

**All  
Boston (and you!)  
Can  
Do**



**★ For Your Child ★**

\*\*\*\*\*

Parents' Guide to Special Education in Boston  
January 2017  
Produced by Boston Medical Center  
Division of Developmental and Behavioral Pediatrics  
Center for Family Navigation and Community Health Promotion



# Table of Contents

Section	Page
Introduction	4
Important Reminders for Parents Rights to Special Education What is Special Education? What is a TEAM Evaluation?	4
TEAM PROCESS Your rights	5
Getting Special Education for a child <b>not</b> in school yet	6
Getting Special Education for a child <b>already</b> in school	7
Team Evaluation Evaluation Results	8
After the meeting	9
Individualized Education Plan (IEP)	10
Decisions	11
What happens if you reject all or part of the IEP?	11
Program Quality Assurance (PQA) Independent Evaluation Annual Review	13
Team Process Checklist	14
Resources	15
Sample letter requesting Special Education Services	21
Sample letter requesting Independent Evaluation	23
PQA Intake Information Form	25
Mediation Brochure	27



## Parents as Partners

As a parent, YOU are the best advocate for your child. Legally, you are entitled and must be informed of all services available to your child. The greater your involvement and voice, the greater the outcome!

*Do you have concerns about your child's development? Does your child have a developmental disability (Global Developmental Delay, Autism, ADHD, or Intellectual Disability)? Has a doctor or clinician talked about getting school services for your child?*

## How to be a Parent Partner

- Maintain interactive communication with your child's teacher and school system.
- Keep a log of contacts with the school
- Follow up with important oral requests in writing
- Get connected with a parent organization that offers FREE training and support for parents whose children have special needs (see Resource sections for contact info)

## Rights to Special Education

In Massachusetts, federal and state laws define children's rights to special education services. These laws and their regulations, provide access to all school-aged children with disabilities to a "free and appropriate publicly education". These laws also guarantee them having an Individualized Education Program (IEP) specially designed to meet their unique needs in the "least restrictive environment" and that no child is denied services because of their disability.

These laws are:

1. The Individuals with Disabilities Education Act (IDEA) (federal)
2. Section 504 of the Rehabilitation Act (federal)
3. MGL c. 71B (Massachusetts)

## What is Special Education?

It can be many different types of services. Some children need to be educated in a special classroom. Some need additional help in a regular classroom. Others need related services, like speech and language therapy, occupational and physical therapy, and counseling, to meet their needs.

## What is a TEAM Evaluation?

If you are concerned that your child is having difficulty in school, you can request a TEAM evaluation, sometimes called a "CORE". A TEAM evaluation is a group of assessments that will help the school district determine whether your child has a disability that requires special education. The test results will define your child's strengths and areas of need. Your child's eligibility for special education, as well as subsequent program planning, is based upon the results of the TEAM evaluation. The rest of this packet is designed to help you understand the TEAM process, your legal rights, and the important deadlines.

## The Process

It is extremely important that you understand all that occurs throughout the process. The following advice may help you.

1. ASK QUESTIONS! When you do not understand something at a meeting, ask someone to further explain.
2. Prepare for meetings and phone calls concerning your child.
  - Be familiar with the information that will be discussed.
  - List all concerns that you expect to be addressed.
3. Take advantage of parent groups. Other parents are great resources, as they are experiencing or have experienced the same or very similar situations as you. The three major parent resources are:
  - a. Federation for Children with Special Needs ([www.fcsn.org](http://www.fcsn.org))
  - b. Family Ties ([www.massfamilyties.org](http://www.massfamilyties.org))
  - c. Boston SpedPac (<http://bostonspedpac.org>)
4. Notify your child's primary care provider. Your child's provider can better serve your child if s/he is aware that your child is receiving a TEAM evaluation. It is important that the doctor knows about the proceeding and what services your child receives as a result.

### Important Reminders

- A TEAM evaluation and the services your child may receive are all FREE.
- All children in public school (regardless of immigration status) are able to request a TEAM evaluation.

## Your Rights

1. You may attend all meetings, and they must be held at a place and a time that is convenient for you and the school representative.
2. Your child may attend the meetings if he/she is at least fourteen years of age, and a younger child may attend at the discretion of you and the evaluation team.
3. You may bring a person (or persons) of your choice to meetings, and this includes an advocate, a friend, a translator or a professional person who knows your child.
4. A professional interpreter who speaks your language **must** be provided if you do not speak or understand English.
5. The school system cannot require you to pay the cost of any portion of your child's special education program; however, it may request that you use your insurance coverage to pay for certain services. They cannot delay the delivery of services while looking into the possibilities, and they must tell you if there is any possible loss of insurance or any co-payments.

