learning, reading, concentrating, or communicating). In these cases, a student may require accommodations to ensure equal access to the school program. If the student is found eligible under Section 504, the Team must develop a Section 504 Plan that outlines those accommodations.

If the student is not eligible for an IEP or a Section 504 Plan, the Team should discuss appropriate next steps within general education to support the student's success. This may include targeted interventions, instructional strategies, or additional support services available through the general education program.

 Section 504 Plans are not a consolation prize! Finding someone not eligible for special education does not automatically entitle them to a 504 plan!

- Letters from Doctors alone are not sufficient for 504 Teams to find a student eligible for a Section 504 Plan.
- Make sure your recommendations are for educational needs.



B. Not Eligible for an IEP

A form N2 (Prior Written Notice of a Refusal to Act) is completed by the COSE and sent to the parent/guardian. The N2 form should describe the reason for finding that the student is not eligible for an IEP, list the meeting participants, and provide written notice to the parent of their rights. After the reporting of all assessments, the COSE should confirm that the parent/guardian understands the evaluation data and ask if the parent is satisfied with the school district's evaluations. If the parent is not satisfied with the school evaluation, discuss Extended Evaluation and rights to an Independent Education Evaluation.

C. Extended Evaluation

An Extended Evaluation is an option if evaluations prove to be inconclusive. If the Team has found the student ELIGIBLE for an IEP, but finds the evaluation information is insufficient to develop a full IEP, with the parent/guardian's consent, the Team may agree to an Extended Evaluation. The purpose of the extended evaluation is to gather additional information to enable the IEP Team to write a full IEP for the student.

Extended Evaluations cannot be used to:

- extend the evaluation timeline for completion of required assessments or
- deny programs or services determined necessary by the Team

An Extended Evaluation may last longer than one week but shall not exceed eight school weeks. The Team may decide to meet during the extended evaluation period, and shall reconvene before the end of the extended evaluation period to provide the Team with opportunity to review the new assessment results and determine the appropriate services and placement for the student. The district should establish a date for this meeting at the beginning of the extended evaluation period so that there is no delay in the completion and implementation of a full IEP that complies with all federal and state special education laws

The Team must write a partial IEP with the information available. In the "Additional Information" section of the IEP, specify that an extended evaluation is being conducted and list the assessment(s) being conducted, location of where the extended evaluation will take place, and the estimated date of completion. FRCS must complete all sections of the Administrative Data Sheet, listing the school of origin, not the location of the extended evaluation if it is different from the school of origin. An extended evaluation is not considered a placement; so, for instance, if the extended evaluation will take place at a collaborative or approved special education school, the collaborative or approved special education school is not the student's "placement" but is simply the location where the extended evaluation will take place.

FRCS also must complete an Extended Evaluation Form (EE-1 and EE-2) on which the district will indicate the current evaluation findings, what assessments are to be completed, the location where the extended evaluation will be completed, the anticipated completion date, etc. FRCS should complete form N1 (the Prior Written Notice (PWN) of a Proposed School District Action) and attach the Administrative Data Sheet to the partial IEP and the Extended Evaluation



Form (EE-1 and EE-2) and provide to the parents/guardians to seek consent for the partial IEP and the extended evaluation.

D. Independent Education Evaluations (IEE)

If a parent expresses that they are not satisfied with the school district's evaluation during a Team meeting, the COSE should inform them of their right to request a publicly funded Independent Educational Evaluation (IEE). If the parent chooses to proceed with an IEE request, they should submit it in writing. Upon receiving the request, the COSE must immediately notify the district's Assistant Director of Special Education, who will respond to the request. This response must occur promptly, as FRCS has only (5) school days to reply. Parents have up to 16 months from the date of the disputed evaluation to request an IEE.

When FRCS receives a written report of an IEE or an outside evaluation completed, the Team must reconvene within 10 school days to review and consider the findings and determine whether a new or amended IEP is appropriate. Upon receipt, the report should be immediately forwarded to the Assistant Director of Special Education, who will then provide it to the Student Services Administrative Assistant. The Administrative Assistant will date-stamp the report, upload the report to SchoolBrains, and distribute it to the appropriate staff, such as the district psychologist, BCBA, Special Education Liaison, or related service providers. The Administrative Assistant will also coordinate and schedule the Team meeting with parents and relevant school staff. If the student is already receiving special education services, the district reserves the right to conduct its own evaluation to ensure a comprehensive understanding of the student's strengths and needs.

9. Student is Eligible for Special Education

When the Team makes a finding that a student is eligible for Special Education and/or Related Services, the Team works collaboratively to develop an IEP, which is a formal agreement between parents and FRCS. An IEP is tailored to the specific needs of the student. More information on the IEP development process is contained in Section 8.

