Introduction
Those Federal and State agencies and entities involved in education recognize that students whose
disabilities adversely impact educational performance and who require specially designed instruction
can improve their educational performance when they receive special education and related services
tailored to fit their needs. The district adopts the state’s full educational opportunity goal to provide
students in need of special education services with a free appropriate public education.

Special education programs for students eligible for special education shall be an integral part of the
general educational programs of this district, and shall be operated in compliance with federal and state
requirements governing special education. The district will provide a continuum of placement options
which may include services within and outside the district depending on the student’s needs.

Not all students with disabilities are eligible for special education services. The needs of those students
will be addressed individually and if, appropriate, the student will be provided accommodations or
modifications required under Section 504 of the Rehabilitation Act in accordance with district policy and
procedures.

Each public school child who receives special education and related services must have an Individualized Education
Program (IEP). Each IEP must be designed for one student and must be a truly individualized document. The IEP
creates an opportunity for teachers, parents, school administrators, related services personnel, and students
(when appropriate) to work together to improve educational results for children with disabilities. The IEP is the
cornerstone of a quality education for each child with a disability.

To create an effective IEP, parents, teachers, other school staff--and often the student--must come together to
look closely at the student’s unique needs. These individuals pool knowledge, experience and commitment to
design an educational program that will help the student be involved in, and progress in, the general curriculum.
The IEP guides the delivery of special education supports and services for the student with a disability. Without a
doubt, writing--and implementing--an effective IEP requires teamwork.

The IEP process is one of the most critical elements to ensure effective teaching, learning, and better results for all
children with disabilities. The information is based on what is required by our nation's special education law--the
Individuals with Disabilities Education Act, or IDEA.

Child Find
Child Find is a required activity for schools to locate and identify any children who may be experiencing
learning and/or behavioral difficulties. The goal is to determine the level of need for these children to be
successful when they enter kindergarten in the general education classroom. This step involves a
continuous process of public awareness activities, parental/community outreach, screening and
evaluation. A number of secondary indications need to be considered, referred to as At Risk
Documentation maintained by the general education child study team. The indicators are: high mobility,
suspension, expulsion, severe behavioral challenges, frequent school infractions, graduation without a
regular high school diploma, detention in juvenile detention centers or adult correctional facilities, and
dropping out of school.
Step 1. Child is identified as possibly needing special education and related services.

"Child Find." The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct "Child Find" activities. A child may be identified by "Child Find," and parents may be asked if the "Child Find" system can evaluate their child. Parents can also call the "Child Find" system and ask that their child be evaluated. Or —

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a reasonable time after the parent gives consent.

Step 2. Child is evaluated.

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE. The child and family have special rights that must be address during the evaluation process.

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<tr>
<th>Safeguards for Nondiscriminatory Evaluation</th>
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<tr>
<td><strong>Areas of Assessment</strong> ✅ include more than one test ✅ include wide range of developmental information, such as the PEPSI screening ✅ look at levels of functioning outside of the school setting ✅ include health, hearing, vision, motor ability, communication skills screening along with the academic evaluation ✅ assess specific areas of concern such as reading, math, not just a general IQ score or Achievement test score [they often measure the same things]</td>
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<tr>
<td><strong>Administering the Assessments</strong> ✅ select them to be as culturally and linguistically unbiased as possible ✅ look for tests that have the greatest reliability and validity ✅ administer them in the child's primary language, remembering that a primary spoken language may not be a language the student can read ✅ access the child's true abilities rather than mirroring known sensory problems that make evaluation difficult ✅ a trained professional administers the tests and does so taking into account the child's age, ability to concentrate, attention to the test, rapport, appropriate testing setting, lack of distracters, sense of safety and esteem ✅ conform to the directions and expectations expressed by test authors ✅ include additional evaluations or re-evaluations if the testing situation does not match those that will provide the best student outcome ✅ include data from classroom observation, school behaviors, such as in the cafeteria, during special classes, when interacting with peers, on the bus -- with adequate time spent observing to provide a clear picture of the child's strengths and actions ✅ provide information about adaptations or changes made during testing that might skew results or invalidate the outcome when making predictions based on norms</td>
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<tr>
<td><strong>Timing</strong> ✅ evaluation occurs before placement in special programs and prior to pulling a student out of a program ✅ reevaluations occur every three years unless student needs them more frequently or the transdisciplinary team sees no change and no need for additional evaluation and puts that in</td>
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Parental Notice - Parental Consent

Parents are fully informed of the consideration of special services parents receive a clear description of their rights and their child's rights in a language that is understandable and clear to them and they sign a document stating a summary of their rights and that they are clear about them parents consent to the testing to take place parents see the final evaluation, may have a personal copy and have the right to have findings explained to them in a way that makes the findings clear to them parents must be told of anything the school refuses to do that might be in their best interest parents have a right to a second evaluation at their own expense parents have a right to bring someone along who can help them understand and make good decisions for their child parents have a right to bring the student to the meetings parents have a right to privacy Agreeing to testing and evaluation is not the same thing as agreeing to placement or agreeing with the objectives that evolve. These are separate and may include new steps. Parents may request the assistance of a mediator if they feel they are not receiving adequate services. Parents can and do sue districts when there is blatant disregard for the well being of their child.

