

**RIVER VALLEY CHARTER SCHOOL**  
montessori made public



2 Perry Way  
Newburyport, MA 01950

## Special Education Procedures and Policies

### A Handbook for Teachers and Parent

Updated, 2025-2026

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Special Education Coordinators

**Child Find:**

Child Find requires school districts to identify, locate, and evaluate all children with disabilities and determine which children are and are not receiving special education and related services. IDEA 2004 was amended to include children who are homeless, wards of the state, and children who attend private schools.

If you have concerns about your child regarding special education, you may contact the special education coordinators listed below:

Meaghan DeMeo, Special Education Coordinator, grades K-3

Lisa Kelley, Special Education Coordinator, grades 4-8.

The River Valley Charter School Procedure and Policies Manual was created to ensure accuracy and consistency of special education practices. All of the information in this manual reflects the provision of special education and related services according to 603 CMR 28.00.

All special education personnel responsible for the implementation and/or coordination of special education services will receive a copy of this manual and are expected to become familiar with the contents.

The contents of the manual will be reviewed annual, with any necessary changes made and approved by the administration.

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## I. Introduction:

Opportunities for Success:

### **Mission:**

The mission of River Valley Charter School is to provide a rigorous academic program based on the philosophy and rooted in the history, culture, and ecology of the Merrimack River Valley.

Students will reach their full potential as scholars and become self-reliant and productive members of society.

They will become adept at critical thinking and creative problem solving and will be fully prepared to succeed in future schools, careers, and civic life.

### **Vision**

River Valley aspires to design, create, and/or refine its educational programming to preserve the essence of childhood, question the boundaries of traditional education pedagogy, and lead to the development of humans who know themselves, enhance the world's interconnectedness, and provides students with the agency to pursue their individual passions.

## **Special Education Program:**

What is special education?

Special Education is specifically designed instruction to meet the unique needs of an eligible student and/or related services necessary for the student to access and make effective progress in the general education curriculum.

The Montessori educational model is well-suited to children with different needs and learning styles. There is an emphasis for all children to work at their own pace, using multisensory materials. Small group lessons with teachers support the individual attention that students need to make progress.

At River Valley, the Special Education Coordinators will act according to an inclusion model which focuses on the accommodations and/or modifications needed to ensure that each student has access to the general education curriculum, which will be defined in each student's Individualized Education Program (IEP). There will be ongoing consultation and collaboration between teachers and the special education team to promote student achievement and continued progress towards individual goal attainment. When necessary, and agreed upon by the Team, specialized service may be provided in a separate setting (i.e. "pull-out" format) for

instructional benefit.

In accordance with the Massachusetts state and federal regulations, the River Valley inclusion program ensures students the right to a Free and Appropriate Education (FAPE) within the defined Least Restrictive Environment (LRE). These determinations are made through consultation of the entire IEP Team.

## II. Key Definitions:

Word	Definition
Special Education	Specially designed instruction to meet the unique needs of the eligible student, and/or related services necessary to access the general curriculum and shall include the programs and services set forth in state and federal special education law.
Eligible Student	A person aged 3-21 who has not attained a high school diploma or equivalent, who has been determined by a TEAM to have a disability(ies), and as a consequence is unable to progress effectively in the general education curriculum without specially designed instruction, or is unable to access the general education curriculum without a related service. An eligible student shall have the right to receive special education and any related services that are necessary for the student to benefit from special education, or that are necessary for the student to access the general education curriculum. In determining eligibility, the school district must thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.
TEAM	A group of persons, meeting requirements of federal special education law, who together discuss evaluation results, determine eligibility, develop or modify an IEP, or determine placement.
Individualized Education Program (IEP)	A written statement, developed and approved in accordance with federal and state special education law in a form established by the Department of Education that identifies a student's special education needs and describes the services a school district shall provide to meet those needs.
Least Restrictive Environment (LRE)	The educational placement that assures that, to the maximum extent possible, student with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled, and that special classes, separate schooling, or removal from the general education environment occurs only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Free and Appropriate Public Education (FAPE)	A Free and Appropriate Public Education is a right guaranteed by the Individuals with Disabilities Act (IDEA) that requires public schools to provide special education and related services to eligible students with disabilities. This education must meet a student's individual needs, be provided at no cost to the parents, and include specially designed instruction and related services to allow them to receive an appropriate education alongside students without disabilities.
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### III. Referral and Evaluation:

River Valley utilizes a Multi-Tiered System of Support (MTSS) structure that includes a Student Support Team (SST) approach to address the needs of struggling students through general education. The SST team meets monthly in the first term, and then as needed, to address referred students. The SST Team is supported by the Nautilus Team, which is working to coach classroom teachers in how to best manage behaviors within the classroom. This is a new program, with implementation beginning in the 2025-2026 school year. One goal of the Nautilus Team is for stronger data collection around behavior at all levels of the school.

