



Utah Parent Center
Parent Training and Information Center

PARENTS AS PARTNERS IN THE IEP PROCESS



The information in this booklet was developed and organized by the Utah Parent Center under a grant from the U.S. Department of Education. Views expressed in this booklet do not necessarily reflect the opinions of the Department. This information is in the public domain unless otherwise indicated.

Please contact the Utah Parent Center for more information on free workshops on a variety of topics that are hosted by the Center or if you need additional information on topics covered in this booklet. Several training videos and webinars relating to the IEP process are posted on the Utah Parent Center Website:
www.utahparentcenter.org

References

Information for Parents as Partners in the IEP Process was obtained from the following:

The Individuals with Disabilities Education Improvement Act HR 1350 passed by Congress November 19, 2004. Office of Special Education Programs (OSEP), U.S. Department of Education.

OSEP Part B Regulations 34 CFR Parts 300 and 31 published August 14, 2006

Utah State Board of Education Special Education Rules published 2007. These rules are available at **www.schools.utah.gov** by clicking on the special education link.

See Building the Legacy: IDEA 2004, the U.S. Department of Education website through which you can access the Act, the Regulations, Questions and Answer documents and more at <http://idea.ed.gov>.

Individuals cited in booklet.

For parents outside of Utah, information is available at the Parent Training and Information (PTI) project in your state. Contact the Utah Parent Center Toll-Free at 1-800-468-1160 or the PACER Center at 1-888-248-0822 or www.pacer.org for information on your state's PTI.

Parents as Partners in the IEP Process

Parent Handbook

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© Utah Parent Center
Toll-Free: 1-800-468-1160
Email: info@utahparentcenter.org
Website: www.utahparentcenter.org

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Introduction

The Utah Parent Center has developed this booklet to be used either independently or with the ***Parents as Partners in the IEP Process*** workshop. It provides a brief overview of some the laws and suggestions about what you, a parent, can do to prepare for your important role as an equal member of the team that designs the individualized education plan or program to meet your child's needs.



Following are some suggestions that will help you prepare to participate effectively in this process.

- Understand the laws governing special education and the provision of services to children with disabilities and the importance of your participation as an equal member of the team deciding what the education program will include.
- Prepare for the meeting to write the Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) by gathering information about your child's special needs. Review files from previous programs that will help you plan more effectively for future programs and needs. If these records are not in your possession, ask to see them and obtain copies if necessary.
- Give copies of any independent professional evaluations you have to the special education teacher.
- Share the information you have prepared about your child, in advance if possible, and ask the professionals to do so also. Your information is important to help professionals on the team understand your child and determine his/her needs.
- After the meeting, be sure to follow up to see that the agreed upon program and services are being implemented. Monitor the required reports of progress on IEP goals.

As you review the following information, you may find that you have questions or need further explanation. Please ask your child's special education teacher, or call the Utah Parent Center for further assistance.

For more detailed information on any part of the IEP requirements, you may refer to the Utah State Special Education Rules which are available through the schools or at **www.schools.utah.gov** under the special education link. Further references to the law and regulations are available inside the front cover of this booklet, and some citations to the federal regulations have been included throughout the booklet.

Section 1

Team Building

KEY POINTS

Team Building

Barriers



As we develop the relationship between the school and the family, it is important to build a partnership that result in an effective team.

As members of the Individualized Education Program (IEP) team, parents and the school personnel are equal partners. As a team, school personnel and parents need to work together to accomplish the goal of identifying and meeting the child’s educational and support needs. Parents should not seek to gain more control, power, or say so, than the other team members. In seeking to do so, parents risk losing the focus on the child, and the goal of designing an appropriate program may not be reached. The team’s focus should be on the **needs of the child**.

Some barriers to effective team building include:

- Communication problems
- A lack of understanding of the school system or the IEP process
- Feelings of inferiority
- Not understanding a child’s disability
- Not valuing someone’s input
- Apathy
- Stereotyping
- Negative attitudes

Different barriers may exist in different circumstances. Consider the barriers you might be bringing into a team meeting. For example, if a teacher comes to a meeting believing everyone knows that “All parents are over-emotional and impossible to work with”, that teacher will have difficulty working effectively with parents. If a parent comes to a meeting feeling that “The school really doesn’t care about my child”, this too will create a barrier to an effective partnership. It is important to recognize barriers and then learn strategies for minimizing each barrier.

Occasionally situations arise in which parents and the school disagrees. If you are in a situation where there are already some negative feelings among team members, try to approach your next meeting with a clean slate, putting behind you the negative things that have happened. At the beginning of a meeting, each person should assume the good faith of the other and the joint commitment to **one goal: meeting the needs of the child**. It can be useful to verbalize the concept of “beginning again” to the other team members.

Teamwork helps to strengthen relationships and to set a positive foundation for future relationships. When everyone is working together to develop individualized educational programs for children, exciting things can happen!

The Utah Parent Center provides training and information on several topics that can help parents to develop communication and advocacy skills. For more information, please call the Center or visit our website at www.utahparentcenter.org and read our most recent issue of our *E-vents* newsletter for upcoming events.

Pull Together

**The question is not how well each person works,
but how well they work together!**



Section 2

Federal Laws Impacting Your Child's Education

KEY POINTS

IDEA 2004

Section 504

FERPA

Perkins



IDEA

INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT 2004

(Commonly referred to as IDEA 2004)

IDEA Reauthorized – H.R. 1350

The Individuals with Disabilities Education Act (IDEA) is a law that ensures services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

Definition of a Parent (§ 300.30)

Every child who receives special education services needs to have a parent to participate as a member of the IEP team and advocate for the child. The law provides direction in case a child does not have parents available.

Under the law a “parent” is defined as a “biological, adoptive or foster parent, guardian or an individual acting in the place of a biological or adoptive parent (including a relative) of a child, but not the state if the student is a ward of the state”. Anyone acting in the parent role, as defined above, has all the rights given to parents under the law. Many of those parent rights are outlined in this publication.

Children who are wards of the state or unaccompanied homeless children who do not have a foster parent appointed by the LEA to represent them must have a surrogate parent appointed. In Utah, individuals who act as volunteer surrogate parents in the IEP process are trained by the Utah Parent Center about their responsibilities.

SIX IMPORTANT PRINCIPLES COVERED IN IDEA 2004

Six important principles covered in IDEA are key to understanding the intent and spirit of the law. These principles include

1. **Free appropriate public education (FAPE):** The right to **FAPE** means special education and related services are available to eligible children with disabilities age 3 to 22 and are to be provided at no cost to the parents. The specially designed educational programs and services reflect the child's individual educational needs, and are to be provided in conformity with the Individualized Educational Program (IEP). The provision of FAPE differs for each child, but the principle is the same. **FAPE** applies to all qualifying children with disabilities, including those who have been suspended or expelled from school.
2. **Appropriate evaluation:** An appropriate evaluation gathers accurate information to determine eligibility or continued eligibility; it also identifies the student's strengths and educational needs. An individualized education program is then designed to respond to the student's needs.
3. **Individualized Education Program (IEP):** The IEP is a legally binding, written document that outlines the special education program, services and related services based on the child's educational needs.
4. **Least restrictive environment (LRE):** The LRE is the environment where the student can receive an appropriate education designed to meet his or her special education needs, while still being educated with nondisabled peers to the maximum extent appropriate.
5. **Parent and student participation in decision making:** IDEA requires that parents must be given the opportunity to play a central role in the planning and decision making regarding their child's education. Parents must have the opportunity to participate in the meetings regarding identification, evaluation, educational placement and the provision of FAPE to the student. Student rights and participation are strongly encouraged, particularly when addressing transition planning.
6. **Procedural due process:** The guarantee of procedural due process means that there are safeguards designed to protect the rights of the parents and their children with disabilities, as well as to give families and schools a mechanism for resolving disputes.

EARLY INTERVENTION

Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under Part C of IDEA. Children and youth (ages 3-21) receive special education and related services under Part B of IDEA. Utah has designated the Health Department as the lead agency to provide services for the birth to 2 year age group of children with special needs. Services for this age group are called Early Intervention. Early Intervention services are family-centered, multidisciplinary, comprehensive and community-based and honor the values and beliefs of the family. The specific early intervention services for a child are written in an **Individualized Family Service Plan (IFSP)** which is based on the concerns and priorities of the family.

The Early Intervention program must conduct transition planning to move eligible children from early intervention to preschool programs. This planning for the transition to preschool should be implemented at least 90 calendar days before the child turns 3 and is eligible for the preschool program. An IEP should be implemented by the child's 3rd birthday. Parents are to be involved in these team planning processes.

SPECIAL EDUCATION

Part B of IDEA 2004 outlines the special education process which is available for eligible students with disabilities from age 3 through graduation or to age 22, including special education preschool which serves children ages 3 to 5. The Utah State Office of Education is the lead agency responsible for overseeing special education. A specific child's educational needs and services are written in an **Individualized Education Program or IEP**.

PARENT RIGHTS SUMMARY

1. Parents have the right to provide information and be involved in the evaluation process. Parents can be involved in the review of existing evaluation data during the initial evaluation and re-evaluation of their child.
2. Parents have the right to be a part of the group that makes the decision regarding their child's educational placement.
3. Parents must be given the opportunity to participate in meetings held with respect to the identification, evaluation, and educational placement of their child, and the provision of FAPE to their child. School personnel may have informal meetings without the parents.
4. Parents have the right to receive periodic reports on the progress the child is making toward meeting the annual goals such as through the use of quarterly or other periodic reports at the time report cards are issued.

STUDENT RIGHTS

1. Students must be invited to attend the IEP meeting if a purpose of the meeting will be the consideration of the postsecondary goals and the transition services needed to assist the student in reaching those goals which are based on individual student needs, preferences and interests. If the student does not attend the IEP meeting, the team must take other steps to ensure that the student's preferences and interests are considered (§300.321).
2. Transition planning will begin for the student with disabilities beginning no later than the first IEP to be in effect when the student turns 16 (the IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team. For more information, please see the section in this book on transition planning (§300.322).
3. On the student's 18th birthday, parental rights transfer to the student. At least one year before the student's 18th birthday, a statement is required on the student's IEP, that the student and parents have been informed of the transfer of rights (except for a student who has been determined to be incompetent by a court). Parents may want to consider guardianship options, at least for educational programming, if they believe the student does not have the ability to provide **informed consent** about educational decisions. Otherwise, parental rights will transfer to the student. (§300.320)

Eligible students at all public schools including charter schools have the right to FAPE (free appropriate public education). §300.320

Children who are placed in the private schools by their parents do not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. There are, however, requirements for the school district where the private school is located to locate, identify, and evaluate students with disabilities enrolled in the private school.

The LEA must develop and implement a services plan and provide some funding for each student that has been designated to receive services. For more information on special education in private schools, please see the *Utah Special Education Rules*.

SECTION 504 OF THE REHABILITATION ACT

An Antidiscrimination Law

With the passage of the Rehabilitation Act of 1973, Congress required that federal fund recipients make their programs and activities accessible to all individuals with disabilities. The law states that, *'No qualified individual with disabilities, shall, solely by reason of her or his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.'*

Section 504 protects persons from discrimination based upon their disability status

A person has a disability within the definition for Section 504 if he or she:

- Has a mental or physical impairment which substantially limits one or more of such person's major life activities;
- Has a record of such impairments; or
- Is regarded as having such an impairment.

Major Life Activities

Major life activities include functions such as:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working, and
- Non-volitional bodily functions.

When a condition does not substantially limit a major life activity, the individual *does not* qualify under Section 504.

Section 504 has three major areas of emphasis: employment, program accessibility and requirements for preschool, elementary and secondary education. All students in special education are protected by Section 504. Section 504 regulations cover a larger group of students with disabilities than does special education. Some examples of disabilities that could be covered include;

- Attention deficit disorder (ADD)
- Attention deficit hyperactivity disorder (ADHD)
- Learning Disabilities
- Cancer
- Asthma
- Special Health Care Needs
- Parents with hearing impairments who need an interpreter
- Homebound students requiring services for when the disability substantially limits a major life activity.

Although Section 504 does not require school districts to develop an individualized plan with annual goals and objectives, it is recommended that the school document the services and/or accommodations that are provided for each eligible Section 504 student in a written plan. If a student requires 504 accommodations, a team must meet to develop a plan that outlines the student's services and accommodations. *Parent and student participation should always be encouraged.* The quality of educational services provided to students with disabilities must be the equivalent to the services provided to students without disabilities.

If the student qualifies under Section 504, accommodations could be written in a Section 504 plan. Parents may request a Section 504 evaluation if they believe the child qualifies under Section 504, or the child did not qualify for special education.

Contact the Utah Parent Center by phone or visit our website at www.utahparentcenter.org to obtain a free Parent Handbook on Section 504. The Parent Handbook in both English and Spanish and an Educator handbook are available at www.schools.utah.gov by clicking on the Equity link.

FAMILY EDUCATION RIGHTS AND PRIVACY ACT

FERPA or the Buckley Amendment

The Family Education Rights and Privacy Act of 1974 (P.L. 93-380, FERPA), also known as the Buckley Amendment:

- Guarantees you the right to inspect and review your child's file. You also have the right to receive copies of the file information.
- Says that only people who *need* to see the file can see it.
- Allows you to challenge information in the file you feel is inaccurate or misleading.
- Allows you to ask the school to remove something in the file that you disagree with. If the request is denied, you have at least two options:
 - You may attach a statement to the page in question telling why you disagree.
 - You may request a hearing (However, consider the value of this formal process and what you need to accomplish).