Here are the particulars of what IDEA requires public agencies to do when scheduling any IEP meeting. IDEA’s provisions involve both common sense and courtesy, and are intended to ensure that parents have every opportunity to attend the meeting and contribute. In a nutshell, the school and parents have to agree when and where they are going to meet.

IDEA’s Exact Words

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate… [§300.322(a)]

This includes:
(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
(2) Scheduling the meeting at a mutually agreed on time and place. [§300.322(a)(1) and (2)]

Notifying Parents of the Meeting

The public agency’s notification to parents must tell parents:
- the purpose, time, and location of the meeting
- who will be at the meeting
- that parents and public agencies have the right to invite other people with knowledge or special expertise about the child, including related services personnel as appropriate, and that the party inviting the individual makes the determination that the invitee possesses the requisite knowledge or special expertise regarding the child
- that the parents may request that the Part C service coordinator or other representatives of the Part C system be invited to attend the initial IEP meeting for a child previously served under Part C of the Act in accordance with §300.321(f).

Knowing each of these elements in advance of the meeting gives parents the opportunity to prepare and more fully participate in meeting discussions and decisions.
The purpose of an IEP meeting can vary—What is the purpose of this meeting? Is the team going to talk about transition services for a child approaching school exit? Or is the primary focus going to be services for next year, or the child’s progress or lack of progress this year? These purposes are quite different from one another, and so would be the discussions arising from them.

Who will attend the meeting can also vary. Although the LEA must ensure that specific types of individuals are represented on the IEP team—including not less than one special education teacher of the child (or where appropriate, not less than one special education provider of the child)—it is the public agency that determines who the actual individuals attending will be. Will it be Mrs. Brown or Mr. Smith? Perhaps the school is planning to invite a specialist to the meeting or someone that the school has the right to include with knowledge or special expertise about the child, such as a related services provider. All such information must be included in the parent notification.

The parent’s right to invite individuals with knowledge or special expertise regarding the child is another item that must be included in the notification the public agency sends to parents to let them know of an upcoming IEP meeting. As discussed in our article The IEP Team, parents may wish to invite someone who has special knowledge about the child or who has some expertise to contribute to shaping the IEP, and the IDEA provides them the right to do so, if they so choose. If parents do invite such a person, he or she needs to have “knowledge or special expertise” about the child, and the party inviting the person—in this case, the parents—decides whether the individual meets that criterion. IDEA does not require that parents let the school know who they might be inviting to join the IEP team, but it may be a matter of courtesy and good teamwork to do so.

The public agency also has the right to invite individuals with knowledge or special expertise regarding the child. If the agency does invite such an individual to join the IEP team, it is the agency who determines whether the individual has the requisite “knowledge or special expertise” about the child. The public agency must inform parents that this person will be attending the IEP meeting.

What if Parents Can’t Attend?

If parents cannot attend the IEP meeting, then the public agency is required to use “other methods to ensure parent participation, including individual or conference telephone calls” [§300.322(c)] and other alternative means such as video conferences (§300.328). IDEA permits such alternatives if parents and the public agency agree to use alternative methods of meeting participation (§300.328).

IDEA includes provisions that permit the public agency to hold an IEP meeting without the parents in attendance (either in person or via alternative methods), but this may only occur if the public agency has been unable to convince the parents to attend and has documented all such attempts to do so.
### What Type of Documentation Is Needed?

Very detailed documentation! If the public agency has not been able to convince the parents to attend, then the agency must keep a record of its attempts to arrange a mutually agreed-on time and place, such as—

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits. [§300.322(d)]

In other words, the public agency may conduct an IEP meeting without a parent in attendance if it makes attempts to secure participation and documents the attempts it has made to convince the parent to attend the meeting.

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<tr>
<th>Step</th>
<th>Description</th>
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<td>3</td>
<td>A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a &quot;child with a disability,&quot; as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.</td>
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<td>4</td>
<td><strong>Step 4. Child is found eligible for services.</strong></td>
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<td>If the child is found to be a &quot;child with a disability,&quot; as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.</td>
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<td>5</td>
<td><strong>Step 5. IEP meeting is scheduled.</strong></td>
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<td>The school system schedules and conducts the IEP meeting. School staff must:</td>
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<td>- contact the participants, including the parents;</td>
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<td>- notify parents early enough to make sure they have an opportunity to attend;</td>
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<td>- schedule the meeting at a time and place agreeable to parents and the school;</td>
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<td>- tell the parents the purpose, time, and location of the meeting;</td>
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<td>- tell the parents who will be attending; and</td>
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<td></td>
<td>- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.</td>
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<td>6</td>
<td><strong>Step 6. IEP meeting is held and the IEP is written.</strong></td>
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<td>The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different group, the parents must be part of that group as well. Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.</td>
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If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

**Interpretation of Assessments**
- This is usually done by combining the findings of the transdisciplinary team.
- Refuse to make politically motivated choices or allow LEP, racial or linguistic bias to enter into the decision.
- Help parents and others without assessment expertise to understand the findings in a commonsense manner.
- Be honest and open about things that may change based on development, the student getting an adaptive device - such as a hearing aid, or the difference a change in teachers or gender of a teacher might make -- and the same is true of parents. They need to help the team understand conditions at home that might be transitory and lead to poor student achievement -- new child, blended family with new siblings, mother’s serious illness, parental drug or substance abuse, pending divorce, etc.

