



Chapter 4: Instructional Planning and the IEP

SECTION A: THE IEP MEETING: PREPARATION, PROCESS, AND FOLLOW-UP

SECTION B: CREATING MEANINGFUL GOALS

SECTION C: STUDENTS WHO ARE CULTURALLY AND LINGUISTICALLY DIVERSE (CLD)

SECTION D: TEACHING AND ASSESSING CALIFORNIA'S ENGLISH LANGUAGE DEVELOPMENT (ELD) AND ENGLISH LANGUAGE ARTS (ELA) STANDARDS FOR ENGLISH LEARNERS

APPENDIX A: TRANSITION REQUIREMENTS CHECKLIST

APPENDIX B: SPECIAL EDUCATION TIMELINES

APPENDIX C: IEP MEETING AGENDA AND GUIDELINES

APPENDIX D: IEP PROCESS FLOW CHART

APPENDIX E: ROLES AND RESPONSIBILITIES IN SPECIAL EDUCATION: CASE MANAGER

Introduction

The Individualized Education Program (IEP) document is the foundation that directs instructional planning for the student with exceptional needs. Therefore, the process of preparing for, conducting, and following-up any IEP meeting is crucial. This chapter will give an overview of the IEP meeting process, including the document, D/M SELPA form 68A, which describes the student's program.

The Desert/Mountain SELPA IEP is used by all Local Education Agencies (LEAs) within the SELPA and includes all required components.

All special education and related services determined by the IEP team to be necessary for a student to benefit from education shall be listed on the IEP. The IEP shall include the date of initiation and frequency of service. Each participating LEA shall assure that each student with a disability is

provided services in accordance with his/her IEP, regardless of which agency or contractor provides the service.

According to California Education Code § 56326, a child can be referred for further assessment by the California School for the Deaf or Blind, or the Diagnostic Centers. This assessment, however, does not constitute placement in the state special schools. This information, along with other relevant factors, would assist the IEP team in their decision-making process regarding the most appropriate placement for the child.

Section A - IEP Meeting: Preparation, Process, and Follow-up

California Education Code § 56340. Each district, special education local plan area, or county office shall initiate and conduct meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs.

California Education Code § 56341(a). Each meeting to develop, review, or revise the individualized education program of an individual with exceptional needs shall be conducted by an individualized education program team.

California Education Code § 56341.1(h). It is the intent of the Legislature that the individualized education program team meetings be nonadversarial and convened solely for the purpose of making educational decisions for the good of the individual with exceptional needs.

California Education Code § 56343. An individualized education program team shall meet whenever any of the following occurs:

- (a) A pupil has received an initial formal assessment. The team may meet when a pupil receives any subsequent formal assessment.*
- (b) The pupil demonstrates a lack of anticipated progress.*
- (c) The parent or teacher requests a meeting to develop, review, or revise the individualized education program.*
- (d) At least annually, to review the pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, and the appropriateness of placement, and to make any necessary revisions.*

Activities Prior to the Meeting

Each LEA shall make every reasonable effort to ensure that one or both parents of the student with a disability are present at the IEP meeting or are afforded the opportunity to participate. Activities include notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend. When a student reaches the age of majority, the LEA shall provide notice of the IEP to both the student and the parent.

Each LEA shall make every reasonable effort to ensure that one or both parents of the student with a disability are present at the IEP meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place. If neither parent can attend, the LEA shall use other methods to ensure parent participation, including individual or conference telephone calls and other reasonable accommodations. If the student is, or may be, participating in the general education environment, at least one general education teacher of the student must be included in the IEP team.

The notice of IEP meeting (D/M 67) shall indicate the purpose, time, and location of the meeting and who shall be in attendance. As appropriate, the student will be included in the IEP. The student's input will be solicited if he/she is unable or unwilling to attend.

The notice of IEP meeting shall inform parents of their right to bring other people to the meeting who have knowledge or special expertise regarding the student with disabilities.

Each LEA shall invite a representative of any other agency that is likely to be responsible for providing or paying for services, including transition services to secondary or postsecondary programs. The invitation may be in person, by telephone, or in writing. If an agency invited to send a representative to a meeting does not do so, the LEA shall take other steps to obtain participation of the other agency in the planning of any transition services. All efforts to include participation of agency personnel will be documented. Title 34 CFR Section 300.321(b)(3) indicates that the LEA must acquire written consent from the parent (or a student who has reached the age of majority) for each agency that is invited to attend an IEP meeting to discuss the provision or payment of transition services.

Meeting Notification (D/M SELPA Form 67)

Depending on the purpose of the meeting, team membership may differ from meeting to meeting. Appropriate notification should be sent to all parties comprising the team. California Education Code section 56341.5(b) states, "...parents shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend". Local policy has suggested a minimum of 10 calendar days notice to the parents and other parties who have assessed or who serve the student. Since students are encouraged to participate in their IEP, the notice should also be sent to the student when considered appropriate. The notice must contain the following elements:

- Purpose, time, and location of the meeting.
- Positions of the people invited to the meeting.
- Identification of any other local agency invited to send a representative such as Department of Behavioral Health (DBH).

- For students age 16, or younger if appropriate, a statement indicating that the purpose is to consider needed transition services. At age 16, the student **MUST** be invited to the meeting to develop a plan for needed transition services as must any agencies responsible for implementing those services.

When a student who is enrolled in an LEA on an inter-district transfer is being assessed for special education eligibility, the LEA of residence director of special education should be contacted and informed of the situation if it is suspected that the student will be referred to a provider program for services or placement. If the LEA of residence wishes to conduct the assessment, or be part of the assessment team, it can make that known at that time.