# Getting Special Education Services for your Child

Child age 3 years old and up, **NOT enrolled in school**

## Advocacy Reminders:

*Keep a log of all your communications with the school*

*Keep copies of all your correspondence with the school.*

Send a letter to the Special Education Department requesting a Team Evaluation due to your concerns or child's diagnosis.

After receiving the letter, the school district has **5 school days** to send you a Consent for Evaluation Form.

This form lists all the evaluations to be performed.

The Consent Form must be **SIGNED** and **RETURNED** in order for the evaluation to begin.

Check that all the necessary evaluations are included, sign and send it as soon as possible.

\*Some of the most common areas of testing are: Behavioral, Speech, Occupational Therapy, Physical Therapy, Psychological, and ABA.

\*\*Testing may happen all on one day or they may be broken up in difference dates.

After receiving the Consent Form the school district has **45 school days** to complete evaluations and have the Team meeting. After testing has been completed, an IEP meeting will be scheduled. At this meeting you will be given a copy for your records of all the reports from all the testing, each area will report their findings, and a decision about Special Education eligibility or additional services will be made.

\*You are allowed to disagree with any report, for example: you can reject that the absence of services

You will receive a final copy of the IEP in the mail **10 school days** after the meeting. Make sure to read through the whole document or bring it to your child's pediatrician to help you. You have the option to:

1. Fully accept the IEP
2. Reject the IEP
3. Partially reject the IEP

You have 30 days to return the signed IEP.

# Getting Special Education Services for your Child

Child age 3 years old and up

Child is **already enrolled** in public school

Child is already **enrolled** in public school, **has an IEP** and is receiving services system.

Send letter to the School OR Special Education Department requesting a Team Evaluation due to your concerns or child's diagnosis.

- After receiving the letter, the school district has **5 school days** to send you a Consent for Evaluation Form. This form lists all the evaluations to be performed. The Consent Form must be **SIGNED** and **RETURNED** in order for the evaluation to begin.
- Check that all the necessary evaluations are included, sign and send it as soon as possible.

\*Some of the most common areas of testing are: Behavioral, Speech, Occupational Therapy, Physical Therapy, Psychological, and ABA.

\*\*Testing may happen all on one day or they may be broken up in difference dates.

After receiving the Consent Form the school district has **45 school days** to complete evaluations and have the Team meeting. After testing has been completed, an IEP meeting will be scheduled. At this meeting you will be given a copy for your records of all the reports from all the testing, each area will report their findings, and a decision about Special Education eligibility or additional services will be made.

\*You are allowed to disagree with any report; for example, you can reject the absence of services.

You will receive a final copy of the IEP in the mail or in your child's backpack **10 school days** after the meeting. Make sure to read through the whole document or bring it to your child's pediatrician to help you. You have the option to:

1. Fully accept the IEP
2. Reject the IEP
3. Partially reject the IEP

You have 30 days to return the signed IEP.

## Advocacy Reminders:

*Keep a log of all your communications with the school*

*Keep copies of all your correspondence with the school.*



Special Education disability types:

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

603 CMR 28.02

**A full team of evaluations must include:**

1. **Specific Specialist Assessment(s):** This evaluation is related to the suspected area of disability. For example, a child with speech delay or speech impairment should have a Speech and Language assessment. Some of the most common evaluations are Speech and Language, Occupational Therapy (fine and gross motor), Physical Therapy and Applied Behavioral for children with Autism or behavioral concerns.
2. **Psychological Assessment:** An assessment to consider the student's learning abilities and style in relationship to his or her social/emotional development and skills. A trained psychologist will conduct a psychological examination, which will probably include both meeting with your child and observing her/him in familiar settings such as the classroom; testing may include achievement and intelligence quotient testing.
3. **Educational Assessment:** This is an evaluation to look into the student's educational history and progress. This evaluation should include information about multiple areas of development such as social, attention, communication and participation skills and his/her relations with peers and adults.

Sometimes the school or the parent could also request the following assessments:

1. **Medical examination:** You may request that your child's primary care provider fills out a form, which often includes vision and hearing screening, or the school will refer you to a physician who will conduct a medical examination at the school's expense.
2. **Family history:** As you spend more time with your child than anyone else does, you can best describe your child's behaviors and feelings in many developmental areas that are related to education. These topics may include play, extracurricular interests, friends, and family relations, as well as growth and development.
3. **Home visit:** With your permission, a home-visit by a nurse, social worker, or counselor may be appropriate.

## **EVALUATION RESULTS**

### Team Meeting

The purpose of a Team Meeting is to bring everyone together to present their results so that the best possible Individualized Education Program (IEP) can be created for your child. This is an extremely important meeting, as the final IEP will first describe your child's special needs as viewed by the school system, and will then include an outline of all recommended services for your child's education program on it. It is therefore imperative that you understand all proceedings at this meeting.

### Timeline of Completion

- The Team Meeting must occur 45 school working days after the school receives the parental consent form.