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<th>Due Process</th>
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<td>Right to know</td>
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<td>Guaranteed active participation in the IEP Process</td>
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<td>Appropriate Evaluation</td>
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<td>Independent Evaluation</td>
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<td>Placement Hearing Resolution</td>
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<td>Input in the IEP</td>
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<td>Communication of Team Decisions</td>
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<td>Right to Information</td>
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<td>Stay-put Provision</td>
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<tr>
<td>Right to Confidentiality</td>
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<td>Right of Action in Federal Court</td>
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It is hoped that due process will accomplish the following purposes:

- Accountability
  - a better balance of power
  - fair & supportive treatment of child and parents
  - focus on understanding and meeting children's rights and needs

When there are irreconcilable difference between parents and schools, IDEA provides a mediation process that is called a **Due Process Hearing**. In fact, parents are not only strongly urged to go to mediation before suing the school, they must attend counseling and explore the benefits of mediation.
Step 7. Services are provided.

The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Step 8. Progress is measured and reported to parents.

The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

Step 9. IEP is reviewed.

The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement. If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Step 10. Child is reevaluated.

At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

There are six guiding principles in IDEA

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<tr>
<th>SIX PRINCIPLES</th>
<th>Key Concepts</th>
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<tr>
<td>Due Process</td>
<td>Parents have rights clearly explained in native language and have access to files, paperwork, evaluation, mediation, due process hearings.</td>
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<tr>
<td>Evaluation</td>
<td>Eliminate bias with nondiscriminatory screening tools; utilize appropriate instruments with least language/culture bias, gain parent agreement and share findings clearly; multiple instruments used, including adaptive life skills.</td>
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<tr>
<td>FAPE</td>
<td>Free Appropriate Public Education or FAPE includes developing and implementing an IEP, and providing the services students need.</td>
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<tr>
<td>LRE</td>
<td>Least Restrictive Environment or LRE asks that students be included in a normal setting to the full extent possible, including having access to the general curriculum.</td>
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4. A Closer Look at the IEP

Clearly, the IEP is a very important document for children with disabilities and for those who are involved in educating them. Done correctly, the IEP should improve teaching, learning and results. Each child's IEP describes, among other things, the educational program that has been designed to meet that child's unique needs. This part of the guide looks closely at how the IEP is written and by whom, and what information it must, at a minimum, contain.

5. Contents of the IEP

By law, the IEP must include certain information about the child and the educational program designed to meet his or her unique needs. In a nutshell, this information is:

- **Current performance.**
  - The IEP must state how the child is currently doing in school (known as present levels of educational performance). This information usually comes from the evaluation results such as classroom tests and assignments, individual tests given to decide eligibility for services or during reevaluation, and observations made by parents, teachers, related service providers, and other school staff. The statement about "current performance" includes how the child's disability affects his or her involvement and progress in the general curriculum.

- **Annual goals.**
  - These are goals that the child can reasonably accomplish in a year. The goals are broken down into short-term objectives or benchmarks. Goals may be academic, address social or behavioral needs, relate to physical needs, or address other educational needs. The goals must be measurable—meaning that it must be possible to measure whether the student has achieved the goals.

- **Special education and related services.**
  - The IEP must list the special education and related services to be provided to the child or on behalf of the child. This includes supplementary aids and services that the child needs. It also includes modifications (changes) to the program or supports for school personnel—such as training or professional development—that will be provided to assist the child.

- **Participation with nondisabled children.**
  - The IEP must explain the extent (if any) to which the child will not participate with nondisabled children in the regular class and other school activities.

- **Participation in state and district-wide tests.**
  - Most states and districts give achievement tests to children in certain grades or age groups. The IEP must state what modifications in the administration of these tests the child will need. If a test is not appropriate for the child, the IEP must state why the test is not appropriate and how the child will be tested instead.
• **Dates and places.**
  The IEP must state when services will begin, how often they will be provided, where they will be provided, and how long they will last.

• **Transition service needs.**
  Beginning when the child is age 14 (or younger, if appropriate), the IEP must address (within the applicable parts of the IEP) the courses he or she needs to take to reach his or her post-school goals. A statement of transition services needs must also be included in each of the child’s subsequent IEPs.

• **Needed transition services.** Beginning when the child is age 16 (or younger, if appropriate), the IEP must state what transition services are needed to help the child prepare for leaving school.

• **Age of majority.** Beginning at least one year before the child reaches the age of majority, the IEP must include a statement that the student has been told of any rights that will transfer to him or her at the age of majority. (This statement would be needed only in states that transfer rights at the age of majority.)

• **Measuring progress.**
  The IEP must state how the child's progress will be measured and how parents will be informed of that progress.