IEP Team Members

According to Title 34 of the Code of Federal Regulations section 300.344, the following are required members of the IEP team:

- One or both parents
- At least one general education teacher of the student if the k-12 student or preschooler is or may be in the general education environment
- Special education service providers
- An administrative representative or designee of the local school district who: (a) is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities; (b) is knowledgeable about the general education curriculum; and (c) is knowledgeable about the availability of resources within the local school district
- Individual(s) who performed the assessments or who can interpret the implications of the results
- Individual(s) who, at the discretion of the parents or agency, may have special knowledge or expertise regarding the child
- The child when appropriate

Effective January 1, 2004, Education Code requires an invitation be sent to a representative of the group home in those cases in which a student with exceptional needs has been placed in a group home by a juvenile court.

If planning for transition services, the following participants are also required:

- The student at any age if transition is being planned
- If the student does not attend, steps shall be taken to ensure that the student's interests and preferences are considered
- Any other agency that is likely to be responsible for providing or paying for transition services

Professional Conduct (Civility)

California Education Code section 32210 states, “Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).” It is understood that employees of the LEA shall adhere to customary professional standards when providing services to and/or communicating with students, parents, or related service providers. It is the expectation of the LEA that all personnel will be responsive to parents’ concerns and attempt to resolve problems at the most appropriate level. In the event LEA personnel are unable to resolve the matter, it should be referred to the administrator or designee and, if necessary, subsequently to the superintendent or designee. It is neither required nor desirable that an LEA employee, related service provider, student, or parent, face abusive language or behavior.

This policy promotes mutual respect, civility, and orderly conduct among all parties. It is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free environment for students, parents, related service providers and LEA employees.

Responsibilities of Team Members

Each member of the team has a clearly defined role based on their area of expertise. The members are knowledgeable about the student and have knowledge about services that could benefit the student. Any individual identified as a service provider should prepare for the IEP meeting by gathering information that would indicate present level(s) of performance, progress achieved toward annual goals/short-term objectives, and other items which may be necessary for the team to consider. Parents should prepare for the meeting by considering how the student will participate in the state and district assessment, their priorities for enhancing the long-term education of their child, identifying which daily living skills the child utilizes at home; considering career/vocational outcomes for the future; identifying the child’s community participation; and learning strengths/preferences seen in the home and the community.

Involving General Education Teachers in Implementation of the IEP

The district or LEA case carrier is required to inform general education teachers of their specific responsibilities related to implementing the IEP, and the specific accommodations, modifications, and supports specified within the IEP. General education teacher access to the student’s IEP is also required.

IEP Meeting Agenda

Typically, one team member serves as the facilitator. As such, this individual conducts the meeting by guiding the team through the agenda. See Appendix E for sample IEP meeting agenda and guidelines.

For the purposes of the state-mandated management information systems (MIS), the final summary of programs/services is contained on the first page of the document rather than in the body of the document.

Additional Considerations for Writing Effective Individualized Education Programs

While it is essential to remember that the IEP is a legal document requiring compliance practices outlined in IDEA 2004, it must also be seen as a working document that reflects learning outcomes for each student with a disability:

- An IEP must be written for a student with a disability who receives special education and related services
- The IEP is developed by a multi-disciplinary team including parents and professionals knowledgeable about the student and when possible the student
- The IEP must be reviewed and revised at least annually
- The IEP is used to provide guidance to the instructional process

Providing a Copy of the IEP to the IEP Team Members

It is required that the parent be provided a completed copy of the IEP. This typically occurs at the conclusion of the IEP meeting unless the IEP team specifies in writing within the IEP document that a final copy will be provided at a different time. If any members of the IEP team have issues or questions regarding the final document, it is necessary to reconvene the IEP team to address the issues in question. The IEP should be at no cost to the parent.

IDEA 2004 and the IEP Process

While the process of IEP development, as well as the alignment of supports and services, remains much the same, there are specific changes regarding the content of the IEP, members of the IEP team, the development of the IEP, and reviewing and revising the IEP. The major thrust of this special education legislation is to increase student involvement in the regular curriculum.

The IEP forms and Web-IEP program have been specifically designed to incorporate the required elements of the law and will support the team's effort to design an effective IEP.

- The IEP team must include the general education teacher
 1. The general education teacher is specifically listed as a member of the IEP team.
 2. There must be evidence that the general education teacher has contributed to the development of the IEP. These contributions may be documented as behavioral interventions, supplementary aids and services, instructional modifications, and supports necessary for the staff to be successful with the student.
 3. IDEA 2004 makes provisions for the excused absence of a required member of the IEP team. If a member of the team is unable to attend, that person needs to provide to the parents written information that is relevant to the development of the IEP, prior to the IEP meeting. The parents must understand the reasons why the IEP team member is unable to attend and must consent to that person's absence from the meeting. There are places on the signature page of the IEP (D/M 68G) for documentation of such an occurrence.
- Student access to and involvement in the core curriculum must be evident

1. Present levels of educational performances must state the relationship between the child's disability and involvement and process in the general curriculum.
 2. Annual goals are to relate to assisting the child's involvement and progress in the general education curriculum.
 3. Special education and related services, supplementary aids and services, program modifications and supports for school personnel that encourage connection to the core curriculum must be identified.
 4. Students must be educated with their non-disabled peers and participate in extracurricular and other nonacademic activities to the maximum extent possible.
 5. A rationale for nonparticipation with general education children must be provided.
- The IEP team must consider "special factors" that are unique to that student. These may include behavior, communication, and assistive technology needs as well as English language acquisition needs for students designated as English Language Learners (ELL).
 1. Whether or not a student needs assistive technology devices and/or services.
 2. Positive behavior strategies, including Positive Behavior Intervention Plans are designed for any student whose behavior impedes their learning or the learning of others.
 3. An ELL student's language needs are identified and supports articulated.
 4. Instruction is provided in Braille for students who are blind or visually impaired.
 5. The needs of students who are deaf or hard of hearing must take into account the student's language and communication, opportunities for direct communication with peer and professionals in that child's language and communication mode, academic level and opportunities for direct instruction.
 - For each student with a disability, beginning at age 16, or younger if determined appropriate by the IEP team, the IEP must include a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

"Transition Services" means a coordinated set of activities for a student with a disability that:

1. is designated within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment including supported employment, continuing and adult education, adult services, independent living, or community participation;
2. is based on the individual student's needs, taking into account the student's preferences and interests; and

3. includes:
 - i. instruction
 - ii. related services;
 - iii. community experiences;
 - iv. the development of employment and other post-school adult living;
 - v. if appropriate, acquisition of daily living skills and functional vocational evaluation.
- Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.
 1. A statement of the transition service needs to prepare the student for adult living beyond high school addressing the student’s courses of study.
 2. An identification of needed agency responsibilities and connections.
 3. Evidence of an annual review of the plan.