- Within 10 school working days after the Team Meeting, if the school determines that your child needs special education services, the IEP will be sent to you.
- Two days prior to the Team Meeting (at which the evaluation will be discussed and a plan suggested), you may request a written summary of assessments.

**Advocacy tip: Familiarize yourself with the results**

It will be helpful to you if you are familiar with the results before the meeting. You may need to discuss the results with a knowledgeable source such as your child’s Special Education Coordinator or an advocate.

<b>Leave the meeting satisfied that you know:</b>		
1.	Who is attending the meeting and why?	
2.	Are all concerns about your child addressed?	
3.	Are all test results addressed?	
4.	How will your child be transported?	
5.	Who will make sure that the IEP is enacted?	
6.	When can you observe the program with your child in it?	
7.	When will you receive progress reports?	
8.	When will reviews occur?	

## Individualized Education Program (IEP)

Within **10** school working days after the Team Meeting, if the school determines that your child needs special education services, two copies of the IEP will be sent to you. The IEP will state whether your child should receive special services. Read the IEP thoroughly, and be sure that you understand everything. Do not hesitate to schedule a meeting with your child's Special Education Coordinator to discuss the IEP, as it is likely that you may need to ask clarifying questions. If the school determines that your child does not need special education services, a written explanation of a finding of "no special needs" will be sent to you.

The IEP will include the following type of information:

- Your concerns
- Your child's main disability
- Your child's learning profile, including identification of your child's strengths and weaknesses
- Vision statement for your child
- Accommodations required for child in the classroom setting
- Reasonable goals and objectives that your child will be expected to meet during the next year
  - A description of your child's abilities within each identified area of need
- A description of your child's participation in the regular education program
- Whether you should waive or accept your child's participation is state mandated
- Suggested teaching approaches and specialized materials
- Most importantly, the special education service delivery schedule, consisting of:
  - Types and amounts of services provided
  - Objectives of each service
  - Type of setting and location of each service
  - Personnel who provide each service and transportation services
  - Projected date service will begin
  - Frequency and duration of service
- Whether extended school year will be provided
- Whether transportation services will be provided and how (they will be provided)

