

II. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

A.

THE IEP: AN OVERVIEW

The IEP is:

- a legal, written document describing a child's educational needs;
- a written individualized plan that determines whether a child is eligible to receive special education services;
- developed by a team including the parents who give their input about their child's strengths and needs, as well as the development of annual goals and short term objectives;
- a description of services to be delivered;
- for all children who are eligible for special education based on assessment need; and
- a document written with information for students 16 and older oriented towards pre-vocational/vocational issues and life skills training considered essential for transition planning (ITP).

PARENTS ARE AN INTEGRAL PART OF THE TEAM

An IEP is not a binding contract that guarantees that goals and objectives will be accomplished and is open to revision by the IEP team. Revision requires parent consent.

B. REFERRAL

A school site Student Study Team will be held to preview a referral request and make recommendations regarding the student. The parent may elect to make a direct request for assessment apart from the Student Study Team process.

The county/district of residence is responsible for processing all referrals from birth to age twenty-one. Parents should be a part of the Student Study Team to review the effectiveness of pre-referral activities to help their child.

PARENTS MAY MAKE A DIRECT REFERRAL IN WRITING AT ANY TIME

An Assessment Plan must be developed within FIFTEEN (15) DAYS of the referral date.

A parent has fifteen (15) days to decide whether or not to sign the assessment plan.

If a child is already enrolled in special education and a written request for a re-evaluation is submitted, the school district has fifteen (15) days from receipt of the request for assessment to develop an assessment plan.

C. ASSESSMENT PLAN

An assessment plan:

- is simply a list of tests to be used to determine a child's educational needs and assist in determining eligibility for special education services;
- will include a description of what areas each test is designed to cover and who will conduct the assessments;
- must be designed to assess a child in all areas related to a suspected disability (e.g., health and development, vision, hearing, language function, motor skills, self-help, social and emotional development, behavior, and pre-vocational/ vocational skills, etc.);
- makes provision for parents to request that additional areas of concern be assessed before approving the plan; and
- makes provision for parents to consult with other specialists before signing the assessment plan.

D. ASSESSMENT

The assessment must be conducted and the IEP meeting scheduled and held within SIXTY (60) DAYS of the district's receipt of the signed assessment plan.

Depending on the complexity of the assessment, one or more meetings may be held for a child with a variety of assessment personnel.

The assessment should provide an accurate and thorough understanding of a child's strengths and needs. All assessments, when feasible, should be provided in the primary language in which a child is most proficient and comfortable. The assessor must be knowledgeable of a child's disability and should be fluent in both the oral and written skills of a child's primary language or mode of communication. Translators and interpreters may be utilized as needed unless clearly not feasible.

Parents may receive copies of the assessment report prior to the IEP meeting. Parents may elect to meet with persons completing assessments prior to IEP meetings for explanation and clarification. If parents disagree with the result of the assessment or have concerns about its thoroughness, they may request that an independent assessment be completed. The district may elect to reimburse for the independent assessment. If the district elects not to reimburse for the independent assessment, due process procedures must be initiated.

As part of the IEP team, parents have valuable information to share about their child. Participation of parents is encouraged throughout a child's IEP meeting. Special Education is specialized instruction provided to meet the unique needs of a child who may require some adaptations of the learning environment or adapted instruction in order to learn. It can mean individualized or small group instruction or extra supportive services and is for students from birth to twenty-two with physical, learning, communicative, and/or developmental needs.

To receive special education services, an IEP must be written describing a child's educational needs. Developing the IEP is a step-by-step process consisting of a referral, assessment, IEP meeting and placement. These steps must progress according to federal and state timelines.

E. COMPOSITION OF THE IEP TEAM

Legally required members are:

- a school administrator or designee, who is a person with knowledge of program options appropriate for the student and who is qualified to provide, or supervise the special education program implementation;
- the student's present teacher; if the child does not have a teacher, this representative will be a teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance in an a
- one or both of the student's parents, a representative selected by the parent, or both; and
- the student at age 18 who may sign the IEP; and
- a general education teacher.

When appropriate, the IEP team shall include:

- the student;
- other individuals, at the discretion of the parent, district, special education local plan area, or county office who possess expertise or knowledge necessary for the development of the individual education program;
- evaluation personnel who performed the evaluation(s) or representative(s) knowledgeable about the evaluation(s); and
- when the child is suspected to have a learning disability, a team member will observe the child in an environment appropriate for a child that age; if the child is younger than five years or is not enrolled in a school; and
- Under certain circumstances an IEP team member may be excused from attending with written mutual agreement & input provided.

F. DEVELOPMENT OF THE IEP/ITP

The IEP meeting should begin with introductions and include discussion of:

- purpose of meeting;
- parent/child rights;
- educational history;
- present levels of functioning (strengths and areas of needs);
- evaluation procedures;
- consideration of eligibility;
- annual goals and short-term instructional objectives;
- recommended placement within the concept of the Least Restrictive Environment;
- recommended related services (i.e., speech therapy);
- other placement and program options;
- dates for services to begin and end and how often they are provided;
- transportation; and
- signatures of team members.