The current required IEP content: In accordance with [IDEA 300.324](#)- Development, Review, and Revision of IEP, Development of IEP:

(1) General. In developing each child's IEP, the IEP Team must consider—

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child; and
- The academic, developmental, and functional needs of the child.

(2) Consideration of special factors. The IEP Team must—

- In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions to address that



- behavior;
- In the case of a child with limited English proficiency, consider the language needs of the child;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- Consider whether the child needs assistive technology devices and services.

(3) Requirements of the Regular Education Teacher

- Appropriate Positive Behavioral Supports
- Supplementary Aids & Services, Program Modification, Support for School Personnel

10. Developing the IEP

The new Massachusetts IEP format prioritizes student engagement, equity, and access to high-quality, inclusive education, ensuring that each IEP aligns with both federal (IDEA) and state requirements. At the heart of this process is collaboration, with IEP Teams consisting of multidisciplinary experts who understand the student's educational needs. A responsive team works collaboratively, values the input of all stakeholders, and shares responsibility for providing every learner with a high-quality education.

FRCS must provide two copies of the IEP, proposed placement, and the required prior written notice to the parents/guardians, documenting the proposed actions the district will take to their child's Individualized Education Program (IEP) or special education services, immediately following the development of the IEP. This must be done within 45 school working days after the district's receipt of the parent/guardian written consent to an initial evaluation or reevaluation.

***DESE defines the term "immediately" as occurring within 45-school days and no later than 5 school days after the team meeting.**



A. Team Meeting Summary

The Team Meeting Summary can be provided to parents at the conclusion of the IEP Meeting to summarize decisions and agreements as determined by the IEP Team. There are two legally required components of the Team Meeting Summary:

- A completed IEP service delivery grid describing the types and amounts of special education and/or related services proposed by the district.
- A statement of the major goal areas associated with these services.

The COSE will provide families with a Team Meeting Summary at the conclusion of any IEP meeting via email or a printed copy and upload the document to SchoolBrains. There may be circumstances when the parent is ready to accept the IEP immediately in order to begin services for the student and thus may ask for the completed IEP. In these circumstances, the school must provide the complete IEP to the parents within 45-school days and no later than 5 school days after the team meeting.

B. Guidelines for the Re-Evaluation Process

A student on an IEP must be re-evaluated every three years, or sooner if appropriate, unless the parents and FRCS agree the re-evaluation is unnecessary. Written parental consent is needed to conduct a re-evaluation. Re-evaluation of a particular student may not occur more than once a year unless both the parent/guardian and FRCS agree it is necessary. As part of a re-evaluation, the Team must review existing data (e.g. evaluations and information provided by parents; current classroom-based, local or state assessments; observations by teachers and service providers). Based on its review of existing data and parental input, the Team must identify what additional data, if any, are needed to determine:

1. Whether the child continues to have such a disability and the educational needs of the child;
2. The present levels of academic achievement and related developmental needs of the child;
3. Whether the child continues to need special education and/or related services; and
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

If the Team reviews the existing data and determines that additional assessments are not necessary to determine if a student continues to be eligible for an IEP, FRCS must notify the parents of that determination and inform the parents of their right to request an assessment. DESE has a Waiver of Assessment form (28R/2) that should be used if FRCS and the parent/guardian agree to waive certain assessments.

Prior to finding that a student is no longer eligible for an IEP, FRCS must have conducted a re-evaluation in all areas of suspected disability except if the reason for no eligibility is due to graduation with a high school diploma or aging out at age 22. For students whose ongoing



entitlement to an IEP is ending due to graduation with a high school diploma or turning age 22, FRCS must provide such students with a *Summary of Student Academic and Functional Performance*.

Re-evaluation Process

The COSE will send out a Parent Consent Packet consisting of:

- Notice of Proposed Action
- Evaluation Consent Form

All written notices must be given in the primary language of the parent/guardian, and parent/guardian written consent required before evaluation begins.

When Parent Fails or Refuses to Consent to Re-Evaluation

If the parent/guardian does not return the Evaluation Consent Form within (5) days the Special Education Administrator will contact the parent. If, after (10) additional days, the parent/guardian does not respond, a second Evaluation Consent Form shall be sent by regular mail. After (30) days, the parent/guardian still has not returned the Evaluation Consent Form, or returns the consent form but refuses some or all of the proposed evaluations, then the COSE must discuss this development with the Assistant Director of Special Education. Unlike an initial evaluation, FRCS may request a hearing at the BSEA seeking a hearing officer Order overriding the parent's failure or refusal to consent to a proposed re-evaluation.