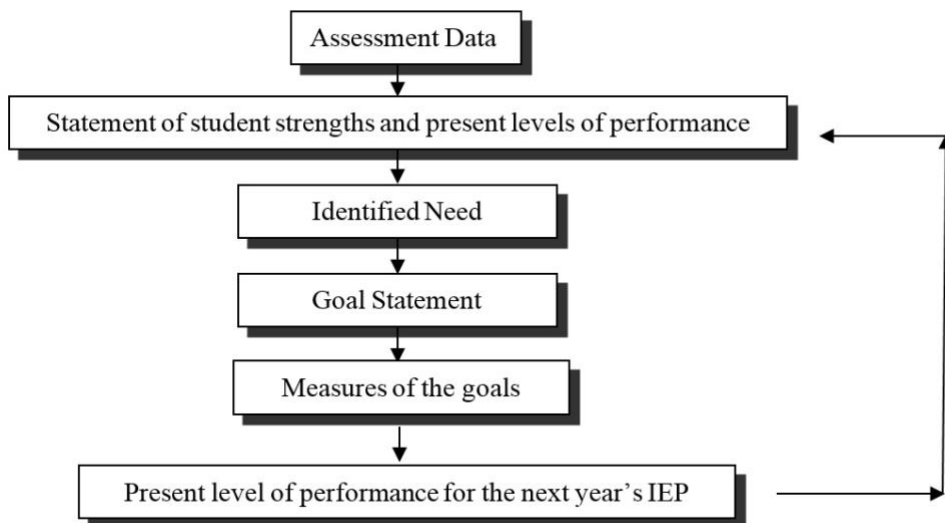
For a complete list of indicators for transition services, see the Transition Requirements Checklist located at the end of this chapter.

- Documentation of student progress must be provided for parents as frequently as it is provided for students in general education.
 1. A statement of how the student’s parents/guardians will be routinely informed of progress towards IEP goals.
 2. A statement regarding the extent to which progress is sufficient to enable the student to achieve the goals by the end of the year.
 3. Indications that the course of study will or will not lead to the receipt of a high school diploma.
- Parents/guardians must be included in any process designing supports and services for their child.
 1. Documentation that the parents/guardians have been informed of and contributed to the decisions regarding educational supports and services for their student.

Making IEP Assessments More Meaningful

LINKING ASSESSMENT TO GOALS

There must be a direct relationship that flows from:



PRESENT LEVELS OF PERFORMANCE

1. Are outcomes of assessment
2. Are stated in specific performance terms not simply test scores
3. Should be based on the Content Standards
4. Lead directly to goal statement

GOALS

1. Flow directly from present levels of performance
2. Are curriculum based and measurable
3. Are tied to statewide and/or district grade level standards
4. Describe expected outcomes within a 12 month period
5. Provide focus and emphasis for instruction

Section B – Creating Meaningful Goals

Writing Goals

Guidelines for writing defensible goals are provided to assist teachers to write goals that also enhance student learning.

The following is a list of useful action terms:

<u>Action Terms</u>	<u>Action Terms</u>	<u>Action Terms</u>	<u>Action Terms</u>
Describe	Sequence	Match	Follow directions and . . .

<u>Action Terms</u>	<u>Action Terms</u>	<u>Action Terms</u>	<u>Action Terms</u>
Explain	Find	Record	Compare and contrast . . .
Analyze	Use	Draw	Demonstrate proficiency by . . .
Complete	Name	Arrange	Correctly use . . .
Locate	Provide	Order	Indicate understanding by . . .
Ask for	Produce	Count	Identify by . . .
Compute	Apply	Perform	Legibly write . . .
Attend to	Demonstrate	Measure	Respond by . . .
Question	Ignore	Recite	Read and . . .

Forms for Reporting Progress

LEAs often have individual forms developed for this purpose. D/M SELPA Form 68L is also available. In any case, IDEA 2004 requires that the school/teacher will provide the parent with meaningful information about their child’s progress toward the completion of their goals at least as often as parents of students in general education are provided information about the progress of their children.

Should the child not be making satisfactory progress, it is incumbent on the teacher or case carrier to call an IEP meeting to review and revise the goals. It is not acceptable for parents to come to an annual review IEP meeting and learn for the first time that their child has not made significant progress toward their goals.

Section C - Students who are Culturally and Linguistically Diverse

Students who are culturally and linguistically diverse have four initial areas of consideration for their school program. First, the language of instruction is considered. According to the IDEA, some students will need special education, which could include related speech and language services. While language diversity may be one of the most frequently discussed topics concerning academic achievement, it is important for an IEP team to consider and document the effect of a student being a second-language learner on his or her ability to make progress in the general education curriculum.

To choose the language of instruction, the IEP team considers where on the continuum of language acquisition the student assesses for both the primary language and English. The Speech-Language Pathologist is consulted to interpret the student’s pragmatic and socialization aspects of language, which include eye contact, facial expression, nonverbal messages and tone. These assessment data are used to determine if errors are made because of lack of exposure to the curriculum and if

exposure has been adequate to master the primary language. A determination is made as to whether the student is struggling with second-language learning or has one or more disabilities that impact learning progress.

Questions developed by Ortiz and Garcia (1988) guide the IEP team through this decision process:

1. What is the student's dominant language in various settings?
2. What is the student's level of proficiency in both the primary language and English for social and academic language?
3. What are the styles of verbal interaction used in the primary language and English?
4. How much exposure has the student had to verbal interactions in English?
5. What is the source of exposure to each language (family, peers, TV, book reading, etc.)?
6. Are the student's language behaviors characteristic of other second language learners?
7. What types of language intervention has this student already had and what is the duration and outcome of those interventions?

