



# **Alma del Mar Charter School**

## **Special Education Policies and Procedures**



## Table of Contents

<b>Evaluations</b>	<b>5</b>
Referral for Initial Evaluation:	5
Referrals Made By Alma del Mar Charter School Staff for Initial Evaluations:	5
Initial Evaluation Procedures:	5
Required assessments:	6
Optional assessments:	6
Reports of Assessment Results:	7
Annual Reviews and Three Year Re-evaluations:	7
Unscheduled Evaluations for Medical Reasons:	7
End of School Year Evaluations:	7
Parental Request for Independent Education Evaluations:	8
Public funding of independent education evaluations:	8
<b>Eligibility Determinations</b>	<b>9</b>
Eligibility Process	10
Eligibility Criteria:	11
<b>IEP Development &amp; Placement</b>	<b>12</b>
IEP Team Composition:	12
Excusal from a Team Meeting:	12
IEP Development:	12
IEP Components:	13
Procedures IEP Teams follow to avoid or address bullying, harassment or teasing	13
Special requirements for students on the autism spectrum	14
Draft IEPs	14
Timeline for sending home proposed IEPs	14
Least Restrictive Environment:	15
Determination of Placement:	15
Parent/Guardian Response to Proposed IEP and Proposed Placement:	15
Related Services:	16
Out of District Placements:	17
<b>IEP Implementation</b>	<b>19</b>
Accountability:	19



Use of Paraprofessionals:	20
Transition Planning:	20
IEP Amendments:	21
Progress Reports:	21
Instructional Groups:	21
Age Span Requirements:	22
<b>Participation in State and District Wide Assessment Programs__</b>	<b>23</b>
MCAS Accommodations:	23
<b>Discipline and Students with Disabilities</b>	<b>25</b>
Behavioral Interventions:	25
Recording and Reporting Disciplinary Data:	25
Suspension of Students with Disabilities:	25
Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed suspensions that exceeds 10 cumulative days:	26
Prior Knowledge:	27
Proactive Monitoring:	28
Behavioral Plans (BP):	28
Manifestation Determination:	29
Functional Behavioral Assessment (FBA):	30
Free and Appropriate Public Education (FAPE):	30
<b>Dispute Resolution</b>	<b>31</b>
Local School District Procedures:	31
Department of Elementary and Secondary Education Dispute Resolution Procedures:	31
Bureau of Special Education Appeals:	31
Mediation:	32
Hearings:	33
Hearing Decision:	33
Student's Right to IEP Services and Placement:	34
<b>District Obligations</b>	<b>36</b>
Administrator of Special Education:	36
Responsibilities of the Principal:	36



Standard Procedures and Forms:	37
Waivers:	37
Facilities:	38
Referral/Consultation Teams:	38
<b>Student and Parent Rights</b>	<b>39</b>
Parental Consent:	39
Revoking Consent to Special Education Service:	40
Parent Right to Waive Assessments:	40
Reports to Parents:	40
Notice of Procedural Safeguards:	40
Parent Advisory Participation:	40
Educational Surrogate Parent:	41
Communications with Parents and Students:	41
Equal Access to Educational, Nonacademic, Extracurricular and Ancillary Programs:	42
Continuity of Service (Following a Change of Residence):	42
<b>Confidentiality</b>	<b>44</b>
Release of Information:	44
Transfer of Records:	44
The Family Educational Rights and Privacy Act (FERPA):	44
<b>Section 504 Policy Statement</b>	<b>46</b>
<b>Child Find Activities &amp; Screens</b>	<b>50</b>
<b>Instructional Support</b>	<b>52</b>



## Evaluations

### **Referral for Initial Evaluation:**

A student may be referred for a special education evaluation by a parent/guardian or any person in a care-giving or professional position concerned with the student's development.

- a) When a student is referred for an evaluation to determine eligibility for special education, Alma del Mar Charter School, shall send written notice to the student's parent/guardian within **five** school days of receipt of the referral.
- b) The notice required by 603 CMR 28.04(1)(a) shall meet all of the content requirements set forth in M.G.L. c. 71B, § 3, and in federal law and shall seek the consent of a parent for the evaluation to occur, and provide the parents with the opportunity to express any concerns or provide information on the student's skills or abilities.
- c) Alma del Mar Charter School shall provide the student's parent/guardian with an opportunity to consult with the Dean of Scholar Support or his/her designee to discuss the reasons for the referral, the content of the proposed evaluation, and the evaluators used.

### **Referrals Made By Alma del Mar Charter School Staff for Initial Evaluations:**

Alma del Mar Charter School staff must follow the pre-referral process before recommending evaluations. In accordance with M.G.L. c. 71B, (2), this procedure includes documenting the use of accommodations and interventions for students and is included in student records. When an individual student is referred for an evaluation to determine eligibility for special education, the Dean of Scholar Support ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.

### **Initial Evaluation Procedures:**

Alma del Mar Charter School follows all guidelines set forth in IDEA, as well as CMR.28.00 in its practices for student evaluation and determination of placement.

Upon receiving consent from a parent, Alma shall provide or arrange for the evaluation of the student by a multidisciplinary team within **30 school days**. The assessments used shall be adapted to the age of the student and all testing shall meet the evaluation procedure requirements set out in state and federal law including but not limited to the following:

1. Evaluations are selected on the basis of the suspected disability in accordance with the referral information (provided by the parent/guardian, consultation team or referring party).

2. Upon receipt of signed parental consent, the Dean of Scholar Support contacts all professionals needed to complete the evaluations.
3. Alma shall ensure that appropriately credentialed and trained specialists administer all assessments.
4. Alma del Mar contracts with a school psychologist to administer and report on all psycho-educational and psychological assessments.
5. If speech/language, occupational therapy and/or physical therapy evaluations are required, these will be selected and administered by licensed, credentialed staff members.
6. Evaluations are administered within **30 school days** (beginning on the date that signed consent is received) and the Team convenes within an additional **15 days** to review the evaluations and make a determination regarding eligibility. Evaluation reports, upon request, shall be made available to the parents/guardians at least **two days** in advance of the Team discussion at the meeting occurring pursuant to 603 CMR 28.05(1).
7. Eligibility determinations are made in accordance with 603 CMR 28.04. If a student is found eligible for special education services, an IEP is developed and an appropriate placement is identified by the Team.

**Required assessments:**

1. An assessment in all areas related to the suspected disability
2. An educational assessment by a representative of the school district, including:
  - a history of the student's educational progress in the general curriculum. Such assessment shall include information provided by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum
  - an assessment of the student's attention skills, participation behaviors, communication skills, memory and social relations with groups, peers, and adults
  - a description of the student's educational and developmental potential

**Optional assessments:**

The Dean of Scholar Support may recommend, or a parent/guardian may request, one or more of the following:

1. 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 health information from the student's school health records.



2. a psychological assessment by a licensed school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
3. a home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation

#### **Reports of Assessment Results:**

Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. The assessor may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. Summaries of assessments shall be completed prior to discussion by the Team and, upon request, shall be made available to the parents/guardians at least **two days** in advance of the Team discussion at the meeting occurring pursuant to 603 CMR 28.05(1).

#### **Annual Reviews and Three Year Re-evaluations:**

Alma del Mar Charter School shall review the IEPs and the progress of each eligible student at least annually. Additionally, every three years (or sooner if necessary) with parental consent, conduct a full three-year reevaluation consistent with the requirements of federal law, unless the parent/guardian and district agree that such evaluations are not necessary. Alma del Mar Charter School implements re-evaluation procedures where it is suspected that a student is no longer eligible for special education.

#### **Unscheduled Evaluations for Medical Reasons:**

If, in the opinion of the student's physician, an eligible student is likely to remain at home, in a hospital, or in a pediatric nursing home for medical reasons and for more than 60 school days in any school year, the Dean of Scholar Support shall, without undue delay, convene a Team to consider evaluation needs and, if appropriate, to amend the existing IEP or develop a new IEP suited to the student's unique circumstances.

#### **End of School Year Evaluations:**

If consent is received between 30 and 45 school working days before the end of the school year, Alma del Mar Charter School shall ensure that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of ineligibility no later than 14 school days after the end of the school year.