Scheduling Re-Evaluation Meetings

*Same process as the Initial Evaluation Meetings (see above)

If the school-based Team determines that the student is no longer eligible for an IEP, the COSE sends the parent/guardian a N1 form reflecting the finding that the student is no longer eligible for an IEP and provides written notice to the parent of their rights. The N1 form, rather than N2 form, is used because the school district is proposing to change the student's status from Eligible to Not Eligible (but use N2 form when the Team makes a finding of no special needs after initial evaluations). Consistent with MA DESE Administrative Advisory SPED 2001-4, the Team should agree on a specific date when services will end and include the termination date in the N1 form and should consider specifying a date at least 30 days after the date of the N1 form.

C. Team Meeting Tips

A Team Meeting works best if:

- The COSE has developed an agenda that helps keep the focus on the student;
- Team members are knowledgeable about the student, FRCS, the general curriculum and special education law; and show respect for each other by allowing everyone's input and by being culturally aware.
- School Based Team members should stay for the entire Team meeting.



- There is no “voting” at Team meetings. Keep in mind that you want to get consensus, but if there is no consensus, the COSE ultimately makes the decision as the LEA representative.
- Parent participation and input is a very important and necessary element of the Team process.
- It is FRCS’s responsibility to provide FAPE and as such, the district is responsible to convene a Team even when the Parent/guardian refuses to participate. However, FRCS must show that they actively sought the Parent’s involvement.
- Remember to convene Teams and propose IEP’s in a timely manner even for students who are unilaterally placed. Also, invite the private school personnel to attend.
- Pre-Team Huddle on difficult cases to discuss concerns, consider information but not have made predeterminations about the student’s program.

IEP Development Tips

- Understand the difference between an accommodation and a modification.
- Proofread every IEP- Failure to proofread the IEP takes away from the professionalism of the document and the LEA’s credibility.
- Make sure the IEP contains goals related to all areas of need.
- Update the student’s goals and objectives every year. Make the goals and benchmarks explicit and measurable.
- Only provide MCAS accommodations if the student requires those accommodations day to day in the classroom on classroom assignments and assessments.
- Use the additional information to your benefit.
- Make sure that all of the student’s teachers have reviewed and understand the IEP, including any other relevant documentation (i.e. behavior support plans)
- Make sure the Team understands what services are provided under “stay put” if the Parent disagrees with the proposed IEP.
- The IEP needs to reflect what the student needs; not the services/program that FRCS has.

The IEP development is a student-driven process tailored to the individual student’s needs. Well-written IEPs:

- Incorporate the parent/guardian concerns, the student’s vision, and, for students age 14 and older, a discussion of their future goals and postsecondary planning
- Provide an accurate picture of the student’s current performance, describing how the student learns best and how their disability impacts learning
- Address only those areas affected by the disability, while identifying specific supports and services needed to ensure the student makes effective progress in the general education curriculum
- Reflect high expectations and a clear learning focus for the IEP year, with goals and benchmarks tailored to the student’s strengths, needs, and ability level
- Support the student’s movement toward greater independence, including the development of self-advocacy and life skills
- Describe how educators, families, and the student will collaborate to monitor progress and adjust supports as needed



- When applicable, include supports to build social skills and resilience, particularly for students on the autism spectrum or those who may be vulnerable to bullying, harassment, or teasing

 **No “Ed. Speak”. Write in a way that people picking up the IEP would understand the student’s learning profile.**

The IEP should reflect the evaluation findings and the decisions made at the Team Meeting. Once an IEP is accepted, FRCS is obligated to implement it; however, an IEP does not guarantee that the student will achieve a certain amount of academic proficiency or progress. FRCS, however, will assist the student in making progress towards IEP goals, with the understanding that the IEP Team must reconvene if there are concerns about a lack of expected progress. Each year’s measurable annual goals should clearly show a step-by-step increase in a student’s learning outcomes. In areas where the student is not making the progress expected, the Team should consider why there is a lack of progress and adjust goals, as appropriate and amend the IEP.

Implementation of the IEP Tips

- Teachers and administrators are legally bound to implement every accommodation/modification listed on the IEP/504.
- Make sure that all of the student’s teachers have reviewed and understand the IEP, including any other relevant documentation (i.e. behavior support plan).
- If you don’t understand something or you’re not sure how to implement something, ask.

11. Transition/Conversion IEPs

Within 30 school days, the COSE will hold a transition/conversion meeting for all newly enrolled students with existing IEPs. When entering an IEP for a student with an existing IEP, the Team should always review the content of the existing IEP as they begin developing a new one. The transition IEP should be revised and updated, as needed, based on the student’s current performance data, to demonstrate a progression of learning.

12. Components of the IEP

A. Assistive Technology

As used in this part, *assistive technology device* means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such a device.