The goal of the SST process is to discuss and develop strategies to support students in learning. Specific strategies are discussed with a timeline for implementation and method for data collection. The team reconvenes to discuss success and/or concerns related to the intervention process. If strategies are not successful after delivery of intervention, with fidelity, the team may make recommendations for a special education evaluation.

To refer a student for the SST process, teachers first notify the parents of concerns and that the team will meet. Then, teachers complete the "SST Referral Form", which is located in the shared drive for teachers. The goal of the form is to identify specific areas of concern and collect work samples for the team to consider. After completion of the form, a team meeting will be convened to discuss the form and come up with strategies and interventions. The SST team is organized by the School Counselor/504 Coordinator, who will make sure the meeting represents the teacher concerns and can include counseling, speech, or OT. The SST Referral Form is included in the Appendix.

SST interventions are designed to be implemented before students are referred for a special education evaluation. Ideally, as teacher concerns arise related to observations, collection of work samples, and screeners, students requiring additional support would be identified and supports provided within the general education setting. However, the evaluation process cannot be delayed because River Valley has not fully explored supports through general education.

A student may be referred for an evaluation by a parent, caregiver, or teacher that is concerned with a student's progress in school.

#### School Referral:

When the SST Team determines that all efforts have been made to support the student through general education and that these efforts have not been successful, the coordinator of the SST Team will contact the Special Education Coordinator by email to initiate the referral process. At the same time, the parent(s)/caregiver(s) will be notified of the referral. The Special Education Coordinator will communicate with the family by the preferred method of contact (phone or email) within 5 school working days. The Special Education Coordinator will answer any questions and receive parental input in regards to strengths and areas of needs in learning, to be addressed in the referral. All notes and documentation of the SST process will be provided to the Special Education Coordinator. An evaluation consent form will be sent to the family to review and sign.

#### Parent/Caregiver Referral:

If a parent or caregiver makes a request for evaluation, orally or in writing, this is communicated to the Special Education Coordinator. The Special Education Coordinator will contact the parent/caregiver within 5 school working days to discuss the reason for the referral, explain the evaluation process, determine the appropriate evaluations related to any suspected areas of disability, and answer any questions.

Within 5 school working days of receiving a referral for evaluation, the Special Education Coordinator will provide to the parent/caregiver with a referral packet that contains the following:

- Notice of Proposed District Action (N1)
- Evaluation Consent Form (N1-A)
- Parental Notice of Procedural Safeguards, updated May 2025

The evaluation process begins when the consent form is signed and received at school. Families have 30 days to consider the proposal. If the evaluation consent form is not returned after 30 days, the Special Education Coordinator will follow-up with the parent/caregiver by email and/or a phone call. A second referral packet will be sent, if needed.

#### Timelines for the Evaluation Process:

Upon consent to the evaluation, and receipt of the form at school, River Valley has 30 school working days to complete the evaluation process. The team has an additional 15 school working days to convene the team to review the evaluation and make a determination (totaling 45 school working days). A formal meeting invitation will be sent to the family notifying of the date of the meeting, and people participating. Electronic copies of the evaluation reports will be provided to team members prior to the meeting, by the Special Education Coordinator. This allows for all team members to be prepared to participate in the meeting. Please notify the Special Education Coordinator of any accommodations that are needed to allow for meeting participation. This includes the option for virtual meeting participation.

Receipt of evaluation consent forms at the end of the school year:

If a consent for evaluation is received within 30-45 days before the end of the school year, it is the responsibility of the team to ensure that a team meeting is scheduled so as to allow for the provision of the proposal of an IEP or Finding of No Eligibility no later than 14 days after the end of the school year. For evaluation consent received with fewer than 30 school days remaining, the timeline for consent starts at the receipt of the consent and stops on the last day of school, and re-starts the following school year.

Required Assessments:

Evaluations must include assessments in all areas related to the suspected disability. All evaluations are administered and interpreted by trained professionals.

Educational Assessment: to be completed by a representative of the school district and includes  
-Educational Assessment: Part A- a history of the student's educational progress in the general education curriculum

- Education Assessment: Part B-an assessment of student's attention skills, participation, communication skills, memory, and social relationships with groups, peers, and adults; as observed with the classroom setting. This is completed by the student's general education teacher(s)
- Specific Learning Disability Observation Forms- to be completed by the Special Education Coordinator, when the student is suspected of having a learning disability.

-Related Service Assessment-to be completed when a student is suspected of having a disability in the area of a related service that impacts access to classroom instruction. This may include a speech/language assessment (to include pragmatic language), Occupational Therapy, or Physical Therapy.