For further information, refer to Education Code sections 313 and 420 - 421.

The second area of consideration for English Language Learners is for authorization of the teacher to provide instruction. BCLAD and CLAD certification is required for teaching English language development. SDAIE authorization is required to teach English language development and content for the core subjects in the primary language. Contact your LEA office to verify appropriate certification for teachers of students who are English learners and who are receiving the core curriculum in English and for those students who are English language learners but are learning core curriculum in their primary language.

Another consideration is the use of interpreters and translators. It is noted that interpretation is for oral language, while translation refers to written language. Using an interpreter or translator is a method of choice when the pathologist who is assigned to provide therapy is not fluent enough to provide therapy in both languages. Guidance is provided for service delivery in a resource titled *Working Successfully with Interpreters and Translators in Speech-Language Pathology and Audiology*, written by Langdon and Cheng.

Students with accents and dialects may be referred for special education services, speech services, or viewed as low achievers. Current efforts by the American Speech and Hearing Association, ASHA, consider these referrals misguided. The organization is attempting to avoid these potential discriminatory actions. An accent is defined as a phonetic trait from a primary language that is carried over to the way a second language is spoken. The level of pronouncement of an accent on the second language depends upon the age and circumstances under which the second language was acquired. A dialect is defined as differences that make one English speaker's speech different from another. Dialects have distinguishing characteristics, which may include: phonology, morphology, semantics, syntax, or pragmatics.

Dialects and accents are considered language variations that are accepted differences in speech (Cole, 1983). A determination by the IEP team to provide special education services must be grounded on what students who are culturally and linguistically diverse need to be successful based on academic standards, not on accent or dialect differences.

The fourth and final consideration, working with families, is one that shows respect and increases the possibility of carry-over from school interventions to the home setting. In addition to cohesive planning during the IEP process, family literacy programs supported by the LEA have been especially meaningful for those who are culturally and linguistically diverse.

The information for this section is attributed to Barbara J. Moore-Brown and Judy K. Montgomery. Their book, Making a Difference for America's Children, Speech-Language Pathologists in Public Schools, 2001, is available from Thinking Publications.

Section D - Teaching and Assessing California's English Language Development (ELD) and English Language Arts (ELA) Standards for English Learners

A document provided by West Ed, Northern California Comprehensive Assistance Center, 2000, reformats the State of California's English Language Arts (ELA) standards with those for English Language Development (ELD). The intent is for English Language students to acquire the standards established for language development to become proficient with the English Language Arts skills for reading, writing, listening and speaking. It is further proposed that one document could be provided to cluster standards from both ELA and ELD requirements with a single assessment. The assessment instrument would be helpful to identify students who are English learners, to provide information for instructional decisions, and to determine when reclassification is appropriate.

This paradigm shift promotes current thinking for competent language proficiency for all students. Rather than using language arts standards from an earlier grade level, the ELD standards follow a research-based progression from beginning to advanced language skills, and provide intermediate skills that ELD students need. Additionally, the shift for future development is away from isolated use of ELD instruments toward the use of assessments representative of ELA standards.

English Language Proficiency Assessments for California (ELPAC)

School districts in California are required under federal and state laws to administer the ELPAC to determine English proficiency to students in kindergarten through grade twelve, whose primary language is not English. Students with exceptional needs who cannot take the entire ELPAC or a section of the test may be tested with special assistance and/or take alternate tests. All assistance or alternate tests must be documented in the student's IEP or Section 504 plan. The purpose of the ELPAC is to determine how well each student tested can listen, speak, read, and write English. ELPAC scores should be used annually in developing educational needs and appropriate goals in order to determine the level of assistance needed and to ensure the student's placement in an appropriate program.

A Map for Teaching and Assessing ELD and ELA Standards for English Learners

A map developed by West Ed, Northern California Comprehensive Assistance Center matches the standards for English Learner Development and for Language Arts Development in seven strands. Additionally, it is divided into the academic areas of reading, writing, listening and speaking. They are available by grade span, (K-2, 3-5, 6-8, 9-10, and 11-12). A model that is generic for all grade level follows:

ELD Standards Alignment with ELA Standards

Reading

<u>ELD Reading</u>	<u>ELA Reading</u>
Word Analysis, Fluency and Systematic Vocabulary Development	Word Analysis, Fluency and Systematic Vocabulary Development
Reading Comprehension	Reading Comprehension, Expository Critique (grade 5 and up)
Literacy Response and Analysis	Literary Response and Analysis

Writing

<u>ELD Writing</u>	<u>ELA Writing</u>
Strategies and Applications	Strategies, Applications
Conventions	Written (and Oral) English Language Conventions

Listening and Speaking

<u>ELD Listening and Speaking</u>	<u>ELA Listening and Speaking</u>
Strategies and Applications	(Written and) Oral English Language Conventions

Section E - Linguistically Appropriate Goals for English Language Learners

According to the California Special Education Programs - Composite of Laws, linguistically appropriate goals, objectives, and programs are:

- Those activities which lead to the development of English language proficiency; and those instructional systems either at the elementary or secondary level which meet the language development needs of the limited English language learner.
- For individuals whose primary language is other than English and whose potential for learning a second language, as determined by the IEP team, is severely limited, nothing in

this section shall preclude the IEP team from determining that instruction may be provided through an alternative program pursuant to a waiver under Education Code section 311(c),

- Include a program provided in the individual's primary language, provided that the IEP team periodically, but not less than annually, reconsiders the individual's ability to receive instruction in the English language.