When appropriate, the IEP may also include, but not be limited to, all of the following:

- prevocational career education for children in kindergarten and grades 1 to 6;
- vocational education, career education or work experience education, or any combination of these, in preparation for paid employment, including independent living skills training for children in grades 7 to 12;

- for children in grades 7 to 12, any alternative means and modes necessary for the child to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation;
- for children whose primary language is other than English, linguistically appropriate goals, objectives, programs and services;
- extended school year services when needed, as determined by the IEP team;
- provision for the transition into the regular class program if the child is to be transferred from a special class or center, or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day; and
- appropriate specialized services, materials, and equipment for students with low incidence disabilities.

G. DESIGNATED INSTRUCTION AND SERVICES (RELATED SERVICES)

Designated Instruction and Services (DIS), also known as Related Services, are supportive services provided to help a student benefit from a special education program and are based on assessed need.

The educational need is determined through an assessment during the IEP process.

Students may be in general education classes and receive a DIS service (i.e., speech therapy only.)

Designated Instruction and Services (DIS) and Related Services may be provided by the general education classroom teacher, the special education teacher, a resource specialist or other specialist credentialed to provide the service. The Local Education Agency (LEA) must provide related services as deemed appropriate by the IEP team. Related services may be provided by LEA personnel or through contracted services.

Federal law is broader than the state law in some instances; therefore, a child's entitlement to special education and related services is a right established under federal law. Students who are found eligible by the IEP team may receive other services based on need.

Designated Instruction and Services may include:

- Speech and language development and remediation
- Audiological services
- Orientation and mobility instruction
- Instruction in home or hospital
- Adapted physical education
- Physical therapy
- Occupational therapy
- Counseling & guidance
- Specialized driver training
- Health & nursing services
- Mental health services
- Vocational education
- Social worker services
- Parent training and counseling
- Recreation services
- Transportation services
 - Specialized services for low-incidence disabilities
- Extended school year

H. SIGNING THE IEP

Parents have a choice to sign or not to sign the IEP based on whether they are in agreement with the content. If they are not in agreement, they need to continue negotiations until there is an agreement or seek resolution through due process; most issues can be resolved without going through due process procedures. Alternate dispute resolution strategies are also available.

Signing for partial acceptance keeps the child's plan and program active while final issues are being negotiated. If placement cannot be agreed upon and due process has been filed, the child remains in the present placement through "stay-put" regulations, unless the parent has a reason to believe the placement is unsafe or is unhealthy, etc.

A copy of the IEP is provided to the parents at no cost, and if necessary, a copy of the IEP will be provided in the primary language of the parent(s) at the request of the parent(s). An Individualized Family Service Plan (IFSP) for a child aged three through five may serve as the IEP after a full explanation of the difference and parent written consent. The IEP team must consider the concerns of the parents for enhancing the education of their child.

I. PLACEMENT

Specific classroom assignments may be discussed at the IEP meeting. Parents may want to discuss placement and program options and visit classrooms suggested before agreeing with a placement so they can be decision-makers on an equal basis with other participants at the meeting. Placement:

- is determined when the IEP has been developed and agreed upon;
- is based on goals and objectives of the IEP;
- is as close to home as possible;
- will not take place without prior approval and written consent of parents;
- will include Designated Instruction and Services (DIS) and Related Services as appropriate and stated on the IEP; and
- may be in a non-public school setting when the IEP team has determined that appropriate local educational resources may not be available based on assessed need and has determined that goals and objectives and service needs can be met in a non-public school setting appropriately certified by State Department of Education and when a contract to provide specific services has been developed.

J. IMPLEMENTATION

Implementation refers to the fulfillment of the intent of the IEP with a focus on how goals and objectives are achieved. It is to occur without any undue delay after placement is approved through the IEP process.

Waiting lists are not legal and should not be considered. Parents are encouraged to visit and monitor their child's program to know if the program is in place and meeting the intent of the IEP.

K. PARENTAL CHANGE OF RESIDENCE

When a child transfers from one district to another *within* a SELPA, the new district shall continue without delay to provide comparable services unless parent & district adopt and implement a new IEP.

When a child transfers from a district **outside** one SELPA into a different SELPA, the new district shall provide comparable services in consultation with the parents for a period not to exceed 30 days, by which time the district shall adopt the previously approved IEP or shall develop, adopt and implement a new IEP.

When a child transfers from **out of state**, the district shall provide FAPE including comparable services to those described in the previously approved IEP in consultation with parents for a period not to exceed 30 days, by which time the district shall adopt the previously approved IEP or shall develop, adopt and implement a new IEP.

When a child is placed in a nonpublic school or agency, the LEA and the nonpublic school or agency must notify the parents of their responsibility to report each change in residence. The notice by the LEA is in writing and is given at the time that a nonpublic school (NPS) or agency (NPA) placement is recommended.

L. IEP REVIEW

The IEP team meets whenever:

- the child has received an initial formal assessment and may meet whenever he or she receives any subsequent formal assessment;
- the child demonstrates a lack of anticipated progress;
- the parent or teacher requests a meeting to develop, review, or revise the IEP;
- at least annually to review the child's progress, the IEP, and the appropriateness of placement, and to make any necessary revisions; and
- a triennial assessment is conducted.