-Psychological Assessment- a comprehensive evaluation by a school psychologist to understand a student's academic, social, emotional, and behavioral functioning. It includes multiple tools such as standardized tests, interviews, observations, and checklists. It is used to give a complete picture of the student's strengths and needs in learning. *All initial evaluations should have a psychological assessment.*

Reports of Assessment Results:

Each person conducting an assessment shall summarize in writing the findings of the assessment. This includes information about the procedures involved, the results, and impressions of the evaluator. Reports should be comprehensive, educationally relevant, and clearly written so as to be understood by all team members. The evaluator may recommend appropriate types of placements; but shall not recommend specific classrooms or schools.

All reports will be provided to team members, as electronic documents, prior to the meeting (2 days ahead of time) for review and discussion at the meeting. Paper copies will be provided, when requested.



### Reevaluations:

A reevaluation of special education services will be conducted for each special education student every three years, or more frequently if requested by a team member. The Special Education Coordinator is responsible for monitoring the reevaluation dates and initiating the evaluation process. If the district requests to waive any part of the evaluation, this will be a discussion with the parent/caregivers and summarized in writing. The family may choose to accept or reject recommendations in regards to waived assessments. An evaluation must be conducted in the appropriate area, prior to discontinuation of a service. This can be a combination of standardized and/or curriculum-based assessments.

### Outside Evaluations at a parent/caregiver expense:

When River Valley receives an outside evaluation that a parent/caregiver has completed at their own expense, the report will be immediately provided to the Special Education Coordinator. The Special Education Coordinator will review the report and convene a team meeting to consider the results of the report within 10 school working days. The meeting will include relevant staff members to consider the assessments given as part of the evaluation. This may include the school psychologist and/or related service providers. The team meeting may result in changes to the student's IEP, if the student is already eligible for special education services. If the student has not already been identified as a special education student, the school may recommend its own assessments to understand how the student accesses curriculum.

Independent Educational Evaluations (IEE) at a public expense (more information in this topic is available in the Parental Notice of Procedural Safeguards).

- If a parent/caregiver disagrees with the evaluations completed by the school district, then the parent/caregiver may request an independent educational evaluation for up to 16 months from the date of the evaluation for which the parent disagrees. The School Director will respond to any requests for an IEE.

- All IEE will be conducted by qualified people who are registered, certified, licensed, or otherwise approved and who abide by the state rates set by the state agency responsible for setting such rates.

- If the parent/caregiver requests an IEE at the public expense, the district must either pay for the IEE, or within 5 school working days, request determination from the Bureau of Special Education Appeals (BSEA) that the district's evaluation was comprehensive and appropriate.

- When the parent/caregiver seeks and receives public funding for an IEE under these provisions, the parent/caregiver may request independent assessments in one, more than one, or all areas assessed by the district.

- The parent/caregiver may obtain an IEE at private expense at any time.

- Within 10 school working days of receiving the report from the IEE, completed at the public expense, the team will convene and consider the IEE and whether a new or amended IEP is appropriate.

#### Extended Evaluations:

If the special education team determines that a student is eligible for special education services, but the evaluation information is insufficient to develop an IEP, the Team, with parent/caregiver signed consent, may agree to an extended evaluation period. The Team documents their findings and the time period/information needed to develop an IEP on the Extended Evaluation Form. The evaluation period may be longer than one week, but not exceed eight school weeks (40 days). Extended evaluations cannot be used to deny services.

### **IV. The Team Process and IEP Development:**

The IEP Team consists of:

- The student's parent(s)/caregiver
- At least one general education teacher familiar with the student
- At least one special education teacher familiar with the student, or if appropriate, a special education provider for the student
- A representative of the school who acts as a chairperson and who is, (1) qualified to supervise or provide special education, (2) is knowledgeable about the general education curriculum, (3) is knowledgeable about the availability of resources of the district and is able to commit resources (Special Education Director or Chairperson)
- Individuals who can interpret evaluation results
- Other individuals who have knowledge or expertise regarding the student or requested by the student's parent/caregiver
- If appropriate, the student (beginning at age 14) will be invited to participate in the team meeting. The student's name will appear on the attendance form. Every effort will be made to have the student participate in some or all of the Team meeting, and their input will be included.
- When one purpose of the meeting is to discuss transition services, with the consent of the parent/caregiver or student who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
- When one purpose of the meeting is placement, a person knowledgeable about placement options is present at the meeting

Meetings are scheduled by the Special Education Coordinator on or before the date of the IEP. Written notification is provided to all team members using a Team Meeting Invitation for (N3) and Attendance Form (N3A). Google Calendar invites are used internally to organize River Valley staff members.

