

Five Things Parents Should Know: Individualized Education Plan (“IEP”) Basics in Massachusetts

MASSACHUSETTS EDUCATION LAW

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1. INITIAL REFERRAL

A parent, teacher, or other professional (i.e., physician) may refer a child for a special education evaluation at any time. If a parent is concerned that their child is displaying signs of a developmental disorder that is affecting their academic progress, they may request that short-term classroom accommodations be made before consenting to an evaluation. No child shall be placed in a special education program without prior consultation, evaluation, reevaluation, and consent. G.L. c. 71B, §§ 2; 3.

2. THE DISTRICT’S TIME TO RESPOND

Within 5 days of the special education evaluation referral, the school committee must notify the child’s parents in writing in the primary language spoken at home of the referral, the evaluation procedure to be followed, and the right to an independent evaluation. G.L. c. 71B, §3.

3. EVALUATION PROCEDURE TIMELINE

Within 30 days of the notification, the school committee shall provide an evaluation of the child by the Individualized Education Program team, including the local school department, a classroom teacher, a physician, a psychologist, a nurse, a social worker, a guidance or adjustment counselor, and any required specialists. The school committee shall consult the child’s parents or guardians about the evaluation and the evaluators. G.L. c. 71B, §3.

4. DISAGREEMENT WITH THE EVALUATION

Once the school’s evaluation is complete, the child’s parents or guardians may obtain an independent evaluation. Many circumstantial factors are considered when determining whether the parent or the school committee shall pay for the cost of the independent evaluation. G.L. c. 71B, §3.

5. DISPUTE RESOLUTION

Should a dispute arise at any time during the process, the parent and school committee may voluntarily agree to seek resolution using mediation provided by the bureau of special education appeals. Should the parent reject the school committee’s finding that their child does not qualify for an IEP, they may proceed to the appropriate superior court. G.L. c. 71B, §3.

For additional information, please contact:

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