THE MCKINNEY-VENTO ACT (TITLE X, PART C OF NO CHILD LEFT BEHIND)

The McKinney-Vento Act, which later became part of the No Child Left Behind Act (NCLB), mandates protections and services for children and youth who are homeless including those with disabilities.

The 2004 reauthorization of IDEA also includes amendments that reinforce timely assessment, inclusion, and continuity of services for homeless children and youth who have disabilities. Following are a few of the provisions. For more detail, contact the Utah Parent Center.

Who is considered homeless?

Anyone who lacks a fixed, regular and adequate nighttime residence including:

- Sharing the housing of others due to lack of housing, economic hardship, or similar reason
- Living in motels, hotels, trailer parks, camping grounds, due to lack of adequate alternative accommodations
- Living in emergency or transitional shelters
- Abandoned in hospitals,
- Awaiting foster care placement
- Living in a public or private place not designed for humans to live
- Living in cars, parks, abandoned buildings, public train stations, etc.
- A migrant child who qualifies under any of the above

The Educational Rights for Children and Youth Experiencing Homelessness

- A homeless education liaison in every public school district
- Right to immediate enrollment in school where seeking enrollment without proof of residency, immunizations, school records, or other documents
- Right to choose between the local school where they are living, the school they attended before they lost their housing, or the school where they were last enrolled
- Right to transportation to their school of origin
- Right to be free from harassment and exclusion. Segregation based on a student’s status and homelessness is strictly prohibited.
- Right to access to educational services for which they are eligible including IDEA services, ESL, gifted and talented programs, vocational/technical education, and school nutrition programs.
- Right to be notified of their options and rights under McKinney-Vento. Liaisons must post rights of students experiencing homelessness in schools and other places in the community.
- Right to have disagreements with the school settled quickly

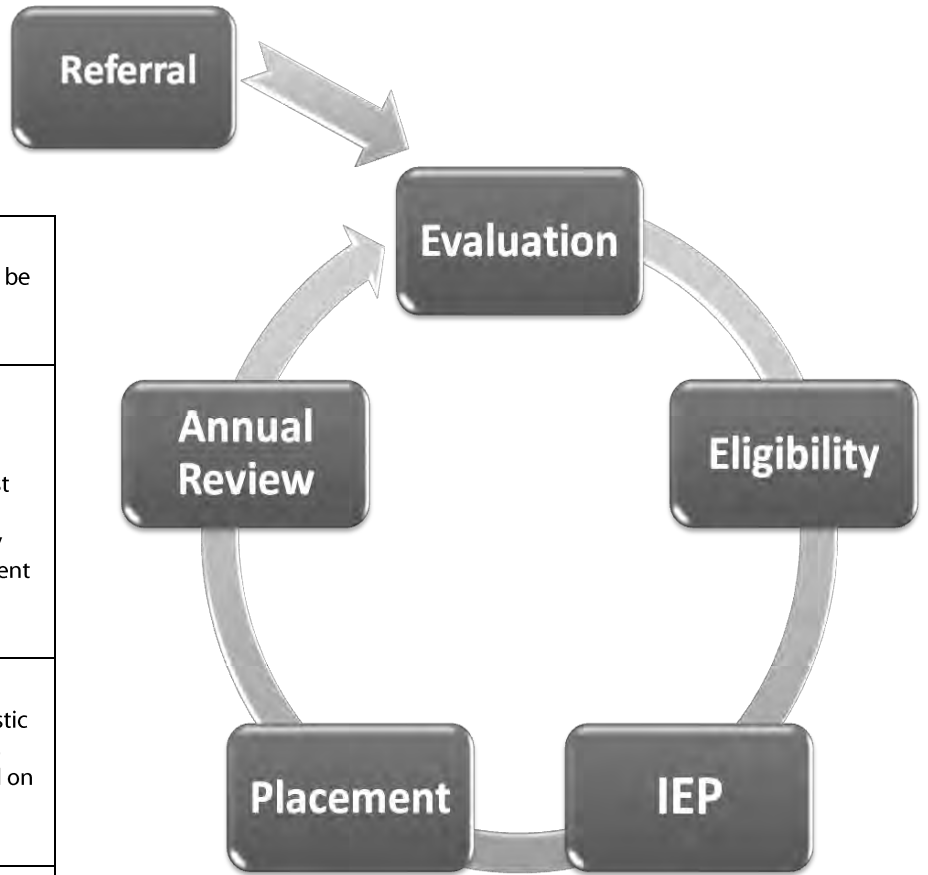
Note:

The previous pages provided an overview of several laws which protect individuals with disabilities including the Individuals with Disabilities Education Act (IDEA). The following pages provide detailed information about the process of planning for a child’s special education program and the parents’ role in it as outlined in the IDEA.

IDEA 2004 requires that the school keep copies of school records if not having copies would prevent the parent from inspecting and reviewing those records. §300.613

A Guide for Parent Participation in the Special Education Process As Outlined In Idea 2004

Child Find/ Referral	Referral of a child for evaluation may be formal or informal; may come from parents or from the LEA.
Evaluation	Multi-disciplinary, non-biased, comprehensive battery of tests and other evaluation procedures. At least once every three years, a group shall review existing data and identify any additional needed data. Written parent consent is required to conduct evaluation assessments.
Eligibility/ Classification	Team reviews assessment of diagnostic data and determines that the child is qualified for special education based on test results. Team determines the disability classification for the child.
IEP Meeting	Individualized Educational Program (IEP) developed by team. Must be reviewed at least yearly, but any team member, including the parents, may request a meeting as needed.
Placement	Team decides placement in the least restrictive environment based on the IEP annually. Parent signature required.
Ongoing Evaluation	Team meets to evaluate the child's total special education program and progress at least yearly. (Teacher evaluates daily as the child works on IEP goals.)



Remember *the team* always includes the parents!

Section 3

Referral & Evaluation

KEY POINTS

Child Find

Referral

Evaluation

Reevaluation

Independent Evaluation

Sample Letter



CHILD FIND

Each school district within the state must develop procedures which ensure that all students who reside within the district who have a disability and are in need of special education and related services, are identified, located and evaluated. These activities are referred to as “Child Find”.

Child Find requirements include locating:

- Highly mobile students with disabilities (such as migrant and homeless students)
- Students who have been suspended or expelled from school
- Students who have not graduated from high school with a regular high school diploma
- Students who are suspected of being a student with a disability and who are in need of special education and related services, even though they are advancing from grade to grade
- Home school students within the LEA’s boundaries

Child Find may include radio, television and newspaper announcements as well as activities conducted through the school system.

REFERRAL/REQUEST FOR EVALUATION

Referral is the process of making a request to the school that the child be evaluated for special education eligibility and services. Each school district is responsible for establishing and managing the referral system.

Either the parent or school personnel may request that a child be evaluated to see if a student is a student with a disability. Before evaluation can begin, the parent must sign a form giving the school permission to conduct the evaluation.

The LEA must review the existing data including information from the student’s teacher and determine whether there is reason to suspect that the student is eligible for special education and related services. If the data supports that the child has a disability, the child will be evaluated. If the data do not support that the child has a disability, the LEA may refer the student for other regular education services.

If the LEA determines that there is no reason to suspect a disability, the parent must be provided prior written notice.

Possible outcomes of referral are:

- A complete assessment by a multi-disciplinary team; or
- A decision to not proceed with the evaluation.

REFERRAL AND INITIAL EVALUATION REQUESTS ~ TIPS FOR PARENTS

- Ask for the evaluation in writing. Keep a copy of your request.
- Explain your child's problems and why you think an evaluation is needed.
- Be sure to share important information about your child's performance and your concerns with the school staff.
- You must give written, informed consent before an evaluation can be obtained.
- If you have other assessment information and/or evaluation reports from other sources, consider sharing that information.
- If you disagree with a decision not to proceed with the evaluation, follow the chain of command and discuss your concerns. You also could consider using any of the dispute resolution resources including requesting a due process hearing. See chapter 11 for more information on dispute resolution options.

EVALUATION

Evaluation is a structured information gathering process that leads to decisions about classification labels, educational placements, specific interventions and measuring progress.

Gathering information may be done in many different ways and may include various methods, such as:

- Interviews (parent, child or teacher)
- Classroom work samples
- Educational testing and psychological testing
- Observations (classroom, playground at lunch and recess)
- Reports from outside experts (medical, psychological etc.)

INITIAL EVALUATION

After the child is referred, if the LEA agrees to determine whether a child is eligible for special education, an initial evaluation is conducted. Initial evaluation procedures may vary greatly depending on what is appropriate for the child's suspected disability. For more information on what is required for eligibility under each of the 13 disability categories, refer to the *Utah Special Education Rules*. The eligibility requirements for each category are listed. Following is some general information about initial evaluations.

RESPONSE TO INTERVENTION (RTI OR "TIER MODEL OF INSTRUCTION")

Some schools may use a process that assesses the student's response to scientific, research-based intervention as a way to make sure children do not fall behind and to find out which children need more help. In the general education classroom, this may be described as a "tier model of instruction". In some cases when a child does not respond, the school may make a formal referral for additional assessment as part of a special education comprehensive evaluation. For more information on how

this works, see page 19 of the *Utah State Office of Education Specific Learning Disabilities Guidelines*, which may be accessed on the Utah State Office of Education website. The use of an RTI process does not prevent the parent from requesting an initial evaluation at any time in the process.

If a child is struggling in school, it is always a good idea for parents to communicate with the school. Parents should be encouraged to ask questions to help them to understand what the school has already done to help the child and to decide what the next step in getting help for the child might be.

Some Questions Parents Might Ask When A Child Is Struggling In School:

1. What data did the school use to make decisions about classroom interventions?
2. What types of interventions were used or tried?
3. Is the teacher trained in these interventions, and is he or she a highly qualified teacher?
4. Does the principal provide professional development in these areas?
5. What assessments were used? (Visit www.schools.utah.gov and click on the special education link to learn more about assessment.)
6. Was there consistent fidelity in the use of the program and intervention? (Was the program done in a way true to the way it was designed to be used?)
7. What types of screening methods are used to determine progress?
8. Was my child screened and what screening program was used?
9. Does the teacher understand and use a tier model of instruction?

PURPOSE OF AN INITIAL EVALUATION (300.301)

The purpose of an initial evaluation is to determine:

- if a child (1)has a disability and (2)needs special education and related services; **and**
- the educational needs of the child.

Evaluation results are used to develop the content of the student’s IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or for a preschool student, to participate in appropriate activities).

The initial evaluation must be completed within **45 school days** of receiving parental consent for the evaluation.

LEGAL REQUIREMENTS FOR ADEQUATE EVALUATION

The initial evaluation must be conducted and eligibility determination completed **within forty-five (45) school days** of receiving parental consent for the evaluation. (This timeline does not apply to reevaluation. See page 15 for more information.)

In addition, the following are requirements for an adequate evaluation:

1. Written prior notice must be provided to the parent and written consent for testing must be obtained.
2. Tests and evaluation materials must not discriminate against the child based on race or culture.

- 3.** Test and evaluation materials must be given in the child's native language or way of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
- 4.** A variety of assessment tools and strategies must be used to gather relevant functional, developmental, and academic information about the student including information provided by the parent.
- 5.** No single procedure may be the only criteria. (More than one procedure must be used.)
- 6.** The child must be assessed in all areas related to suspected disability including if appropriate health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- 7.** Any change from standard evaluation conditions must be included in the evaluation report.
- 8.** Test and evaluation materials must measure more than just I.Q. The evaluation should clearly measure ability or achievement, not just show the child's impaired skills.
- 9.** School districts must use technically sound evaluation instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. This means the test or evaluation material and procedures must be valid and reliable. (A test is valid if it measures what it's supposed to measure. A test is reliable if the results are consistent and repeatable).
- 10.** Any standardized test must be given by trained and knowledgeable personnel according to the test instructions. The test must be valid for the specific purpose it is used.
- 11.** Assessments and other evaluation materials must include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- 12.** Assessments for students with impaired sensory, manual or speaking skills must be selected and administered so as to make sure that the assessment results accurately reflect the student's aptitude or achievement level (or whatever other factors the test says it measures). Make sure the test is not just showing the student's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test says it measures.
- 13.** Assessments of students who transfer from one LEA (school district or charter school) to another in the same school year are coordinated with the prior and new schools.
- 14.** The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not the needs are commonly linked to the disability category in which the student has been classified.
- 15.** Assessment tools and strategies must provide relevant information that directly assists persons in determining that the educational needs of the student are provided.
- 16.** If the student meets the eligibility criteria for special education, an IEP must be developed by the IEP team within 30 calendar days.

UNDERSTANDING THE EVALUATION

It's important to understand tests and other evaluations that were given to your child. Questions parents might ask include:

- What is this test measuring?
- What is 'average' or 'the norm' on this test?
- Where is my child in comparison to the norm? Overall? In the sub-tests?
- What can my child do and not do? What does that mean in terms of how my child learns and teaching my child?
- Did the evaluation assess all areas of educational needs?

Evaluation information is important because it helps you to understand your child's strengths and the concerns you have about your child. **Your child's goals and, as a result, the IEP services, will be based on the needs that are identified in the evaluation process.**

REEVALUATION

At least once every three years or more often if the parent or teacher requests or the conditions warrant, the IEP team (including the parent) must review existing data on the student and input from the student's parents and identify what additional data if any are needed to determine:

- If the child continues to have a disability, and the educational needs of the student
- The present levels of academic achievement and related developmental needs of the student
- Whether the student continues to need special education and related services
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student in order to help the student participate, as appropriate, in the general education curriculum. (300.303)

Parents must give informed consent prior to reevaluation. (§300.300)

The group that reviews the information must have the same make-up as an IEP team. This group includes the parents and may carry out the review without a formal meeting.