#### Team member attendance:

It is expected that all team members listed on the Team Meeting invitation are present at the meeting. Please notify the Special Education Coordinator as soon as possible of any scheduling challenges. For unexpected absences, the parent(s)/caregiver have two options, after notification of a team member's absence. First, the meeting can proceed as scheduled, with the family excusing the team member using the excusal form. Second, the meeting can be rescheduled for a time when all team members can be present. Both options will be offered to the family.

#### Team Responsibilities:

1. Determine eligibility for special education services (initial or reevaluation).
2. Develop and IEP for eligible students.
3. Determine placement.

#### Determining eligibility:

Within 45 school working days after receipt of the parent/caregiver's consent to an initial evaluation or reevaluation, the Team must review evaluation data, classroom performance, teacher, parent/caregiver, and student input to determine eligibility for special education services. The team reviews eligibility using the Eligibility Flowchart (included in Appendix) A student may be found eligible for special education services. The first step is to determine if the student has one or more of the following disabilities ([www.doe.mass.edu](http://www.doe.mass.edu))

*Disability* shall mean one or more of the following impairments:

- (a) *Autism* - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at 34 CFR §300.8(c)(1).
- (b) *Developmental Delay* - The learning capacity of a young child (3–9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.
- (c) *Intellectual Impairment* - The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with mental retardation.
- (d) *Sensory Impairment* - The term shall include the following:
  1. *Hearing Impairment or Deaf* - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

2. *Vision Impairment or Blind* - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
  3. *Deafblind* - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.
- (e) *Neurological Impairment* - The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.
- (f) *Emotional Impairment* - As defined under federal law at 34 CFR §300.8(c)(4), the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.
- (g) *Communication Impairment* - The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.
- (h) *Physical Impairment* - The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures, if such impairment adversely affects a student's educational performance.
- (i) *Health Impairment* - A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results

in one or more of the following: limited strength, vitality, or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

(j) *Specific Learning Disability* - The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think speak, read, write, spell, or to do mathematical calculations. Use of the term shall meet all federal requirements given in federal law at 34 CFR §§300.8(c)(10) and 300.309.

To be found **eligible for special education services**: All of the following conditions must be met

- 1) A student must have one or more of the identified disabilities.
- 2) The student is not making effective progress in school (for reevaluations, the student would not make effective progress without continued special education services.
- 3) The lack of effective progress is a result of the student's disability.
- 4) The student requires specially designed instruction and/or related services in order to make effective progress in school.

If a student has a disability, but continues to make effective progress or does not require specially designed instruction, the student is **not** eligible for special education services. However, the student may be eligible for other support services, including a 504 Plan.

#### Section 300.541 Criteria for Determining a Specific Learning Disability:

A team may determine the existence of a specific learning disability if the student does not achieve commensurate progress with their age and ability levels in one or more key areas, if provided with learning experiences appropriate to the current age and ability level. If the team determines that the student has a significant discrepancy between their intellectual ability and achievement in one or more of the following areas, the Team may determine that the student has a specific learning disability.

- ☐ Oral expression
- ☐ Listening comprehension
- ☐ Written expression
- ☐ Basic reading skills

- ☐ Reading comprehension
- ☐ Mathematics calculation
- ☐ Mathematics reasoning

The Special Education Coordinator, with the support of the Special Education Teacher, will fill out the Specific Learning Disability Observation Form (included in appendix) for the appropriate grade level to support the Team process and discussion around determination of a specific learning disability. The Team will consider multiple forms of assessment and exclusionary factors (Specific Learning Disability Exclusionary Factors Flowchart, included in appendix) as part of the discussion. This includes a discrepancy in achievement as a primary result of a visual, hearing, or motor impairment, intellectual impairment, emotional disturbance, or environmental, cultural, or economic disadvantage

#### Finding of No Eligibility:

After all assessments have been presented, if the Team makes a Finding of No Eligibility, the student is deemed ineligible for Special Education and the school must provide written notice to the parent/caregiver within 10 school days of the meeting (N2 Form). Contained within the notice must be:

- What action is proposed or refused and why the decision was made.
- Identify any other options considered and rejected by the Team
- Describe all evaluation tools and other relevant information used in reaching the decision.
- Include the Parental Notice of Procedural Safeguards and source available to explain those safeguards

Parents/caregivers have the right to appeal any determination to the Bureau of Special Education Appeals (BSEA), including a Finding of No Eligibility. Families may contact the BSEA directly or request assistance from the district in this process.

Eligibility can be determined at any age or grade level, as some disabilities become more apparent as children progress through the grades. The team may also be reconvened to discuss student progress, as needed.

