

# FY24 ESS Handbook Updates

## Provision of free appropriate public education (FAPE) (34 C.F.R. §§ 300.17, 300.101)

A Free Appropriate Public Education (FAPE) is available to any individual student with a disability who needs Exceptional Student Services and related services. **A student may still be eligible for Exceptional Student Services even though they have demonstrated passing grades and are advancing grade to grade.** The determination that a student is eligible under this part must be made on an individual basis by an appropriate multidisciplinary team.

**Discipline, Mental Health concerns should be considered.**

## Development, review, and revision of individualized education program (IEP) (34 C.F.R. §300.324)

The Exceptional Student Services Director and Coordinator work closely with the ESS administrator and case managers to ensure that IEPs are written to provide Exceptional Student Services and related services in accordance with the student's disability related needs using student specific data. Case managers will use the [IEP Meeting and Document Checklist](#) developed by GADOE in preparation for IEP meetings. The ESS Director will assure ongoing progress monitoring is collected each nine weeks for students through monthly reviews. These reviews will examine academic and functional progress of students. If students are not making progress on their goal(s), or the student has demonstrated **at-risk behaviors**, the case manager will contact the ESS Coordinator and ESS Director after 4.5 weeks to determine what, if any, steps should be taken. The case managers must have Annual IEPs developed and ready for review prior to the scheduled IEP meeting for compliance checks.

**At-Risk Behaviors: Attendance Records, Discipline Records, Safety Plans, and any other information that will be important to determine if additional meetings and/or services are needed.**

## Parental Requests to Non-ESS Faculty and Staff

**If a parent requests additional services, a reevaluation, has questions and/or concerns with their student's IEP, disability or related services or provides additional documentation related to their student's disability, including medical information, the case manager should be notified immediately.** At this time, the case manager will contact the parent to discuss their concerns; they will then notify the ESS Coordinator and develop a plan to address the concerns.

## Present Levels of Academic Achievement and Functional Performance

Present levels of academic achievement and functional performance are the foundation of the IEP and must adequately describe the needs of the child. The present levels of academic achievement and functional performance (self-help, social-emotional, organizational skills, and/or daily living) include:

- A description of the student's academic, developmental and/or functional strengths. Functional performance must be stated even if the student is functioning with age appropriate skill. Consider:
  - attendance records
  - discipline records
  - classroom observations
  - performance or progress monitoring data
  - student work samples
  - teacher-made tests or other achievement tests
  - grades
  - related services observations/progress/assessments
  - transition assessments
  - parent input
  - safety plans
  - medical, including mental health concerns/updates

A description of the impact of the disability on involvement and progress in the general education curriculum (Other Discussion Section in GOIEP). Describe the ways in which the student's disabilities (consider all identified areas of disability) will affect the student's involvement and progress in the general education curriculum. Also include statements that address each major area of the curriculum that are impacted by the student's disability (do not include accommodations and placement information).

## Special Considerations

IDEA requires the IEP team address "special considerations" that are outlined in this section. If the team chooses "Yes" for any of the special considerations, the team may address the consideration in a variety of ways, including goals and benchmarks, a behavior plan, supplementary aids and services, related services, or accommodations and modifications. Each special consideration area that is marked "Yes", must be reflected in

the present levels of performance. The special considerations include:

**-Behavior impeding learning** – if the IEP team selects “Yes”, then the team must determine if a behavior intervention plan (BIP) is needed. If the team determines that a BIP is not needed, the team must address the behaviors in the sections of the IEP regarding goals/objectives and/or accommodations and supports. If a BIP is needed a functional behavior assessment (FBA) must be completed prior to the development of the BIP in Go-IEP. The FBA will be uploaded in Go-IEP attached to the IEP. The BIP must include:

- positive methods to modify the environment of the student to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
- methods to teach skills to the student so that he/she can replace inappropriate behavior with adaptive behavior;
- methods to enhance the independence and quality of life of the student;
- the use of the least restrictive methods to respond to and reinforce the behavior the student; and
- a process of designing interventions for the student that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the student without the use of aversive or negative means.

## **PRIOR WRITTEN NOTICE**

The Case Manager must provide prior written notice (GO-IEP) to the parent. It is required that a prior written notice be provided to the parent if the district Proposes or Refuses to initiate or change:

- the identification of the child
- the evaluation of the child
- the educational placement of the child
- the provision of a free appropriate public education (FAPE) to the child.

-To allow the parent time to fully consider the change and determine if they have additional suggestions, concerns, questions, etc, the District will give the parents 5 school days to respond before changes are implemented.

-Beginning no later than entry into ninth grade or by age 16, whichever comes first, or younger if determined appropriate by the IEP Team, the prior written meeting notice must indicate that a proposed action of the meeting is to also plan transition services and a copy of the notice must be provided to the student.

-The prior written notice of the meeting must use understandable language and be provided in the native language or other mode of communication of the parent. A copy of the prior written notice must be filed in the student’s Exceptional Student Services folder and uploaded into GOIEP.

## **IEP Revision (Amendment)**

### **Purpose**

The IEP review/revision is to ensure services continue to be appropriate based on new information and/or district or parental concerns.

### **Timelines**

-Any time before the annual review, the parent or the district may request to reconvene the IEP team to review and possibly revise the IEP.

-If a parent requests a meeting and the team agrees with the need for a revision, a prior written notice of meeting must be provided to the parent.

-If the team disagrees with a parent request to revise the IEP a prior written notice of refusal must be provided to the parent. The meeting notes may serve as the prior written notice of refusal to revise the IEP.

### **IEP Development**

-An IEP review and/or revision may be required, as appropriate, to address the following:

- the results of any evaluation;
- disciplinary actions that result in a disciplinary change of placement, alternative instructional arrangement;
- lack of expected progress towards the annual goals;
- lack of expected progress in the general education curriculum;
- any proposed placement change;
- information about the student provided to or by the parent; or
- the student’s anticipated needs (supplementary aids/services).

-During the IEP revision, the entire annual IEP does not need to be reviewed. Items discussed are related to the purpose of the meeting as identified in the prior notice and other areas agreed upon by the team.

## **Request for an Initial Evaluation Referral**

If the parent requests an initial evaluation, either verbally or in writing, District staff must respond formally.

**THE USE OF MTSS STRATEGIES WILL NOT BE USED TO DELAY OR DENY A FULL AND INDIVIDUAL EVALUATION.**