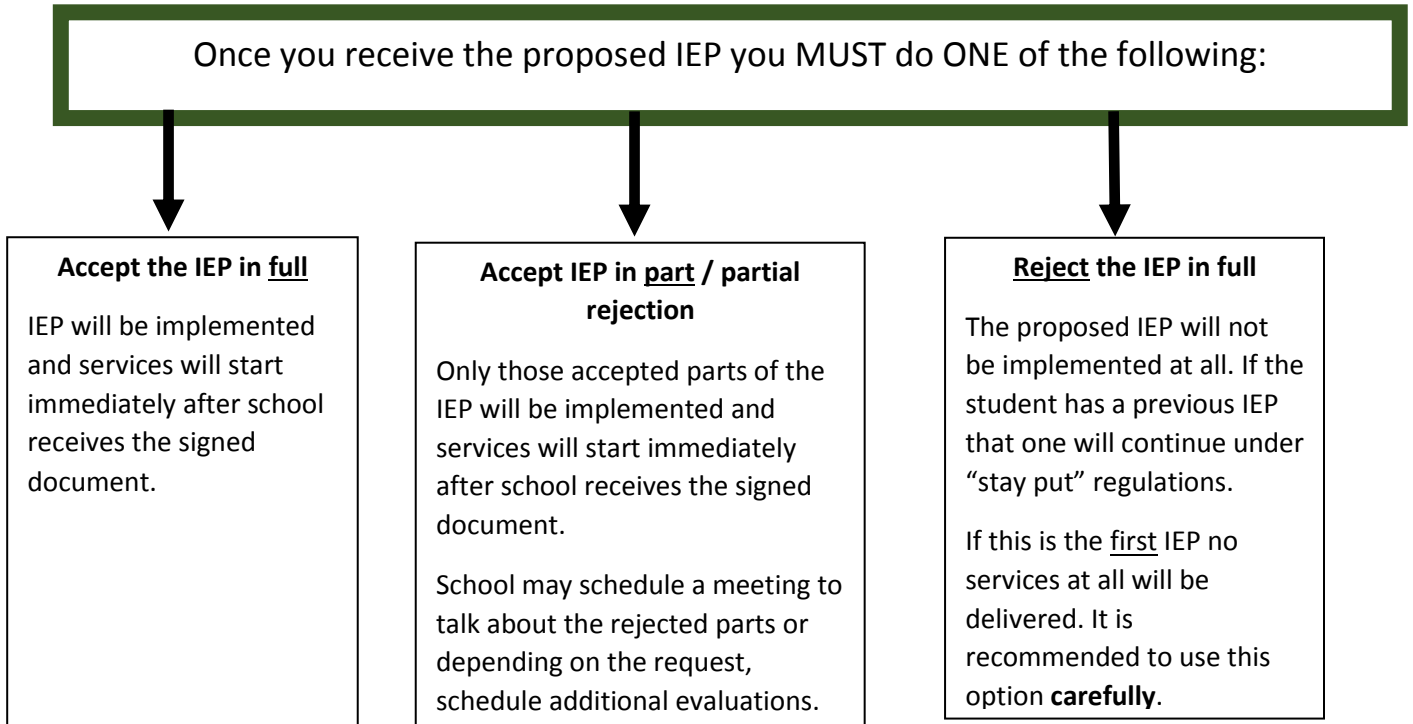
### Follow-Up

Your child's first IEP review must take place within **1 year** of his/her placement in special education. After that, the review meetings must be held at least every year to report on your child's progress toward the goals included in the IEP.

**Every three years**, there must be a re-evaluation of your child. New evaluations and assessments will be performed and you will be asked to give written consent for those evaluations and the same timelines will hold.

## DECISION AND OPTIONS

Within **thirty calendar days** of receiving the IEP copies, you must make a decision about whether to accept the IEP, reject the IEP or partially accept or partially reject the IEP.



- You may request a meeting with your child’s Special Education Coordinator regarding your decision, especially if you reject any portion of your child’s IEP.
- Check the box of your choice on the last page of one copy of the IEP. Be aware that if any parts are rejected, all others will be assumed accepted.
- Sign on the last page of that copy.
- Return the checked and signed copy of the plan to your child’s school.

### What Happens If You Reject All or Part of the IEP/Decision?

If you are not satisfied with the results of any part of the evaluation or the results, you have the right to an appeal through the Bureau of Special Education Appeals of the Department of Education. Before heading to a hearing appeal you can request a mediation. These two options entail:

- Mediations allow the parent and school committee to voluntarily work together to solve their dispute.
- Hearings bring the parent and school in front of a hearing officer who will listen to each side and make a decision.

## **Program Quality Assurance (PQA) Complaint**

If at any time during the TEAM process you feel:

- the school is not abiding by the prescribed timeline
- the school is not providing services as required by the IEP
- dissatisfied by any part of the process

You can file a complaint with the Massachusetts Department of Education's Program Quality Assurance (PQA) Department. See PQA Complaint Form on page 24. If you need assistance or additional information on how to fill out the form call 781-388-3300 or visit <http://www.doe.mass.edu/pqa/>

## **Independent Evaluation**

If you are dissatisfied with the findings of the evaluation of your child, you may have your child re-evaluated by a provider outside the school. In order for the school to pay for the independent evaluation, you must make a written request to the school. The school is required to pay for all repeat assessments if your child receives free and reduced lunch, but additional assessments may be subject to a hearing before they are subsidized. See Independent Evaluation letter request sample on page 19.

## **Annual Review**

- The first review must take place within 1 year of your child's first placement in special education
- After that, the review meetings must be held at least every year.
- Every three years there must be a re-evaluation of your child. You will be asked to give written consent for this reevaluation and the same timelines will hold.

**TEAM Process Checklist**

Document	Date	Notes
Letter requesting evaluation (school has 5 school days to send home <u>Consent for Evaluation Form</u> )		
Consent for Evaluation Form submitted to school (school has 45 school days to perform evaluation/s and have Team meeting)		
Evaluation schedule:  _____  _____  _____  _____		
Team meeting scheduled <input type="checkbox"/> Interpreter scheduled? <input type="checkbox"/> Reports received 2 days in advance?		
IEP proposal received within 10 days after Team meeting		
Signed IEP submitted to school (within 30 days after receiving it)		

**Additional Notes, Important Dates and Contacts**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

# Resources





## BOSTON PUBLIC SCHOOLS

Office of the Superintendent: 2300 Washington Street, Roxbury, MA 02119

Main Number	617-635-9000
Fax	617-635-9059
Guidance Services	617-635-8030
Parent Support Services	617-635-9660
Special Education	617-635-8599
Special Needs Parent Advisory Council	617-635-6612
Superintendent	617-635-9050
Family and Student Engagement	617-635-7750
Boston Parent Advisory Council – Title I	617-635-9210
Transportation Department	(617) 635-9520 <a href="mailto:schoolbus@bostonpublicschools.org">schoolbus@bostonpublicschools.org</a>

### PARENT WELCOME CENTERS

<b>Dorchester</b> 1216 Dorchester Avenue 617-635-8015	Help available in English, Portuguese, Spanish, Cape Verdean Creole, and Vietnamese.
<b>Roxbury</b> 2300 Washington Street, 2nd floor 617-635-9010	Help available in Cantonese, English, Mandarin, Vietnamese, and Spanish.
<b>Roslindale</b> 515 Hyde Park Avenue 617-635-8040	Help available in Cape Verdean Creole, English, French, Haitian Creole, Portuguese, and Spanish.
<b>East Boston</b> 312 Border Street 617-635-9597	Help available in English and Spanish.