#### Development of the IEP:

Once the student is found eligible for special education services, the Team works collaboratively to develop an IEP. The IEP is a formal agreement between parents/caregivers and River Valley Charter School. An IEP is tailored to the specific needs of the student. The following are required elements of each IEP:

- Specially designed instruction to meet the needs of the particular student
- Necessary related services determined by the Team (Occupational Therapy, Physical Therapy, Speech/Language, Counseling)
- Access to general education curriculum and Massachusetts State Curriculum Frameworks
- Accommodations and/or modifications to support access to learning

- MCAS accommodations (when applicable)
- Transition planning (Age 14 and/or eighth grade students)
- Transportation needs (determined individually based on disability and ability to access services)
- Possible need for schedule modification: shortened day or extended school year
- Determination of Placement (where services are provided)

For annual reviews, River Valley may send a Draft IEP prior to meeting (two days prior to meeting) for review and discussion at the meeting. This gives the family time to review the information and come with changes and questions. It is a working document, based on teacher observations, informal data collection, and measurement of IEP objectives. Guiding questions will also be included to seek student input in the process. Parents/caregivers are encouraged to write a statement for inclusion in the IEP, before or after the meeting.

#### Extended School Year:

According to special education regulation, a student with an IEP is eligible for extended year services if they are likely to demonstrate substantial regression of skills and/or they are going to require a longer time to recoup the skills lost over an extended period, to include the summer break. Decisions about the need for extended school year are considered yearly as part of the team process and documented in the student's IEP. The purpose of extended school year is to prevent loss of obtained skills, rather than a continuation of programming.

The Department of Education interprets a student's difficulty with recoupment to be an aspect of significant regression. Recoupment and regression consist of the following:

1. Loss of performance levels that were attained before a break in service.
2. The student's limited learning rate, which lengthens the amount of time the student requires to review and/or relearn previously obtained skills.
3. The time it takes for the student to accomplish such recoupment is greater than the period of time the school district allows other students for review and relearning.

Along with significant regression and limited recoupment, DESE has also outlined other criteria that can be considered:

1. The degree of impairment.
2. The student's rate of progress.
3. Lack of progress over two marking periods.

Data and work samples from general education teachers will be used to show that criteria have been met.

#### State and District-Wide Assessments:

Students identified as special education students must be included in state and district-wide assessment. The IEP Team is responsible for determining how a student will participate in these types of assessments. This includes determining if the student can take on-demand tests as given. If not, the Team must determine the necessary accommodations to support participation.

Accommodations will be specified in the IEP document. Accommodations identified for testing must also be part of the student's routine classroom instruction.

In some instances, the Team may consider the MCAS Alternative Assessment (MCAS-Alt) for students with the most significant cognitive disabilities who cannot take the standard MCAS assessment, even with accommodations. A separate team meeting will be held to consider the MCAS-alt as an option, as there are multiple decision making tools to consider and data to review. When considering assessment with MCAS-alt, a student must be assessed using this format in all subject areas. The decision making tools are included in the appendix (Decision Making Tool Flowchart from MCAS manual and DESE Alternative Assessment Tool). The MCAS-alt assessment is intended for a small number of students (<1% of the students assessed, statewide). The team will make a determination for participation in MCAS-alt by May of the prior school year to give the team enough time to prepare materials, curriculum, and training for administration of the portfolio assessment.

Transportation: The Massachusetts Charter School Statute M.G.L. Ch.71 89 requires that students who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident school district in the same manner as transportation is provided to students attending the local district school(s). As such, students who reside in Newburyport have the option of using Newburyport School District's bus transportation. This is arranged through the Front Office. Families for students residing in other districts are responsible for providing transportation to and from school.

The IEP Team must consider if specialized transportation is required for a student to benefit from their special education service as part of the team process. The Team must consider transportation needs related to the identified disability. This includes any "necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required by the student". If the Team determines that transportation is required, related to the student's disability, River Valley is responsible for arranging for and providing for transportation for the student at no cost to the family. Additionally, if the team determines that education in an out-of-district placement is necessary, River Valley is required to provide transportation. Information about the Department of Education regulations for transportation, including the Technical Advisory for Charter Schools, are included in the appendix as reference tools.

Placement:

River Valley uses an inclusive model of education, which is identified as IEP services delivered outside of the general education classroom less than 21% of the time-80%inclusion. Instruction occurs within the classroom setting with peers, to the maximum extent possible. At times, the Team may determine that services may be better delivered outside of the classroom. This can include specialized instruction for reading or math, speech/language services, occupational therapy, physical therapy, and counseling. When this occurs, service delivery is listed in the c-grid, for services delivered in settings other than the general education classroom. The need



for such services is noted in the “Participation in the General Education Setting” section of the IEP.

River Valley is responsible for providing the range of services necessary for students to make effective social and academic progress. The team may determine that a Partial Inclusion program (services provided outside of the general education setting at least 21% of the time, but no more than 60% of the time) or a Sub-Separate Program (services provided outside of the general education setting greater than 60% of the time) may be necessary for a student. This determination is made by the Team in a placement meeting.