***Parental Request for Independent Education Evaluations:***

In accordance with 603 CMR 28.04 and 34 CFR 300.502 (a)(3)(i), Alma del Mar Charter School responds to parental requests for independent educational evaluations (IEE) in the following manner (see page 49 for options for independent evaluations in the area):

1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed, or otherwise approved and who abide by the rates set by the state. Unique circumstances of the child are justified when an individual assessment rate is higher than normally allowed.
2. Alma del Mar Charter School has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost IEEs that are equivalent to the types of assessments done by the district.
3. Alma del Mar Charter School extends the right to a publicly funded IEE for sixteen months from the date of the evaluation with which the parent disagrees.
4. If the parent is requesting an evaluation in an area not assessed by Alma, or if the student does not meet or the parent does not choose to share the financial documentation regarding income eligibility standards for free/reduced cost Independent Educational Evaluation, then Alma responds in accordance with the requirements of federal law by paying for the IEE or, within five school days, proceeding to the Bureau of Special Education Appeals to show that its evaluation is comprehensive and appropriate. Where the BSEA finds that the district's evaluation was comprehensive and appropriate, Alma does not pay for the IEE requested by the parent.
5. Whenever possible, the IEE is completed and a written report sent to the parent no later than 30 days after the parent's request is made. If publicly funded, the report is sent to the parents and the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate *types* of placements but does not recommend specific classrooms or schools.
6. Within ten school days from the time that Alma receives the report of the IEE, the Team reconvenes to consider the IEE and determine whether a new or amended IEP is appropriate.

**Public funding of independent education evaluations:**

When the parent requests public funding for an Independent Education Evaluation, Alma del Mar Charter School shall abide by the following provisions for a sliding fee scale:

1. If the student is eligible for free or reduced cost lunch or is in the custody of a state agency with an Educational Surrogate Parent appointed in accordance with federal law, then Alma del Mar Charter School shall provide, at full public



- expense, an Independent Education Evaluation that is equivalent to the types of assessments done by the school district. No additional documentation of family financial status is required from the parent.
2. If the family financial status is not known, Alma del Mar Charter School shall offer the parent information about the sliding fee scale and the opportunity to provide family income information to determine if the family may be eligible for public funding of all or part of the costs of an Independent Education Evaluation. Provision of financial information by the family is completely voluntary on the part of the family. The lack of financial information provided by the family will disqualify the family from such additional public funding of all or part of the costs of an independent education evaluation under 603 CMR 28.04(5)(c) but shall not limit the rights of parents to request public funding under 603 CMR 28.04(5)(d).
  3. If the family agrees to provide financial information, such information shall include anticipated annual income of the family, including all sources of income and verifying documents. Financial information shall be reviewed by the district, shall be kept confidential during review by the district, shall not be copied or maintained in any form at the district except to note that information was provided and reviewed and met or did not meet sliding fee scale standards. Financial documents shall be promptly returned to the parent upon the district's determination of financial income status.
  4. Alma del Mar Charter School shall consider family size and family income information in relation to Federal Poverty Guidelines and shall contribute public funds to the costs of the independent education evaluation according to the following standards:
    - a) If the family income is equal to or less than 400% of the federal poverty guidelines, Alma del Mar Charter School shall pay 100% of the costs of an Independent Education Evaluation.
    - b) If the family income is between 400% and 500% of the federal poverty guidelines, Alma del Mar Charter School shall pay 75% of the costs of an Independent Education Evaluation.
    - c) If the family income is between 500% and 600% of the federal poverty guidelines, Alma del Mar Charter School shall pay 50% of the costs of an Independent Education Evaluation.
    - d) If the family income is over 600% of the federal poverty guidelines, Alma del Mar Charter School shall have no obligation to cost-share with the parent/guardian.



## Eligibility Determinations

### Eligibility Process

The Team shall examine the evaluative data, including information provided by the parent, and make one of the following determinations:

1. **The student is found eligible.** A student may be found eligible if he/she has one or more of the disabilities defined at 603 CMR 28.02(7) and if, as a result of the disability(ies), the student is unable to progress effectively in the general education program without the provision of specially designed instruction, or is unable to access the general curriculum without the provision of one or more related services.
  - (i) Consistent with state and federal special education law, the Team shall establish whether a student has a disability(ies) as defined in 603 CMR 28.02(7), determine the type(s) of disability(ies) and shall ensure that the student's inability to progress is a result of the disability(ies) and not a result of an inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or math.
  - (ii) Once eligibility has been determined, the type of disability of the student shall not be used to provide a basis for labeling or stigmatizing the student. Additionally, the type of disability shall not define the needs of the student and shall in no way limit the services, programs, or inclusion opportunities provided to the student.
  - (iii) If the Team determines that the student is an eligible student, the Team shall develop an individualized education program (IEP).
2. **The student is not eligible.** If the Team determines that the student is not eligible, the Dean of Scholar Support shall record the reason for such finding, list the meeting participants, and provide written notice to the parent of their rights in accordance with federal requirements within ten days of the Team meeting. (603 CMR 28.05(2)(a)(2))
3. **Evaluations are deemed “inconclusive”.** During a Team meeting, if the Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, may agree to an **extended evaluation period**.
  - The extended evaluation period shall not be used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to identify some necessary objectives and services, the Team shall write a partial IEP that, if

accepted by the parent/guardian, shall be immediately implemented by the district while the extended evaluation is occurring.

- The extended evaluation period shall not be used to allow additional time to complete the required assessments under 603 CMR 28.04(2)(a).
- If the parent/guardian consents to an extended evaluation, the Team shall document its findings and determine what evaluation time period is necessary and the types of information needed to develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases shall reconvene promptly to develop or complete an IEP when the evaluation is complete.
- The extended evaluation may extend longer than one week, but shall not exceed eight school weeks.
- The extended evaluation shall not be considered a placement.

### **Eligibility Criteria:**

In order to determine whether a student is eligible for Special Education services, the Team shall consider the following questions:

1. Does the child have one or more of the following types of disability? (see appendix for additional information regarding disabilities)
  - Autism
  - Developmental Delay
  - Intellectual Impairment
  - Sensory Impairment (Hearing, Vision, Deaf/Blind)
  - Neurological Impairment
  - Communication Impairment
  - Emotional Impairment
  - Physical Impairment
  - Specific Learning Disability
2. Is the student making effective progress?<sup>1</sup>
3. Is the lack of effective progress the result of the disability?
4. Does the student require specially designed instruction<sup>2</sup> in order to make effective progress or does the child require related services in order to access the general curriculum?

<sup>1</sup> To judge whether a student is making **effective progress**, the Team must determine whether the student has:

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

When considering if the student has made effective progress, the Team must specifically look at whether the disability(ies) is causal to an inability to make progress. Such a finding is pivotal in the eligibility determination. The law clearly states that

students may not be determined eligible solely because of a need for reading or math instruction or because of limited English proficiency or social maladjustment.

2 **Specially Designed Instruction** is instruction for the student that is designed to meet the unique needs of that student. Such special design may require modifying content, methodology, delivery of instruction, or instructional format, or performance criteria. For instance, if the student's disability means that he/she cannot complete the same amount of work that other students in the class complete (either in quality or quantity or both), the determination of alternate performance criteria suited to the student's needs would be special education.

## IEP Development & Placement\_\_\_\_\_

### IEP Team Composition:

In accordance with 300.321, IEP Teams shall include the following:

1. The parent/legal guardian of the child
2. No fewer than one general education teacher of the child
3. No fewer than one member of the special education team
4. A representative of Alma who is
  - a) qualified to provide and/or supervise specially designed instruction
  - b) knowledgeable about the general education curriculum
  - c) authorized to commit district funds
5. An individual who can interpret evaluations
6. At the discretion of the parent and district, other individuals who have knowledge or expertise regarding the child (related service providers, etc.)
7. When appropriate, the child with a disability
8. If necessary, a translator will be provided

### Excusal from a Team Meeting:

A member of the IEP Team may be excused from attending an IEP meeting (in whole or part) if the parent and the district consent (in writing) to the excusal and the member submits (in writing) to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

### IEP Development:

Upon determining that the student requires special education and based upon the evaluative data, the Team shall write an IEP for the student and decide the student's placement. The IEP shall describe the special education and related services that the student requires and shall include all elements required under federal and state law.