Areas to be addressed in developing a linguistically appropriate IEP include the following:

- The student's language classification and degree of proficiency.
- Identification and description of the student's disability.
- The student's current educational performance in his/her primary language and in English as measured by California's ELD and ELA standards.
- The degree to which the student's disability might impact his/her level of educational performance in both languages.
- A description of activities, including related services, which are directed at the remediation of the specific disability with clear indications of the extent to which the student's primary language will be utilized in this process.
- If the student is to be taught in his/her primary language, statements regarding the duration of primary language instruction prior to the introduction of English instruction shall be made.
- If the student is to be taught using bilingual instruction, statements regarding the appropriateness of primary language usage versus English in selected instructional areas shall be made.
- If the student is to be taught using all English instruction, a statement regarding the rationale for all English instruction shall be made.
- The amount of inclusion into general education programs with the student's own language peers and/or English peers shall be included.
- An indication of the personnel and/or other programs that will be needed in order to meet the stated goals shall be made.
- The date of initiation and duration of all programs and services shall be stated.
- There shall be clear, objective criteria and dates for evaluation of the goals.
- A plan for coordination of services shall be written with specifics regarding which language will be used in which instructional setting.
- In addition to the above IEP components, all English Language Learners must have the following educational components provided to them:
 - A program of English Language Development that promotes the development of proficiency in English as effectively and efficiently as possible. This must be appropriate for their identified level of language proficiency.
 - Primary language instruction or specifically designed instruction in English.

Sample Goals

Goals for special education students should be based on the English Language Development Standards prepared by the Standards and Assessment Division of the California State Department of Education.

Reading

Goal: By date, the student will recognize and produce ten phonemes that are like phonemes students hear and produce in their primary language with 90% accuracy as measured by teacher's charted observation.

Writing

Goal: By date, the student will write ten simple sentences using key words commonly used in the classroom; e.g., labels, number names, days of the week and months, with 90% accuracy as measured by student writing samples.

Listening and Speaking

Goal: By date, the student will ask and answer five instructional questions daily using simple sentences and a Total Physical Response method with 100% accuracy as measured by teacher's charted observation.

(End of "Sections")

APPENDIX A: Instructional Planning and the IEP

TRANSITION REQUIREMENTS CHECKLIST

The following checklist corresponds to specific sections of the Individuals with Disabilities Education Act Amendments of 2004 (IDEA '04) the final regulations related to the transition requirements that were issued in the Federal Register on August 14, 2006. The checklist may be used by public agencies to help align their practices with the transition requirements of the IDEA '04. (Excerpt from Storms, O'Leary, and Williams.)

Transition Services Participants (34 CFR § 300.344); when a purpose of the IEP meeting is the consideration of transition services:

1. Did the public Agency invite the student? Yes No
2. If the student did not attend the IEP meeting, did the public agency take steps to ensure that the student's preferences and interests were considered in the development of the IEP? (If student attended the meeting, indicate "N/A" for not applicable.) Yes No N/A
3. Did the public agency invite a representative of any other agency that is likely to be responsible for providing or paying for transition services? Yes No
4. If an agency was invited to send a representative to a meeting and did not do so, did the public agency take other steps to obtain his or her participating in the planning of transition services? (If the agency attended the meeting, indicate "N/A.") Yes No N/A

Parent Notice (34 CFR § 300.345); Does the parent (and student, if rights have been transferred) notice:

1. Indicate, for a student beginning at age 15+ (or younger, if appropriate; must be in place by 16th birthday), that a purpose of the meeting is the consideration of needed transition services? Yes No
2. Indicate that the public agency will invite the student beginning at age 15+ (or younger, if appropriate)? Yes No
3. Identify any other agency that will be invited to send a representative? Yes No
4. Indicate the time/location of the meeting and who will be in attendance? Yes No
5. Inform the parents that they may invite other individuals who have knowledge or special expertise regarding their child, including related services personnel, as appropriate?
Yes No

Exception to FAPE and Prior Written Notice (34 CFR § 300.122(a)(3)(i, ii, iii) and §300.503); If the student will graduate with a regular* high school diploma, does the IEP team provide the parent(s) (and student, if rights have been transferred) with:

1. Prior written notice (in accordance with 34 CFR § 300.503) that graduation from high school with a regular diploma constitutes a change in placement and that the high school

student is no longer entitled to provide a free appropriate public education (FAPE)?
(NOTE: A state may choose to continue to provide FAPE. Check with your state for requirements that may be beyond Federal Requirements.) *Does not apply to students who have graduated but have not been awarded a regular high school diploma.

Yes No

Content of the Individualized Education Program (IEP) (34 CFR § 300.347); If the student is 15+ (or younger, if appropriate), does the IEP include:

1. A statement of current performance related to transition service needs. Yes No
2. A statement of transition service needs that specifies courses of study that will be meaningful to the student's future and motivate the student to complete his or her education? Yes No

If the student is 16 (or younger, if appropriate), does the IEP include:

1. A statement of current performance related to transition service needs. Yes No
 - a. Instruction? Yes No
 - b. Related services? Yes No
 - c. Community experiences? Yes No
 - d. Development of employment and other post school adult living objectives?
 Yes No
 - e. If appropriate, acquisition of daily living skills? Yes No
 - f. If appropriate, a functional vocational evaluation? Yes No
2. The activities in the statement of needed transition services are presented as a coordinated set of activities that promotes movement from school to desired post-school activities?
 Yes No

(mark each option that applies)

- a. Post-secondary education?
 - b. Vocational education?
 - c. Integrated employment (including supported employment)?
 - d. Continuing and adult education?
 - e. Adult services?
 - f. Independent living?
 - g. Community Participation?
3. A coordinated set of activities that is based on the individual student's needs, taking into account the student's preferences and interests? Yes No
 4. A statement, if appropriate, of the interagency responsibilities or any needed linkages (i.e., linkages to agencies or services the student needs)? Yes No

5. Has the statement of transition service needs and statement of needed transition services been reviewed at least annually? Yes No
6. A statement, in a State that transfers right at the age of majority, at least one year before the student reaches the age of majority under state law, that the student has been informed of the rights under Part B of the Act, if any, that will transfer to him or her when he or she reaches the age of majority? Yes No