6. **Additional State and School-System Content**
Federal and state laws and BIE regulations require QTS to maintain documentation to demonstrate compliance with federal requirements. It is important to document that the school has met certain aspects such as:

- holding the meeting to write, review and, if necessary, revise a child's IEP in a timely manner;
- providing parents with a copy of the procedural safeguards they have under the law;
- placing the child in the least restrictive environment; and
- obtaining the parents’ consent.

7. **The IEP Team Members**
By law, certain individuals must be involved in writing a child's Individualized Education Program. These are identified in the illustration below. Note that an IEP team member may fill more than one of the team positions if properly qualified and designated. For example, the school system representative may also be the person who can interpret the child's evaluation results.

These people must work together as a team to write the child's IEP. A meeting to write the IEP must be held within 30 calendar days of deciding that the child is eligible for special education and related services.
Each team member brings important information to the IEP meeting. Members share their information and work together to write the child’s Individualized Education Program. Each person’s information adds to the team’s understanding of the child and what services the child needs.

**Parents** are key members of the IEP team. They know their child very well and can talk about their child’s strengths and needs as well as their ideas for enhancing their child's education. They can offer insight into how their child learns, what his or her interests are, and other aspects of the child that only a parent can know. They can listen to what the other team members think their child needs to work on at school and share their suggestions. They can also report on whether the skills the child is learning at school are being used at home.

**Parents’ Permission**  *Before the school can provide a child with special education and related services for the first time, the child’s parents must give their written permission.*

**Teachers** are vital participants in the IEP meeting as well. At least one of the child’s regular education teachers must be on the IEP team if the child is (or may be) participating in the regular education environment. The regular education teacher has a great deal to share with the team. For example, he or she might talk about:

- the general curriculum in the regular classroom;
- the aids, services or changes to the educational program that would help the child learn and achieve; and
- strategies to help the child with behavior, if behavior is an issue.

The regular education teacher may also discuss with the IEP team the supports for school staff that are needed so that the child can:

- advance toward his or her annual goals;
- be involved and progress in the general curriculum;
- participate in extracurricular and other activities; and
- be educated with other children, both with and without disabilities.

Supports for school staff may include professional development or more training. Professional development and training are important for teachers, administrators, bus drivers, cafeteria workers, and others who provide services for children with disabilities.

If the child has a **special education teacher** he or she will contributes important information and experience about how to educate children with disabilities. Inclusion is now a part of many school
districts. There still must be someone who understands special education and has special training so the
team has an expert who teacher can talk about such issues as:

- how to modify the general curriculum to help the child learn;
- the supplementary aids and services that the child may need to be successful in the regular
classroom and elsewhere;
- how to modify testing so that the student can show what he or she has learned; and
- other aspects of individualizing instruction to meet the student's unique needs.

Beyond helping to write the IEP, the special educator has responsibility for working with the student to
carry out the IEP. He or she may:

- work with the student in a resource room or special class devoted to students receiving special
education services;
- team teach with the regular education teacher;
- work with other school staff, particularly the regular education teacher, to provide expertise
about addressing the child's unique needs;
- monitor inclusion placements to assure that services are being provided for each child.

Another important member of the IEP team is the individual who can interpret what the child's
evaluation results mean in terms of designing appropriate instruction. The evaluation results are very
useful in determining how the child is currently doing in school and what areas of need the child has.
This IEP team member must be able to talk about the instructional implications of the child's evaluation
results, which will help the team plan appropriate instruction to address the child's needs.

The individual representing the school system is also a valuable team member. This person knows a
great deal about special education services and educating children with disabilities. He or she can talk
about the necessary school resources. It is important that this individual have the authority to commit
resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

The IEP team may also include additional individuals with knowledge or special expertise about the
child. The parent or the school system can invite these individuals to participate on the team. Parents,
for example, may invite an advocate who knows the child, a professional with special expertise about
the child and his or her disability, or others (such as a vocational educator who has been working with
the child) who can talk about the child's strengths and/or needs. The school system may invite one or
more individuals who can offer special expertise or knowledge about the child, such as a
paraprofessional or related services professional. Because an important part of developing an IEP is
considering a child's need for related services, related service professionals are often involved as IEP
team members or participants. They share their special expertise about the child's needs and how their
own professional services can address those needs. Depending on the child's individual needs, some
related service professionals attending the IEP meeting or otherwise helping to develop the IEP might
include occupational or physical therapists, adaptive physical education providers, psychologists, or
speech-language pathologists.

When an IEP is being developed for a student of transition age, representatives from transition service
agencies can be important participants. Whenever a purpose of meeting is to consider needed
transition services, the school must invite a representative of any other agency that is likely to be
responsible for providing or paying for transition services. This individual can help the team plan any transition services the student needs. He or she can also commit the resources of the agency to pay for or provide needed transition services. If he or she does not attend the meeting, then the school must take alternative steps to obtain the agency's participation in the planning of the student's transition services.

And, last but not least, the student may also be a member of the IEP team. If transition service needs or transition services are going to be discussed at the meeting, the student must be invited to attend. More and more students are participating in and even leading their own IEP meetings. This allows them to have a strong voice in their own education and can teach them a great deal about self-advocacy and self-determination.