- a) The IEP shall include specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or may consist solely of related

services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements.

- b) The Team shall carefully consider the general curriculum, the learning standards of the Massachusetts Curriculum Frameworks, the curriculum of the district, and shall include specially designed instruction or related services in the IEP designed to enable the student to progress effectively in the content areas of the general curriculum.
- c) The daily duration of the student's program shall be equal to that of the regular school day, unless the Team states that a different duration is necessary to provide a free appropriate public education to the student. In such case, the Team shall specify the daily duration of the program, and the Team shall state on the IEP the reason for such different duration. An extended year program may be identified if the student has demonstrated, or is likely to demonstrate, substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.

### **IEP Components:**

In accordance with 300.320, all IEPs include the following information:

1. A statement of the child's present levels of academic achievement and functional performance (including the way in which the disability affects the child's progress in the general curriculum)
2. Measurable annual goals
3. A description of how the child's progress toward his/her annual goals shall be measured
4. Required services
5. An explanation of the extent (if any) to which the child will not participate with non-disabled children
6. Accommodations that are necessary to measure academic achievement and functional performance on State and district-wide assessments

### **Procedures IEP Teams follow to avoid or address bullying, harassment or teasing**

During IEP meetings team members consider student's disability and the impact of the disability on the student's interaction and communication with others. For students on the autism spectrum, students who have a disability that affects social skill development or students whose disability may make the him/her vulnerability to bullying, harassment, and teasing the IEP Team considers how the disability affects his/her learning the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. Alma del Mar students receive support in developing appropriate skills and proficiencies through character education curriculum. IEP Teams consider ways the age-appropriate instruction on bullying prevention and intervention incorporated into the general curriculum already assists a student with a disability in these areas and reflect this discussion in the IEP. If the

IEP Team determines the student will unlikely learn these skills solely within the general curricular program the Team will consider a variety of modifications and/or services to address these skills and will be included in the student's IEP.

### **Special requirements for students on the autism spectrum**

Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhetts's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the IEP Team shall consider and shall specifically address the following:

1. the verbal and nonverbal communication needs of the child;
2. the need to develop social interaction skills and proficiencies;
3. the needs resulting from the child's unusual responses to sensory experiences;
4. the needs resulting from resistance to environmental change or change in daily routines;
5. the needs resulting from engagement in repetitive activities and stereotyped movements;
6. the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder;
7. and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

### **Draft IEPs**

Alma del Mar does not prepare draft IEPs for IEP meetings. Special education teachers and related services providers often have a summary of proposed IEP goals. Suggested goals are brought to Team meetings but these are not presented as drafts rather they are suggestions.

### **Timeline for sending home proposed IEPs**

Summaries of IEPs are given to parents at the conclusion of meetings and complete IEPs are sent to parents shortly after meetings. At a minimum, this summary includes:

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

By providing parents with this summary at the conclusion of the Team meeting, in the Department of Elementary and Secondary Education's opinion the district has complied with the requirement to provide the parent with the key decisions and agreements immediately. The district may then take no more than two calendar weeks (this reflects the former ten school working days standard) to prepare the complete IEP for the parent's signature and for the student's records (both home and school).



**Least Restrictive Environment:**

In accordance with 603 CMR 28.06 (2) and 34 CFR 300.130.550-300.556, Alma del Mar Charter School ensures the program selected for a student with a disability is the least restrictive environment, with consideration given to any potential harmful side effect on the student or on the quality of services that he/she receives.

If a student is removed from the general education classroom at any time, the IEP Team states why the removal is considered critical to the student’s educational program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.

The district does not remove an eligible child from the general education classroom solely because he/she requires modifications to the curriculum. When appropriate, services are provided by Alma del Mar staff members in the general education classroom.

**Determination of Placement:**

At the Team meeting, after the IEP has been fully developed, the Team shall determine the appropriate placement to deliver the services on the student's IEP. Unless the student's IEP requires some other arrangement, the student shall be educated in the school that he or she would attend if the student did not require special education.

- Identification by the Team of placement shall proceed in accordance with the options delineated in 603 CMR 28.06.
- Lack of an identified placement shall not delay the proposal of the IEP to the parent following the Team meeting.

**Parent/Guardian Response to Proposed IEP and Proposed Placement:**

Immediately following the development of the IEP, the district shall provide the parent/guardian with two copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.

- No later than 30 days after receipt of the proposed IEP and proposed placement, the parent/guardian shall accept or reject the IEP in whole or in part; request a meeting to discuss the rejected portions of the IEP or the overall adequacy of the IEP; or if mutually agreed upon, accept an amended proposal; and accept or reject the proposed placement.

Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay.





### **Related Services:**

In accordance with 34 CFR 300.551; 300.305 and 300.123, Alma del Mar Charter School provides or arranges for the provision of each of the elements of the IEPs of eligible students in need of special education. Alma ensures that a continuum of services is available to meet the needs of students with disabilities and takes all steps necessary to ensure compliance with all elements of the IEPs.

Alma del Mar Charter School currently has students who require the following services:

- Specially Designed Instruction/Academic Support
- Occupational Therapy
- Speech/Language Therapy
- Physical Therapy
- School Based Counseling
- Social Skills
- Executive Functioning instruction
- School Nursing

### **Assistive technology:**

Assistive technology is considered for each eligible student, and if the student needs it in order to receive a free, appropriate, public education, the assistive technology is described in the IEP and provided by the district.

- Areas the team should consider for the use of assistive technology:
  - *Communication*- Does the student need an assistive device to express wants, needs, emotions, and knowledge?
  - *Computer Access*- Does the student need an assistive device to access the computer (i.e. switches, adapted keyboard, or adapted mouse)?
  - *Education and Transition*- Does the student need an assistive technology device to participate in classroom activities (i.e. switches, modified handwriting paper, manipulatives, pencil grips, calculator, or modified seating)? This section should include mobility and positioning to access the educational program. Physical Education equipment needs should be considered when looking at educational needs.
  - *Daily Living Skills*- Does the student need an assistive technology device to aid in feeding, grooming, self-care, and toileting (i.e. changing table, adapted eating utensils, or modified toileting system)?
  - *Listening*- Does the student need an assistive technology device in order to assist with listening (e.g. FM system)?
  - *Visual Aids*- Does the student need an assistive device to assist with visual abilities (i.e. colored paper, colored overlays, or modified lighting)?





The following is a partial list of specialized materials and equipment currently in the district:

- Tablet computers
- Adapted tool grips
- Books on tape
- Picture schedules
- Visual timers
- Alternate chair or cushion
- “Wiggle” seats
- Noise-canceling headphones
- “SLANT” boards
- Weighted blanket/vest
- Adapted handwriting paper
- Exercise balls
- Computers and other word processors
- Trampoline
- Scooters
- Letter lines
- “Space men” for letter and word spacing
- Laptop computers for individual student use
- Crash pad
- Theraputty

**Out of District Placements:**

Alma del Mar Charter School shall have programmatic and financial responsibility for enrolled students, subject only to specific finance provisions of any pertinent state law related to the program school. Specific provisions for charter schools are as follows:

When the Team determines that the student may need an out-of-district placement, the Team shall conclude the meeting pursuant to 603 CMR 28.06(2)(e) without identifying a specific placement type, and shall notify the school district where the student resides within two school days.

1. Upon a determination as in 603 CMR 28.10(6)(a) above, Alma del Mar Charter School shall schedule another meeting to determine placement, and shall invite representatives of the school district where the student resides to participate as a member of the placement team pursuant to 603 CMR 28.06(2)(e)(1).
2. The Team meeting convened by the Alma del Mar Charter School shall first consider if the school district where the student resides has an in-district program that could provide the services recommended by the Team, and if so, the program school shall arrange with the school district where the student resides to deliver such services or develop an appropriate in-district program at the program school for the student.