Augmentative and alternative communication: The IEP Team must consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to



communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC is considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.

Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- a. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment,
- b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities,
- c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices,
- d. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs,
- e. Training or technical assistance for a student with a disability or, if appropriate, that family, and
- f. Training or technical assistance for professionals or other individuals who provide services or are otherwise substantially involved in the major life functions of that child

If assistive technology is required, the district provides the assistive technology at no cost to the parent.

B. Multilingual Learners with Disabilities (MLWDs)

In alignment with the forthcoming FRSC Strategic Plan for Multilingual Learners, this Special Education Procedures Manual will be updated as needed to address the service needs of MLWDs in the context of bilingual programs, native language instruction, and native language support for multilingual learners with disabilities as well as to delineate the roles and responsibilities of FRCS staff.

C. Bullying Statement

The Massachusetts Bullying Prevention and Intervention Law requires school leaders to create and implement strategies to prevent bullying, and to address bullying and retaliation promptly and effectively if they occur, and FRCS complies with all aspects of this law, including our district-wide Bullying Prevention And Intervention Plan. Sections 7 and 8 of the law have specific implications for the IEP process and for students with disabilities that are summarized here.

Section 7 states: Whenever the IEP Team evaluation indicates that a student's disability affects social skills development or when the student's disability makes him or her vulnerable to



bullying, harassment, or teasing, the IEP must address the skills and proficiencies need to avoid and respond to bullying, harassment, or teasing.

Section 8 states: For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

The IEP Team considers the supports needed to build each student's social skills and proficiencies to avoid and respond to bullying, harassment, or teasing and addresses the supports in the IEP when applicable (accommodations in general ed or through goals / objectives). A statement documenting the Team's determination of whether or not the student's disability makes him/her vulnerable to bullying, harassment, or teasing must be stated within the additional information section of the IEP.

D. Students with an Autism Disability

The Autism Specific Questions are completed by the COSE or designee and discussed with the parent/guardian indicating that various skills: communication, social, sensory, changes to environment, repetitive activities, positive behavioral interventions, and social emotional developmental skills were considered and addressed by the Team and addressed in the IEP where applicable.

E. Transition Services

Transition services are a coordinated set of activities focused on preparing students for post-school life. Services are based on individual needs and may include:

- Instruction and related services
- Community experiences
- Employment and adult living objectives
- Functional vocational evaluation and life skills development

Transfer of Rights at Age 18

At age 18, special education decision-making rights transfer to the student, unless:

- A court-appointed guardian is in place
- The student chooses to share or delegate decision-making to a parent or another adult

The student's choice must be documented and may be revoked at any time. Consent from the student is required to continue services after age 18.

Summary of Student Performance

When a student exits special education due to graduation or turning 22, the district must provide a Summary of Academic Achievement and Functional Performance with recommendations for postsecondary success. This summary is developed collaboratively by the COSE and Guidance Counselor, and includes the student's transcript.



Statewide Assessments

All students must participate in state- and district-wide assessments, with or without accommodations. The IEP Team determines participation method and appropriate accommodations. If needed, the Team may designate an alternate assessment, documenting the rationale in the IEP. All students, regardless of disability, must be included in assessment systems.

F. Specialized Transportation

Special transportation eligibility is determined by the IEP or 504 team based on the student's documented needs. Students should receive all services, including transportation, in the least restrictive environment. Transportation eligibility is reviewed at a student's annual IEP or 504 meeting.

- 603. CMR 28.05
 - (b) Special transportation. If the Team determines that the student's disability requires transportation or specialized transportation arrangements in order to benefit from special education, the Team shall note on the student's IEP that the student requires special transportation. In such circumstances, transportation is a related service.
 - Under 603 CMR 28.06(8), transportation is a required consideration for students aged 3–5 if their disability prevents them from safely accessing the school program. However, once a student turns 6 years old, transportation as a related service is no longer presumed based on age alone. Instead, it must be explicitly justified based on the student's individualized needs.

Specific accommodations that support a student's transportation needs may include:

- Bus Monitor
- Safety Restraints
- Door to Door
- Wheelchair Accommodations

G. Extended School Year (ESY) Guidelines

Extended School Year (ESY) refers to special education and/or related services that are provided beyond the regular school year when the IEP Team determines that such services are necessary for the student to prevent substantial regression in critical skills.

Key Definitions

- Regression – A measurable decline in performance of a skill or loss of acquired knowledge, as defined in the student's IEP goals, due to a break in instruction.
- Recoupment – A student's ability to regain previously learned skills or knowledge following a break in instruction



- **Significant Regression/Recoupment-** A situation where the amount of skill loss and the time it takes the student to recover those skills exceeds what is typical for peers, indicating the need for ESY services.