The Regular Education Teacher as Part of the IEP Team
It is important to clarify the role of the general education teacher as part of the IEP team. "...while a regular education teacher must be a member of the IEP team if the child is, or may be, participating in the regular education environment, the teacher need not (depending upon the child’s needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. For example, the regular education teacher who is a member of the IEP team must participate in discussions and decisions about how to modify the general curriculum in the regular classroom to ensure the child’s involvement and progress in the general curriculum and participation in the regular education environment.

"Depending upon the specific circumstances, however, it may not be necessary for the regular education teacher to participate in discussions and decisions regarding, for example, the physical therapy needs of the child, if the teacher is not responsible for implementing that portion of the child’s IEP.

"In determining the extent of the regular education teacher’s participation at IEP meetings, the school and parents should discuss and try to reach agreement on whether the child’s regular education teacher that is a member of the IEP team should be present at a particular IEP meeting and, if so, for what period of time. The extent to which it would be appropriate for the regular education teacher member of the IEP team to participate in IEP meetings must be decided on a case-by-case basis." Appendix A of the federal regulations for Part B of IDEA

Related Services
A child may require any of the following related services in order to benefit from special education. Related services, as listed under IDEA, include (but are not limited to):

- Audiology services
- Early identification and assessment
- Occupational therapy
- Parent counseling and training
- Psychological services
- Rehabilitation counseling services
- Social work services in schools
- Transportation
- Counseling services
- Medical services
- Orientation and mobility services
- Physical therapy
- Recreation
- School health services
- Speech-language pathology services

from Title 34 CFR §300.34(a).
If a child needs a particular related service in order to benefit from special education, the related service professional should be involved in developing the IEP. He or she may be invited by the school or parent to join the IEP team as a person "with knowledge or special expertise about the child."

**Transition Services**

Transition refers to activities meant to prepare students with disabilities for adult life. This can include developing postsecondary education and career goals, getting work experience while still in school, setting up linkages with adult service providers such as the vocational rehabilitation agency--whatever is appropriate for the student, given his or her interests, preferences, skills, and needs. Statements about the student’s transition needs must be included in the IEP after the student reaches a certain age:

- **Transition planning** for students should begin at age 14 (and sometimes younger) It involves helping the student plan his or her courses of study (such as advanced placement or vocational education) so that the classes the student takes will lead to his or her post-school goals and success as an adult in the community.

- **Transition services** for students beginning at age 16 (and sometimes younger)--involves providing the student with a coordinated set of services to help the student move from school to adult life. Services focus upon the student’s needs or interest in such areas as: higher education or training, employment, adult services, independent living and successfully taking part in the community.

**8. Writing the IEP**

To help decide what special education and related services the student needs, generally the IEP team will begin by looking at the child's evaluation results, such as classroom tests, individual tests given to establish the student's eligibility, and observations by teachers, parents, paraprofessionals, related service providers, administrators, and others. This information will help the team describe the student's "present levels of educational performance" ---- in other words, how the student is currently doing in school. Knowing how the student is currently performing in school will help the team develop annual goals to address those areas where the student has an identified educational need.

The IEP team must also discuss specific information about the child. This includes:

- the child's strengths;
- the parents' ideas for enhancing their child's education;
- the results of recent evaluations or reevaluations; and
- how the child has done on state and district-wide tests.

It is important that the discussion of what the child needs be framed around how to help the child:

- advance toward the annual goals;
- be involved in and progress in the general curriculum;
- participate in extracurricular and nonacademic activities; and
- be educated with and participate with other children with disabilities and nondisabled children.

It is critical to remember that an IEP should address the child’s strengths and build on those, as well as the services that will support the areas of weakness. An IEP should not focus on weaknesses, alone. Abilities and gifts are a critical part of the child’s educational rights and provide motivation and support for working on the difficult areas that need strengthening. Based on the team discussion, the IEP team writes the child's IEP. This includes the services and supports the school will provide for the child. If the
IEP team decides that a child needs a particular device or service (including an intervention, accommodation, or other program modification), the IEP team must write this information in the IEP. As an example, consider a child whose behavior interferes with learning. The IEP team would need to consider positive and effective ways to address that behavior. The team would discuss the positive behavioral interventions, strategies, and supports that the child needs in order to learn how to control or manage his or her behavior. If the team decides that the child needs a particular service (including an intervention, accommodation, or other program modification), they must include a statement to that effect in the child’s IEP.

Special Factors To Consider
Depending on the needs of the child, the IEP team needs to consider what the law calls special factors. These include:

- If the child’s *behavior* interferes with his or her learning or the learning of others, the IEP team will consider strategies and supports to address the child’s behavior.
- If the child has *limited proficiency in English*, the IEP team will consider the child’s language needs as these needs relate to his or her IEP.
- If the child is *blind or visually impaired*, the IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.
- If the child has *communication needs*, the IEP team must consider those needs.
- If the child is *deaf or hard of hearing*, the IEP team will consider his or her language and communication needs. This includes the child’s opportunities to communicate directly with classmates and school staff in his or her usual method of communication (for example, sign language).
- The IEP team must always consider the child’s need for *assistive technology* devices or services.

For more information about these special factors, see §300.346.