The team may decide that no additional data are needed to determine that the child continues to be a child with a disability. If this is the case, an assessment is not needed. The LEA must notify the student's parents of the determination and the reasons for the determination and the right of the parent *to request an assessment*.

There are additional rules regarding reevaluation in specific situations. These rules can be found in the *Utah Special Education Rules* available at www.schools.utah.gov

REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION

When You Disagree with the School District's Evaluation

The parents of a student with a disability have a right to obtain an independent educational evaluation of the student at public expense if they disagree with the school district's evaluation. The independent evaluation must be conducted by a qualified examiner who is not employed by the school district responsible for the education of the student. The LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

School districts must provide information about where an independent educational evaluation may be obtained and the LEA's requirements for independent evaluations.

The school district may begin a due process hearing to show that their evaluation was appropriate. If the final decision shows that the evaluation was appropriate, the parent still has the right to an independent educational evaluation but not at public expense.

When requesting an independent educational evaluation at the school district's expense, parents should:

- Make the request in writing to the principal with a copy to the school district or charter school's Director of Special Education.
- Keep a copy for their records.
- Include in the letter:
 - who the evaluation is for;
 - the reason for the evaluation;
 - the plan for obtaining the independent evaluation; and
 - the understanding that the evaluation is at public expense.

Independent Educational Evaluations Paid By the Parent

If a parent pays for an independent educational evaluation:

- The results must be considered in the evaluation process and in planning the IEP if the independent evaluation meets the standards of the school district.
- The independent educational evaluation may be presented by any party at a due process hearing.

Tips for Parents

When obtaining an independent evaluation, discuss your plans with the school. Ask for information about where to get an evaluation that meets the school district requirements. Remember that some types of evaluation information may not apply to eligibility determination.

The team must consider the results of outside evaluations, but how to use the information is a team decision.

Sample Letter Requesting an Independent Evaluation

Date:

Address of administrator and school

Dear _____:

My (son/daughter) who is currently attending (school, grade, teacher) was evaluated for special education services ___-___-___ (month, date, year). I am writing to inform you that I disagree with the evaluation results and would like to have my child re-evaluated. I am requesting an independent educational evaluation at public expense for the following reasons:

(Briefly list your reasons. Be very specific.)

My plan for obtaining the evaluation is

Please contact me so that we may work together and proceed without delay. My daytime phone number is....

Sincerely,

Your Name

cc: Director of Special Education

This is a sample. If you need to request an independent evaluation, this sample may help you get started. It should only be used as a guide and is not the "only way" to request the evaluation.

Tips for Parents When Requesting and Independent Evaluation:

- **Make your request in writing.**
- **Keep the letter brief and to the point.**
- **Be sure to keep a copy for your records.**

Section 4

Eligibility & Services



KEY POINTS

Eligibility

Categories

Special Education

Related Services

Assistive Technology

Supplementary Aids and Services

ELIGIBILITY

Who Is Eligible For Special Education?

Upon completion of the review of existing data and the initial evaluation, a group of qualified professionals and the parent determine the need for special education and related services. A student, age 3 through 21, may be eligible.

To qualify for special education services, a student must meet three criteria:

1. The student has one of the identified disability categories as outlined in the Utah Special Education Rules. (The requirements and methods for determination under each category are extensively defined in the Rules and vary from category to category.)
2. The disability must adversely affect the student's educational performance. (Remember that educational performance includes all of the school program and not just academics.)
3. The student requires special education and related services.

If the student doesn't meet the criteria, then the student is not eligible for special education.

If the student requires only accommodations, and not special education (specifically designed instruction), that student is not a student with a disability under IDEA. Such a student may be eligible for an accommodation plan under Section 504 of the Vocational Rehabilitation Act. Contact your school or the Utah Parent Center for more information. Additional information is also available on the website of the Utah State Office of Education at www.schools.utah.gov/equity/section504/default.html

Categories for Eligibility under IDEA 2004

According to IDEA 2004, a “child with a disability” is a child who has one or more of the disabilities listed below. The child must need special education and related services.

- Autism
- Deafblindness
- Emotional Disturbance
- Hearing Impairment /Deafness
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment (such as asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome, and some kinds of acquired brain injuries, etc.)
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment (Including Blindness)
- Developmental Delay (Ages 3-7 only)

School districts may choose to use the Developmentally Delayed category (which is used in Early Intervention age 0-3) for children ages 3-7 instead of another category if the child meets the eligibility criteria.

Significant changes were made in IDEA 2004 regarding the identification of students with specific learning disabilities. An LEA may use one of two methods or a combination of both for determining a student's eligibility.

1. A process based on the student response to scientific, research-based intervention. OR
2. Identification of a severe discrepancy between intellectual ability and achievement. OR
3. A combination of these.

Parents who have questions about how this process works should not hesitate to bring their questions to the school. More detailed information can be found on the Utah State Office of Education website at www.utah.schools.gov.

A child cannot be determined to have a disability based on lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency), lack of instruction in math, or limited English proficiency, if the child does not otherwise meet eligibility requirements.

- The school district or charter school must give parents a copy of the evaluation report and documentation of the eligibility determination.

For more information about the eligibility requirement for each category that qualifies a child for special education, see the Utah State *Special Education Rules*.

Parents are sometimes concerned about which disability category their child is served under, especially when the child may have several areas of disability. If this is a concern, keep in mind that the child's services will be individualized to meet the child's needs, and that all of the child's needs should be addressed. The services are not determined based upon the disability category.

WHAT IS SPECIAL EDUCATION?

Special education means specially designed instruction at no cost to parents, to meet the unique needs of the child with a disability including:

- Instruction in the classroom, home, hospital or institution, and in other settings;
- Instruction in physical education.

Decisions about eligibility are made by a team that includes the parents. Parental input is considered. If the child is determined not eligible, parents have the right to disagree and use any of the dispute resolution remedies.

The term, **special education**, includes the following if they meet the definition of special education:

- Speech - language pathology services and may include other related services
- Travel/training; and
- Applied technology education.

Specially designed instruction means adapting as appropriate to the needs of an eligible student, the content, methodology or delivery of instruction in order to:

1. Address the unique needs of the student that result from the student's disability.
2. Ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the LEA that applies to all students.

Special Education May Also Include Related Services

Related services means, "Transportation and such developmental, corrective, or other supportive services as are required to assist a child with a disability to benefit from special education."

The term, **related services**, includes:

- speech-language pathology and audiology
- transportation
- interpreting services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in students
- counseling services including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes
- health services and school nurse services
- social work services in schools
- parent counseling and training

For more information on the rules regarding cochlear implants, please refer to the *Utah Special Education Rules*.

Parent Counseling and Training is defined in the *Utah Special Education Rules* as assisting parents in understanding the special needs of their student by:

1. Providing parents with information about child development, and
2. Helping parents acquire the necessary skills that will allow them to support the implementation of their student's IEP.

For more information on parent counseling and training please visit our website at www.utahparentcenter.org or call us at (801) 272-1051.

Assistive Technology

Assistive technology device means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such a device.

An **assistive technology service** is any service that directly assists a child with selecting, acquiring, or using an assistive technology **device**. The term includes:

- Evaluating the needs of the student including a functional evaluation of the student in the student's customary environment
- Purchasing, leasing, or otherwise providing assistive technology devices
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices
- Coordination and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs
- Training or technical assistance for a student with a disability or, if appropriate, that student's family
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities

SUPPLEMENTARY AIDS AND SERVICES

Supplementary aids and services means aids, services and other supports provided in regular education classes or other education related settings to enable students with disabilities to be educated with children who do not have disabilities to the maximum extent appropriate.

While special education is free to the student, the student is still required to pay for school fees and expenses that typical students pay for.

Section 5

Developing the IEP



KEY POINTS

IEP Definition

IEP Purpose

WHAT IS AN IEP?

The IEP is your child's written individualized educational program that is developed, reviewed, and revised in a meeting.

The IEP:

1. Is used to guide the education of your child.
2. Provides the basis on which the IEP team will determine your child's educational placement.
3. Must be written **within 30 calendar days** of the time your child has been declared eligible for special education services.
4. Must be in effect at the beginning of each school year.
5. Is not a binding contract in that agencies or teachers cannot be held accountable if your child does not meet the projected goals. However, teachers and related service professionals are accountable for delivering the services as indicated on the IEP.
6. Must be written in a team meeting which includes the parents. Some team members will have participated in the evaluation and classification process.
7. Must be written prior to your child's placement and the initiation of service.
8. Is developed, reviewed, and revised in accordance with IDEA and the Utah State Special Education Rules.

WHAT IS THE PURPOSE OF THE IEP?

The law requires at least one team meeting resulting in a written IEP document. In the IEP meeting, parents and school personnel jointly make decisions about the educational program of a child with a disability based on the student's needs as determined by the evaluation. The IEP document is a written record of the decisions reached at the meeting.

The IEP process serves a number of functions and purposes:

1. The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide; first, what the child's needs are; second, what goals the child will work to meet, and third, what services will be provided to help the child reach the goals.
2. The IEP process provides an opportunity for resolving any differences between parents and school personnel concerning the special education needs of a child with a disability; first, through the IEP meeting, and second, if necessary, through the procedural protections that are available to the parents and the school.
3. The IEP sets forth in writing a commitment of resources necessary to enable a child with a disability to receive needed special education and related services.

4. The IEP is a management tool to help ensure that each child with a disability is provided special education and related services appropriate to the child's special learning needs.
5. The IEP is a compliance and monitoring document which may be used by authorized monitoring personnel from each governmental level to determine whether a child with a disability is actually receiving the free, appropriate public education (FAPE) agreed to by the parents and the school.
6. The IEP serves as an evaluation device for use in determining the extent of the child's progress toward meeting the projected outcomes.

Teachers and other school personnel are not held accountable if a child with a disability does not achieve the goals and objectives set forth in the IEP, but they are held accountable for providing the services outlined in the IEP.

PREPARING FOR THE IEP MEETING – TIPS FOR PARENTS

Preparing for the IEP meeting can help parents share better information with the team and participate more appropriately and confidently in the process. Parental participation is an important factor in determining the appropriate services for the child. It may help to think of the IEP as you would a business meeting. You would not go to a business meeting unprepared. Following are some suggestions for preparing for the IEP meeting.

1. Keep a file of all important information related to your child's educational record. Divide the file into sections such as: progress reports, educational testing, medical assessments, outside evaluations (such as psychological, physical therapy and speech language assessments), observations from teachers, personal observations, samples of your child's work, and current and past years' IEPs.
2. Review your child's school records and current IEP if there is one.
3. Gather information to share including medical or other assessments.
4. Ask for and review the school's evaluation data before the IEP meeting. Ask questions about anything you don't understand.
5. List what you see as your child's strengths and needs. Remember that identified needs from the evaluation, including your input, are the basis for the statements of present levels of achievement and functional performance (PLAFFP) upon which the annual goals are based.

Refer to sample profiles and instructions in the appendix to record your thoughts and observations about your child. Completing a profile can help you to develop your list of concerns and priorities and can be a written form for sharing information about your child.

6. Write down your priorities and long range goals for your child and share the information with others at the IEP meeting or –even better—exchange information prior to the IEP meeting so all team members can think about possible goals.
7. List services that you believe your child needs to attain the goals you have identified.

8. Based on what is needed to reach goals, list your concerns for enhancing the education of your child and other information you would like to share with the team related to such needs as:
- progress reports
 - discipline methods (positive behavioral supports - PBS) and a behavior intervention plan (BIP)
 - related services including transportation
 - type and frequency of communications with the school
 - assistive technology
 - accommodations or modifications
 - participation in assessments including alternate assessments
 - extended school year
 - graduation plans
 - transition services
 - supports and training for the parent and for the teacher
 - healthcare plan/medication administration

See Utah State Office of Education's parent booklet on writing health care plans for a sample health care plan. A copy may be requested from the Utah Parent Center. This information is also available at the Medical Home website, www.utahmedhomeportal.org

9. Clarify your thinking by discussing your preparation activity with other family members, friends or advocates who are part of your support system.

10. Make a list of the questions you would like answered.

Examples:

- I didn't understand the results of the evaluation. Would you please explain it to me in words I can understand?
- Could you tell me what the assessment showed about my child's reading skills?

11. Prepare 3 to 5 statements that you can use if you encounter any communication blocks and feel you are not being heard or you are being rushed or getting lost in what's being said.

Examples:

- The IEP meeting is running later than we scheduled and I am feeling rushed to make decisions. I would like to schedule another IEP meeting so I can review the IEP goals we have so far and think about the other proposed goals.
- I realize that at our last IEP meeting we had trouble communicating our ideas in a positive way. I would like to start this meeting with a 'clean slate'. I know we all want what is best for my child.

12. You may wish to share your ideas about your priorities for your child with the team ahead of time. You may also wish to ask the team to share some of their ideas in writing so you can be thinking about them. Sometimes the school will send you a draft of what they are thinking about for your consideration. Do not assume that the school is leaving you out of the process by writing down possible goals for the IEP. You can also share possible goals with the team ahead of time. This is an excellent practice and often helps everyone to be in a collaborative mode. It can also help save time at the meeting, and there are fewer surprises. Schools that used computerized IEP programs such as Goalview or IEP Pro may fill in the IEP form on the computer. The teacher may be willing to print it out and share it with you ahead of time. Even though it is filled out, it is still just a draft, and changes can be made in the IEP meeting when all of the team members discuss it.
13. Make sure the IEP meeting will be long enough to discuss everything that needs to be discussed. Be reasonable, but if the team runs out of time, you can request that another meeting be scheduled to complete the process.
14. If needed, ask for language translation and to receive the materials in your native language. Also ask for any accommodations that you need to participate such as interpreters or materials in a format that you can access.