Transfer of rights (34 CFR § 300.517, § 300.347(c))

1. In a State that transfers rights at the age of majority, when the student reached the age of majority, did the public agency notify both the student and the parent that all rights under Part B transferred to the student? (NOTE: In a State that transfers rights at the age of majority, the public agency shall provide any notice required by the regulations to both the individual and the parents.) Yes No

Agency responsibilities for transition services (34 CFR § 300.348)

1. If participating agency failed to provide agreed-upon transition services contained in the IEP, did the public agency responsible for the student's education reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP? (If the agency provided services, indicate N/A for not applicable.)
Yes No N/A

APPENDIX B: Special Education Timelines

Special Education Timelines

Federal Register Vol. 71, No. 156, August 14, 2006/Rules and Regulations

Children with Disabilities Enrolled by Their Parents in Private Schools When FAPE is at Issue

300.148 Placement of children by parents [in private schools] when FAPE is at issue.

(d) Limitation on reimbursement [for private school placement]. The cost of reimbursement described in paragraph (c) of this section may be reduced or denied-

1) If-

- i. At the most recent IEP Team meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or (ii) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information in (d)(1)(i) . . . (see regulations for additional qualifications).*

Evaluations and Reevaluations

300.301 Initial Evaluations.

(c) Procedures for initial evaluation. The initial evaluation-

(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation.

Individualized Education Programs

300.323 When IEPs must be in effect.

(c) Initial IEPs; provision of services. Each public agency must ensure that-

(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and

- (2) *As soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.*

Procedural Safeguards Due Process Procedures for Parents and Children

300.507 Filing a due process complaint.

(a)(2) The due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint, or, if the State has an explicit time limitation for filing a due process complaint under this part, in the time allowed by that State law, except that the exceptions to the timeline described in 300.511(f) apply to the timeline in this section.

300.512 Hearing rights.

(a) General. Any party to a hearing . . . has the right to-

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing.

(b) Additional disclosure information.

(1) At least five business days prior to a hearing . . . each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use the hearing.

300.515 Timelines and convenience of hearing and reviews.

*(a) The public agency must ensure that **not later than 45 days** after the expiration of the 30-day period under 300.510(b), or the adjusted time period described in 300.510(c)-*

(1) A final decision is reached in the hearing; and

(2) A copy of the decision is mailed to each of the parties.

(b) The SEA must ensure that not later than 30 days after the receipt of a request for a review-

(1) A final decision is reached in the review; and

(2) A copy of the decision is mailed to each of the parties.

(c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

(d) Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved.

300.517(c)(2)(i) Attorney's fees. *Attorneys' fees may not be awarded, and related costs may not be reimbursed in any action or proceeding under section 615 of the Act for services performed subsequent to the time of the written offer of settlement to a parent if-*

(A) The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;

(B) The offer is not accepted within 10 days; and

(C) The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement (see regulations for additional criteria).

300.519 Surrogate parents.

(h) SEA Responsibility. The SEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

Discipline Procedures

300.530 Authority of school personnel.

(b) General.

*(1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for **not more than 10 consecutive school days** (to the extent those alternatives are applied to children without disabilities), and for additional removals of **not more than 10 school days** in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 300.536).*

*(2) After a child with a disability has been removed from his or her current placement for **10 school days** in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.*

*(c) Additional authority. For disciplinary changes in placement that would exceed **10 consecutive school days**, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.*

(d) Services.

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c) or (g) of this section must-

(i) Continue to receive educational services, as provided in 300.101(a), so as to enable the child to continue to participate in the general education curriculum although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change of placement under 300.536, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed as provided in 300.101(a), so as to enable the child to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

(5) If the removal is a change of placement under 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine-

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP team must-

(1) Either-

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan has already been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

*(g) Special circumstances. School personnel may remove a student to an interim alternative educational setting for **not more than 45 school days** without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child-*

(1) Carries a weapon to or possess a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA; or

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in 300.504 (see regulations for definitions of controlled substances, illegal drug, serious bodily injury, and weapon).

300.532 Appeal.

(b) Authority of hearing officer.

(1) A hearing officer under 300.511 hears and makes a determination regarding an appeal under paragraph (a) of this section.

(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may-

(i) Return the child with a disability to a placement from which the child was removed if the hearing officer determines that the removal was a violation of 300.530 or that the child's behavior was a manifestation of the child's disability; or

(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

(c) Expedited due process hearing.

(2) The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 days after the hearing.

(3) *Unless the parents and LEA agree in writing to waive the resolution meeting, or agree to use the mediation process described in 300.506-*

(i) *A resolution meeting must occur within seven days of receiving notice of the due process complaint; and*

(ii) *The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.*

300.536 Change of placement because of disciplinary removals.

(a) *For purposes of removals of a child with a disability from the child's current educational placement under 300.530 through 300.535, a change of placement occurs if-*

(1) *The removal is for **more than 10 consecutive school days**; or*

(2) *The child has been subjected to a series of removals that constitute a pattern-*

(i) *Because the series of removals **total more than 10 school days in a school year**;*

(ii) *Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals; and*

(iii) *Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.*

(b)

(1) *The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.*

(2) *This determination is subject to review through due process and judicial proceedings.*

Monitoring, Technical Assistance, and Enforcement

300.613 Access rights.

(a) *Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply without unnecessary delay and before any meeting regarding an IEP, or any hearing . . . , or resolution session . . . , and in no case no more than 45 days after the request has been made.*