## OTHER IMPORTANT ORGANIZATIONS

### **Autism Program at BMC**

**[www.bmc.org/pediatrics-autism-program](http://www.bmc.org/pediatrics-autism-program)**

*Assists and empowers those affected by ASD through direct patient support, provider education and community based trainings in a culturally competent manner by offering high quality and comprehensive care to all, regardless of status or ability to pay.*

850 Harrison Avenue, 6th Floor, Boston, MA 02118

617-414-3842

### **BOSTnet**

**[www.bostnet.org](http://www.bostnet.org)**

*Seeks to enhance the quality and increase the capacity of the out-of-school time network by reaching out to low- and moderate-income families, out-of-school time providers, and local and state policymakers*

6 Beacon Street, Suite 1110, Boston 02108

617-720-1290

### **Boston Partners in Education**

**[www.bostonpartners.org](http://www.bostonpartners.org)**

*City's largest school volunteer organization, providing programs with an academic and mentoring component*

44 Farnsworth St., Boston 02210

617-451-6145

### **Boston Public Schools Department of Adult Education**

**[www.bostonpublicschools.org/Page/4486](http://www.bostonpublicschools.org/Page/4486)**

*An evening school offering a 16-unit program leading towards a high school equivalent diploma at Madison Park Technical Vocational School*

55 Malcolm X Boulevard, Bldg. 1, Roxbury 02120

617-635-9827

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

**[www.doe.mass.edu/bsea](http://www.doe.mass.edu/bsea)**

*Conducts mediations, advisory opinions and due process hearings to resolve disputes among parents, school districts, private schools and state agencies*

75 Pleasant St., Malden 02148

781-338-6400

### **Citywide Parents Council**

**[www.citywideparentcouncil.org](http://www.citywideparentcouncil.org)**

*Provides support to parents by advocating quality education for all Boston Public School students*

Boston Latin Academy, 21 Deckard St., Boston 02121

617-635-9210

### **Department of Mental Health**

**[www.state.ma.us/dmh](http://www.state.ma.us/dmh)**

*Sets the standards for the operation of mental health facilities and community residential programs and provides clinical, rehabilitative and supportive services for adults, children and adolescents with serious mental illness or emotional disturbance*

25 Staniford St., Boston 02114

617-626-8000

### **Department of Developmental Services**

**[www.mass.gov/eohhs/gov/departments/dds/](http://www.mass.gov/eohhs/gov/departments/dds/)**

*The state agency that provides support to citizens with developmental disabilities and their families*

500 Harrison Ave. Boston 02118

617-727-5608

**Disability Law Center****[www.dlc-ma.org](http://www.dlc-ma.org)**

*A private, non-profit organization responsible for providing protection and advocacy for the rights of Massachusetts residents with disabilities*

11 Beacon St., Suite 925, Boston 02108

617-723-8455

For instant service

800-872-9992

**EdLaw Project****[www.edlawproject.org](http://www.edlawproject.org)**

*A partnership between the Children's Law Center of Massachusetts, Inc. and the Youth Advocacy Project that advocates for indigent and low-income children in danger of not receiving appropriate education services*

10 Malcolm X Blvd., Roxbury, 02119

617-989-8125

**Families First (Parenting Programs)****[www.families-first.org](http://www.families-first.org)**

*Provides educational and supportive programs designed to help parents build positive, constructive and satisfying relationships with their children*

99 Bishop Allen Dr., Cambridge 02139

617-868-7687

**Federation for Children with Special Needs****[www.fcsn.org](http://www.fcsn.org)**

*A center for parents and parent organizations to work together on behalf of children with special needs and their families*

1135 Tremont St. Suite 420, Boston 02120

617-236-7210

800-331-0688

**Hispanic Office of Planning and Evaluation (HOPE)****[www.hopemass.org](http://www.hopemass.org)**

*A statewide agency created to advocate, develop, facilitate, coordinate, and evaluate educational, human services, and community development programs for the Hispanic community of Massachusetts*

165 Brookside Ave., Jamaica Plain 02130

617-524-8888

**Massachusetts Adult Literacy Hotline****[www.sabes.org](http://www.sabes.org)**

*Provides information and referrals to over 350 independent organizations and learning programs throughout the state that offer one-on-one tutoring, small-group or classroom instruction to adult learners*

800-447-8844

**Massachusetts Advocates for Children****[www.massadvocates.org](http://www.massadvocates.org)**

*Provides advocacy and legal assistance regarding educational issues for parents of children with special needs*