The Utah Parent Center provides a workshop and written information on communication and conferencing skills. Call the UPC at 801.272.1051 or visit www.utahparentcenter.org for more information.

WHO ARE THE REQUIRED IEP TEAM MEMBERS?

IDEA is very specific about the required members of the IEP team. The IEP team membership shall include:

1. One or both parents, or a guardian or surrogate parent.
2. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student.
3. At least one regular education teacher of the child, if the child is or may be participating in the general curriculum.
4. The student during transition planning and for younger students, when appropriate.
5. A representative of the Local Education Agency (LEA) who is usually the school administrator or a representative. This person is qualified to provide or to supervise the provision of, special education and is knowledgeable about the general education curriculum. The LEA representative is also knowledgeable about the availability of resources of the LEA and is authorized to commit the necessary resources, including funding, to provide educational services for your child.
6. An individual who can interpret the instructional implications of the evaluation results. Sometimes this is someone who is already on the team such as a teacher.
7. At the discretion of the parent or the school, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The person who does the inviting decides who has expertise.

8. To the extent appropriate with the consent of the parents or a student who has reached age 18 or older, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. More information on this topic is included in the section of this booklet that covers transition.

The parent must receive a notice of meeting which indicates the purpose(s), time, and location of the meeting and who will be in attendance. It must also inform the parents of their right to bring other individuals who have knowledge or special expertise.

The determination of who has knowledge or special expertise is up to the person who is doing the inviting, so parents may invite whomever they think will be helpful. It is important to inform the team ahead of time about additional people that you are inviting.

IEP TEAM ATTENDANCE (§300.321)

Under some conditions it is permissible for a required IEP team member to be excused from an IEP meeting.

A member of the IEP team is not required to attend a particular IEP meeting, in whole or in part, if the parent of a student with a disability and the LEA agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services only if:

- The parent and the LEA both consent to the excusal in writing, and
- The member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

Determination of the need for a member of the IEP team to attend must be made on a meeting by meeting basis.

PARENT PARTICIPATION (§300.322)

The LEA must take steps to ensure that one or both of the parents of a student with a disability are present at each IEP meeting or are given the opportunity to participate, including;

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.
- Scheduling the meeting at a mutually agreed on time and place.

If neither parent can attend, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls. The parent of a student with a disability and an LEA may agree to use alternative means of meeting participation, such as video conferences and conference calls.

A meeting may be conducted without a parent in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA must keep a record of its attempts to arrange a mutually agreed on time and place.

The LEA must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

The parents of a student with a disability are expected to be **equal participants** along with school personnel in developing, reviewing and revising the IEP for their student. This is an active role in which parents:

- Provide critical information regarding the strengths of their student and express their concerns for enhancing the education of their student.
- Participate in the discussion of the student's need for special education and related services, and supplementary aids and services.
- Join with other participants in deciding how the student will be involved and progress in the general curriculum, participate in state and district wide assessments, and what services the LEA will provide to the student and in what setting.

The LEA must give the parent a copy of the student's IEP at no cost to the parent.

NOTICE OF MEETING (§300.322)

The notice of meeting required to be provided to parents must:

- Indicate the purpose, time, and location of the meeting and who will be in attendance.
- Inform the parents of the provision for participation of other individuals who have knowledge or special expertise about the student on the IEP team.
- For children entering pre-school, inform the parents that at their request the Part C service coordinator or other representatives of the Part C system may be invited to participate at the initial IEP team meeting for a student previously served under part C (Early Intervention, ages 0-3)

Additional Requirement for the Notice of a Transition IEP Meeting:

Beginning not later than the first IEP to be in effect when a student turns 16 (the IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP team, the notice must also:

- Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student
- Indicate that the agency will invite the student.
- Identify any other agency that will be invited, with the consent of the parents or student age 18 or older, to send a representative

When conducting IEP team meetings and placement meetings and carrying out administrative matters, the parent of a student with a disability and an LEA may agree to use alternative means of meeting participation such as video conferences and conference calls.

The Utah Parent Center has a specialty workshop on transition planning to help families plan for student's adult lives. A copy of "From 'NO' Where...to 'Know' Where, A Parent Handbook for the Transition to Adult Services" may be obtained by contacting the Center at 801.272.1051 or www.utahparentcenter.org

Participation in the IEP Meeting – Tips For Parents

- Remind yourself to use good communication skills throughout the meeting. You want to set up a partnership, enabling you and the other team members to work together.
- Introduce yourself if no one else does. Ask others to introduce themselves.
- Introduce anyone you bring with you. It is polite and a good practice to let the school know in advance who you will be bringing to the meeting.
- The local school district representative or local educational agency representative (LEA) must attend the meeting. Ask who the LEA representative is. The LEA representative is authorized to commit resources for your child's program. Consider rescheduling or delaying the IEP meeting if the LEA representative is unable to attend.
- If this is an initial IEP meeting, find out who the team member is that is familiar with the diagnosis and evaluation procedures so you can direct questions appropriately.
- Bring enough copies of your child's profile and other information you have prepared for all team members. (See Child Profiles at the back of this booklet)
- Make sure that the concerns about your child as well as the child's strengths are listed on the IEP. Help to make sure that the concerns of other team members are put on the table as well.
- Have your goals clearly in mind so you can see how well they fit with the goals proposed by the rest of the team. Make sure that goals are written to address the high priority concerns and needs.
- Be prepared to negotiate. See if there are alternative ways to meet goals.
- Share your concerns and information as the discussion progresses. Clarify any information or statements that are unclear to you.
- Remember the IEP process is a logical process. If the team is not addressing some of the child's educational needs by providing appropriate services, you may need to go back and make sure the team recognizes the child's educational needs that require the services.
- The IEP is not etched in stone; it can be changed as needed.
- IEP meetings are initiated and conducted at the discretion of the public agency. However, parents may request an IEP meeting if there are concerns or problems with the IEP or if the child is not making satisfactory progress. The school district should grant any reasonable request for a meeting.

Staffs in some school districts have been trained in interest based negotiation. Interest based negotiation is a WIN-WIN process that helps groups to work together to address the interests or needs of all parties who are involved. The Utah Parent Center teaches a workshop called Negotiation and Advocacy Skills which gives instruction and practice in using interest based negotiation. Contact the Center for more information about upcoming workshops on this topic at 801.272.1051 or at www.utahparentcenter.org

What Must Be On The IEP?

IDEA requires a number of items that must be included in every IEP. In addition, there are a number of items that must be considered, and if they are needed, they must also be included in the IEP.

The basic required components of the IEP are:

- 1. A statement of the student’s present levels of academic achievement and functional performance (PLAAFP) including:**
 - How the student’s disability affects **the student’s involvement and progress in the general education curriculum** (the same curriculum as for non-disabled students)
 - The statement should clearly describe performance in academic areas (reading, math, communication, etc) as well as nonacademic areas (activities of daily living, mobility, etc.).—or in other words, “What can the child do?”
 - For preschool age children, how the disability affects participation in appropriate activities. “Appropriate activities” refers to what typically developing children of the same age would be performing or would have achieved.
- 2. A statement of measurable annual goals, including academic and functional goals designed to:**
 - Meet the student’s needs that result from the student’s disability to enable the student to be involved in and make progress in the general education curriculum, and
 - Meet each of the student’s other educational needs that result from the student’s disability.
- 3. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.**
- 4. A description of:**
 - How the student’s progress toward meeting the annual goals will be measured
 - When periodic reports to the parents on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided
- 5. A statement of the Special Education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:**
 - To advance appropriately toward attaining the annual goals
 - To be involved in and make progress in the general curriculum, and to participate in extracurricular and other nonacademic activities
 - To be educated and participate with other students with disabilities and non-disabled students in the activities described

(See a partial list of related services in Section 4 of this booklet.)

The Core Curriculum represents those standards of learning that are essential for all students. They are ideas, concepts, and skills that provide a foundation on which subsequent learning may be built. The Utah State Office of Education sets the standards which must be completed by all students K-12 as a requisite to graduate from Utah’s secondary schools.

6. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular education environment and in the activities described

7. A statement of:

- Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district wide assessments and
- If the IEP team determines that the student must take an alternate assessment instead of a particular regular state or district wide assessment of student achievement, a statement of why the student cannot participate in the regular assessment and the particular alternate assessment selected is appropriate for the student.

8. The projected date for the beginning of the services and modifications, and the anticipated frequency, location and duration of those services and modifications.

9. A statement of school to post-school transition services.

- Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include:
- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training or education, employment, and where appropriate, independent living skills
- The transition services (including courses of study) needed to assist the student in reaching those goals.

10. Transfer of rights at the age of majority. Beginning not later than one year before the student reaches the age of majority (age 18 in Utah) the IEP must include a statement that the student has been informed of the student's rights that will transfer to the student on reaching the age of majority.

More information about transition is available in this handbook on page 55. The Utah Parent Center's *From 'NO' Where to 'KNOW' Where – Transition to Adult Services A Parent Handbook* also has additional information on guardianship and other related topics.

ASSESSMENT

Students in special education should receive **appropriate accommodations on assessments**. In order for a student to qualify to have accommodations on assessments, the student must use the same accommodations on daily class work. These accommodations should be written into the IEP. In order to use accommodations successfully, the student should practice them on a daily basis.

Utah's Alternate Assessment (UAA) measures individual progress on IEP goals and objectives for students with significant cognitive disabilities who are not able to participate in other statewide assessments even with accommodations. Only a very small percentage of students qualify for the UAA. This should be an IEP team decision. Students who participate in the UAA are the only students who must have short term objectives and benchmarks to measure progress toward their measurable annual goals. To read Utah's technical assistance guide on alternate assessments, *Utah's Alternate Assessment Administration Manual and Assessment Tasks*, available on the Utah State Office of Education website at www.schools.utah.gov/sars/servicesinfo/pdfs/uaamanual.pdf

For more information on assessment of students with disabilities, see the *Utah Performance Assessment System for Students, Assessment Participation and Accommodations Policy*. This is a guide that is provided by the Utah State Office of Education to help school personnel make decisions about using accommodations on various assessments, and it outlines the state policies regarding assessment of students with disabilities. It may be accessed on the Utah State Office of Education website at www.schools.utah.gov, then choose the "Assessment" tab, and then choose "Special Needs".

PHYSICAL EDUCATION (300.108)

Physical education (PE) services (sometimes called adaptive PE), specially designed if necessary, must be made available to every student with a disability unless the school does not provide PE to students without disabilities in the same grades. A student with a disability must be afforded the opportunity to participate in the regular PE program unless the student is enrolled full time in a separate facility or the student needs specially designed PE as prescribed in the student's IEP.

ASSISTIVE TECHNOLOGY (300.105)

Assistive technology devices or services, or both, must be made available if required as part of the student's special education, related services, or supplementary aids and services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP team determines that the student needs access to those devices in order to receive FAPE.

EXTENDED SCHOOL YEAR SERVICES (ESY) (300.105)

Extended school year services means special education and related services that are provided to a student with a disability beyond the normal school year in accordance with the student's IEP and at no cost to the parents. ESY services must be provided only if a student's IEP team determines on an individual basis that the services are necessary.

ESY services are necessary when the data show a child will regress during the break and are provided for the purpose of keeping the child from regressing, but ESY services are not required to develop new skills.

POSITIVE BEHAVIORAL SUPPORTS

The *Utah Guidelines for the Selection of Least Restrictive Behavior Interventions* (LRBI) is a resource to help IEP teams develop appropriate behavior intervention plans (BIP). Parents are to be involved in the consideration and selection of research based positive behavior interventions through the IEP process. Please see page 47 for a more complete discussion of discipline procedures and the use of positive behavioral supports. The LRBI Guidelines are posted on the Utah State Office of Education website.

SPECIAL CONSIDERATIONS IN THE IEP

In developing the IEP, the IEP team must consider:

- The strengths of the student
- The concerns of the parents for enhancing the education of their student
- The results of the initial or most recent evaluation of the student
- The academic, developmental and functional needs of the child

When reviewing or revising the IEP, the team must consider:

- For a student whose behavior impedes (interferes with) the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior. When making decisions on behavioral interventions the IEP team must follow the Least Restrictive Behavioral Interventions guidelines. The IEP team should refer to the USOE Social and Emotional Behavior Needs Technical Assistance Manual for information on research based intervention procedures.
- For a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP.
- For a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student.
- The communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode
- Whether the student needs assistive technology devices and services. Assistive technology services may be provided as special education, related services, or as supplementary aids and services for students with disabilities to be educated in the regular classroom.

If in considering the special factors described above, the IEP team determines that a student needs a particular device or service for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, **the IEP team must include a statement to that effect in the student's IEP.**

Some of the considerations in the IEP may be embedded in a section of the IEP as a checkbox. Checking off the special considerations is a team decision. If you have a question about one of these considerations, be sure to bring it up at the IEP meeting.

Participation of the regular education teacher relating to special considerations: A regular education teacher of a student with a disability, as a member of the IEP team, must to the extent appropriate, participate in the development of the IEP including the determination of:

- Positive behavioral interventions and supports and other strategies
- Supplementary aids and services, program modifications, and support for school personnel consistent with the IEP

CHANGES TO THE IEP

In making changes to the IEP after the annual IEP meeting, the parent and the LEA may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the IEP.

Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated.

If changes are made to the IEP through the amendment process, the LEA must ensure that the student's IEP team is informed of those changes.

REVIEW AND REVISION OF THE IEP (300.324)

The IEP team must review the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved.

The revision must address:

- Any lack of expected progress toward the annual goals in the IEP and in the general education curriculum if appropriate
- The results of any reevaluation
- Information about the student provided to or by the parents
- The student's anticipated needs
- Other matters

More information about the basic components of the IEP can be found on page 30.

If the student is or may be participating in the general education curriculum, a regular education teacher of the student must participate.

If a participating agency fails to provide the transition services described in the IEP, the team must reconvene to identify alternative strategies to meet the transition objectives.

If parents disagree with any of the decisions made by the IEP team, all of the parental rights to dispute resolution remedies apply. These rights are explained in the Procedural Safeguards Notice. Additional information on problem solving can be found section 14 of this booklet.

ADDITIONAL INFORMATION ON SELECTED TOPICS RELATED TO IEP SERVICES:

More Facts about Assistive Technology

Assistive technology needs must be considered along with the student's other education needs.

- Needs for technology must be identified on an individual basis.
- Parents can to be involved in identifying technology needs.
- The team may address the need for training or technical assistance for a student with disabilities, or if appropriate, the student's family.
- Parents or IEP team members can ask for an additional evaluation or an independent evaluation to determine assistive technology needs.



- When an evaluation is being conducted, consider:
 - mobility
 - fine-motor skills
 - communication
 - alternatives to traditional learning approaches

Assistive technology must be included in the special education program when it is necessary:

- to support placement in the least restrictive environment;
- to ensure that a student benefits from his or her education; or
- To implement the goals in the student's IEP.
- Lack of availability of equipment or cost alone cannot be used as an excuse for denying assistive technology service.
- If included in the IEP, assistive technology services and devices must be provided at no cost to the family.
- On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP team determines that the student needs access to those devices in order to receive FAPE.
- Parents' basic IEP due process rights apply when assistive technology is being considered.

**Information adapted from, 'Facts About Assistive Technology and the IEP. [Workshop], (1996). Parents Lets- Unite For Kids (PLUK), TAPP Focus Center on Assistive Technology.*

EXTENDED SCHOOL YEAR (ESY): INFORMATION PARENTS CAN PROVIDE TO ASSIST THE IEP TEAM WITH THE DECISION MAKING PROCESS

In considering the need for ESY for your student, the team will consider whether the progress your child makes during the regular school year will be significantly jeopardized if he or she is not provided an education program beyond the normal school year of the school district. You can assist the IEP team in its decision making process by providing information regarding your child's ability to maintain skills during extended recesses from school.

- How well did your child maintain skills last summer or during extended school breaks?
- Did your child have a structured program last summer or during extended school breaks?
- Was it continuous?
- How many hours per day?
- Was your child able to maintain skills through the summer program or extended school breaks?
- What impact do weekends and holidays have on your child?
- What level of structure must you provide in order for your child to maintain skills?
- How long does it usually take your child to regain the skills he has lost after an extended break?
- What skills has your child learned this year that you consider critical?
- Is your child in the midst of a critical learning period?
- In your opinion, what will result if your child does not receive services over the summer or extended school break?

ESY is not necessarily held in the same location as your child receives services during the regular school year, and is usually a shorter amount of time per day and per week. The purpose of ESY is to maintain skills so that the gains made during the regular school period will not be lost. The extent of the ESY program should be individualized according to the needs of your child.

NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS) (300.34)

The National Instructional Materials Accessibility Standard (NIMAS) which is part of IDEA requires the availability and timely delivery of print instructional materials in accessible formats to students who are blind or other students with print disabilities. Qualifying students should receive their materials at the same time as other students.

The Utah State Instructional Materials Access Center (USIMAC) has been established to aid the schools in meeting the requirements. The USIMAC offers access to the general curriculum by making available instructional materials in alternate formats.

The IEP team should consider what materials a student needs. School personnel may contact the USIMAC for information or to obtain needed materials. Planning and making requests well ahead of time is important in order to receive the materials when they are needed. For more information, visit www.usimac.org.

If a student does not qualify as having a print disability under NIMAS but the IEP team determines that the student needs materials in accessible formats to access the general curriculum, then it is the responsibility of the LEA to obtain the materials in a timely manner.

TIP: Some students with learning disabilities may qualify for NIMAS, but others will not. The NIMAS standard is resulting in the increased availability of accessible materials. The IEP team should address the student's needs for materials on an individual basis.

Section 6

Educational Goal Setting

KEY POINTS

Goal Setting

Steps to Goals Setting

Short Term Objectives

Annual Goals

Accommodations and Modifications

Examples of Goals



WHAT IS A GOAL?

A measurable annual goal is a statement of what the IEP team agrees is appropriate for a child to try to accomplish during the year in a given area where the child has needs. Goals can be written to measure progress in both academic and functional performance. You as a parent play a very important part in determining what the goals are. Your priorities should be considered by the team.

WHY IS EDUCATIONAL GOAL SETTING IMPORTANT?

Writing measurable annual goals (and short-term objectives or benchmarks for students who take alternate assessments) is a major part of the IEP process. Annual goals are concerned with meeting the needs of a child who requires special education and related services. The goals are directed towards:

1. Closing the gap between the child's indicated ability and present level of academic achievement and functional performance.
2. Helping the child to increase in ability.

Annual goals (and short-term objectives or benchmarks) represent how efforts will be directed to address the student's needs as listed on the IEP. They focus on reducing the problems which result from the student's disability and interfere with learning or educational performance.

KINDS OF EDUCATIONAL GOALS

Most educational goals fall into one or more of the following areas: [See Profiles in Appendix]

- Academic - reading, written language, spelling, math, science
- Self-Help – eating, dressing, shopping, traveling, safety, budgeting
- Motor Skills - riding a bike, jumping, handwriting, buttoning and zipping
- Social/Emotional Skills - sharing, making friends, trying new things, smiling, responding to teasing
- Vocational/Pre-vocational Skills - following directions, completing jobs, using tools, making change, appropriate social skills in a job setting
- Behavioral – dealing with aggression, staying on task, following instructions, appropriate classroom conduct, dealing appropriately with emotions
- Speech/Communication - learning sign language, speech pronunciation, and verbal memory.

Evaluation data is used to determine the areas of need. Appropriate goals and services on the IEP should lead to an appropriate placement. After writing the goals and deciding on the needed services, the team should ask, *'Where can the student best receive these services in the least restrictive setting?'*

STEPS TO GOAL SETTING

Content: A measurable annual goal is made up of:

1. The Present Level of Academic Achievement and Functional Performance (PLAAFP), and
2. The annual goal.

The goal should relate directly to an area of need the student has. The area of need is described in measurable terms in the PLAAFP.

For students who take alternate assessments, the goal must also include benchmarks or short term objective (STOs) which are smaller steps to help the student reach the goal. The following information shows the steps in educational goal setting.

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP)

Present levels of academic achievement and functional performance (PLAAFP) are based on the evaluation data and should be **specific** as to **how** the disability of the student affects academic and functional progress. The PLAAFP should answer these questions:

- What can the child do?
- How does the child's disability affect participation and progress in the general curriculum (core curriculum) (or appropriate activities for preschool age children)?

In order for the PLAAFP to serve as a starting place, it must be measurable, so that the progress of the student can be measured.

SHORT-TERM OBJECTIVES (STO) OR BENCHMARKS

Short-term objectives (STO) or benchmarks are only required for students who take alternate assessments. They can, however, be used any time a team chooses to use them. They are steps to help the student move from a present level of academic achievement and functional performance (PLAAFP) to complete an annual goal.

Short-term objectives and benchmarks are helpful because they:

- Describe what the student is expected to learn in a particular area within a specified time.
- Determine the amount of progress the student is making toward meeting the goal.

MEASURABLE ANNUAL GOALS

Measurable annual goals describe a skill or behavior the IEP team would like the student to learn or improve. The goals must be measurable and describe what a student can reasonably be expected to learn within 12 months (see examples on pages 39-41 and on pages 58-59).

Measurable Postsecondary Goals

Transition IEPs are also required to have measurable postsecondary goals. See Section 9 of this booklet for detailed information on writing measurable postsecondary goals. They are often written in the student's own words.



Deciding What to Include In the Goal

You may wish to ask yourself some of the following questions as you prepare to write goals for your child:

- What can my child do and not do now? What is the current level of skill or knowledge? (This will be stated in the PLAAFP which is the first part of the goal.)
- How is this need of my child related to the child's disability?
- What do I want my child to know or be able to do at the end of this year? Is this a reasonable expectation?
- Why can't my child do this now? What is it about the disability that interferes with achieving the goal? What needs to be addressed?
- What would be the starting point for my child?
- Is the goal something that can be measured? How will we know when the goal has been completed? Is what we are looking for observable and measurable?
- Do we need intermediate steps such as short term objectives or benchmarks to achieve the goal? (For the students who take alternate assessments, these are required.)
- If we are using short term objectives or benchmarks, how can they be measured? Are they clear, observable steps that will advance the student from the PLAAFP to the measurable annual goal?

School personnel should know how to write appropriate measurable annual goals. It is not necessarily the responsibility of the parents. However, having a good understanding of how the process works and what makes a good goal can help parents to be more knowledgeable participants in the process and to monitor the student's progress. Parents have every right to expect that the child's goals will match the child's needs and be calculated to help the child be successful.

Examples: Goal Writing

Think about what makes a goal measurable as you review the following examples. Simply adding a number or percentage does not guarantee that the goal is measurable unless the number relates to something you can actually quantify and measure.

Examples of Goals That Are Not Measurable

- Jocelyn will stay on task with 90% accuracy.
- Brandon will have a better attitude toward school 80% of the time.
- Skyler will be 75% successful in the general education classroom.

Rewriting Goals That Are Not Measurable

Example # 1

Vague/Not Measurable

- PLAAFP..... Kylie is at least two years behind her class in reading, and she has difficulty with writing.
- ANNUAL GOAL..... Kylie will Increase her reading skills by one year.

Improved/Measurable

- PLAAFP..... Kylie’s reading decoding skills are on a 4th grade level and she is in 7th grade.. Her comprehension skills are on a 5th grade level. Her listening comprehension skills are on an 8th grade level..
- MEASURABLE ANNUAL GOAL..... Kylie will increase her reading decoding skills to the 6th grade level. She will comprehend written materials at the 6th grade level with 80% accuracy.

Example # 2

Vague/Not Measurable

- PLAAFP.....Joshua has poor study and organizational skills 50% of the time
- ANNUAL GOAL.....Joshua will demonstrate good study and organizational skills 80% of the time

Improved/Measurable

- PLAAFP.....During September Joshua correctly wrote down his daily homework assignment in his assignment book only 25% of the time as measured by teacher records.
- MEASURABLE ANNUAL GOAL.....Joshua will correctly write down his daily homework assignments in his assignment book 95% of the time as measured by teacher records by June 5.

Measurable Annual Goals

Example # 1

- PLAAFP.....Anita averages 10 unexcused absences/tardies per month.
- MEASURABLE ANNUAL GOAL.....By June 1, Anita will average less than 1-2 unexcused absences/tardies per month.

Example #2

- PLAAFP.....Jill orally reads 6th grade material at a rate of 50 - 75 words per minute and correctly answers 30-40% of factual comprehension questions asked orally.
- MEASURABLE ANNUAL GOAL.....By June 15 Jill will orally read 7th grade material at 75 - 100 words per minute with 0 - 2 errors and correctly answer 90 - 100% of factual questions asked over the material.

Example #3

- PLAAFP.....Jeremy submits fewer than 50% his homework assignments. He frequently loses assignments and notes and comes to class without necessary materials.
- MEASURABLE ANNUAL GOAL.....By the end of the year he will submit assigned homework on time 95% of the time. He will bring notes and necessary materials to class 95% of the time.

EXAMPLES OF MEASURABLE ANNUAL GOALS WITH SHORT TERM OBJECTIVES

The following are examples of measurable annual goals with short term objectives beginning with the **Present Levels of Academic Achievement and Functional Performance (PLAAFP) followed by the Measurable Annual Goal.** Including dates in the objectives serves as a monitoring device for the school and the parents. Short term objectives or benchmarks are required for students who take alternate assessments.

Example #1

- PLAAFP.....Tyler engages in turn taking activities using gestures and facial expressions for two minutes with 5-6 prompts.
- MEASURABLE ANNUAL GOAL.....Tyler will independently engage in turn taking activities with a conversation partner using gestures, facial expressions, picture communication symbols, vocalization, & AAC devices for 5 minutes with fewer than 5 prompts.
 - STO # 1..... Upon receiving a full physical prompt he will engage in turn taking for 5 minutes with fewer than 5 prompts by 10/30
 - STO # 2.....With partial physical assistance, he will engage in turn taking for 5 minutes with fewer than 5 prompts by 12/20
 - STO # 3.....With a verbal cue he will engage in turn taking for 5 minutes with fewer than 5 prompts by 2/31
 - STO # 4.....With a non-verbal cue he will engage in turn taking for 5 minutes with fewer than 5 prompts by 3/31

Example #2

- PLAAFP..... Shelby recognizes 5 community signs with 90% Accuracy
 - STO #1 Given 2 choices, she will point to the correct community sign with 90% accuracy 3 out of 4 times by 11/1/08
 - STO # 2..... When given the name with a picture of the sign, she will correctly repeat the name with 90% accuracy 3 out of 4 times by 2/1/08
 - STO #3..... When 20 flash card of community signs are randomly shown, she will correctly name the sign with 90% accuracy 3 out of 4 times by 4/1/08
- MEASURABLE ANNUAL GOAL..... When 40 flash cards of community signs are randomly shown, she will correctly name the sign with 90% accuracy 3 out of 4 times by 6/1/08

*Community Signs example developed by Randy Shelble,
Director of Special Education, Salt Lake School District, used with permission*

How Many Goals Should My Child Have?