Prepared by Ruth S. Aldrich, Ed.D., Desert/Mountain SELPA

APPENDIX C: IEP Meeting Agency and Guidelines

IEP Meeting Agenda

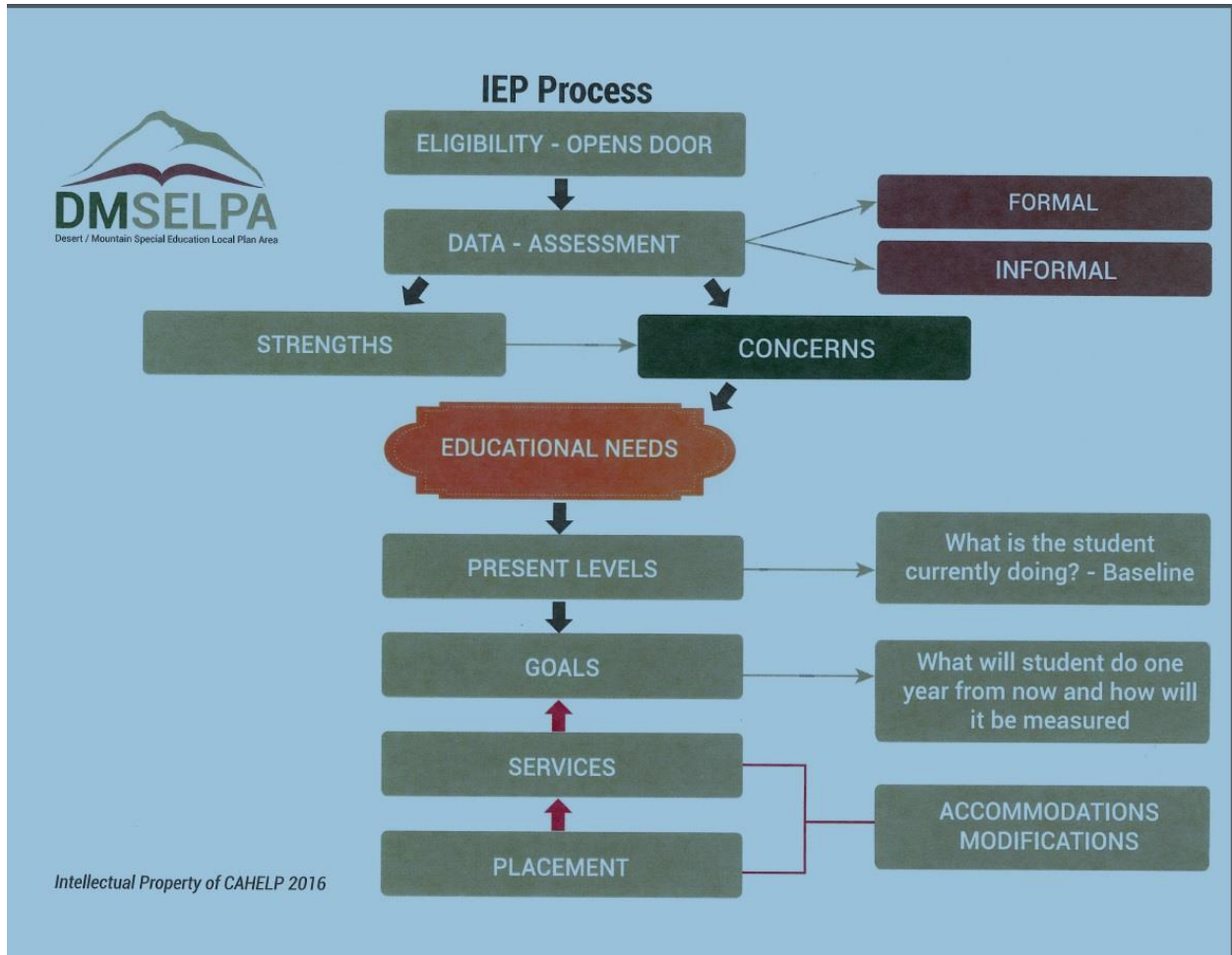
Date(s) and Time(s)

DISTRICT NAME

IEP for STUDENT NAME

1. Introductions/Meeting Guidelines/Procedural Safeguards
2. Purpose of Meeting
3. Scheduling Limitations (meeting scheduled from 9:00 a.m. to 3:00 p.m.)
4. Parent Concerns
5. Review Assessments (if applicable)
6. Student Strengths and Concerns
7. Review Progress of Previous IEP Goals
8. Eligibility (initial and triennial)
9. Educational Needs
10. Present Levels of Academic Achievement and Functional Performance
11. Transition Goals and Services
12. Goals and Objectives
13. Services and Placement/FAPE
14. Accommodations, Modifications, Supports (ESY, Testing)
15. Adjourn

APPENDIX D: IEP Process Flow Chart



APPENDIX E: Roles and Responsibilities in Special Education: Case Manager

Section A: Referral Process

Section B: Assessment

Section C: Implementing and Monitoring the Individualized Education Program (IEP)

Section D: Written Notice and Consent

Section E: Records

Section F: Technical Assistance

Section G: Other

Introduction

A Case Manager is assigned when a student is referred for an initial assessment for special education services. The person is usually a special education teacher/specialist assigned to the Local Education Agency (LEA) and is considered the primary service provider. If the Individualized Education Program (IEP) specifies language and speech services only, the Case Manager is typically the speech/language pathologist. The Case Manager facilitates the IEP process, including the referral, assessment, IEP development, and ensures that a student's IEP is implemented and that all timelines are followed.

Section A – Referral Process

- Assists with the completion of the written referral if requested or necessary.
- Secures parental consent to obtain confidential information from private and public sources, if necessary.
- Enters student name in Referral Log and notifies the principal and other school site staff members, as appropriate, that a referral has been made for a particular student.
- Creates a confidential special education file for the student and places it in a secure location that is accessible to all appropriate school staff. All forms, consents, reports, etc., associated with the student are maintained in this file, including the Case Planning Guide, and Student Access Log.
- Enters referral information into the Desert/Mountain Special Education Local Plan Area (SELPA) Management Information System (MIS) and/or Web IEP and sends or delivers the following documents to parents: Referral for Special Education and Notice of Procedural Safeguards.