25 Kingston St. 2<sup>nd</sup> Floor, Boston 02116

617-357-8431

**Massachusetts Commission for the Blind****[www.mass.gov/eohhs/gov/departments/mcb](http://www.mass.gov/eohhs/gov/departments/mcb)**

*Work in partnership with legally blind individuals to reach their goals of independence and participation in their communities*

48 Boylston St., Boston 02116

617-727-5550

800-392-6450

**Massachusetts Commission for the Deaf and Hard of Hearing**

**[www.mass.gov/eohhs/gov/departments/mcdhh](http://www.mass.gov/eohhs/gov/departments/mcdhh)**

*Advocates, provides and coordinates public policies, regulations and programs to provide full and equal opportunity for deaf, late deafened and hard of hearing people in Massachusetts*

150 Mount Vernon St. 5<sup>th</sup> Floor, Dorchester 02125

617-740-1600

**Massachusetts Department of Education**

**[www.doe.mass.edu](http://www.doe.mass.edu)**

*Works in partnership with Massachusetts' school districts to improve the public school system and other organizations that provide educational programs and services*

75 Pleasant St., Malden 02148

781-388-3300

**Massachusetts Office of Disability**

**[www.mass.gov/mod](http://www.mass.gov/mod)**

*A state advocacy agency that serves people with disabilities of all ages with a primary mission to ensure access*

1 Ashburton Place Room 1305, Boston 02108

617-727-7440

**Parents Helping Parents**

**Parental Stress Line**

800-632-8188

*A statewide service that offers support to parents*

108 Water Street, Watertown 02472

617-926-5008

**The Right Question Project, Inc.**

**[www.rightquestion.org](http://www.rightquestion.org)**

*Provides an educational strategy for families in dealing with publicly supported programs, agencies and institution with the goal to expand democracy*

2464 Massachusetts Ave. Suite 314, Cambridge 02140

617-492-1900

**United States Department of Education Office for Civil Rights (Boston Office)**

*Enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education (ED)*

5 Post Office Square, 8<sup>th</sup> Floor, Boston 02109

617-289-0111

**Urban Pride**

**[www.urbanpride.org](http://www.urbanpride.org)**

*A not-for-profit organization and community resource center to empower and support parents of children with disabilities in inner city Boston to improve the lives of children at home, in school and in the community.*

15 North Beacon St, Alston MA 617-206-4570 ext. 301 [info@urbanpride.org](mailto:info@urbanpride.org)

**Volunteer Lawyers Project**

**[www.vlpnet.org](http://www.vlpnet.org)**

*Provides legal representation in civil matters to the indigent of Boston through the pro bono services of private attorneys and paralegals*

99 Chauncy St, Suite 400, Boston 02111

617-423-0648

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Public Schools

To Whom It May Concern:

As the parent/guardian of \_\_\_\_\_, I am requesting a Team evaluation for my child.

I am concerned about the following areas in which my child is experiencing difficulties:

- |   |  |
|---|--|
| <input type="checkbox"/> Behavioral           | <input type="checkbox"/> ADHD Diagnosis        |
| <input type="checkbox"/> Speech               | <input type="checkbox"/> Autism Diagnosis      |
| <input type="checkbox"/> Occupational Therapy | <input type="checkbox"/> ABA                   |
| <input type="checkbox"/> Physical Therapy     | <input type="checkbox"/> Executive Functioning |
| <input type="checkbox"/> Learning Disability  | <input type="checkbox"/> _____                 |

I understand that a consent form, describing the evaluation procedure, will be provided to me within five (5) school days of this request. I further understand that the evaluation will be completed within thirty (30) school days and that a team meeting will take place within forty-five (45) school days of my consent to the evaluation.

I would appreciate meeting with the Educational Team Leader before the testing begins so that I can share important information about my child and learn more about the testing process. In addition, I would like to review a written copy of the assessments performed on my child 2 days prior to the Team Meeting.

Please note I will need a trained \_\_\_\_\_ speaking interpreter.

Thank you for your prompt consideration of this matter. I am happy to assist in this process.

If you have any questions, please contact me at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Signature of parent/guardian

\_\_\_\_\_  
Printed name of parent/guardian

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number



## INDEPENDENT EVALUATION REQUEST (SECOND OPINION)

Date:

Dear Principal \_\_\_\_\_ :

I am the parent of \_\_\_\_\_. I disagree with the last school evaluation in the area of (list areas – educational, psychological, etc.) Under Section 28.04(5)(c) of the Massachusetts Special Education regulations, I am formally requesting an independent evaluation for my child in the areas listed below. (list below: e.g. speech, language, neuropsychology, occupational therapy, psychology, education, physical therapy, etc)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(If applicable add: My child is eligible for free or reduced lunch so I am not required to provide income documentation. OR, if applicable add: My family's anticipated annual income is below 400% of the federal poverty guidelines.