If an IEP has too many goals, it can be confusing or frustrating for everyone. It is important to have realistic expectations about how many things the student can work on. Try to keep the number of goals manageable. Often it is enough to set one goal for each major area of concern. For example, you could have a goal for math calculation, reading comprehension, basic reading skills, behavior, and adaptive PE.

The school is required to use assessments that measure progress in the core curriculum, or the curriculum that is required by the state for all students. IDEA also emphasizes that children with disabilities should have access to the general curriculum. Often, it is possible to choose goals in the areas of the core curriculum (general curriculum) that your child will be studying. Even if your child will not be able to work at the level of typical students, you as a parent may still wish to encourage aligning your child's goals with the core curriculum. This will help your child to have access to the core curriculum, and over time to make progress in it. However, the priority should always be on the things your child needs most.

ACCOMMODATIONS AND MODIFICATIONS

Regular Education Program and the IEP

The need for accommodations and modifications in the regular education program should be addressed in the educational goal setting process and they **may be included in the IEP**.

Accommodations and modifications pertain to instruction in the general curriculum as well as to state and district assessments. **In order for a student to be able to use accommodations in state and district assessments, the accommodations must be written in the IEP and used in the classroom on a regular basis.**

More information on accommodations in state and district assessments can be found in the *Utah Performance Assessment System for Students – Assessment Participation and Accommodations Policy*. This information is available from the Utah State Office of Education and on their website, www.utah.schools.gov

Accommodations are the changes in the how—the way things are usually done in school/class/assessment, in order to provide the student an equal opportunity to participate. The changes do not fundamentally or substantially alter or lower the school, district or state standards. The student is learning the same material (general curriculum) as other students.

Examples of Accommodations

- Break assignments into segments of shorter tasks. Give frequent reminders.
- Increase amount of time to complete assignments.
- Give tests orally. Increase time for test completion.
- Give the student a copy of the class notes. Use graphic organizers for note taking.
- Seat the student in an area free from distractions. Use mics and speakers in the class.
- Provided texts in an alternate format such as Braille or audio.

Modifications

Modifications fundamentally or substantially alter or lower the standards or requirements. They change what the child is learning. Modifications could include adapted programming, content or instruction.

Examples of Modifications

- Reduce and simplify materials, assignments, homework, school projects, or tests.
- Grade on Pass/Fail option if grade falls below a “C” grade. Grade on corrected work.
- No homework or reduced homework requirement for a subject.
- Change the class behavior expectations for the student (based on the disability and Behavioral Intervention Plan.)

Parents should carefully examine school policies to determine whether modifications need to be made to accommodate the unique needs of their child.

More examples of accommodations and modifications are available from the Utah State Office of Education website, www.schools.utah.gov or by contacting the Utah Parent Center at 801.272.1051 or www.utahparentcenter.org

Section 7

Student Participation in the IEP

KEY POINTS

Preparing the Student

Student Inventory

Tips for Student Participation



HELPING STUDENTS PARTICIPATE IN THE IEP MEETING

Students who have not participated in their IEP meetings often view the IEP process with fear or mistrust. They may not see how the goals relate to their needs. Students who participate in the IEP process are generally more committed to working on the IEP goals.

STEPS IN PREPARING A STUDENT TO PARTICIPATE APPROPRIATELY IN THE IEP PROCESS

1. Explain what the process is and obtain a commitment from the student to participate.
2. Describe an IEP meeting, demonstrate how to participate, and role play with the student.
3. Help the student do a self-inventory and plan for the conference similar to the way parents and teachers do. The student could fill out a simple form.

Have the student list:

- Learning strengths (list as many as possible)
- Learning weaknesses (If there are a lot, help him/her prioritize and list the most important ones)
- List goals and interests
 - school
 - non-school
 - long-range plans
- Learning instructional preferences
 - How do I learn best? (listening, reading, or doing)
 - What kind of group is best for me? (large, small)
 - What kinds of tests are best for me? (oral, written, un-timed)
 - What kinds of study materials are best for me? (written, taped)
 - What kinds of aids help me? (tape recorder, computer, calculator, friend taking notes for me, "buddy")

As part of the inventory for a secondary student, you could use a chart (sample follows) listing goals she is willing to work on in each class or deficit area.

SAMPLE OF STUDENT INVENTORY

Class	Skills Needed For This Class	Skills I Need To Improve
English	<ul style="list-style-type: none"> • Writing sentences • Being prepared 	<ul style="list-style-type: none"> • Using commas correctly • Being prepared
Study Skills	<ul style="list-style-type: none"> • Skimming 	<ul style="list-style-type: none"> • Outlining
Social Skills	<ul style="list-style-type: none"> • Accepting criticism appropriately 	<ul style="list-style-type: none"> • Accepting criticism appropriately

Preparation:

1. Teach the student how to share his information from the inventory appropriately. Teaching the SHARE process is one method of helping students who need this skill.

The SHARE process:

- S** - Sit up straight
- H** - Have a positive attitude
- A** - Active listening
- R** - Relax
- E** - Eye contact

2. Have the student practice sharing the material. (If this is done in a classroom situation, the students could do this as a group first and give each other feedback).
3. Obtain a commitment from the teacher and others attending the IEP to help the student participate actively. Some suggestions for encouraging student participation are to:
 - Establish the purpose and goals of the meeting.
 - Ask the student relevant questions, such as:
 - What would you identify as your strengths and weaknesses?
 - What skills do you want to improve?
 - What are your goals for school?
 - What are your career or vocational interests?
 - What ways do you learn best?
 - What types of tests are best for you?
 - Listen and attentively take notes.

- Give the student plenty of time to think and respond. This is crucial.
 - Use the information he provides.
 - Encourage questions and discussion.
 - Summarize the student's goals and plans.
 - Keep eye contact with the student. (Teachers usually tend to look at and talk to the parent which is discouraging to the student.)
4. Follow up with the student after the IEP. Help the student evaluate his/her participation.
- List at least three things the student did well.
 - List one or two things the student needs to improve.

These techniques can be used either in a classroom situation or with an individual student. Research shows that when a student participates in his or her IEP, he or she likes it and feels it is important. The student will bring up most of the real concerns, and you can add the rest. The student is usually quite accurate. In addition, the teacher gains insight into how the student thinks about his or her studies. Parents also learn about their students as they self-advocate.

An added benefit of a student participating in the IEP is the building of self-esteem and commitment because the student feels like a partner in the process.

This material is based on notes from a lecture by Candace S. Bos and is used with permission.

STUDENT PARTICIPATION IN THE IEP MEETING - TIPS

- Consider when and how to appropriately involve your child in the IEP process. Help the child develop confidence and become comfortable talking about his or her disability and needs. Teach your child to identify what is helpful, including accommodations. Involving the student at a young age can help him or her learn self-advocacy as well as goal setting and planning skills.
- Consider having non-verbal students participate in the IEP meeting by providing written information about themselves, their needs and goals. For example, some nonverbal students have successfully led their own IEP meetings by creating and using a Power Point presentation. This activity could be included as an IEP goal to teach self advocacy.

Section 8

Discipline and Behavior

KEY POINTS

Discipline & IDEA

Change of Placement

Suspension

Manifestation Determination

Functional Behavioral Assessment

Behavioral Intervention Plan

Children Not Eligible Under IDEA



DISCIPLINE AND THE IDEA STUDENT

IDEA outlines discipline provisions for students served in special education. If behavior challenges have been addressed through the IEP, things may be easier to resolve in the event of the student breaking school rules or not following the school code of conduct. IDEA protects the student from losing the right to FAPE because of behavior. If a student has behavior problems, IDEA outlines procedures that can be used to address the student's needs through special education services. The purpose of addressing behavior in the IEP and providing positive behavioral supports is to teach the student skills for behaving appropriately and to prevent problems from occurring. If behavior challenges have been addressed through the IEP, some of the structure necessary to address violations of school rules is already in place.

'Zero Tolerance Policies' have been established by many school districts to develop consequences for behaviors that will not be tolerated under any circumstance. Certainly most people would agree that behaviors such as sexual misconduct or physical assault should not be tolerated. However if a child with a disability violates such a policy, schools cannot simply apply a universal consequence if the consequence violates IDEA, or if it is not appropriate to the needs of the child. If the standard consequence is not appropriate to the needs of a child, or if it is a violation of IDEA, the IEP team should meet to determine an appropriate response, which might include increased special education instruction, interventions targeted to increasing skills or additional evaluation. Parents of children with disabilities must be diligent in any behavioral needs their child may have, so that the IEP team can plan proactively to address those needs.

Positive Interventions: Parents Need to Know. (May 1999) Reprinted with permission from PACER Center

The following are the discipline provisions from IDEA. Understanding these provisions can help parents to be proactive in the IEP process. Parents may want to contact the Utah Parent Center for help in understanding the requirements if a child is facing disciplinary actions in school.

Discipline: Protection under IDEA 2004

A student who qualifies for special education has protection under the discipline provisions of IDEA.

- A student who faces suspension or expulsion from school, even long-term, must receive a free, appropriate, public education (FAPE) for removals longer than 10 school days in a school year. This means a student with disabilities may be suspended or expelled. However, appropriate educational services must still be provided.
- These services must allow for a child to appropriately progress in the general curriculum and progress toward achieving IEP goals. The student must receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

Change Of Placement

Removals beyond 10 cumulative days in school constitute a “change in placement” and trigger specific procedures required by IDEA 2004. The IEP team (which includes the parent) determines the extent of the services.

A change in placement occurs if:

- the removal is for more than 10 consecutive school days, or
- the student is subjected to a series of removals that constitute a pattern because the series of removals total more than 10 school days in a school year; because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

Unique Circumstances

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the other requirements of the law is appropriate for a student with a disability who violates a **code of student conduct**. This means that schools do not have to automatically apply all the school or district discipline procedures in cases where it does not make sense based on the student’s understanding or other factors.

SUSPENSION AND NO CHANGE OF PLACEMENT

School personnel may remove a student 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 students without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

Services Must Be Provided

After a student 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 LEA must provide services to the extent required.

- A student with a disability who is removed from the student's current placement must continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
- The student must also receive, as appropriate, a **functional behavioral assessment, and behavioral intervention services and modifications** that are designed to address the behavior violation so that it does not recur.
- The services may be provided in an interim alternative setting.
- If the removal is a change of placement, the IEP team determines appropriate services to be provided during the removal.

SUSPENSION AND CHANGE OF PLACEMENT

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 student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except after the 10th day of removal that constitutes a change in placement, the LEA must provide services to the student.

Manifestation Determination Requirement

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

- If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
- If the conduct in question was the direct result of the LEA's failure to implement the IEP.

The conduct must be determined to be a manifestation of the student's disability if the LEA, the parent, and the relevant members of the student's IEP team determine that the misconduct was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP.

If the LEA, the parent, and relevant members of the IEP team determine that the misconduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

If the LEA, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP team must either:

- Conduct a **Functional Behavioral Assessment (FBA)** unless the LEA had conducted a FBA before the behavior that resulted in the change in placement occurred, and
- Implement a **Behavioral Intervention Plan (BIP)** or

If a BIP already has been developed, review the BIP and modify it as necessary to address the behavior, and unless the misconduct falls under the definition of “Special Circumstances”, return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the BIP.

SPECIAL CIRCUMSTANCES

Interim Alternative Educational Setting (IAES)

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 student’s disability, if the student at school or on school premises at a school function:

- Carries a weapon to or possesses a weapon
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance
- Has inflicted serious bodily injury upon another person

Please see the *Utah Special Education Rules* from the Utah State Office of Education for definitions of the above terms.

The student’s IEP team determines the interim alternative education setting (IAES).

Right to a Hearing

An **expedited due process hearing** may be requested when:

- A parent disagrees with either placement or the manifestation determination, or
- The LEA believes that maintaining the current placement is substantially likely to result in injury to the student or others.

The expedited due process hearing must be held within 20 school days of the request and the hearing officer must make a determination within 10 school days.