Decision-Making Guidelines for IEP Teams

- All students experience some regression over school breaks; ESY is appropriate only when a student with a disability is likely to experience substantial regression and require an unusually long period to recoup those skills.
- ESY eligibility decisions must be made annually during the IEP meeting and must be based on individual student data collected throughout the school year, including teacher observations, performance benchmarks, and progress reports.
- ESY is not limited to students in certain placements (e.g., substantially separate classrooms) or disability categories. All students with disabilities must be equitably considered for ESY based on their unique needs.
- ESY services may differ in scope, frequency, or content from services provided during the school year. The services should focus on maintaining critical skills—not introducing new content.
- ESY services must be documented in Grid C of the IEP Service Delivery section and clearly labeled as “ESY” services.

Additional Considerations for Eligibility

In addition to significant regression and recoupment difficulties, the IEP Team may consider the following factors outlined by the DESE:

- The degree of the student’s impairment
- The student’s rate of progress
- Documented lack of progress across two marking periods
- Emerging skills or critical stages of learning (e.g., early literacy, communication)
- The need to maintain skills for functional independence and safety

Planning & Projections

- School staff may be asked to provide ESY projections throughout the school year for planning purposes. These projections are not final and do not replace the IEP Team’s formal decision.
- Final ESY decisions must be made by the full IEP Team and documented in the IEP each year.

H. Placement

i. Least Restrictive Environment (LRE)

The COSE must ensure that the IEP Team understands that federal and state laws require students with disabilities to be educated with their non-disabled peers to the maximum extent appropriate, known as the "least restrictive environment" (LRE). After the IEP is developed, the COSE the placement discussion, emphasizing that students should only be removed from general education settings if their needs cannot be met there, even with support(s). The general education



classroom must always be the first placement considered, with necessary aids and services provided as needed.

ii. In District Programs

Once a student is found eligible for special education, placement decisions should always be made based on the student's unique needs as outlined in their IEP. FRCS offers a continuum of services and placements to help every student learn and thrive. This continuum starts with the least restrictive setting, which is the general education classroom. If full inclusion does not provide a setting that can deliver the level of special education services and support on the IEP, partial inclusion should be considered before moving to placement in a substantially separate classroom. At every level, any appropriate opportunities to participate in the mainstream school experience should be explored. The IEP Team is responsible for working together to decide which setting is most appropriate and least restrictive for each individual child.

iii. Out of District Placement Recommendations

If the IEP team determines that the services and supports in the IEP proposed to meet a student's needs, cannot be implemented at, the team shall end the meeting prior to determining placement. Within 2 school days after the IEP meeting, the team must schedule a meeting to be held within 10 days of the IEP meeting to determine placement and invite a representative from the school district where the student resides. The school district where the student resides must be given at least 5 days' notice of the placement meeting.

13. Timeline for Parents Response to Proposed IEP

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

- accept or reject all or a portion of the IEP or
- request a meeting to discuss the rejected portions of the IEP
- accept or reject the proposed placement

If the district does not receive a response from a parent/guardian within 30 calendar days the Special Education Administrative Assistant implements the following procedures:

- After 35 days -telephone call made to parents/guardian as a friendly reminder and another copy of the IEP is offered
- After 60 days – Certified copy of the IEP along is sent to the parent/guardian
- After 90 days – IEP sent to BSEA (if we have not been able to reach the parents at all)

All attempts to obtain a parent/guardian's response to the IEP are documented in the student's file.

Receipt of signed IEPs

Parents are provided a self-addressed envelope with 2 copies of the proposed IEP to sign and return to the Special Education Department. The Special Education Administrative Assistant stamps the IEP as received, uploads the parent's response and inputs the date of



signature in School Brains, notifies the special education team of the parent response, and files the IEP in the student file. All accepted parts of the IEP are implemented immediately.

Partially or Fully Rejected IEPs

When FRCS receives a rejected IEP (partial or full), the Special Education Administrative Assistant notifies the COSE. The COSE contacts the parent(s) to discuss their concerns. At times parent concerns are minimal and can be addressed directly over the phone. If their concerns cannot be resolved over the phone or the Team is reconvened. The Student Services Administrative Assistance notifies the BSEA in writing within 5 days of receipt of the rejected IEP. The letter to the BSEA contains the reason for the rejection, the district's plan to resolve the parent's concerns, the Administrative Data page, and all rejected pages of the IEP.

Special education teachers are responsible for reviewing student's IEPs with general education teachers and answering questions about the students on their caseload. Each general education teacher is responsible for acknowledging they have read and understand the IEP for students in their classes. The special education teacher is responsible for keeping staff informed of any amendments or changes to the IEP over the course of the year.