3. If the placement Team, in accordance with the procedures of 603 CMR 28.06(2)(e), determines that the student requires an out-of-district program to provide the services identified on the student's IEP, then the placement proposed to the parent shall be an out-of district day or residential school, depending on the needs of the student. Upon parental acceptance of the proposed IEP and proposed placement, programmatic and financial responsibility shall return to the school district where the student resides. The school district where the student resides shall implement the placement determination of the Team consistent with the requirements of 603 CMR 28.06(3).



## **IEP Implementation**

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Per 603 CMR 28.06(3), 34 CFR 300.17(a); 300.101-104 and 300.154, Alma del Mar Charter School fully implements each IEP which as been consented to by the child's parent/guardian. All programs and services are provided without cost to the child's family.

In accordance with 603 CMR 28.05 (7)(b); 28.06(2)(d)(2) and 34 CFR 300.342, Alma del Mar Charter School ensures the following:

1. Where the IEP of the student in need of Special Education has been accepted in whole or in part by the student's parent/guardian, Alma del Mar Charter School provides the mutually agreed upon services without delay.
2. At the beginning of the school year, Alma del Mar Charter School has an IEP in effect for each eligible student. If parents or sending schools do not provide Alma del Mar Charter School with the most recent signed IEP every attempt is made to retrieve these as soon as possible.
3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP. Every other week, the Dean of Scholar Support meets with each grade level team to ensure that the needs of individual students are being met in accordance with the IEPs of those students.
4. Alma del Mar Charter School does not delay implementation of an IEP due to a lack of classroom space or personnel. In such cases, Alma provides as many of the services on the IEP as possible and immediately informs the parent, in writing, of any delay, the reason for such delay, actions that the district is taking to address the issue, and alternate methods to meet the IEP goals. Upon agreement of the parents, Alma del Mar Charter School shall implement alternative methods immediately until the lack of space or personnel issues are resolved.

### **Accountability:**

Alma del Mar Charter School employs the following procedures to ensure that IEPs are implemented fully and consistently.

1. Upon receipt of a signed IEP, amendment, or consent to evaluate, the Office Manager notifies all parties informing them that services (or testing) should commence.

2. All general education teachers participate in an annual Special Education training which provides instruction on their responsibilities in working with students in IEPs.

**Use of Paraprofessionals:**

Paraprofessionals at Alma del Mar Charter School can be used to provide instructional support. In accordance with 34 CFR 300.156, paraprofessionals do not design instruction for students on IEPs, but implements instruction under supervision.

Special education paraprofessionals are encouraged to participate in all professional development activities. In addition, paraprofessionals are afforded the opportunity to take part in outside training opportunities related to the position.

**Transition Planning:**

Beginning no later than the first IEP developed when the eligible student is 14, the Team considers the student's need for transition services and documents this discussion. If appropriate, the IEP includes a statement of needed transition services. Alma del Mar Charter School must maintain documentation of a full discussion of the student's transition needs, whether or not such discussion identifies needed transition services for the IEP. Such documentation must be reviewed and updated annually thereafter. Students must be invited to all educational meetings and allowed to participate actively when transition planning is discussed.

IDEA 2004 defines transition services as a coordinated set of activities for a student with a disability that:

- a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- b) Is based on individual strengths, preferences and interest; and
- c) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. (P.L. 108-446, Sec 603 (34))

## **IEP Amendments:**

Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. A parent is always provided with a revised copy of the IEP with the amendments incorporated

- The amendment process is a Team process. Communication and participation of parents is necessary. This may be facilitated by in person meetings or phone conferences.
- As with IEPs, all amendments must be signed by the Dean of Scholar Support and parent.

## **Progress Reports:**

Progress reports must be completed as often as report cards are distributed in the district. Alma del Mar Charter School follows a quarter schedule, therefore progress reports will be distributed with report cards at the conclusion of each quarter. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP.

## **Instructional Groups:**

Special education teachers may provide specially designed instruction to groups of students when such instruction meets the guidelines set forth in 603 CMR 28.06(6):

1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP.
2. Instructional grouping size requirements are maximum sizes and Alma del Mar Charter School exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs.
3. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or more of the students' school schedule, group size does not exceed
  - 8 students with a special educator,
  - 12 students if the special educator is assisted by 1 aide, and
  - 16 students if the special educator is assisted by 2 aides.
4. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Dean of Scholar Support and the highly qualified special educators providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs.

5. In such cases, the Dean of Scholar Support provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.
6. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.

**Age Span Requirements:**

In accordance with 603 CMR 28.06(6)(f), the ages of the youngest and oldest child in any instructional grouping do not differ by more than 48 months. In cases where Alma del Mar Charter School believes it is justified, a written request for approval of a wider age range shall be submitted to the Commissioner of Education. Such requests shall be implemented only after approval of the Department of Elementary and Secondary Education.



## Participation in State and District Wide Assessment Programs\_\_

In accordance with 603 CMR 30.50 (2), (3), (5) and 34 CFR 300.138; 300.139, Alma del Mar Charter School ensures that all students, including those who are enrolled in out-of-district placements and those with identified disabilities, participate in the Massachusetts Comprehensive Assessment System and all other district wide assessment programs.

As a component of IEP development, the Team identifies the appropriate testing format for each individual student and, if necessary, specifies any accommodations that are required.

1. Student will participate in on demand testing under routine conditions.
2. Student will participate in on demand testing with appropriate accommodations.
3. Student will participate in alternate testing (portfolio assessment).

### **MCAS Accommodations:**

Determinations with regard to standard testing accommodations are made by the IEP Team in accordance with the guidelines set forth in *"Requirements for the Participation of Students with Disabilities in MCAS, 2011-2012"*.

1. Teams must give consideration to accommodations to MCAS during Team meetings. Accommodations documented in the IEP must be accommodations that are part of a student's regular program.
2. Accommodations should only be offered when a need exists that requires the provision of said accommodation in order to provide a quantifiable educational benefit.
3. Team consideration of an alternate assessment must include a decision that the child has a documented cognitive impairment that makes demonstration of knowledge on-demand testing, even with accommodations, impossible. The provision of the alternate assessment is reserved for a small subset of special education students.
4. Team chairs and/or special educators who believe that that a child's IEP might contain the provision of the alternate assessment must communicate with a building director and/or the director of student support prior to a Team meeting in order to ensure participation and/or input from an administrator.
5. Alternate Assessment Portfolios must be reviewed by building directors prior to submission.
6. Teams who propose alternate assessments in a student's IEP must completely document the areas to be included in the student's portfolio.
7. In cases where a performance appeal could be undertaken, the director, must be consulted.



**MCAS Performance Appeals:**

In the event that a performance appeal is warranted for a student with a disability, the appeal will be filed by the director of student support

1. The appropriate administrator will file an MCAS performance appeal for a student with a disability when the student's parent/guardian or the student (if over 18) requests it.
2. Consent from the parent/guardian or the student will be obtained before a performance appeal is filed.
3. The performance appeal will include, to the extent possible, required evidence of the student's knowledge and skills in the subject in dispute.





## **Discipline and Students with Disabilities**

### **Behavioral Interventions:**

If a special education student's behavior impedes his/her learning and/or the learning of others, the Team shall consider the student's behavior including positive behavioral interventions, ability to follow school discipline code and the possible need for a Functional Behavioral Assessment (FBA).

### **Recording and Reporting Disciplinary Data:**

In accordance with 34 CFR 300.530, and IDEA 2004 Final Regulations, Alma del Mar Charter School has established the following procedures for the monitoring the number and duration of suspensions incurred by students with Individual Education Programs:

1. The Head of School is provided with an up-to-date roster of all special education students and students who are in the evaluation process.
2. In the event that a student with an IEP or a student who is currently being evaluated receives an out of school suspension, the Head of School and the Dean of Scholar Support ensure that the suspension is appropriately recorded.

### **Suspension of Students with Disabilities:**

In accordance with M.G.L. c. 76, sections 16-17 and 34 CFR 300.530-537, Alma del Mar Charter School adheres to the following policies and procedures when a student is suspended (out of school):

1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46.
2. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal Alma del Mar Charter School will provide sufficient services for the student to continue to receive a free and appropriate public education.
3. Alma del Mar Charter School provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year. Please see Alma del Mar Charter School Family Handbook for additional information.

**Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed suspensions that exceeds 10 cumulative days:**

1. Prior to a suspension that constitutes a change in placement of a student with disabilities, Alma personnel, the parent/guardian, and other relevant members of the Team, as determined by the parent/guardian and the district, shall convene to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.”
2. If Alma personnel, the parent/guardian, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the Alma must still offer:
  - a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals, these services will be coordinated by the Dean of Scholar Support; and
  - b. a Functional Behavioral Assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
3. Interim alternative educational setting. Regardless of the manifestation determination, Alma del Mar Charter School may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
  - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
  - b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.

In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.

4. If Alma personnel, the parent/guardian, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a Functional Behavioral Assessment and behavioral intervention plan (if it has not already done so). If a behavioral intervention plan is already in place, the Team

reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise.

5. Not later than the date of the decision to take disciplinary action, the Alma del Mar Charter School notifies the parent/guardian of that decision and provides them with the written notice of procedural safeguards. If the parent/guardian chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.
6. If the Team determines the student's behavior was the result of the district's failure to implement the IEP the Team will consider returning the student to their original placement immediately. The director of student support will conduct training with general education and special education staff to ensure the IEP is being fully implemented.

### **Prior Knowledge:**

***Students who have not yet been identified as special needs students may have IDEA due process protections available to them if:***

1. If, prior to the disciplinary action, Alma del Mar Charter School had knowledge that the student may be a student with a disability, then Alma makes all protections available to the student until and unless the student is subsequently determined not to be eligible. Alma may be considered to have prior knowledge if:
  - a. The parent had expressed concern in writing; or
  - b. The parent had requested an evaluation; or
  - c. Alma del Mar staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

Alma del Mar Charter School may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.

2. If Alma had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, Alma del Mar follows procedures



consistent with federal requirements to conduct an expedited evaluation to determine eligibility.

3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

### **Proactive Monitoring:**

The School Leadership Team, their designees and special education staff must be aware of the discipline records of students with disabilities in their building. Communication between all parties including classroom teachers is the most effective way to proactively manage any disciplinary issues.

The School Leadership Team and/or their designees must regularly review discipline and suspension logs related to students with disabilities. If a pattern of inappropriate behavior that violates the school's discipline code, regardless of whether the actions result in a suspension of the student, occurs or begins to appear, the Head of School and/or Behavior Interventionist must communicate with the Dean of Scholar Support to determine whether a Team meeting should occur.

The Dean of Scholar Support must be aware of a student's discipline record. Regular education teachers should be encouraged to discuss the performance and presentation of student with disabilities.

### **Behavioral Plans (BP):**

A Behavioral Plan (BP) is a written document that is intended to address how district personnel will deal with a student's challenging, disruptive or otherwise unacceptable behaviors. The Individuals with Education Improvement Act of 2004 (IDEIA) mandates consideration of a BP in the case of a child whose behavior impedes his/her learning or that of others. This consideration must be constructed around positive behavioral interventions, supports, and other strategies. A BP should be used as a proactive means of avoiding inappropriate behaviors and/or patterns of behaviors.

Behaviors Plans are developed by a relevant subset of the child's IEP Team. This may include (but not be limited to) the general education teacher, Behavior Interventionist, Behavioral Consultant, parent/guardian, and other specialists/therapists who have knowledge of the child and his/her needs.

The existence of a BP should be noted in the scholar's IEP. The document itself should be attached (physically) to the IEP and be given to all faculty members who receive the IEP itself.

**Manifestation Determination:**

Special with disabilities can be suspended in a similar fashion to regular education students for up to ten days during a school year for violations of the student discipline code. Any suspension that would create a circumstance in which the suspension would exceed the ten day rule, either as a long term suspension in and of itself, or as the suspension that would add to a suspension total exceeding ten days must follow the procedures below related to Manifestation Determinations and/or Functional Behavioral Assessments.

Suspensions that would lead to a suspension in excess of the ten day rule must not occur until a manifestation determination occurs. Notice to parent/guardian must be made the same day that the decision is made.

A Manifestation Determination must occur within ten school days of the decision to suspend the student. A Manifestation Determination is an evaluation of the relationship between an act of misconduct and a student's disability. A Manifestation Determination **must** occur in three specific circumstances:

1. Placement is to be changed to an Interim Alternative Educational Setting (IAES) for drug or weapon offenses, or has inflicted serious bodily injury to another person
2. Placement by a hearing officer
3. Removal that constitutes a change of placement (e.g., more than ten schools days)

A Manifestation Determination must be conducted by the district, the parent, and *relevant* members of the IEP Team. There is **no requirement** for the full Team. In conducting a Manifestation Determination, Teams must determine whether the act of misconduct:

1. Was caused by, or had a *direct and substantial relationship* to, the child's disability;  
or
2. Was a direct result of the district's failure to implement the IEP.

Team members should consider the student's understanding of the discipline code, and their behavior in relation to the code.

If the misconduct was not a manifestation of the child's disability then any disciplinary action can occur as it would with non disabled children. In any case, a Functional Behavioral Assessment may, *if appropriate*, be conducted; and/or adjust any BIP.

If the behavior was a manifestation, a Functional Behavioral Assessment must occur.

**Functional Behavioral Assessment (FBA):**

A FBA is a process that searches for an explanation of the purpose behind a child’s problem behavior.

As with Manifestation Determinations, there is no specific language related to the methodology to be used in conducting an FBA. Language from a hearing in Minnesota: *Independent School District No. 2310*, 29 IDELR 330, 1998, should guide district personnel in designing an appropriate FBA:

*“The general purpose... is to provide the IEP Team with additional information, analysis, and strategies for dealing with undesirable behavior, especially when it is interfering with a child’s education. The process involves some variant of identifying the core or “target” behavior; observing the pupil (perhaps in different environments) and collecting data on the target behavior, antecedents, and consequences; formulating an hypothesis about the cause(s) of the behavior; developing an intervention(s) to test the hypothesis; and collecting data on the effectiveness of the intervention(s) in changing the behavior. Presentation of the information should be done in a manner useful for future work on the child’s behavioral issues.”*

**Free and Appropriate Public Education (FAPE):**

There is no FAPE obligation in cases where a student has been suspended for less than ten days.

Irrespective of whether the behavior that led to a suspension that triggered a change of placement (suspension of over ten days) was a manifestation of the student’s disability, the student must receive educational services so as to enable the student to continue to participate in the general education curriculum, and to progress toward meeting the child’s IEP goals.



## **Dispute Resolution**

### **Local School District Procedures:**

In accordance with 603 CMR 28.08, Alma del Mar Charter School shall implement the following problem resolution procedures.

1. Parent will be given an opportunity to present his/her concerns to the Dean of Scholar Support. Concerns may be presented in writing or at an in-person meeting.
2. The Dean of Scholar Support or his/her designee shall respond, in writing, to the parent's concerns within 2 school days.
3. The Parent may speak with the Head of School and/or Executive Director to further discuss concerns.
4. Parent/guardian will be informed of his/her right to dispute resolution through the Department of Elementary and Secondary Education.
5. These local procedures shall not be used to delay or deny a parent's right to access other dispute resolution mechanisms.

### **Department of Elementary and Secondary Education Dispute Resolution Procedures:**

The Department of Elementary and Secondary Education maintains a Problem Resolution System that provides for the investigation of complaints and the enforcement of compliance with 603 CMR 28.00, as well as with other statutes and regulations relating to the provision of publicly funded education. The Department can make findings on procedural issues and issues related to implementation of requirements. Any party wishing to file a complaint may do so through the Department. Use of the Department Problem Resolution procedures shall not prevent a party from requesting alternative administrative remedies of mediation or hearing on any matter, at any time. Copies of the Problem Resolution System Guidelines and Procedures are available from the Department upon request. Findings and orders issued by the Department on complaints and the Department's processing of a complaint are not reviewable by the Bureau of Special Education Appeals. Additionally, the pendency of a complaint before the Department does not make the Department a necessary party to actions on related issues pending before the Bureau of Special Education Appeals.

