

Quick Start Guide

Massachusetts Special Education process

If your child is struggling in school, and you think it may be because of a disability, you can ask your school to evaluate your child to see if they qualify for special education help. This Quick Start Guide describes the basic steps in the Massachusetts special education process. There are laws that govern each of these steps. This guide is only meant as a basic introduction to the Massachusetts special education system. You are encouraged to consult a special education advocate or attorney for help with your unique situation.

Step 1: Referral

The first step in the process is to ask your school to evaluate your child. It is best if you do this in writing. Simply ask that your child be “evaluated to determine special education eligibility.” In that letter, also ask that you “be given access to all evaluation results at least 2 days prior to Team discussion.”

When the school district receives your request for the evaluation, they must send you an *Evaluation Consent Form* within 5 school days¹. The form will list the specific tests that the school plans to give your child. The school may not refuse to evaluate your child, nor may they delay evaluating your child in order to try to help your child in some other way first.

Step 2: Return Evaluation Consent Form

You must sign and date the *Evaluation Consent Form* and return it to the school. The school will not begin the evaluation of your child until they have received this signed form.

¹ A school day means any day, including a partial day, that students are in attendance at school for instructional purposes.
603 CMR 28.02(5)

Step 3: Meet to Discuss Evaluation (Optional)

If you wish, you have the right to meet with your school’s Director of Special Education (or his or her designee) to discuss the evaluation that will be done for your child, to ask questions, and/or to provide your input to the evaluation process.

Step 4: Evaluation is Completed

The school district must complete the evaluation of your child within 30 school days from the date on which they received your signed *Evaluation Consent Form*.

Step 5: Team Meeting

The school must hold a Team meeting to discuss the evaluation results within 45 school days from the date on which they received your signed *Evaluation Consent Form*. This meeting must be attended by: a) the parent(s); b) at least one regular education teacher of the child; c) a representative of the school district who has authority to commit the resources of the district; d) a representative of the school district who is qualified to provide, or supervise the provision of, special education services, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources in the school district; and e) individuals who can interpret the instructional implications of the evaluation results. You, as the parent, also have a right to bring anyone you like to the Team meeting, as does the school.

Step 6: Eligibility Determination

At the meeting described in Step 5 above, the Team will decide whether or not your child is eligible for special education. In order to be eligible, your child must meet all four of the following eligibility criteria:

- a) the child has a disability²;
- b) the child is not making effective progress³;
- c) the lack of effective progress is due to the disability and not to some other factor; and
- d) the child needs specialized instruction⁴ and/or a related service⁵ in order to access the curriculum and make effective progress despite their disability.

Step 7: Individualized Education Program (IEP)

If your child is found eligible for special education, the Team will write an Individualized Educational Program (IEP). The IEP is a document specific to an individual student that details the content of the student's educational program, including but not limited to information about: a) how the student's disability affects their participation in all aspects of life (academic and non-academic activities, community involvement, etc.); the accommodations, modifications, specially designed instruction, and related services that will be provided for the student, or on behalf of the student; and c) goals that the student is expected to meet over the next 12 months. The IEP will also document any accommodations the student will receive when taking the MCAS exams.

The IEP is a legally binding document. All services, instruction, modifications and accommodations described therein must be provided. Alternatively, if something is not documented within the IEP, the school has no obligation to provide it.

² A medical diagnosis is not required. Rather, the student must fit into one or more of the following disability categories defined in special education law at 603 CMR 28.02(7): autism, developmental delay, intellectual impairment, hearing impairment, vision impairment; deafblind; neurological impairment; emotional impairment; communication impairment; physical impairment; health impairment; specific learning disability.

³ Effective progress means the child is making documented gains, academically, socially, and emotionally, at a rate commensurate with their unique potential. See 603 CMR 28.02(17).

⁴ Specialized instruction means that the instruction given to the child has been changed (from what it would be if the child were not disabled) in one or more of the following areas: content; instructional methodology; instructional setting; or performance criteria.

⁵ Related services include but are not limited to: speech, occupational, and physical therapy; counseling; assistive technology; adapted physical education; school health services, etc.

The IEP must be delivered to you within 2 calendar weeks of the Team meeting at which it was written. Once you receive the IEP, you have 30 calendar days to review and respond to it. You can accept the IEP in full; reject it in full; or accept only parts of it. As soon as the school receives your written response to the IEP, the accepted portions of that IEP will be implemented.

If your child is found *ineligible* for an IEP the school must notify you of this fact, in writing, within 10 calendar days of the Team meeting, stating the reason he or she was found ineligible.

Step 8: Progress Reporting

Parents of students who receive special education support through an IEP must be given periodic reports of their child's progress towards meeting each goal in the IEP. Progress must be reported at least as frequently as parents are informed of their non-disabled child's progress in your school district.

Step 9: Annual IEP Review

The IEP Team must meet at least once a year, on or near the anniversary date of the IEP's creation, to review and update the student's IEP goals and services, if needed. This ensures that the student's educational programming keeps pace with their progress and changing needs. Parents, or the school, may also request that the Team meet at any time. You need not wait until it's time for the Annual IEP Review to assemble the Team to discuss issues that arise during the year.

Step 10: Three-Year Reevaluation

Finally, students must be reevaluated by their school district at least once every three years to determine if they are still eligible to receive special education services. If the student remains eligible, the cycle of IEPs, Progress Reporting, and Annual IEP Reviews repeats until the next Three-Year Reevaluation occurs.

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