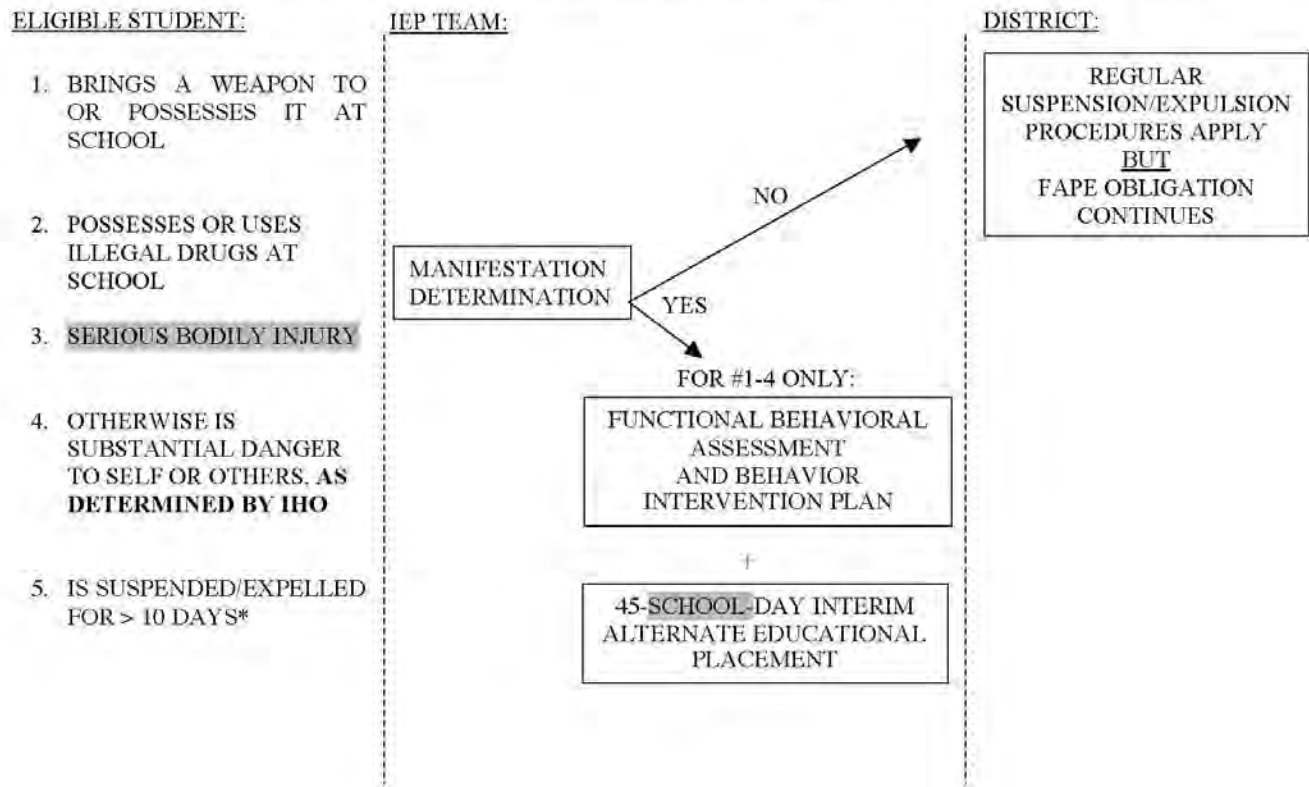
Unless the parents and LEA agree in writing to waive the resolution meeting or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the request and the due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the request (complaint). (Please see page 71 for more information on due process hearings and resolution meetings.)

Expedited due process hearing decisions can be appealed. During the appeal the student must remain in the interim alternative educational setting (IAES) unless the parent and the LEA agree otherwise.

OVERVIEW OF SUSPENSIONS AND EXPULSIONS UNDER IDEA

The above chart summarizes the requirements for suspensions and expulsions.

FIGURE 1: OVERVIEW OF SUSPENSIONS/EXPULSIONS UNDER THE IDEA: 2004 REVISIONS HIGHLIGHTED



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FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) AND BEHAVIOR INTERVENTION PLAN (BIP) REQUIREMENTS

Functional Behavioral Assessment

A Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP) are required when a child is suspended or expelled for more than 10 cumulative days in a school year or there is a “change in placement” to an Interim Alternative Educational Setting (IAES).

A Functional Behavior Assessment looks at why a child behaves as he or she does, given:

- The nature of the child, and
- What is happening in the environment

A Functional Behavioral Assessment is a process that collects information to determine the purpose problem behaviors serve for the child given the nature of the child and what is happening in the environment. Knowing what function the behavior serves (or why the child is doing the behavior) helps the team to choose the right interventions to include in the Behavioral Intervention Plan.

Some key points about the Functional Behavior Assessment are that it:

- Guides decision-making about needs
- Leads to strategies to help meet the need
- Is required when a child is to be removed from his or her educational program beyond 10 days
- Should be considered in any evaluation when behavioral concerns have not responded to standard interventions

Behavioral Intervention Plan

A Behavioral Intervention Plan (BIP) is an individualized plan developed in the IEP process that outlines strategies to address problem behaviors. An effective BIP will focus on providing positive behavioral supports to teach or reinforce appropriate behavior skills. A Behavior Intervention Plan is NOT the same thing as a school discipline plan that speaks to what happens if a student violates a rule or code of conduct.

Remember that for students whose behavior impedes the student's learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies to address that behavior.

Some key points to remember about Behavioral Intervention Plans, is they:

- Are in writing
- Are team developed
- Are based on functional assessment
- Change environmental triggers/antecedents
- Include strategies to strengthen appropriate behaviors
- Include a crisis intervention plan, if needed
- Include general educator input
- Include modifications in the curriculum and/or classroom expectations

It is important to have the general education teacher participate when developing the Behavioral Intervention Plan. One of the functions of the general educator on the IEP team is to help determine appropriate positive behavioral interventions, supports and other strategies for the student.

Parents should consider a Functional Behavior Assessment and Behavioral Intervention Plan for the IEP of any special education student who has behavior challenges. Using a BIP to include positive behavioral supports greatly lessens the likelihood of serious discipline problems and also provides better documentation of the child's needs in the event that an infraction does occur.

Placement during Appeals (300.533)

When an appeal has been made by either the parent or the school, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified whichever occurs first, unless the parent and the school agree otherwise.

CHILDREN NOT YET ELIGIBLE UNDER IDEA (300.534)

A child with a disability who has not yet been determined eligible for special education may be eligible for protection under the discipline provisions of IDEA only under a few circumstances.

A child may assert the protections of the discipline section of IDEA if the school district “*had knowledge*” or “*should have had knowledge*” that the individual was a student with a disability. The school is said to have “had knowledge” if:

- A parent expressed in writing that the child needed special education and related services,
- The parent had requested an evaluation, or
- The teacher or other personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel.

If a school district did not “have knowledge” that a child has a disability, the child may be subjected to regular discipline. If an evaluation is requested during the disciplinary period, it must be expedited. Until the evaluation is completed, the student remains in the placement determined by school authorities which can include suspension and expulsion without educational services. If the student is found to have a disability, the agency must provide special education and related services.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL COURTS (300.535)

The school district can report a crime committed by a student with a disability to state law enforcement and judicial authorities.

Transmittal of Records:

- The LEA reporting the crime must ensure copies of the special education and disciplinary records are sent to the appropriate authorities for consideration.
- The LEA reporting a crime may transmit copies of the student’s records only to the extent that the transmission is permitted by the Family Education Rights and Privacy Act.

BEHAVIOR MANAGEMENT RESOURCES SPECIFIC TO UTAH

When making decisions about behavioral interventions, the IEP team may refer to the *USOE Special Education **Least Restrictive Behavior Interventions (LRBI) Guidelines*** for information on research-based intervention procedures. The guidelines offer guidance in choosing interventions that are more positive and less intrusive, before moving to more intrusive procedures. The LRBI Guidelines are available on the Utah State Office of Education website under the Special Education Section.

Another resource is **Utah’s Behavior Initiatives (UBI)**, a program which provides behavioral strategies for educators and parents. Some schools have been chosen to participate in ongoing training and support to implement the research based UBI strategies on a school wide basis. In addition, UBI offers many links to resources on the UBI section of the Utah State Office of Education website which is found under the “behavior” link on the Special Education page.

Section 9

Transition Planning

KEY POINTS

Transition Services

Student Involvement

Transition and the IEP

Key Points

Graduation



TRANSITION

What Are Transition Services?

Transition services refers to a coordinated set of activities for a student designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities. Post school activities might include post-secondary education (including vocational education), integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation.

The coordinated set of activities is based upon the individual student's needs. The student's strengths, preferences and interests should be taken into account. The activities should include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and if appropriate, the acquisition of daily living skills and a functional vocational evaluation.

For a student who will turn 16 before the next IEP meeting, age-appropriate transition assessments must be conducted. These assessments may relate to the postsecondary goals of the student in the areas of training or education, employment, and where appropriate, independent living skills.

Why Is It Important For The Student To Be Involved?

Having the student involved in developing the transition plan improves the likelihood that the goals will be achieved.

The LEA must invite the student with a disability to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP meeting, the LEA must take other steps to ensure that the student's preferences and interests are considered.

It is important for students to learn self-advocacy skills. Older students are often able to prepare for and may conduct their own IEP meetings.

Who Else Is Required To Participate In The Transition IEP?

All of the members that are required for any IEP team must participate. In addition, representatives from other agencies can be very helpful.

To the extent appropriate, with the consent of the parents or a student who is age 18 or older, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. This includes Vocational Rehabilitation (VR), Independent Living (IL), the Division of Services for People with Disabilities (DSPD) and/or other agencies or programs. For a student who is post-high school, a regular educator required as an IEP team member may be a person knowledgeable about the expectations in the setting in which the student is or may be receiving transition services as described in the IEP.

One way for parents to help facilitate and encourage the attendance of agency representatives at the IEP meeting is for the student or the parent to give the invitation. This may reduce the 'red tape' the school faces in getting consent and may also persuade the representative that he or she is needed and welcome at the meeting.

When Is Transition Planning Required On The IEP?

IDEA 2004 requires that transition planning be included on each student's IEP beginning not later than the first IEP to be in effect when the student turns 16 (the IEP conducted when the student is 15 years old) or younger if determined appropriate by the IEP team and updated each year. The purpose of the transition requirement is to focus attention on how the student's educational program can be planned to help the student prepare for life after high school.

The IEP must include:

- All of the regular IEP contents listed earlier in this book and in addition:
- A PLAAFP statement describing how the student's disability affects access to and progress in post-secondary activities.
- Appropriate measurable postsecondary goals, including academic and functional goals, based upon age appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills
- For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives, and
- The transition services, including courses of study, needed to assist the student in reaching the student's postsecondary goals. Transition services may be provided as special education or as related services or both.

Transition goals may be included at an earlier age. This may be particularly important for students who are at risk for dropping out of school or for those individuals with the most significant disabilities.

Early transition planning is encouraged because:

- Transition from special education can be complicated.
- Planning courses of study before ninth grade when credit toward graduation is earned can result in a much smoother process.
- It may take longer than two years to put support services in place.
- Adult services are not mandated to be available for all and may have eligibility requirements.
- Some agencies may have long waiting lists.
- Some students may need the services of several agencies. It requires time to determine which agency will do what and who will pay for services.
- Some plans may have to be altered several times to meet the needs of the student.

IMPORTANT POINTS TO REMEMBER IN TRANSITION PLANNING

Parents should consider the following in transition planning:

- Begin with the end in mind. Writing the required measurable postsecondary goals will help the team to envision the desired outcome for the student. When a vision for the future is firmly in mind, it is easier to write meaningful goals and to use the student's remaining time in school wisely.
- Transition goals must remain flexible and reflect the development and educational needs of the student at different grade levels and times.
- An important question for parents to ask themselves about every IEP goal, especially in the secondary school years is:
"If my son or daughter never learns to do this, will someone else have to do it for him or her?" Asking this question can help parents and other IEP team members focus their efforts on goals to develop functional skills that will promote as much independence as possible.
- Decide on the graduation requirements expected for the student and make sure these requirements are recorded on the IEP. This will prevent any misunderstanding when it gets closer to graduation time and will also help to determine what transition goals should be on the IEP.
- When the student reaches the "age of majority" which is 18 years old in Utah, the right to make educational decisions transfers to the student (except for a student who has been determined to be incompetent by a court). The IEP must include a statement that the student and parents have been informed of the rights at least one year before the student reaches the "age of majority."

WRITING MEASURABLE POSTSECONDARY GOALS

Measurable postsecondary goals are outcomes that occur after the person has left high school. They tell what a student WILL do (be enrolled in, attending, working at, etc.).

Some Tips for Writing Measurable Postsecondary Goals:

- Use results-oriented terms such as “enrolled in”, “work”, “live independently”
- Use measurable descriptions such as “full time” and “part time”
- Begin the goal with “After high school . . .”
- Goals can be broader to begin with and then refined and updated with each annual IEP as the student progresses.
- Sometimes goals in education and employment can be combined.
- Sometimes several goals are needed in one area.

Measurable Postsecondary Goals Are Required In Three Areas:

- **Training or education**—specific vocational or career field, independent living skills training, vocational training program, apprenticeship, on the job training, Job Corps, four year college or university, technical college, two year college, shorter vocational or technical program, etc.
- **Employment**—paid (competitive, supported, sheltered); unpaid (volunteer, in a training capacity); military, etc.
- **Independent Living**, where appropriate—adult living, daily living, independent living, financial, transportation, etc.

SAMPLE MEASURABLE POSTSECONDARY GOALS

14 year old student with a mild disability

- Training/Education—After high school, Eric will get on the job training in an area related to dirt bike racing.
- Employment—After high school, Eric will work full time with dirt bikes.
- Independent Living—After high school, Eric will live in an apartment with friends.
- Combined Training/education and Employment—After high school, Eric will get on the job training whole working full time in an area related to dirt bike racing.

17 year old student with a mild disability

- Training/Education—After high school, Sherry will enroll full time at Weber State University in the nursing program.
- Employment—After high school, Sherry will work full time as a nurse.

20 year old student with a significant disability

- Independent Living—After completion of school, I/ Lance will live with my mother and continue to take part in community activities like bowling, going to church and visiting friends and family.
- Training/Education—After completion of school, I/Lance will attend the XYZ Center and receive training on work behaviors and skills.
- Employment—After completion of school, I/Lance will be employed in a sheltered environment at the XYZ Center

18 year old student with a moderate or significant disability

- Independent Living—After completion of school, I/William will live with my brother and take part in community social and recreational activities.
- Training/Education—After completion of school, I /William will attend ADAPT and receive vocational skills training.
- Employment—After completion of school, I /William will work at ADAPT in the supported employment program.