### **Bureau of Special Education Appeals:**

In order to provide for the resolution of differences of opinion among school districts, private schools, parents, and state agencies, the Bureau of Special Education Appeals, located with the Department, shall conduct mediations and hearings to resolve such disputes. The jurisdiction of the Bureau of Special Education Appeals over state agencies, however, shall be exercised consistent with 34 CFR §300.154(a). The hearing officer may determine, in accordance with the rules, regulations and policies of the respective agencies,



that services shall be provided by the Department of Social Services, The Department of Mental Health, the Department of Public Health, or any other state agency or program, in addition to the IEP services to be provided by the school district. Mediations and hearings shall be conducted by impartial mediators and hearing officers who do not have personal or professional interests that would conflict with their objectivity in the hearing or mediation and who are employed to conduct those proceedings.

- a) A parent/guardian or a school district, except as provided in 603 CMR 28.08(3)(c) and (d), may request mediation and/or a hearing at any time on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education in accordance with state and federal law, or procedural protections of state and federal law for students with disabilities. A parent/guardian of a student with a disability may also request a hearing on any issue involving the denial of the free appropriate public education guaranteed by Section 504 of the Rehabilitation Act of 1973, as set forth in 34 CFR §§104.31-104.39.
- b) No later than five calendar days after receipt of a request for hearing or notice that an IEP, or proposed placement, or finding of no eligibility for special education has been rejected by the parent, Alma del Mar Charter School shall send a copy of such request or notice to the Bureau of Special Education Appeals. The Bureau of Special Education Appeals shall then give notice in writing to the parties of the rights of the parents and school district to request mediation and a hearing.
- c) Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead.
- d) If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three (3) business days of the signing.
- e) Alma del Mar Charter School may not request a hearing on a parent's failure or refusal to consent to initial evaluation or initial placement of a student in a special education program.
- f) Alma del Mar Charter School may request a hearing to appeal the Department's assignment of school district responsibility under 603 CMR 28.10 according to the procedures in 603 CMR 28.10(9).

**Mediation:**

A voluntary dispute resolution procedure, called mediation, shall be provided by mediators employed by the Bureau of Special Education Appeals and may be used by parents and



school districts to seek resolution of their dispute. Mediations shall be provided at no cost to the parties. No parent shall be required to participate in mediation.

- a) Within 30 calendar days of receipt of a request for mediation, the mediator shall schedule a mediation session at a time and place convenient to the parties. The mediation shall include the parent/guardian, any representative of the parent/guardian's choosing, and a representative(s) of Alma del Mar Charter School, with one representative who is authorized to resolve the dispute on behalf of the school district. When the parties reach agreement, it shall be set forth in written form. Concurrent with a request for mediation or if no agreement is reached, the parents or school district may request a hearing.
- b) All discussions that occur during mediation are confidential and may not be used as evidence in a hearing. Parents and school districts may request a hearing without participating in mediation.

**Hearings:**

Five (5) calendar days after receipt of a written request for hearing, the Bureau of Special Education Appeals shall notify the parties in writing of the name of the assigned hearing officer and, as appropriate, shall provide either a date for the hearing or a statement of federally required procedures to be followed before a hearing date can be assigned.

- a) The Bureau of Special Education Appeals shall issue Rules that state the parties' rights and obligations as to the hearing process, which shall be consistent with all state and federal laws. Such Rules shall be available to the public on request.
- b) Except as provided otherwise under federal law or in the administrative rules adopted by the Bureau of Special Education Appeals, hearings shall be conducted consistent with the formal Rules of Administrative Procedures contained in 801 CMR 1.00.
- c) The Special Education Appeals hearing officer shall have the power and the duty to conduct a fair hearing; to ensure that the rights of all parties are protected; to define issues; to receive and consider all relevant and reliable evidence; to ensure an orderly presentation of the evidence and issues; to order additional evaluations by the school district or independent education evaluations at public expense when necessary in order to determine the appropriate special education for the student; to reconvene the hearing at any time prior to the issuance of a decision; to take such other steps as are appropriate to assure the orderly presentation of evidence and protection of the parties' rights at the hearing; to ensure a record is made of the proceedings; and to reach a fair, independent, and impartial decision based on the issues and evidence presented at the hearing and in accordance with applicable law.

**Hearing Decision:**

The decision of the hearing officer of the Bureau of Special Education Appeals shall be implemented immediately and shall not be subject to reconsideration by the Bureau of Special Education Appeals or the Department, but may be appealed to a court of competent jurisdiction.

- a) The written findings of fact and decision of the hearing officer along with notification of the procedures to be followed with respect to appeal and enforcement of the decision shall be sent to the parties and their representatives.
- b) A party contending that a Bureau of Special Education Appeals decision is not being implemented may file a motion with the Bureau of Special Education Appeals contending that the decision is not being implemented and setting out the areas of non-compliance. The hearing officer may convene a hearing at which the scope of the inquiry shall be limited to the facts on the issue of compliance, facts of such a nature as to excuse performance, and facts bearing on a remedy. Upon a finding of non-compliance, the hearing officer may fashion appropriate relief, including referral of the matter to the Legal Office of the Department or other office for appropriate enforcement action. The possibility of enforcement action does not make the Department a necessary party in matters pending before the Bureau of Special Education Appeals.

**Student's Right to IEP Services and Placement:**

In accordance with state and federal law, during the pendency of any dispute regarding placement or services, the eligible student shall remain in his or her then current education program and placement unless the parents and the school district agree otherwise.

- a) If the parent/guardians are seeking initial placement in the public school, and the child is at least five years old, however, the child shall be placed in the public school program.
- b) For children three and four years of age, rights to services from the public school district are limited to children who have been found eligible for special education and have an IEP and placement proposed by the public school district and accepted by the parent.
- c) A hearing officer may order a temporary change in placement of an eligible student for reasons consistent with federal law, including but not limited to when maintaining such student in the current placement is substantially likely to result in injury to the student or others.
- d) Except as provided in 603 CMR 28.08(7)(a through c) above, any party seeking to change the eligible student's placement during the pendency of proceedings before the Bureau of Special Education Appeals or in subsequent judicial proceedings shall



seek a preliminary injunction from a state or federal court of competent jurisdiction, ordering such a change in placement.



## District Obligations

Alma del Mar Charter School shall provide or arrange for the provision of special education and related services for eligible students in accordance with the provisions of state and federal law and regulation. In accordance with 603 CMR 28.03, Alma del Mar Charter School shall:

1. provide training to all school district staff, including general and special educators, administrators, and paraprofessionals, on the requirements of special education.
2. provide such staff training in analyzing and accommodating diverse learning needs of all students in the general education classroom.
3. provide such staff training in methods of collaboration among teachers, paraprofessionals, and teacher assistants to accommodate diverse learning needs.
4. conduct, in cooperation with the Special Education Parent Council, at least one workshop annually within the school district on the rights of students and their parents and guardians under state and federal Special Education Laws.

### **Administrator of Special Education:**

At Alma del Mar Charter School, the Dean of Scholar Support serves as Administrator of Special Education. The administrator shall ensure compliance with all federal and state special education laws. As appropriate, and in accordance with the requirements of M.G.L. c. 71B, § 3A, the administrator may designate other school district personnel to carry out some of the duties of the administrator.

### **Responsibilities of the Principal:**

1. **Instructional support:** The Principal shall implement the plan developed and adopted by the district to ensure that efforts have been made or will be made to meet the needs of diverse learners in the general education program. As part of his/her responsibilities, the Principal shall promote instructional practices responsive to student needs and shall ensure that adequate instructional support is available for students and teachers. Instructional support shall include remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, § 2. The Principal may consult with the Dean of Scholar Support regarding accommodations and interventions for students. Such efforts and their results shall be documented and placed in the student record. Additionally, if an individual student is referred for an evaluation to determine eligibility for special education, the Dean of Scholar Support shall ensure that documentation on the use of instructional support services for the student is



provided as part of the evaluation information reviewed by the Team when determining eligibility.

2. **Educational services in home or hospital:** Upon receipt of a physician's written order verifying that any Alma student must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the Dean of Scholar Support shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The Dean of Scholar Support will coordinate such services in collaboration with the Principal. Such educational services shall not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.