If a change in placement is to be considered, River Valley will coordinate a joint meeting with the District of Residence (where the student lives) to consider programming options. An in-district placement should always be considered and recommended before an out-of-district placement is considered. If the team determines that an out-of-district placement is necessary, the Team must be mindful of the requirement to give preference to in-state, approved, special-education schools.

#### Out-of-District Placement:

If the Team determines that a student’s educational needs cannot be met appropriately within an in-district program after several documented efforts to meet the needs, the IEP Team shall convene to write an IEP that will meet the needs of the student and end the meeting. Within two school working days of the meeting, the Team must schedule a meeting to determine placement and invite a representative from the District of Residence to participate. The sending district must give 5 days notice of the placement meeting and the meeting must be held within 10 school working days of the IEP meeting.

#### Home-Hospital Forms:

Students have a right to receive special education services even when they are unable to attend school for an extended period, due to medical leave. When a student is unable to attend school for non-educational reasons, such as when in a hospital or institutional setting, IEP services will still be provided. River Valley uses the Department of Education Home-Hospital Form (included in appendix) to indicate the need for such services. A service plan will be developed in collaboration with the parent/caregivers and the School Director, with the support of the special education team.

Timelines: IEPs will be provided in final form to the parent/caregivers within **5** school working days of the Team meeting. The IEP will include changes based on the discussion and team process. This will be summarized in the N1 form, with the IEP.

Parent response to the proposed IEP and placement:

No later than 30 days after receipt of the IEP, parent/caregivers will:

1. Accept or reject the IEP in whole or part.
2. Request a meeting to discuss the rejected portions of the IEP or overall adequacy of the IEP.
3. Accept an amended proposal (mutually agreed upon).
4. Accept or reject the proposed placement.

Upon parent/caregiver consent to the proposed IEP and the proposed placement, River Valley shall implement all accepted elements without delay. The IEP will be provided to the teachers and service providers as an electronic document, immediately upon receipt by the Special Education Coordinator.

If an initial or annual IEP is not signed, the team will work from the last signed IEP (the “active IEP”) for that student. Accommodations and modifications, as well as service delivery will be provided based on this document. IEP objectives will be measured against the Active IEP, with progress reports written to these goals/benchmark objectives. The team will continue to work together to come to an agreement of appropriate services and service delivery. The Special Education Coordinator will notify parents/caregivers when IEPs are not signed after the 30 school days.

When an IEP is rejected by the parent/caregiver, River Valley notifies the Bureau of Special Education Appeals (in writing) of the rejection within 5 school working days. The parent/caregivers will be notified of this action. Then, the BSEA will inform both parties of the right to mediation or hearing. River Valley will convene a meeting to address the concerns.

Procedures After Receipt of Signed IEP:

Receipt of Signed IEP: Upon receipt of an IEP at school, the receipt date is recorded on the document and entered into the tracking system. The IEP is scanned as a pdf document and provided to the teaching team and related service providers. Implementation of the IEP is immediate upon receipt, for accommodations and modifications, goals/benchmark objectives, and service delivery. General education teachers, special education teachers, support staff, and related service providers are responsible for reviewing the document and responsibilities. Progress towards measurable goals is reviewed in team consultation meetings, scheduled monthly, at a minimum. Any questions in regards to implementation of the IEP are addressed to the Special Education Coordinator.

Progress Reports:

Progress reports reflect the steps taken towards the annual goals written in the IEP documents. Progress reports must be sent annually to parents/caregivers at least as often as parents/caregivers are informed of progress for nondisabled peers. River Valley provides progress reports three times a year, to correspond with the general education progress reporting in November, March, and June. Progress reports are written to each goal/benchmark objective and delivered to parents/caregivers as electronic documents. Paper copies can be provided

upon request. A meeting with the Special Education Teacher can be scheduled to review the progress reports, if requested. Progress reports must answer the following two questions for each goal:

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

Progress reports may prompt the Team to amend an IEP, if there is a lack of expected progress. If a student is making more than expected progress, reports may make recommendations on the next steps. Progress reports are written to the term of the IEP, not the school year.

#### Amendments:

The team may be convened during the school year to consider evaluation reports and/or to modify or amend a student's current IEP. The IEP may also be amended or modified without the need to reconvene the team by agreement of the parent/caregivers and written summary and/or notice.

The IEP Amendment is designed to be used in conjunction with other IEP pages. The form should be used for minor IEP changes that do not change the placement. The explanation of a proposed change should include the IEP section(s) that the change will impact. Specific changes will be highlighted and pages included with the amendment.