An Interpreter for parents?
If the parents have a limited proficiency in English or are deaf, they may need an interpreter in order to understand and be understood. In this case, the school must make reasonable efforts to arrange for an interpreter during meetings pertaining to the child’s educational placement. For meetings regarding the development or review of the IEP, the school must take whatever steps are necessary to ensure that parents understand the meetings--including arranging for an interpreter. This provision should help to ensure that parents are not limited in their ability to participate in their child’s education because of language or communication barriers. Therefore, if parents need an interpreter for a meeting to discuss their child’s evaluation, eligibility for special education or IEP, they should let the school know ahead of time. Telling the school in advance allows the school to make arrangements for an interpreter so that parents can participate fully in the meeting.

9. Deciding Placement
The child’s placement during school hours (where the IEP will be carried out) must be decided. The placement decision is made by a group of people, including the parents and others who know about the child, what the evaluation results mean, and what types of placements are appropriate. In some states, the IEP team serves as the group making the placement decision. In other states, this decision may be made by another group of people. *In all cases, the parents have the right to be members of the group that decides the educational placement of the child.*
Placement decisions must be made according to IDEA’s least restrictive environment requirements—commonly known as LRE. These requirements state that, to the maximum extent appropriate, children with disabilities must be educated with children who do not have disabilities.

The law also clearly states that special classes, separate schools, or other removal of children with disabilities from the regular educational environment may occur only if the nature or severity of the child’s disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

What type of placements are there? Depending on the needs of the child, his or her IEP may be carried out in the regular class (with supplementary aids and services, as needed), in a special class (where every student in the class is receiving special education services for some or all of the day), in a special school, at home, in a hospital and institution. The placement group will base its decision on the IEP and which placement option is appropriate for the child.

Eligibility Under IDEA
Every school district is legally required to identify, locate, and evaluate children with disabilities (20 U.S.C. §1412(a)(3)). IDEA defines "children with disabilities" as individuals between the ages of three and 22 with one or more of the following conditions:
- Intellectual disability
- hearing impairment (including deafness)
- speech or language impairment
- visual impairment (including blindness)
- serious emotional disturbance
- orthopedic impairment
- autism
- traumatic brain injury
- specific learning disability
- other health impairments

For a child to qualify for special education under IDEA, it is not enough to have one of these disabilities. There must also be evidence that the disability adversely affects the child’s educational performance and is not due to other social or linguistic barriers. (20 U.S.C. §1401(3); 34 C.F.R. §300.8).

Least Restrictive Environment
Least Restrictive Environment is a complex notion. As we all remember from the Little Mermaid fairy tale, our environment limits us in many ways. It is easy for us not to recognize the confining elements of an environment until we try to exchange one setting for the other. It is also easy for us to take familiar things for granted.

Try this Unless activity for a few phrases to get a feeling for the complexity of placement decisions:
- It is easy to walk up stairs UNLESS ______________________________.
- It is easy to follow directions, unless ______________________________.
- It is easy to read a manual, unless ______________________________.
- It is simple to answer a question, unless ______________________________.
- The best place for a child is a classroom, unless ______________________________.
- Each child should attend PE unless ______________________________.
- Each youngster should eat in the cafeteria, unless ______________________________.
The spirit of the law is providing the best situation for a student, and seeing the student and his or her needs, not the disability.

There is a continuum of services. Though court cases have established that a district must provide services and cannot give lack of funds as an excuse, the needs of all children are important, not just the needs of one.

All children should be served in the Least Restrictive Environment (LRE), not just those who qualify for special ed.

In a test case, Board of Education, Sacramento City Unified School District v Holland (1994) the court provided four factors that must be taken into account when assessing LRE for each student and that student's individual needs:

1) The educational benefits of an integrated setting compared to those of the segregated setting
2) The nonacademic benefits of the student's interaction with peers who do not have disabilities
3) The effect of the student's presence in the general education program on the teacher and other students
4) The cost of supplementary services that are required to maintain the student in the integrated program

10. After the IEP is Written

When the IEP has been written, parents must receive a copy at no cost to themselves. The IDEA also stresses that everyone who will be involved in implementing the IEP must have access to the document. This includes the child's:

- regular education teacher(s);
- special education teacher(s);
- related service provider(s) (for example, speech therapist); or
- any other service provider (such as a paraprofessional) who will be responsible for a part of the child's education.

Each of these individuals needs to know what his or her specific responsibilities are for carrying out the child's IEP. This includes the specific accommodations, modifications, and supports that the child must receive, according to the IEP.

11. Implementing the IEP

Once the IEP is written, it is time to carry it out-in other words, to provide the student with the special education and related services as listed in the IEP. This includes all supplementary aids and services and program modifications that the IEP team has identified as necessary for the student to advance appropriately toward his or her IEP goals, to be involved in and progress in the general curriculum, and participate in other school activities.