I request that you provide authorization to the following evaluator(s). (list each evaluator and the kind of evaluation to be provided).

Name:

address

license no.

type of evaluation

Sincerely,

Name:

Address:

cc Special Education Director

© 2005 Massachusetts Advocates for Children 25 Kingston St. Boston, MA 02111 617-357-8431

## INDEPENDENT EVALUATION REQUEST (SECOND OPINION)

**Request for Independent Evaluation based on Family Income** (28.04(5)(c)) Under Massachusetts law, parents are entitled to an independent evaluation (funded all or in-part by the school district) in any area already assessed by the school district within 16 months after the completion of the school's evaluation. When a request is made under this provision, the school district can apply a sliding fee scale based on the family's income to determine their share of the independent evaluation's cost. The school pays 100% of the cost for:

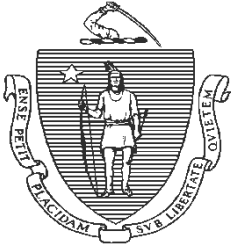
- Families up to 400% of poverty level; (\$111,640 for a family of five.)
- Families whose child receives free or reduced school lunch. The family does not have to provide income information.

If parents request a school district funded independent evaluation under provision 28.04(5)(c), the school does not have an opportunity to challenge the need for the independent evaluation but must pay its share of the cost according to the sliding fee guidelines. Families over 400% of poverty pay a portion or all of the cost depending on their income.

### *Key points:*

- Must request within 16 months of receipt of school's evaluation
- School district cannot refuse to pay its share of the cost
- Address to principal of school with a copy to the district's special education director.





# Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3700  
TTY: N.E.T. Relay 1-800-439-2370

## PROGRAM QUALITY ASSURANCE SERVICES PROBLEM RESOLUTION SYSTEM INTAKE INFORMATION FORM

**In order to address your current concerns as promptly as possible, the Department of Elementary and Secondary Education requests that you provide the following information.**

Name of School District/Collaborative/Private School: \_\_\_\_\_

Program: Regular Ed \_\_\_ Special Ed (IEP) \_\_\_ 504 Plan \_\_\_ Home School \_\_\_

School Location: \_\_\_\_\_ School Phone#: ( ) \_\_\_\_\_

Your Name (printed): \_\_\_\_\_ **Your Signature Required:** \_\_\_\_\_

Your Address: \_\_\_\_\_ City or Town: \_\_\_\_\_ State: \_\_\_ Zip Code: \_\_\_\_\_

Home Phone #:( ) \_\_\_\_\_ Work # ( ) \_\_\_\_\_ Cell # ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_

Your Role: \_\_\_ 1=Parent; 2=Advocate; 3=ESE Assigned Education Surrogate-Parent; 4=Student;  
5=School Employee; 6=Other (Specify) \_\_\_\_\_

Accommodations you will need in communicating with the Department: \_\_\_\_\_

Student or Group Name: \_\_\_\_\_ Grade/Level: \_\_\_ Age: \_\_\_ Male/Female/Transgender: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone #:( ) \_\_\_\_\_

Language of (Circle)-Parent/Student if not English: \_\_\_\_\_

Parent/Guardian if not you: \_\_\_\_\_ Home Phone#:( ) \_\_\_\_\_

Address: \_\_\_\_\_ Cell Phone#:( ) \_\_\_\_\_

Address: \_\_\_\_\_ Work Phone#:( ) \_\_\_\_\_

The local school person to whom a copy of this complaint has been forwarded: \_\_\_\_\_

The last local school person(s) you have contacted in an effort to resolve this problem: \_\_\_\_\_

Address \_\_\_\_\_ Telephone #:( ) \_\_\_\_\_

**Please describe your concern on the attached page, stating the specific facts on which the concern is based. Please attach any documents that you believe would be helpful to the Department of Elementary and Secondary Education in understanding your concern.**

**Please be certain to include a description of your attempts to resolve your current concern(s) prior to contacting the Department, and describe specific actions you believe would resolve your concern(s).**

[Received in ESE: \_\_\_\_\_ 60-Day Date: \_\_\_\_\_]



## What Sets Mediation Apart from Other Special Education Meetings?

- Mediation is conducted by a neutral third party
- Mediation can uncover new approaches that the parties haven't previously explored.
- Participants are encouraged to examine the reasons behind their conclusions and reevaluate their thinking.
- Mediation provides a structured, problem solving approach that ensures that all participants are able to express their perspectives while being treated fairly and impartially.
- The mediator's questions may encourage new thought, elicit new options and provide a format in which people can communicate with each other differently. The parties often reach a different outcome than they reached in previous special education meetings

## When Can Mediation Be Requested?

Mediation can be requested when:

- The I.E.P. is rejected in full or in part or when there is a disagreement regarding evaluations, eligibility, placement or implementation of the I.E.P.
- There is a disagreement between the parents and the school district regarding the student's special education needs.
- There is a disagreement about a 504 Accommodation Plan.