### **V. Special Considerations for the Team:**

#### Bullying prevention and intervention:

##### *Bullying is defined as, according to Chapter 86 of the Acts of 2014*

*Bullying means the repeated use by one or more students or by a member of a school staff including but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to extra curricular activity, or paraprofessionals of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:*

- (i) causes physical or emotional harm to the target or damage to the target's property;*
- (ii) places the target in reasonable fear or harm to himself or herself or damage to the target's property;*
- (iii) creates a hostile environment at school for the target;*
- (iv) infringes in the rights of the target at school; or*
- (v) materially and substantially disrupts the education process or the orderly operation of a school*

IEP teams must determine whether a student has any needs based on disability-related skills and proficiencies, in order to avoid and respond to bullying, harassment, or teasing. The provisions of the Massachusetts bullying prevention and intervention law apply to eligible students. The provisions apply if the student's disability a) is on the autism spectrum, and/or b)

affects social skills development, or c) makes the student vulnerable to bullying, teasing, or harassment.

For students on the autism spectrum, protection under the law is automatic. Due to the nature of Autism Spectrum Disorders (ASD), progress in positive social skill development is already identified as an area requiring support and instruction. The IEP team will consider the need for social skills instruction and/or in-the-moment coaching to address and support peer interactions. Social skills instruction should be at the student's skill level and appropriate for his/her/their age. The focus of IEP instruction and support, in relation to the bullying intervention and prevention law will be to aid the student in accessing the academic and social demands of the school day. The IEP will answer specific questions to identify the needs of the student, related to ASD, with the understanding that ASD has a spectrum of needs. Where appropriate, the team will identify if the student has been identified with Autism Level 1, Level 2, or Level 3.

For students identified in other disability categories, the Team must make a determination as to whether or not the student's identified disability affects social skills development or increases vulnerabilities to bullying, teasing, or harassment. Teams should consider that students identified with emotional impairments, developmental delays, communication disorders, health impairments, and neurological impairments are likely to have a disability that affects social skills development. However, teams should carefully evaluate whether students with any type of impairment have delays in social skills development or are otherwise vulnerable to bullying, harassment, or teasing because of a disability. The IEP will identify the actions of the team to support the student, including who to talk to if feeling upset or worried about a social challenge. Consideration is given to the student's skills in the areas of self-awareness, critical thinking skills, self-advocacy, and relationship with peers.

## **VI. Discipline:**

Students (both with and without identified disabilities) must adhere to the River Valley Code of Conduct. This is stated in the Family Handbook and available on the school website. The purpose of the Code of Conduct is to clarify student behaviors and actions that are encouraged, as well as those that are considered unacceptable in the River Valley community. Students and staff are required to show respect, grace, and courtesy in all educational settings (in school, before/after school activities, field trips, over-night trips). It is important to create a safe and supportive school environment for all students and staff.

Student behavior that falls outside of community expectations and common core of responsibilities, defined in the Code of Conduct are subject to a disciplinary response from teachers and/or administration. Response will depend on the frequency and severity of the misconduct. The intentions will always be to encourage growth and reflection on the part of the student in order to help build the skills and judgement required to make better decisions and choices in the future.

Parent/caregivers will be notified of disciplinary actions in writing. Actions may include an in-school or out-of-school suspension. Families have a right to a hearing on the decision and the right to appeal. Students with disabilities may be suspended for up to 10 days in any school year, similar to peers.

In the case of a student with a disability a suspension of more than 10 days within a school year or an expulsion (which is viewed as a change in placement), and emergency IEP Team meeting must be convened. The purpose of this meeting is to make a manifestation determination.

Manifestation Determination Meeting:

Relevant members of the Team shall review all relevant information in the student's file, including the IEP, teacher observations, and any information provided by the parent/caregiver to determine if the conduct in question is caused by or has a direct and substantial relationship to the student's disability(ies), or was the direct result of the district's failure to implement the IEP. If any of these circumstances are found, long-term suspension or expulsion may not be imposed.

The IEP or 504 Team must determine if there is a relationship between the school discipline policy violation and the student's disability in order to make decisions about the consequences of the misconduct, as well as the student's continuing educational and behavioral needs. If the behavior in question is not a manifestation of the student's disability, the student may be disciplined under the general Code of Conduct. The IEP or 504 Team considers all relevant information, including evaluation/diagnostic results, observations of the student, written teacher feedback, parent/caregiver input, and student placement.

At the meeting, the Team must determine:

- Is the IEP appropriate?
- Is the IEP implemented as written, including appropriate behavior management procedures?
- Is the misconduct a result of failure to implement a student's IEP And
- Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

The Team may determine that more information is needed to answer the related questions, and can include a Functional Behavior Assessment (FBA) if one has not already been conducted during the current school year. The team may also decide that amending the IEP is appropriate to better meet the needs of the student.