- Every individual involved in providing services to the student should know and understand his or her responsibilities for carrying out the IEP. This will help ensure that the student receives the services that have been planned, including the specific modifications and accommodations the IEP team has identified as necessary.
- It is helpful to have someone in charge of coordinating and monitoring the services the student receives, overseeing that services are being delivered as planned can help ensure that the IEP is being carried out appropriately.
- Teamwork is an important part in carrying out the IEP. Many professionals are likely to be involved in providing services and supports to the student. Sharing expertise and insights can certainly improve results for students with disabilities.
• Communication between home and school is important. Parents can share information about what is happening at home and build upon what the child is learning at school. If the child is having difficulty at school, parents may be able to offer insight or help the school explore possible reasons as well as possible solutions.
• The regular progress reports that the law requires help parents and schools monitor the child's progress toward his or her annual goals. It is important to know if the child is not making the progress expected or has progressed much faster than expected.

12. Reviewing and Revising the IEP
The IEP team must review the child’s IEP at least once a year. One purpose of this review is to see whether the child is achieving his or her annual goals. The team must revise the child's individualized education program, if necessary, to address:
  • the child's progress or lack of expected progress toward the annual goals and in the general curriculum;
  • information gathered through any reevaluation of the child;
  • information about the child that the parents share;
  • information about the child that the school shares (for example, insights from the teacher based on his or her observation of the child or the child's classwork);
  • the child's anticipated needs; Although the IDEA requires this IEP review at least once a year, in fact the team may review and revise the IEP more often. Either the parents or the school can ask to hold an IEP meeting to revise the child's IEP. For example, the child may not be making progress toward his or her IEP goals, and his or her teacher or parents may become concerned. On the other hand, the child may have met most or all of the goals in the IEP, and new ones need to be written. In either case, the IEP team would meet to revise the IEP.

13. What If Parents Don't Agree With the IEP?
There are times when parents may not agree with the school's recommendations about their child's education. Under the law, parents have the right to challenge decisions about their child's eligibility, evaluation, placement, and the services that the school provides to the child. If parents disagree with the school's actions—or refusal to take action—in these matters, they have the right to pursue a number of options. They may do the following:
  • **Try to reach an agreement.** Parents can talk with school officials about their concerns and try to reach an agreement. Sometimes the agreement can be temporary. For example, the parents and school can agree to try a plan of instruction or a placement for a certain period of time and see how the student does.
  • **Ask for mediation.** During mediation, the parents and school sit down with someone who is not involved in the disagreement and try to reach an agreement. The school may offer mediation, if it is available as an option for resolving disputes prior to due process.
  • **Ask for due process.** During a due process hearing, the parents and school personnel appear before an impartial hearing officer and present their sides of the story. The hearing officer decides how to solve the problem. (Note: Mediation must be available at least at the time a due process hearing is requested.)
  • **File a complaint with the state education agency or BIE** To file a complaint, generally parents write directly to the BIE or Washington State Education Department and say what part of IDEA they believe the school has violated. The agency must resolve the complaint within 60 calendar days. An extension of that time limit is permitted only if exceptional circumstances exist with respect to the complaint.
Transfer students
Schools receive students in special education who transfer at various times during the school year. When a student transfers to another school, the records should be sent as soon as possible to avoid any delay in services. It is never advisable to serve a student until the special education records have been obtained and reviewed by the reviewing special education staff. If the team disagrees with the findings and conclusions of the sending school, they can always order, with parent notification and consent, additional evaluations to validate past findings or provide reasons to proceed in a different direction. An IEP Team meeting should be called to review the records and make recommendations on any program changes.
Special Education Case Manager
Duties and Responsibilities Checklist

IEP Program files and accurate, timely Record Keeping

BEGINNING OF THE YEAR

IEP Compliance:

- Ensure all special education students on your caseload have an IEP in place at the beginning of school.
- Review thoroughly the Individualized Education Program (IEP) for each student assigned to your caseload.
- Make contact within the first two weeks of school with the parent(s) of each student on your caseload.
- Establish preferred communication method(s) and provide your contact information.
- Ensure that appropriate services, accommodations, goals, and behavior intervention plans for each student are provided and are being implemented.
- Ensure all special education services are in place including secondary and related services. Check schedule versus IEP services. Contact necessary secondary and related service providers to be sure services are provided.
- Coordinate the appropriate distribution of classroom accommodations, supplementary aids and services, and behavior intervention plans with regular education teachers/administrators/bus drivers.
- Check out Assistive Technology items from special education supplies and distribute to appropriate students per their IEP.

Progress Monitoring/Data Collection for Annual Goals:

- Create and maintain a Progress Monitoring Notebook containing at least the following information for each student:
  - Copy of current IEP goals, transition goals, classroom and testing accommodations
  - Data collection sheets and relevant analyzed work samples for all goals

Eligibility Compliance:

- Verify all eligibility dates for primary and secondary eligibilities for each student assigned to your caseload.
- Complete and maintain Caseload Eligibility Verification Form in order to meet timelines.

Clarity:

- Assign your name as the case managers for all students on your caseload
- Inactivate no shows by required due date
- Run and check eligibilities due report and address eligibilities coming due at least 6 to 12 months in
- Run and check IEPs due and set up upcoming annual review meetings. Annual reviews must be held prior to the meeting date of the last annual review meeting.
- Review transportation data and be sure all transportation needs are being met

MONTHLY

IEP Compliance:

- When a student’s schedule changes during the school year, review goals, accommodations, and behavior plans with all new teachers.
- Organize the annual review meeting and development of a new IEP for each student, according to the due date on the IEP. Each annual review IEP meeting must be held prior to the meeting date of that last annual review IEP meeting.
- Ensure formal Notice of IEP/Eligibility Meeting is sent to parents prior to the meeting. Ensure appropriate efforts and contact has been made regarding annual reviews, addendums, and eligibility meetings.
Document efforts and outcomes.