14. Annual Meetings

Parents or the district can request a meeting to discuss the IEP at any time, however the Team meets at least annually (prior to the expiration of the current IEP) to review student progress and rewrite the IEP. IEP Team members bring a data informed comprehensive report to the annual meeting to discuss next steps. Parents receive a copy of the Summary Notes for the meeting.

Telephone conferencing or virtual meetings may be used as alternatives to in-person meetings.

****In addition, after an Annual Review IEP Team meeting, the parent/guardian and FRCS may agree to amend an IEP without a Team meeting, however, this agreement should be in writing.**

15. Amendments

Anytime during the IEP period, if a change to the IEP needs to be made which does not substantially change a student's services and/or program or placement an IEP Amendment can be added to the IEP (i.e., the student is not making progress or meets their goals before the annual meeting date. The IEP can be amended without convening an IEP Team using the appropriate forms. Changes to the IEP after a Team meeting may be made without reconvening the Team. Instead, the parent/guardian and the Team may agree to develop a written amendment to the existing IEP. A copy of the amended IEP, reflecting the changes, must be provided to the parent/guardian.



16. Progress Reports / Progress Monitoring

In accordance with federal and state regulations, progress reports for students with IEPs must be provided to parents/guardians as often as parents of nondisabled students receive academic reports (e.g., report cards). These reports should be distributed as close to general education report card dates as possible, and each school building should establish clear procedures to ensure timely and consistent dissemination.

Regulatory Requirements-

Progress reports must clearly answer the following two federally required questions for each IEP goal:

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

When drafting progress reports, IEP Team members should:

- Clearly state what the student has been working on
- Identify what the student has achieved to date
- Use measurable and specific language
- Note any barriers or stumbling blocks to progress and describe what refinements or supports have been implemented or will be introduced
- Indicate whether the student is on track to meet the annual goal based on current rate of progress

When Progress Reports Inform IEP Adjustments

Progress reports may serve as an early indicator that a student's IEP needs to be adjusted. Teams should consider:

- Amending the IEP if the student continues to demonstrate a lack of expected progress despite in-class support adjustments
- Rewriting a goal to establish a more attainable target if necessary
- Adding benchmarks or new goals if a student is exceeding projected progress and requires further challenge or skill expansion

All progress reports are signed by service providers. Special education teachers are responsible for sending 2 copies of progress reports home and filing a copy in the student's special education file

17. Dispute Resolution

There are several ways—both informal and formal—that parents/guardians and schools can work together to resolve disputes about a child's educational programming. The school principal and/or the Assistant Director of Special Education serve as key resources for addressing concerns efficiently, helping to minimize the need for formal complaints with DESE



or the BSEA. FRCS has established clear resolution pathways to support community members seeking guidance, conflict resolution, or assistance with navigating school systems. This ensures that minor issues can be addressed promptly, more complex concerns are properly triaged, and all matters are handled with transparency and accountability. In addition, below are several more formal dispute resolution resources for families.

A. MA DESE Problem Resolution System

The MA Department of Elementary and Secondary Education's Problem Resolution System (PRS) investigates complaints alleging non-compliance with federal and state education laws, including special education regulations. Anyone—parents, students, educators, or community members—may contact PRS with concerns or to file a formal complaint.

When contacted, PRS specialists provide guidance, clarify legal requirements, and support the complaint process. While PRS encourages school districts and families to resolve issues collaboratively, it will initiate a formal investigation if a complaint falls within its jurisdiction. If a complaint is accepted, PRS will request the district to conduct a local investigation and submit a written report. FRCS is committed to responding promptly and cooperatively to all PRS inquiries, including those involving allegations of bullying. If PRS finds non-compliance, corrective action will be required.

Additional information and complaint forms are available at: www.doe.mass.edu/prs

Contact Information:

MA DESE Problem Resolution System
 75 Pleasant Street, Malden, MA 02148
 Phone: 781-338-3700 | TTY: 1-800-439-2370
 Fax: 781-338-3710 | Email: compliance@doe.mass.edu
 Business Hours: Monday–Friday, 8:45 AM – 5:00 PM

B. Bureau of Special Education Appeals (BSEA)

The BSEA is a Massachusetts administrative agency authorized under the Individuals with Disabilities Education Act (IDEA), M.G.L. c. 71B, and Section 504 of the Rehabilitation Act of 1973. The BSEA provides a range of services to resolve disputes related to special education, including matters involving eligibility, evaluation, placement, IEP development, and procedural protections for students with disabilities.

18. Disciplining Students on IEPs

Under the Individuals with Disabilities Education Act (IDEA), students with disabilities have specific disciplinary protections in addition to the due process rights afforded to all students under 603 CMR 53.00 and the FRCS Student Handbook. These protections ensure disciplinary actions are fair and consider the impact of a student's disability.