Section B – Assessment

- Coordinates with the site Student Study Team (SST) or its equivalent for new referrals and assessment staff for the referrals for assessments (including those for non-attending students) and ensures that all required assessment components are addressed.
- Assures that all assessment plans are developed within required timelines if the team agrees assessment is needed (no later than 15 days after parent has put request in writing). Assists in the development of the Assessment Plan (D/M 66) for initials only. An assessment plan must be completed whenever an assessment for the development or revision of the IEP is to be conducted and must be signed by the parent/guardian prior to the testing.
- Requests assistance of the administrator when assessments need to be conducted by specialists who do not regularly provide services to the school.
- Sends or delivers to parents the Assessment Plan for initial IEP.
- Assists parents in understanding their rights and the special education process and procedures as needed.

Upon Receipt of Signed Assessment Plan:

- Enters receipt of date of signed assessment plan in Student Access Log and notifies all assessors included on the assessment plan that they may begin assessment. Assures, with the specific assessors, that assessments are conducted in the student's primary language if the students are English learners.
- Provides results of assessments to the school psychologists at least 10 days in advance of the IEP meeting, so that these results can be incorporated into the written psychological report prior to the IEP team meeting.
- Provides copies of assessments with the assessors contact information to parents five days prior to the scheduled IEP meeting. Exception: Discretion shall be used by the assessor to determine if initial diagnosis of a disabling condition warrants a private meeting to discuss the assessment results prior to the IEP meeting.

Section C - Implementing and Monitoring the IEP

- Schedules IEP team meeting with parents and LEA participants. For Annuals and Triennials, it is strongly recommended that the scheduled IEP date be at least three weeks prior to the last annual or triennial meeting date minus one day, as appropriate. This allows for meeting postponement or rescheduling and supports compliance with State IEP meeting timelines.
- Sends Notification of IEP Team Meeting (D/M 67) to parent and other IEP participants.

NOTE: Annual reviews must be held 364 days before the date of the previous annual IEP and triennial reviews held two years and 364 days or earlier from the last triennial date. Secures IEP meeting room, assuring that the room is private and free from distractions, has adequate seating, electrical outlets, and if needed, a conference phone and internet services.

- Contacts all school IEP team members the day of the IEP meeting ensuring they will be in attendance to the IEP, on-time and with the appropriate number of copies of assessments or other documents they will be sharing with the team.

During the IEP Meeting:

- Chairs IEP team meetings and facilitates the development of IEPs, ensuring that parents have the opportunity to participate in the development of the IEP.
- Ensures there are no blanks on the IEP forms.
- Ensures IEP and other documents are distributed to the family.
- Schedules a follow-up IEP meeting if the IEP is not completed at the meeting and documents the next IEP meeting date on the IEP Meeting Notes page (68J).

After the IEP Meeting:

- Ensures instructional team members are informed of the new IEP and its contents as it relates to their role with the student and the location of the IEP document in its entirety.
- Affirms and attests the IEP within seven days of the IEP meeting and maintains accurate and timely student data information throughout the duration of the IEP year. Accesses the SELPA MIS and/or Web IEP program daily for updates and notifications.
- Provides direct instruction to students with special needs, as designated in the IEP.
- Notifies special education administrator and/or site administrator of accurate monthly caseload numbers.
- Submits a monthly list of student adds/drops to the SELPA MIS Analyst.
- Provides the necessary information to the site/LEA testing coordinator for all State/school-wide assessments.
- Coordinates and conducts, in collaboration with the school psychologist and other pertinent assessment personnel, manifestation determination reviews and IEP meetings.
- Coordinates the process for students to register for the Extended School Year (ESY) program according to timelines, as appropriate.
- Evaluates student progress, maintains necessary records indicating student performance and recommends revisions of the IEP when appropriate. This includes grades, progress reports, and benchmark documentation of goals and objectives cited in students' IEPs.

Section D – Written Notice and Consent

- Collaborates with the administrator, as necessary, to all requests made by parents prior to, during, or after IEP team meetings by completing and sending the Prior Written Notice to the parent of the proposed or refused action.

- Ensures that all other parental notices and consents for assessments and initial placements are processed appropriately.
- Ensures these documents are created through the electronic IEP system and copies are placed in the student’s special education file.

Section E – Records

- Ensures that complete student records are maintained in a single, secure location in the school (ensuring the principal has access).
- Notifies appropriate staff that a request for records has been received. Coordinates collection and copying of all records for parents in a timely manner.

Section F – Technical Assistance

- Requests technical assistance and support from Administration or the Desert/Mountain SELPA, as needed.

Section G – Other

- Provides consultation, resource information, and documentation regarding student needs to parents and general education staff members.
- Supervises the instructional assistant and contributes input to his/her evaluation, if appropriate.
- Provides in-service training for site school staff and the community in order to promote a better understanding of students with disabilities as needed.
- Coordinates and consults with administrators, special education specialists, general education classroom teachers, psychologists, program specialists, other support staff, outside agencies, and parents regarding instructional planning for special education students. Provides resources, such as instructional materials and staff time to the regular classroom teacher as appropriate.
- Attends LEA and site level meetings.

***Triennials:** These are evaluations that must be conducted within two years and 364 days of the previous triennial or within two years and 364 days of the initial assessment. All triennial meeting dates, excluding initial triennial dates, shall coincide with the student’s annual IEP date. In some cases, this will necessitate that one of the meeting dates will occur prior to the typically allowed meeting timeline. This prevents an annual IEP meeting and a triennial IEP meeting from being convened on the same student during the IEP year.

In the case that there is more than one triennial date for the same student due to an addition of services after the initial placement, whichever date is the earliest will become the triennial IEP

meeting date for the student. For example: The student's annual Speech IEP date is December 3, 2012. On February 1, 2013, an IEP meeting is convened to discuss the results of assessments conducted by the psychologist and academic special education teacher/specialist based on additional concerns of the school and parent. The student is found eligible for specialized academic instruction services. The next annual date for the student will be December 2, 2013 and the triennial date shall be scheduled to occur on the date of the Speech Triennial date (see page 27 for further information).

Administrative (30-day) Placements: Complete an Interim IEP and send it to an appropriate administrator within 24 hours of placement. **The administrative placement IEP team meeting must take place within 30 days of the placement.**