- Ensure progress reports are completed every 9 weeks and sent home to parents.
- Ensure data collection/progress monitoring is being completed for IEP goals.

**Progress Monitoring/Data Collection for Annual Goals:**
- Monitor progress on each IEP goal and schedule IEP meetings when necessary to reevaluate goals and services. Remember that case managers should reconvene the IEP team if progress is inconsistent or not being made.
- Complete progress reports and send home at regular 9-week reporting intervals.
  - Note that all % entered MUST be supported with data. An IP (in-progress) entry without an associated % entered in the comments section of the progress report is NOT adequate documentation of progress.
  - It is the responsibility of the case manager to ensure that data is collected according allowing current and accurate progress reporting. This will require you to coordinate with other staff members to ensure data sheets are collected and a schedule for collection is implemented.

**Eligibility Compliance:**
- Hold meetings for upcoming eligibility due dates at least 12 months prior to the eligibility due date to determine if full reevaluation is needed or eligibility will be continued.
  - Be sure to review previous eligibility reports, previous testing, teacher/parent input, work samples, observations, etc before making recommendations regarding reevaluation.
  - This information is important in helping the team determine if reevaluation may or may not be needed to determine if a student continues to meet eligibility criteria and is in need of special education services.
- Submit reevaluation packets at least 3 months prior to the due date to administration. Verify that reevaluation packets have been submitted and logged in for all eligibilities that are pending. It is important to check the current or previous IEP for redetermination information discussed at the previous IEP meeting. Do not assume that a reevaluation packet was submitted!

**Miscellaneous:**
- Ensure the implementation of the Individual with Disabilities Education Act of 2004 (IDEA) and its regulations and BIE Special Education rules
- Follow and advocate the rules of confidentiality.

**END OF THE YEAR:**
- Coordinate statewide testing accommodations for all students with disabilities with testing coordinator.
- Ensure all annual review IEPs have been held
- Ensure all IEPs are completed and set to current
- Ensure all ESY paperwork is submitted
- Return all AT equipment
- Ensure all files are returned to school filing cabinet and in a safe and secure, locked location for summer
- Ensure final progress reports are completed and sent home
- Prepare files for file swap for transferring students

**Common findings that lead to corrective action plans:**
- Parent signature missing
- Service logs not utilized
- Prior Written Notice not documented
- Meeting Invitation not documented
- Procedural Safeguards provided to parent annually – not documented
Required IEP Team members – members missing and signatures missing
Measureable Academic/Transition/Behavior goals not addressed correctly
Present Level of Educational Performance and Functional Performance not updated or noted
Monthly progress notes not made or sent to parents
Accommodations/Supports not in evidence
Supplementary Aids and Service
IEP Considerations
  • ELL
  • Instructional Materials
  • Communication needs
  • Assistive Technology
  • Behavior Intervention
Continuation of Educational Services for Suspension/Expulsion greater than 10 days
Inform parent right to bring other people to the meeting.
Transition Services must be started by age 14 and in place by age 16 with the student present for the meetings and discussions.

Step-by-step process for managing programs for students with disabilities - 3 phases.

I. Evaluation and Eligibility
II. Individualized Education Program
III. Transition and Secondary Services

The major steps in each of these phases are as follows:

I. Evaluation and Eligibility
A. Referral to Consider a Special Education Evaluation
B. Parental Consent
C. Initial Evaluation and Determination of Eligibility
D. Reevaluation and Determination of Eligibility

II. Individualized Education Program
E. Individualized Education Program
F. Annual Review and Revision of the IEP

III. Transition and Secondary Services
G. Discontinuation of Services

The table below presents an overview of simple forms and editors available in NASIS to support the different phases of the BIE special education process (editors appear in bold italics):

Child Find System
A. Referral to Consider a Special Education Evaluation  
   Referral Form  
   Release of Student Info
I. Evaluation and Eligibility

B. Parental Consent

Prior Written Notice

Assessment Plan

Release of Student Info

C. Initial Evaluation and Determination of Eligibility

Prior Written Notice

Meeting Invitation

Reevaluation / REED

Assessment Plan

Evaluation Summary Report

Record of Access

Release of Student Info

LEGAL REFS:

RCW 28A.155 Special Education
RCW 49.60 Law against Discrimination
WAC 392-172A Rules for the Provision of Special Education
20 U.S.C. 1400 et seq. Individuals with Disabilities Education Improvement Act of 2004
28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services
34 CFR Part 99 Family Education Rights and Privacy Act (FERPA)
34 CFR Part 104 Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance
34 CFR Part 300 Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities
34 CFR Part 303 Early Intervention Program for Infants and Toddlers with Disabilities

Adapted from:

http://nichcy.org/
http://nichcy.org/schoolage/steps
http://www2.ed.gov/about/offices/list/osep/index.html?src=mr
BIE Native Star guidelines