Short-Term Removals (10 Days or Fewer)

Students with IEPs may be disciplined like their non-disabled peers for up to 10 school days in a given school year, provided the disciplinary action does not constitute a change in placement.

Removals Beyond 10 Days

If a student is subject to discipline beyond 10 cumulative school days, the school must determine whether the removal constitutes a “change in placement.” This occurs when:

- The removal is more than 10 consecutive school days, or
- A series of removals constitute a pattern based on:
 - Similarity of behavior,
 - Timing of incidents, and
 - Length and total number of removals.

If there is no change in placement, the student may be disciplined similarly to general education peers, but FRCS must:

- Provide services to support continued progress in the general curriculum and towards IEP goals; and
- Conduct a Functional Behavioral Assessment (FBA) and develop or revise a Behavior Intervention Plan (BIP) if appropriate.

Change in Placement & Manifestation Determination

If a change in placement is determined, an IEP Team meeting (including the parents/guardians) must be held within 10 school days to conduct a Manifestation Determination Review (MDR). The team must answer the following:

1. Was the behavior caused by, or directly related to, the student’s disability?
2. Was the behavior the result of FRCS’s failure to implement the IEP?

If the answer to either question is “yes”, the behavior is a manifestation, and the student must return to their previous placement unless the behavior involves a special circumstance (see below). The Team must also conduct or review an FBA and develop or update the BIP.

If the answer to both questions is “no”, the behavior is not a manifestation, and the student may be disciplined as a general education peer. However, FRCS must still provide

- Appropriate educational services, and
- An Interim Alternative Educational Setting (IAES) if applicable, where the student can continue making progress in the curriculum and on IEP goals.

Special Circumstances: Mandatory IAES Placement

Regardless of the manifestation determination, school personnel may remove a student to an IAES for up to 45 school days if the student, while at school or a school-sponsored event:

1. Possesses a weapon (with blade $\geq 2\frac{1}{2}$ inches),
2. Possesses, uses, or sells illegal drugs or controlled substances, or
3. Inflicts serious bodily injury on another person.
4. The IEP Team determines the IAES placement and necessary services.



Dispute Resolution

If parents disagree with the manifestation determination or IAES decision, they may request an expedited due process hearing through the Bureau of Special Education Appeals (BSEA). The student remains in the IAES during the hearing process.

A. Protections for Students Not Yet Eligible for An IEP

Under the Individuals with Disabilities Education Act (IDEA), certain protections extend to students not yet determined eligible for special education if the school district is “deemed to have knowledge” that the student was a child with a disability prior to the disciplinary incident.

A district is deemed to have such knowledge if, before the misconduct:

1. The parent/guardian expressed written concern to school administration or a teacher that the student may need special education services;
2. The parent/guardian requested an evaluation for special education eligibility; or
3. A teacher or other district personnel expressed specific concerns about the student’s behavior to the Director of Special Education or supervisory personnel.

A district is not deemed to have knowledge if:

- The parent previously refused consent for an evaluation or special education services; or
- The student was evaluated and determined ineligible for an IEP.

Evaluation Requested During Disciplinary Action

If an evaluation is requested while a student is subject to disciplinary action, the school must:

- Expedite the evaluation process, and
- Maintain the student’s current disciplinary placement during the evaluation period.

B. Physical Restraints, Seclusion & Time-out

In accordance with 603 CMR 46.00, FRCS ensures that physical restraint is used only as a last resort to prevent assault or imminent, serious, physical harm to the student or others, and only when less intrusive interventions have failed or are deemed inappropriate.

Key Definitions:

- Physical Restraint: Direct physical contact that significantly restricts a student’s freedom of movement.
- Seclusion: Prohibited at FRCS. Seclusion refers to involuntary confinement in a room where the student is physically prevented from leaving.
- Time-Out: A behavioral support strategy in which a student voluntarily or with staff direction separates from an activity to calm down.

Guidance for Students with Disabilities

- Restraint must never be included in an IEP or BIP as a standard response to behavior.