#### **Standard Procedures and Forms:**

The Department of Elementary and Secondary Education may prepare standard forms to assist school districts in meeting state and federal special education requirements. In accordance with 603 CMR 28.03, Alma del Mar Charter School shall:

- a) use forms that, at a minimum, contain the elements of those forms issued by the Department.
- b) maintain required data on eligible students receiving special education services, shall ensure that such data remains current and accurate, and, on request, shall report such data in the form required by the Department and in accordance with 603 CMR 10.00 and the guidelines for reporting student and financial data.

#### **Waivers:**

Alma del Mar Charter School may submit in writing a proposal for approval by the Department of Elementary and Secondary Education for the satisfaction of any requirement in 603 CMR 28.00 in a manner different from that specified in 603 CMR 28.00. The Department may approve such proposal if it shows substantial promise of contributing to improvements in the methods for meeting the goals of 603 CMR 28.00 and if such proposal does not conflict with any provision of law. No such proposal shall be implemented until approved by the Department.



**Facilities:**

Alma del Mar Charter School shall provide facilities and classrooms for eligible students to maximize the inclusion of such students into the life of the school. Facilities and classrooms serving only students with disabilities shall be at least equal in all physical respects to the average standards of general education facilities and classrooms. Resource rooms and separate classrooms for students with disabilities shall be given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students. All eligible students shall have access to school all programs including, but not limited to, those programs necessary to implement the student's IEP.

Alma del Mar Charter School shall provide whatever equipment and make whatever physical adaptations are necessary to comply with this provision, including acoustical and lighting treatments to remove physical communication barriers for students who are deaf or hard of hearing.

**Referral/Consultation Teams:**

Child study team meetings are held when a staff member is concerned about a student's development. The team meets to develop intervention plans for the struggling student (pre-referral process). If necessary, accommodations and supports are implemented and data is collected. If interventions do not prove effective, the child study team may request an evaluation through the department of special education.



## Student and Parent Rights

### Parental Consent:

In accordance with state and federal law, Alma del Mar Charter School shall obtain informed parental consent as follows:

- a) Alma del Mar Charter School shall obtain written parental consent before conducting an initial evaluation or making an initial placement of a student in a special education program under 603 CMR 28.00. Written parental consent shall be obtained before conducting a reevaluation and before placing a student in a special education program.
- b) Alma del Mar Charter School shall obtain consent before initiating extended evaluation services as described in 603 CMR 28.05(2)(b).
- c) A parent/guardian may revoke consent at any time. Except for initial evaluation and initial placement, and as prescribed by 603 CMR 28.00, consent may not be required as a condition of any benefit to the student.
- d) Parents/guardians have the right to observe any program(s) proposed for their child if the child is identified as eligible for special education services.
- e) If, subsequent to initial evaluation and initial placement and after following the procedures required by 603 CMR 28.00, Alma del Mar Charter School is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent/guardian revokes consent to such reevaluation or placement, the school district shall consider with the parent whether such action will result in the denial of a free appropriate public education to the student. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it shall seek resolution of the dispute through the procedures provided in 603 CMR 28.08. Participation by the parent/guardian in such consideration shall be voluntary and the failure or refusal of the parent/guardian to participate shall not preclude the school district from taking appropriate action pursuant to 603 CMR 28.08 to resolve the dispute.
- f) When the participation or consent of the parent/guardian is required and the parent fails or refuses to participate, Alma del Mar Charter School shall make and document multiple efforts to contact the parent. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone call, or, if appropriate, TTY communications to the home, and home visits at such time as the parent/guardian is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. The school district shall ensure that its efforts to involve the parent/guardian and gain parental consent meet a reasonable measure standard as articulated in federal law at 34 CFR §§300.300(c)(2) and 300.322(d). If the above efforts are attempted and

documented and the district is unable to secure parental consent to a re-evaluation or placement subsequent to the initial placement in a special education program, the school district shall proceed in accordance with 603 CMR 28.07(1)(b).

- g) Nothing in 603 CMR 28.07(1) shall prevent a school district from making a court referral for appropriate action.

**Revoking Consent to Special Education Service:**

If the parent has given consent for special education services and then, at any time following, revokes his/her consent to the student's special education services in writing, Alma del Mar will discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, Alma del Mar must act promptly to provide written notice to the parent/guardian of the district's proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. Alma del Mar must provide the notice a reasonable time before the district intends to discontinue the services.

**Parent Right to Waive Assessments:**

Any individual assessment may be waived with the approval of the parents if an equivalent assessment has been recently completed and if the person conducting the school assessment determines that the assessment results are still accurate.

- a) All efforts shall be made to avoid duplicative or unnecessary testing.
- b) In accordance with federal requirements, if recommended by the school district, parents/guardians may agree to waive some or all assessments when the three-year reevaluation is required.

**Reports to Parents:**

Written progress reports for eligible students shall be submitted to parents/guardians at least as often as report cards or progress reports for students without disabilities.

**Notice of Procedural Safeguards:**

Parents/guardians receive a copy of the Notice of Procedural Safeguards (provided in their native language) at initial evaluation meetings and at least once per year thereafter.

**Parent Advisory Participation:**

Alma del Mar Charter School shall maintain a district wide Parent Advisory Council offering membership to all parents of eligible students and other interested parties. The Parent Advisory Council duties shall include but not be limited to:





- advising the district on matters that pertain to the education and safety of students with disabilities
- meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs.

The Parent Advisory Council shall establish by-laws regarding officers and operational procedures. In the course of its duties, the Parent Advisory Council shall receive assistance from the district without charge, upon reasonable notice, and subject to the availability of staff and resources.

**Educational Surrogate Parent:**

When a student is without parental representation and requires an educational surrogate parent to be appointed in accordance with federal law and regulations, the Department may request assistance from Alma del Mar Charter School in identifying a person willing to serve as an educational surrogate parent.

- a) Upon assignment by the Department, such educational surrogate parent shall have all the rights and responsibilities of a parent in making decisions regarding eligibility and services for special education for the assigned student. The Department shall provide notice of appointment to Alma del Mar Charter School and any state agency with custody of the student.
- b) A person identified by Alma del Mar Charter School and willing to serve as an educational surrogate parent shall have no conflict of interest and shall not be in the employ of the school district or any state or local agencies involved with the care of the student.
- c) A person identified by Alma del Mar Charter School, appointed by the Department, and serving as an educational surrogate parent shall not receive financial remuneration from the district except that the school district shall reimburse the person for reasonable expenses related to the exercise of his or her responsibilities as an educational surrogate parent for a student enrolled in the district.

**Communications with Parents and Students:**

Alma del Mar Charter School shall ensure that all communications and meetings with parents and students pursuant to 603 CMR 28.00 meet the following standards:

- a) Communications shall be in simple and commonly understood words.
- b) Communications shall be in both English and the primary language of the home, if such primary language is other than English. Any interpreter used to implement this provision shall be fluent in the primary language of the home.
- c) Where the parent/guardian or the student are unable to read in any language or are blind or deaf, communications shall be made orally in English or with the use of a foreign language interpreter, in Braille, in sign language, via TDD, or in writing, whichever is appropriate.



- d) If Alma provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice.

**Equal Access to Educational, Nonacademic, Extracurricular and Ancillary Programs:**

In accordance with 603 CMR 28.06(5) and 34 CFR 300.121 and 300.300-313, Alma del Mar Charter School ensures that all students receiving special education have an equal opportunity to participate in supportive or remedial services that may be available as part of the general education program. These services include, but are not limited to:

- Title I
- ELL
- Homework club
- Afterschool program
- Co-curricular classes including instrumental music, general music, art, physical education
- Mentoring
- Counseling

Students receiving special education services are afforded equal opportunity to participate in nonacademic and extra-curricular programs offered by the school.

**Continuity of Service (Following a Change of Residence):**

When an eligible student or student enrolls at Alma del Mar Charter School, the last IEP written by the former school district and accepted by the parent shall be provided in a comparable setting without delay until a new IEP is developed and accepted.

