***It is the goal of the Somerset Public Schools to enlarge the capacity of the system to serve the needs of all its students.***

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**What is Special Education?**

Special education serves as a support system and should function within the public school framework and it should not be looked at as a separate entity.

Special education ensures that the unique needs of students with disabilities are met through specially designed instruction, additional services, supports, programs, specialized placements, or environments. Special education services are provided to eligible students at no cost to families. The core purpose of special education is to provide specially designed instruction and interventions, as well as to give students with disabilities access to the same educational programs and/or activities that are available to their nondisabled peers.

**What does the special education process entail?**

Families may refer to this document (<http://www.fcsn.org/parents_guide/pgenglish.pdf> ~ ***A Parent’s Guide to Special Education)*** for a summary of the special education process or the following brief synopsis.

**Referral for an Evaluation to Determine Eligibility for Special Education**

The following procedures **are required** by state regulation 603 CMR 28.4 regarding a referral for a special education evaluation:

**Parent Request for an Initial Evaluation**

When a student is referred for an evaluation by his/her parent/guardian, the Special Education Team Facilitator/Special Education Administrator is responsible to respond to the parent’s/guardian’s request within five (5) school days. The Special Education Team Facilitator/Special Education Administrator will then contact the parent/guardian to provide them with an opportunity to express any concerns, provide information about the student’s skills or abilities, and/or meet to discuss the evaluation. In addition, the Special Education Team Facilitator/Special Education Administrator should also speak with the student’s teachers and other staff that works with the student, in order to determine which assessments should be recommended.

**School Referral**

After the Principal determines that all efforts have been made to meet the needs of the student within the general education program and these efforts have not been successful, a student shall be referred by the school personnel for an evaluation to determine eligibility for special education services. As previously indicated, the Principal shall ensure all intervention strategies, accommodations and instructional support services used with the student is provided as part of the evaluation information reviewed by the evaluation team when determining specific areas to be evaluated and eligibility for special education services.

The Special Education Team Facilitator/Special Education Administrator is the liaison for the entire eligibility process and will notify the parent/guardian to outline the reasons for referral and the nature of the proposed evaluation.

This is also an opportunity for the parent/guardian to express any concerns, provide information about the student’s skills or abilities, and/or meet to discuss the evaluation.

Within five (5) school days of receiving the Referral, the Special Education Team Facilitator/Special Education Administrator sends out a packet to the parent consisting of the following:

* + Proposal to conduct an Initial Team Evaluation (N1)
  + Evaluation Consent form (N1A)\*
  + Notice of Procedural Safeguards <http://www.doe.mass.edu/sped/prb/pnps.pdf>

***\*Parent must sign and return this form before testing can begin.***

Upon receipt of the signed and accepted Evaluation Consent Form, the Special Education Team Facilitator/Special Education Administrator will then notify the assessors who will be completing the accepted evaluations, **which must be** **done within thirty (30) school days** of the receipt of the signed Evaluation Consent Form. A Team meeting must be held within **forty-five (45) school days** of the receipt of the Evaluation Consent Form.

The Special Education Team Facilitator/Special Education Administrator will then 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 (N3)
  + Attendance Sheet (N3A)

*Evaluators shall make all testing reports available to the parents/guardians and* Special Education Team Facilitator/Special Education Administrator *at least two (2) days prior to the Team meeting.*

**Evaluation Guidelines**

Evaluations of the student must be made in all areas of suspected disability in order to determine eligibility for special education services. **Eligibility, cannot and must not, be based on the student’s lack of reading or math instruction or Limited English Proficiency.** Evaluation activities need to address whether that there is a disability and if the student’s inability to progress is a result of a disability.

**Evaluations must provide information to determine present levels of academic achievement and related developmental needs.** No single test/assessment shall be used as the sole determinant of eligibility. Rather, a variety of techniques (both formal and informal) including information provided by the parent/guardian, observation of the student in the classroom, work samples/portfolios, interviews and review of the student’s record should be used in helping to determine eligibility for special educationservices. An observation of the student must be done in order to determinea Specific Learning Disability.

The following assessments are **required** as a part of an evaluation:

* An assessment in all areas related to the suspected disability, i.e. Academic Achievement, Speech & Language, OT, PT, etc.
* An educational assessment which includes:
  + History of student’s progress in general education curriculum
  + At least one teacher’s assessment in the area of curriculum conducted by a teacher with current knowledge regarding the Massachusetts Curriculum Frameworks
  + An assessment of behaviors that contribute to learning (attention, participation, memory, social skills, etc.)

**Required documentation for identifying a student with a Specific Learning Disability**

The following are **optional** assessments that can be requested by the Special Education Team Facilitator/Special Education Administrator 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 SPS/SBRSD recommendations for when to request a psychological assessment)
* A home assessment that includes the student’s developmental history and other pertinent family information.

**Related Services Assessments**

Related services are transportation and such developmental, corrective, and other supportive services that are required to assist a child with a disability to benefit from special education. Some related services are defined by Massachusetts as special education. This is determined based on the unique and individual needs of the child. The following is a listing of such services:

**Speech and Language Assessment**

**Occupational Therapy Assessment**

**Physical Therapy Assessment**

**Behavioral Assessment**

**Psychological Assessment**

**IEP Team Process**

Upon completion of the agreed assessment(s) or within forty-five (45) school days of receipt of a parent/guardian’s written consent, the Team convenes to review evaluation data to determine eligibility for special education services and depending on results develops an Individualized Education Program (IEP) and proposes a placement and/or services.

The Team consists of the following members:

* + **The student’s parent/guardian and/or assigned educational surrogate parent (SESP)**
  + **At least one general education teacher**
  + **At least one special education teacher**
  + **An individual (s) who can interpret evaluation results for each assessment completed**
  + If discussing placement, an individual with knowledge about placement options
  + **Other individuals who have knowledge or expertise regarding the student**
  + **A representative from the district who has the authority to commit resources (i.e.** Special Education Team Facilitator/Special Education Administrator**)**
  + When one purpose of the Team meeting is to discuss transition services, with the consent of the parent(s) or student who is age 18 or older, the District must invite a representative of any participating agency that is likely responsible for providing or paying for transition services
  + **Students beginning at age fourteen (14)**
  + ***District identified translator, if applicable***

The Team is responsible for managing and completing three important activities:

* + Eligibility determination/Initial and Re-evaluation
  + Development of IEP
  + Placement decision

The Massachusetts State Regulations 603 CMR 28.02(7) includes the following types of educational disabilities:

(a) ***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).

(b) ***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.

(c) ***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 term shall include students with mental retardation.

(d) ***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.

***Deafblind*** - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

(e) ***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.

(f) ***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; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

(g) ***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.

(h) ***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.

(i) ***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.

(j) ***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.