- The IEP Team must consider positive behavioral interventions and supports (PBIS) when a student's behavior interferes with learning.
- If repeated behavioral incidents occur, the Team should consider:
 - Conducting a Functional Behavioral Assessment (FBA)
 - Revising or developing a Behavior Intervention Plan (BIP)
 - Reviewing the IEP for updates to instruction, supports, or services

C. Use of Time-Out Rooms (Students with IEPs)

Time-out rooms may be used only if:

- The space is clean, safe, appropriately lit and ventilated, and calming
- The student is continuously observed, and staff are present or immediately available
- The duration is limited, and any time-out exceeding 30 minutes requires principal approval
- Use is documented and reported, including parent notification

Considerations Before Use:

- Age, disability, trauma history, and individual student needs
- Alternative supports (e.g., sensory tools, movement breaks)
- Staff trained in co-regulation and de-escalation

Parental Notification & Documentation

- Verbal notice should occur before the student returns home or within 24 hours
- Written notice provided within three school days
- All notices must be accessible to parents with limited English proficiency
- A debriefing protocol must be followed with the student after any use of a time-out room

Data Collection & Analysis

Required documentation includes:

- Date/time of use
- Behavior observed
- Staff involved
- Calming strategies used
- Student response

Principals must review data weekly and analyze monthly for trends (e.g., repeated use, demographics)

Data is used to determine:

- Student-level support needs
- Staff training needs
- Equity in implementation



19. Additional Topics

A. Home & Hospital Instruction

Students with disabilities who, due to documented medical needs, are expected to be confined to home or a hospital for at least 14 school days in a school year are eligible to receive home/hospital instruction. This includes students with chronic conditions that result in repeated absences totaling 14 or more days. Home/hospital instruction is not considered “special education” unless the student has been found eligible for an IEP.

Referral & Eligibility

A licensed physician or nurse practitioner must submit a completed DESE Form 28R/3 (or equivalent documentation) indicating:

- Date of confinement
- Medical reason
- Expected duration
- Relevant medical needs impacting instruction

This documentation must be submitted to the student’s principal or special education administrator. Services must begin without delay upon receipt.

Service Delivery

Instruction may be provided through:

- District-employed tutors
- Contracts with hospitals, other districts, or agencies
- Remote learning

Instruction is typically individualized and part-time, based on medical needs. IEP and 504 accommodations must be implemented during home/hospital instruction. Certified or appropriately licensed staff must deliver or supervise services.

Students Out for 60+ Days

If a student on an IEP is expected to be out of school for more than 60 school days, the Administrator of Special Education must convene a Team meeting within 10 school days to review evaluation needs and amend or develop the IEP accordingly.

B. In-school Observations by Parents & Designees

In accordance with Massachusetts special education law, parents of students with disabilities and their designees (e.g., independent evaluators, educational consultants) have the right to observe the student's current or proposed special education program.

Procedures for Requesting an Observation

- To observe a current program, parents should contact the school principal or the Assistant Director of Special Education.



- To observe a proposed program, parents must contact the Assistant Director of Special Education directly.
- If a third-party designee is observing:
 - The school must confirm their identity and obtain a signed release of information from the parent.
 - Observations must be scheduled at mutually convenient times, and a Special Education administrator will be present.
 - Written parental consent is required if the observer will review student records.

Observation Parameters

- Observations will be scheduled in a timely manner, with duration based on the individual needs of the student or program.
- Observers may view both academic and non-academic activities.
- The school may restrict observations during certain high-impact times (e.g., MCAS, start/end of school year) and will propose alternatives when needed.

Safety, Confidentiality, and Limitations

Foxborough Regional Charter School may impose reasonable limitations on observations if:

- Student safety is at risk.
- The integrity of the program may be compromised.
- Confidential information may be disclosed.

Any limitations will be discussed in advance with the observer and determined case by case, in consultation with the Assistant Director of Special Education. The school may also reschedule or terminate observations in the event of a building emergency or disruption affecting student well-being.



20. Appendix Section

[DESE Student and District Revised IEP Forms](#)

Translated forms can be located on the DESE Special Education Website

[Admin Data Sheet](#)

[Assessment Forms A&B](#)

[Attendance Sheet](#)

[Chapter 688 Referral](#)

[Eligibility Flowchart](#)

[Extended Evaluation Form](#)

[Evaluation Consent Form- N1A](#)

[MTSS Resources](#)

[MTTS Blueprint](#)

[Notice of Team Meeting/Meeting Invitation](#)

[Parent Procedural Safeguards](#)

[Placement Consent Form](#)

[Proposed School District Action- N1](#)

[Refusal to Act- N2](#)

[Specific Learning Disability Team Determination of Eligibility \(Mandated form 28M/10\)](#)

[Required Documentation for Component 1: Historical Review and Educational Assessment \(SLD 1\)](#)

[Required Documentation for Component 2: Area of Concern and Evaluation Method \(SLD 2\)](#)

[Required Documentation for Component 3: Exclusionary Factors \(SLD 3\)](#)

[Required Documentation for Component 4: Observation \(SLD 4\):](#)



[Pre-School/Kindergarten](#)

[Elementary \(Grades 1–4\)](#)

[Middle \(Grades 5–8\)](#)

[Secondary \(Grades 9–12\)](#)

[Team Meeting Summary](#)

[Transition Resources](#)

[Waiver of Assessments](#)