- If a student found eligible in another state enrolls at Alma del Mar Charter School, the district shall provide the student with a free and appropriate public education (including special education services comparable to those in the IEP from the former state) in consultation with the parents, until Alma del Mar Charter School determines if it will accept the finding of eligibility and/or the current IEP developed for the student in the former state of residence.
- If Alma del Mar Charter School determines that the finding of eligibility and the IEP developed for the student continues to accurately represent the needs of the student, then the district shall continue to implement the IEP.
- If Alma del Mar Charter School determines that a new evaluation is necessary to determine continued eligibility or services, or a parent or another person concerned with the child's development requests an evaluation, the district shall immediately provide written notice to the parent/guardian as required under 603 CMR 28.04(1).





## **Confidentiality**

### **Release of Information:**

In a circumstance where one or more Team members wishes to communicate with or receive information from a professional outside of the school system, a release must be signed by the family.

- Original release forms must be sent to the special education office for filing within the student's official file.
- All communication/s with outside professionals and families must be documented. This includes phone logs of attempts to communicate.

### **Transfer of Records:**

In accordance with IDEA 2004: Section 614(d)(2)(C), Alma del Mar Charter School takes reasonable steps to promptly obtain student records, including the IEP, from student's former school. The district also makes reasonable efforts to respond promptly to all requests for special education records.

### **The Family Educational Rights and Privacy Act (FERPA):**

(20 U.S.C. § 1232g; 34 CFR Part 99) is Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Elementary and Secondary Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents/guardians or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents/guardians or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.



Generally, schools must have written permission from the parent/guardian or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest
- Other schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific State law

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents/guardians and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.



## **Section 504 Policy Statement**

It is Alma del Mar Charter School's policy to provide a free and appropriate public education to each student with disabilities within its jurisdiction, regardless of the nature or severity of the disability. Alma del Mar Charter School also provides appropriate accommodations to the employees of Alma del Mar Charter School under Section 504 of the Rehabilitation Act of 1973.

It is the intent of this district to ensure that students who have a disability within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may have a disability under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

Due process rights of students with disabilities, their parents and employees, under Section 504 will be enforced.

The Dean of Scholar Support is responsible of Section 504 activities for students at Alma del Mar Charter School.

## State and Federal Definitions of Qualifying Disabilities

### **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 300.7.

#### Federal Definition:

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

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.

### **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.

### **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.

### **Emotional Impairment:**

As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal

or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

**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.

**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.

**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.

**Sensory Impairment:**

The term shall include the following:

- Hearing - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of -hearing.
- Vision - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding



information presented visually in the education environment. The term includes students who are blind and students with limited vision.

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

### **Specific Learning Disability**

The term shall have the meaning given in federal law at 34 C.F.R. §§300.7 and 300.541.

Federal Definition:

Specific learning disability is defined as follows:

(i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia

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

### **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.



## **Child Find Activities & Screens**

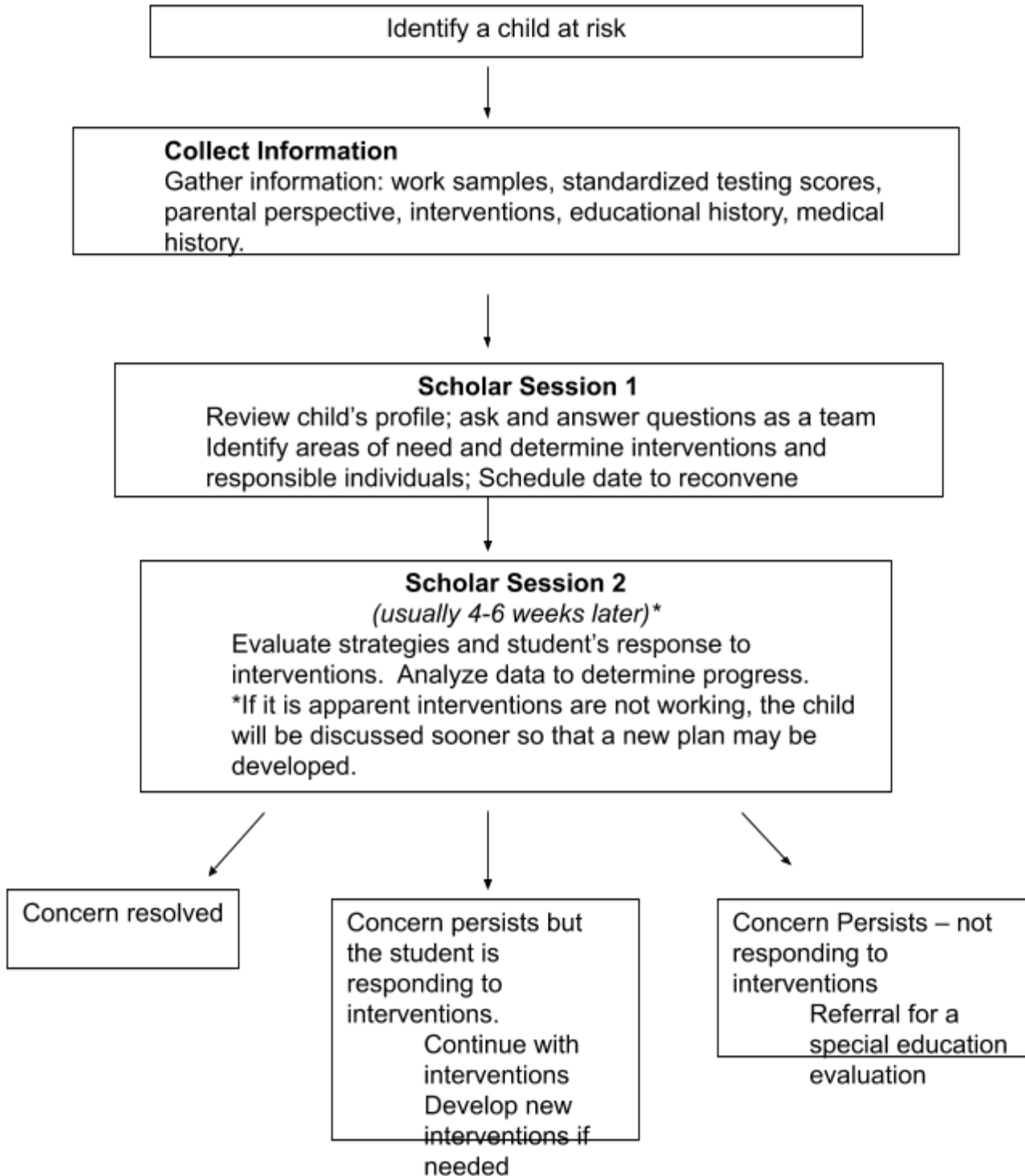
In order to be eligible to attend Alma del Mar, a child must be 5 years old by September 1 of the year in which the child enrolls. Alma del Mar selects our students through a random public lottery.

Alma del Mar welcomes applications from children with special needs. Alma del Mar reaches out to such families through a number of methods including the following:

- Alma del Mar partners closely with the Schwartz Center for Children, a local provider of Early Intervention services, social skills programming, and private day school programming for children with disabilities. Each year, Alma distributes flyers and literature at the Schwartz Center and through Schwartz Center providers.
- Alma del Mar distributes materials through the Kennedy Donovan Center, a local provider of Early Intervention services and services for young children with special needs.
- Alma del Mar meets with local educational advocates and others active in the special education community order to spread the word.
- Alma del Mar conducts information sessions and cookouts at public housing developments throughout the city. Alma del Mar also visits the local homeless family shelters, head start programs, WIC programs, and many other community agencies. All literature and presentations highlight Alma del Mar's services for children with special needs.

As children enter kindergarten, Alma del Mar conducts kindergarten screening that includes preacademic testing, occupational therapy screening, and speech screening. If concerns arise in any evaluation, Alma del Mar works with the family to develop a plan to meet the individual needs of the child. Alma del Mar distributes materials to all families to inform them of the availability of free special education evaluations and services for children who require such services.

Response to Intervention Process (Pre-referral Process)





### **Instructional Support**

Alma del Mar Charter School promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading remedial instruction at the elementary and middle school 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. The Head of School consults with the Dean of Scholar Support regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the Principal or Dean of Scholar Support ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.