If after review of all the assessments, observations, parent/caregiver and teacher feedback determines that that behavior is not a manifestation of the disability, then the school's standard disciplinary procedures will be applied; and the student will continue to receive educational services with access to the general education curriculum and progress towards IEP goals. The student must continue to have access to a Free and Appropriate Education.

The Team may determine that a change in placement, with or without the parent/caregiver permission to an interim educational setting for a period not to exceed 45 days, as long as a Free and Appropriate Education is provided, and Functional Behavior Assessment, and manifestation determination is conducted in any of the following instances:

- ☐ A student carries a weapon to school or a school function
- ☐ A student possesses or sells illegal drugs and/or controlled substances while at school or a school function
- ☐ A student inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

A summary of the manifestation determination review will be written and a copy provided to the parent/caregivers as soon as possible after the review, but not later than 5 school working days after the review, along with the Parental Notice of Procedural Safeguards.

## **VII. Parental Safeguards**

Parent Procedural Safeguards:

- Right to written notice
- Right to consent/refute
- Right to “stay-put”
- Participation in Problem Resolution System (PRS)
- Mediation and Due Process
- Adhered to Timelines
- Confidential Records

If as a parent/caregiver, you believe that your rights or the rights of your student are not being appropriately provided, you can:

- Discuss resolution with your school district with an established meeting with the School Director and Special Education Coordinator
- File a complaint with the Department of Education Problem Resolution System
- Seek resolution from the Bureau of Special Education Appeals (BSEA)

The Parental Notice of Procedural Safeguards, updated in May 2025 (included in Appendix), contains relevant information related to both state and federal laws. The document is based on several principles:

1. Procedural safeguards
2. Parental participation
3. Prior written notice
4. Parental consent
5. Access to information
6. Confidentiality
7. Dispute resolution

If a parent/caregiver does not agree with the IEP team and requests a hearing, or files a dispute with the BSEA, River Valley will notify the parent/caregiver that an official hearing request has been made. Then, River Valley will convene a meeting with the parent/caregiver to try and resolve the dispute. The resolution session may be waived if the district and parent/caregiver agree in writing to use mediation instead. If the dispute is resolved at the resolution session, the parent/caregiver and the School Director or Special Education Director will sign a legally binding agreement that describes the resolution of the dispute. Any team member may void the agreement within three business days of signing the agreement.

The BSEA conducts mediations, advisory opinions, and due process hearings to resolve disputes among parents/caregivers, school districts, private schools, and state agencies. The BSEA derives its authority from both federal and state regulations: The Individuals with Disabilities Act (IDEA) and Massachusetts laws and regulations (MGL ch.71B).

A parent/caregiver or a school district may request mediation, advisory opinion and/or hearing on any matter concerning the eligibility, evaluation, placement, IEP, provision of special education services, or procedural protections, for special education students; all in accordance with federal and state laws. A school district may not request a hearing on a parent/caregiver's failure or refusal to consent to the initial evaluation or initial placement of a student in a special education program, or to written revocation or parental consent for further receipt of special education and related services. In addition, a parent/caregiver may request a hearing in any issue involving the denial of a Free and Appropriate Public Education, guaranteed by Section 504 of the Rehabilitation Act of 1973.

Mediations, advisory opinions, and hearings are conducted by impartial mediators and hearing officers who do not have personal or professional interest that would conflict with their objectivity in the proceeding. The BSEA consists of hearing officers (all of whom are attorneys), a coordinator of mediation, a scheduling coordinator, support staff and a director. The BSEA is an independent subdivision of the Division of Administrative Law Appeals.

## **VIII. SEPAC**

Special Education Parents Advisory Council (SEPAC)

SEPAC is a group of individuals focused on special education issues. It is comprised mainly of parents/caregivers, but interested community members are invited to attend. Invitations to SEPAC events are extended personally by the Special Education Coordinators, as well as written notice in the weekly newsletter, "The Current". SEPAC is governed by a co-chair system with set by-law (included in the Appendix). The Special Education Coordinators support organization of SEPAC events, with the goal of more independence for the parents/caregivers. River Valley holds three SEPAC events annually, with one being dedicated to a presentation of the Parental Notice of Procedural Safeguards.

## Appendix

Nautilus Reference Sheet  
SST Referral Form  
Evaluation Consent Form  
Eligibility FlowChart  
Specific Learning Disability Observation Form  
Exclusionary Factors  
MCAS-alt Decision Making Tool  
DESE Alternative Assessment Participation Tool  
DESE Transportation Regulations  
Technical Advisory: Charter School Transportation  
Placement Form  
Home-Hospital Form  
Progress Report Form  
Amendment Form  
River Valley Code of Conduct  
Parental Notice of Procedural Safeguards, Updated May 2025  
SEPAC Bi-Laws