

**SECTION J
STUDENTS**

9. Special Services

a. Eligibility of Non-Public Pupils for Special Services:

(10/1/75, Dr. McKenzie Memo)

Non-public pupils who reside in Brookline are eligible for a variety of pupil services under Chapter 71B (Chapter 766), subject to the following conditions:

1. Services are available only to individual pupils, living with their parents in Brookline. (Services are not for non-public schools; rather they are for resident pupils only who apply for same.)
2. Various regulations of Chapter 766 cite eligible and approvable programs (called program prototypes) which are conditions of instruction and support services which shall be conducted by the public schools and within public schools.
3. Any such non-public pupil whose resident family requests an informal or formal evaluation (formal evaluation is called Core Evaluation) shall be provided such by the public schools, within its premises or on a neutral site, and not on the premises of a non-public school.
4. Diagnostic and evaluation services so granted will be comparable to those given all public pupils; being not greater nor lesser in kind or amount, for the appropriate condition. Such services shall be provided within the contractual schedules of the public school staff.
5. Any subsequent requests for special instruction or support services (special education, remediation, et al.) which require such a pupil to be within the public school for more than nominal services, shall warrant registration as a pupil in the public schools.
6. Any requested instructional and/or support service shall be offered at a public school location, and at times as arranged by the Coordinator of Pupil Personnel Services, or his designee, Nathaniel J. Resnick, Chairman of Special Education.
7. The Superintendent of Schools reserves the option of a review, and possible School Committee approval of any request for the aforementioned services, which are viewed as extraordinary, or possibly beyond the school's responsibility.

J 9 b. Special Education Mediation, Hearings, Litigations:

(Voted 6/18/79, #79-245; 10/11/83, #83-447)

It is the intention of the Brookline School Committee to carry out its Special Education Programs in conformance with Chapter 766 and P.L. 94-142, in order to provide services which meet the needs of individual students. In the event that an individual educational plan (IEP) is not acceptable to the parent, every attempt will be made by staff to reconcile the concerns of the parent and the best interests of the student with the resources of the Public Schools of Brookline.

In the event that mediation of the matter fails, the following steps will be followed with regard to informing the School Committee:

1. The School Committee, through its Assistant, shall be notified by the Assistant Superintendent for Integrated Student Services of any hearings on a Brookline Educational Plan under Chapter 766 (and P.L. 94-142) to be conducted before a hearing officer of the State Department of Education.

2. As soon as a decision resulting from a hearing is received, it shall be furnished to the School Committee by Town Counsel.

3. When a Brookline Educational Plan under Chapter 766 and P.L. 94 142 has been found inadequate by a hearing officer, and the Superintendent of Schools feels the appeal is in the best interest of the student and the Town of Brookline:

a. Town Counsel will notify the School Committee and obtain its approval in advance of the deadline for submission of the appeal; or

b. If time constraints make it impossible to obtain School Committee approval in advance, Town Counsel may file such an appeal to the courts, provided that Town Counsel will refer the matter as soon as possible and in such timely fashion that if not approved by the School Committee, the appeal can and will be withdrawn.

4. No litigation shall be commenced on behalf of the School Committee without prior discussion and authorization by the School Committee. If time constraints make it impossible to notify the School Committee in advance of a legal deadline, Town Counsel will refer the matter to the School Committee for approval as soon as possible and, if not approved by the School Committee, the litigation taken in the name of the School Committee will be terminated by Town Counsel.

5. Quarterly, Town Counsel shall forward to the School Committee a list of litigation in process for informational purposes.

J 9 c. In-School Observations of Special Education Programs by Parents/Guardians and their Designees (Voted 6/3/10, #10-51)

In accordance with Massachusetts special education law¹, The Public Schools of Brookline permits parents/guardians and their designees (defined by law as parent designated independent evaluators and educational consultants) to conduct in-school observations of their child's current or proposed special education program.

¹ This policy is drafted in compliance with Chapter 363 of the Acts of 2008 which went into effect on January 8, 2009.

When a parent/guardian or designee wishes to conduct such an observation, the following procedures shall be followed:

1. The parent/guardian shall contact the Special Education office at the building level and indicate that an observation is requested. The parent/guardian will indicate the name of the person who will conduct the observation and the affiliation of that person to the child and/or parent/guardian.
2. If the request for the observation comes from someone other than the parent/guardian, the school district will need to confirm with the parent/guardian the identity of the observer and ensure that the parent/guardian consents to the observation. If the designee wishes to observe the student's records, the school district must obtain written consent from the parent/guardian before allowing the designee to access the student's record in accordance with the Massachusetts student record regulations.
3. Upon notification of the request for the observation, the school district will provide timely access to the student's current or proposed educational program. The school district will contact the parent/guardian and/or designee to schedule a mutually convenient time for the observation.
4. The school district will also discuss with the parent/guardian and/or designee in advance of the observation a reasonable time allotment for the observation. The observer will be permitted to observe both academic and non-academic activities if requested. Observation times will be determined on an individual basis depending on the circumstances of the particular student and/or program to be observed.
5. The Public Schools of Brookline is responsible to ensure the safety of its students at all times. If, in the opinion of the school district, the observation threatens to compromise the safety of the students in the observed program, the integrity of the program during the observation, or if there is the threat of disclosure by the observer of confidential or personally identifiable information he or she may obtain while observing the program, the school district may impose reasonable limitations and restrictions on the observation. The school district will discuss these concerns with the observer prior to the observation, and the school district will make reasonable efforts to work with the observer around these issues to ensure a safe and productive observation. Any limitation and restrictions imposed pursuant to this paragraph will be done on a case by case basis.
6. The Public Schools of Brookline may exercise its discretion at any time to reschedule or terminate an observation in the event of a building emergency or a significant disruption that impacts the physical or emotional well-being of the students in the school or the program being observed.