## Who Can Request Mediation?

- parents
- guardians
- educational surrogate parents
- students 18 or over
- representatives of school districts
- advocates
- attorneys

### NOTE:

1. Mediation can be scheduled prior to or concurrent with a hearing.
2. Interpreters will be provided when needed.
3. Both parties must agree to participate in mediation before it can be scheduled.

# SPECIAL EDUCATION Mediation



*Is it the right process  
for resolving your dispute?*

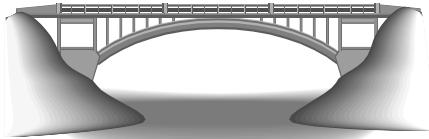


**For more information or to request mediation,  
please call the Bureau of Special Education Appeals  
(617) 626-7250**



**The Commonwealth of Massachusetts  
Division of Administrative Law Appeals  
Bureau of Special Education Appeals  
1 Congress Street, Boston, MA 02114**

**(617) 626-7250**



### What is Special Education Mediation?

Special education mediation is a process available at no cost through the Bureau of Special Education Appeals (BSEA). When school personnel and parents disagree about the educational needs of a student with disabilities, either party may request mediation.

In mediation, an impartial, third party mediator helps parents and school staff clarify the issues and underlying concerns, explore interests, discuss options and reach mutually satisfying agreements that address the needs of the student. The mediator does not decide how to resolve the dispute – that is left in the hands of the parent(s) and the school personnel. When the parties resolve all or some of the issues, they work together with the mediator to put their agreement in writing.

This informal, collaborative problem-solving meeting encourages mutual respect, promotes communication and often provides the basis for positive working relationships between the parent(s) and school staff.

#### Mediation is:

**Informal** **Confidential** **Timely** **Voluntary**

The high percentage of resolutions resulting from mediation indicates that the participants are using it effectively in working through their disputes. While mediation is an alternative to a due process hearing, participating in mediation does not delay or deny anyone’s right to a due process hearing.

### What Are the Mediators Qualifications?

Mediators at the BSEA have:

- Education, training and experience in mediation, conflict resolution, collaborative problem-solving and communication skills.
- Training in state and federal laws and regulations related to the education of students with disabilities.

### How is Mediation Different From a Hearing?\*

Mediation	Hearing
Informal process that takes about 2-5 hours	Formal legal proceeding that takes about 1-3 days
Voluntary participation for parents and school districts	Mandatory participation upon hearing request by either parents or school districts
Attorneys need not be present and parties speak for themselves	Attorneys are generally present and usually speak on behalf of the participants
Discussion allows participants to focus on the student’s future educational program together.	Evidence and sworn testimony are presented as the legal basis for a decision about the student’s educational program.
Parties shape their own agreements through collaborative problem-solving.	Hearing officer makes a decision based on a determination of the facts and law.
When resolution is reached, the parties usually leave the mediation with a written agreement.	Written decision by the Hearing Officer is issued 25 days after the close of the hearing process.

*\* This table draws comparisons between mediation and a formal hearing proceeding. Many hearing requests are resolved before a formal hearing begins.*

### What is the Mediation Session Like?

Mediation usually takes place in the student’s school district as soon as a mutually convenient date and time can be scheduled. Participants in mediation are generally parent(s), support person(s) of the parent(s) choosing, the school district’s special education director and school staff who know the student and/or the district’s relevant programs. A mediation session may last from 2 hours to one day. Occasionally, multiple sessions are needed, as agreed to by the parties. Since mediation is confidential, there is no audio, video or written record of the mediation session other than the written, signed mediation agreement.

#### The Day of the Mediation

Each mediator will conduct a mediation slightly differently, but mediations usually follow this structure:

- First, the mediator gives an **introduction**. During the introduction, the mediator explains his or her role and describes the mediation process.
- Second, there is an initial **joint session**. The joint session is the first opportunity for the school and parent(s) to share and gather information. The mediator asks each participant to explain the situation from his or her viewpoint.
- Third, the mediator may call for **separate sessions**. During these private sessions, the mediator has a chance to talk to each party alone about some sensitive facts. S/he helps to clearly define what each party is interested in getting out of the mediation. The mediator may also help the parties develop options for reaching an agreement. The information shared during the private session is not revealed to the other party unless the mediator is given permission to do so.
- Fourth, there may be **additional joint sessions** during which the school staff and parent(s) continue to explore possible options.
- Fifth, there is a **final joint session**. At this point, the school staff and parent(s) work together with the mediator to write down how they decided to resolve their dispute. The parties then sign this written document, which becomes a binding mediation agreement. If no agreement has been reached, the mediator will work with the parties to determine what the next steps will be.