18 year old student with a mild or moderate disability

- Training/Education—After high school, I/David will get on the job training to become a farmer.
- Employment—After high school, I/David will work full time as a farmer.

20 year old student with a moderate disability

- Independent Living—I/Courtney will live in a group home with other friends or roommates. I will need assistance with buying food, caring for myself, and doing work around the house.
- Education/Training—I will receive on-the-job training at Pick N Save.
- Employment—I will work part time in a grocery store like Pick N Save.
- Community Participation (not required)—I will be involved in my church and spend time with other people in Brookfield. I will go shopping in different stores. I like working outside by raking leaves and picking up sticks.
- Recreation and Leisure (not required)—I will join Special Olympics, go to baseball, football, and basketball games. I will play soccer, basketball, football, and baseball/softball with my friends. I like to watch movies and read store ads.

Information on "Writing Measurable Post-Secondary Goals" is used by permission from Ed O'Leary. Summarized from information given at the keynote presentation of the Utah Transition Conference, April 3, 2008. © Utah Parent Center

The Utah Parent Center also offers a workshop and companion parent handbook called *From 'NO' Where to 'KNOW' Where – Transition to Adult Services A Parent Handbook*. The presentation and handbook provide detailed information on many topics related to transition planning. Please contact the Utah Parent Center at 801.272.1051 or www.utahparentcenter.org to obtain a copy of this handbook or to attend an upcoming workshop.

Section 10

Graduation



KEY POINTS

Student Involvement

Transition and the IEP

Key Points

Graduation

What about Graduation?

Graduation issues should be addressed in each student's IEP. The IEP is the place to document modifications to graduation requirements so that they meet the unique educational needs of students with disabilities. The IEP must completely document the modifications made to accommodate a student with disabilities so that they are clearly understood by all IEP team members.

Students with disabilities and their parents must be able to make informed decisions regarding graduation options.

Parents must be notified of their student's graduation as a change in placement with enough time to appeal the action. If state and federal regulations have been followed, graduation should not come as a surprise to parents, since transition needs would have been addressed by the time the student turned 16. Services would begin by age 16, or younger, depending on which was most appropriate. Schools should have been holding IEP meetings which addressed graduation requirements in the transition plan.

The issuance of a regular high school diploma terminates a student's eligibility for public education services. Some agencies will not serve eligible adults with significant disabilities in day programs until the turn 22, even if they have graduated. A parent may not require the school district to withhold the issuance of a diploma until age 22 if the student with disabilities has met the graduation requirements. It is necessary to make an informed decision in selecting a graduation option and to make certain it is recorded on the IEP. This should reduce misunderstandings and clarify the time frame available to attain transition goals, including whether to graduate with peers or continue with additional schooling.

UTAH'S GRADUATION OPTIONS

Diploma

A high school diploma will be awarded to a student who has successfully completed all Utah State Office of Education and school district graduation requirements. Graduation requirements may vary from district to district. It is important to understand your school district or charter school's requirements. Please check your district or charter school's website or contact the school or district personnel for more information.

Certificate of Completion

According to school district or school criteria, a certificate of completion may be awarded to students who:

- Have completed their senior year,
- Are exiting the school system, and
- Have not met all state or district requirements for a diploma.

Eligibility Ends

Graduation with a regular high school diploma ends eligibility for FAPE, and graduation is a change of placement requiring prior written notice.

Graduation is NOT an alternative degree that is not fully aligned with the state's academic standards, such as: a certificate of completion, an alternative diploma, or a GED. (These options will not end eligibility.)

IEP Amendment to Graduation Requirements

A student's IEP team may amend graduation requirements and must document in the IEP the nature and extent of any modifications, substitutions, and/or exemptions made to accommodate the needs of a student with disabilities. The IEP team must refer to the USOE Special Education Graduation Guidelines for additional information.

It is best to start working on amendments to graduation requirements before the student enters the 9th grade (when credits start to count for graduation).

Summary of Performance

For a student whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE under Utah law, an LEA must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.

If graduation requirements as amended on the IEP are completed, the student will graduate and receive a Utah Alternative Assessment (UAA) diploma.

If graduation requirements as amended on the IEP are not completed and the student's Transition Plan documents the need for transition services offered by the L.E.A. outside of the local high school, the student may be allowed to participate in the graduation ceremonies; however, a diploma would not be issued until the student has successfully completed his/her program.

If the graduation requirements as amended on the IEP are not completed and the IEP team determines that the student can benefit from continued educational programming in the local school, the student may be allowed to participate in graduation ceremonies and receive a diploma at such time as amended graduation requirements are met.

If graduation requirements as amended on the IEP are not completed before the student reaches age 22, the student may be issued a certificate (e.g. Certificate of Completion or Progress) indicating that a record of competencies can be made available to them or to others who may legitimately inquire.

If graduation requirements as amended in the IEP are not completed due to factors that are not a direct manifestation of the student's disability, the student is not eligible to participate in graduation ceremonies or receive a diploma until the amended requirements are met. The local principal is authorized to make this decision.



Checklist for Evaluating the IEP

IF YOU ARE UNSURE HOW TO ANSWER ANY OF THESE QUESTIONS, YOU SHOULD ASK OTHER IEP TEAM MEMBERS FOR ADDITIONAL INFORMATION.

1. Did the student, the student's parents, school personnel and persons from other agencies who may be serving the child in transition planning help develop the IEP?
2. Was more than one test or evaluation tool used?
3. Do you understand the results of those tests?
4. Do observations of your child accurately represent his/her performance?
5. Does the IEP contain a statement of your child's present levels of academic achievement and functional performance (including a written statement of strengths and weaknesses)?
6. Are the annual goals, written in clear and specific language that is Understandable?
7. Are your child's goals measurable?
8. Does the IEP list the modifications, assistive technology and other supports, (such as speech therapy and transportation) needed for your child to succeed?
9. Is the amount of service stated?
10. Are sensory problems addressed in the IEP?
11. Are health or medical concerns addressed in the IEP?
12. Does the IEP describe the extent your child will participate in the general curriculum?
13. Are special services scheduled so that your child will miss the least time in the regular classroom?
14. How will your child's progress be measured and how often will you be informed?
15. Is the expected progress enough for your child to meet the graduation requirements?
16. How often will the IEP goals be reviewed?
17. If the IEP team determines your child cannot participate in state and district-wide assessments, does the IEP contain a statement about how your child will be assessed (alternative assessment) and why it is needed?
18. Are modifications and accommodations included in the IEP?
19. Have transition goals and measurable post-secondary goals been included in the IEP?
20. Have extended school year concerns been addressed in the IEP?
21. Do you know who is directly responsible for each part of your child's program?
22. Given your child's ability and skills, is the school expecting the kind of progress you think your child should make?

Checklist material adapted from PAVE PIPELINE, Fall 1995.

Section 11

Placement



KEY POINTS

IEP Implementation

Placement

IEP IMPLEMENTATION

Placement decisions are made by a group of persons including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Remember that the team first discussed the needs of the child. The next step was to agree on the services that were needed. Now it is time to decide where the services should be provided.

A major emphasis of IDEA 2004 is ensuring that a student with a disability is educated with students without disabilities as much as possible, or in the **least restrictive environment (LRE)**.

RIGHTS REGARDING PLACEMENT

In deciding the child's placement in the LRE, the LEA must ensure that:

1. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Each LEA must ensure that a continuum of alternative placements is available. The continuum must include regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The LEA must also make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

2. The placement must ensure appropriate access to the general curriculum.
3. The student must be provided the supplementary aids and services determined appropriate and necessary by the IEP team to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities including meals and recess periods.

Nonacademic and extracurricular services and activities may include: counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA, and assistance in making outside employment available.

4. The placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home
5. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled. Other placement must be as close as possible to the student's home.
6. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
7. A student is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
8. Parents must be part of any group that makes placement decisions. The LEA must use procedures for parent involvement consistent with those used for parent participation in the IEP. If neither parent can participate in a meeting where a placement decision is to be made, the LEA must use other methods to ensure participation including individual or conference telephone calls or video conferencing.
9. Placement for services may not begin until informed parental consent for initial placement is obtained. The granting of consent is voluntary and may be revoked at any time.
10. If a parent fails to respond to a request for consent or refuses consent for the initial provision of special education and related services, the LEA may not use mediation procedures or due process procedures so that services may be provided. The LEA is not to provide services or to be held liable for not providing them.
11. The LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA, or to fail to provide a student with a free appropriate public education.

Revocation of Consent

If at any time after the initial provision of special education and related services, the parent revokes consent in writing for the continued provision of special education and related services, the LEA:

May not continue to provide special education and related services but must provide prior written notice before ceasing services

May not use mediation or due process procedures to obtain agreement or a ruling that services must be provided

Will not be in violation of the requirement to provide FAPE

Is not required to convene an IEP meeting.

Note: After consent is revoked, the school can still conduct child find activities and let the parents know that a child is having difficulty in school. The parents can also refer a child to be evaluated and considered for special education services.

Written notice must be given to the parents a reasonable time before the LEA proposes to change the placement or refuses to make a change in the placement.

Parents must notify the school or school district, if they intend to remove their child from the public school and place the child in a private school at public expense.

If parents (or their attorneys) do not **provide this notice in writing**, reimbursement for the private school placement may be reduced or denied. There are certain exceptions to this provision.

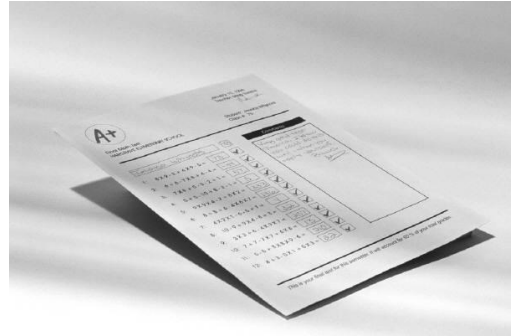
Parents must tell the school or district:

- That they are rejecting the placement that the school district is proposing for the child.
- What their concerns are; and
- That they intend to enroll their child in a private school and expect public education to pay for it.

For additional information about students with disabilities in other settings including private schools and home schools, please see the Utah State Office of Education's *Special Education Rules*, available at www.schools.utah.gov

Section 12

IEP Follow Up



KEY POINTS

IEP Implementation

Follow UP

Transition and the IEP

FOLLOWING UP AFTER THE IEP MEETING

Parental follow up after the IEP meeting will help to assure successful implementation of the child's IEP. The following are some suggestions:

- Monitor your child's progress. Know how often progress reports and communication from the school will occur.
 - **Remember IDEA 2004 requires that the IEP describe when periodic reports to the parents on the progress the student is making toward meeting the annual goals will be given to parents.**
- Ask for a meeting if progress has not been satisfactory or if problems that you believe might be affecting your child's progress begin to surface.
- Anticipate a year end review and/or meeting as a minimum with the school team to assess your child's current status. Find out what went well and what should be on the next IEP.
- Express appreciation for the efforts of school personnel. Let them know what is going well! Also let their supervisors know.

MONITORING YOUR CHILD'S PROGRESS

After an IEP is written and once the implementation of the IEP begins, ongoing monitoring of the IEP needs to take place. Monitoring is a process that helps parents, therapists, teachers, and others involved with the child to constantly evaluate how the child's program is working. Monitoring is critical because you can never know for sure if a program or goal is going to work for a child.

If you catch problems early, you will be in a better position to problem solve with the team in time to make needed adjustments to the program.



Some Ways to Monitor Your Child's Program:

- Evaluate progress reports. A progress report should use documentation to show what gains your child is making in a given area.
- Use a daily or weekly home note for your child. A home note can be a notebook that goes home regularly with notes about your child, or it can be a specific checklist that goes back and forth.
- Keep a "home file" of samples of your child's work, teacher notes and other communications, copies of IEPs, copies of assessment results, etc.
- Make anecdotal notes of your child's progress or difficulties as observed at home.
- Look at work that your child brings home. If the work is consistently sloppy, unfinished or has a lot of incorrect answers, that may signal a problem. If your child's work never increases in difficulty, that could indicate a problem. Also, notice if the work is too challenging or not challenging enough for your child.
- Trust your instincts. If your child seems unhappy or ill or if something 'feels' wrong, you may want to conference with the teacher.

Section 13

Parent Rights Summary



KEY POINTS

Procedural Safeguards

Parental Consent

Prior Written Notice

Throughout this handbook many very specific parent rights have been spelled out. Following is a summary of when parents must be given notice and when parents must give consent. These procedures as well as the procedures for resolving problems are called “procedural safeguards” or “Due Process Rights”. The term “Due Process” is a term that refers to the rights of all citizens to protection under the 14th Amendment, to give consent and to appeal decisions.

Parents must be given a copy of Utah’s **Procedural Safeguards Notice** outlining specific parent rights under IDEA, one time a year, and a copy must also be given:

- Upon initial referral, when a parent or the school requests an evaluation
- Upon receipt of the first state complaint or due process complaint in that school year
- Upon request by a parent

PARENTAL CONSENT

The granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent it is not retroactive.

Parent consent must be given:

- Prior to the LEA conducting an initial evaluation or reevaluation
- Before the initial provision of special education and related services

WRITTEN PRIOR NOTICE

Written notice must be given to the parents of a student with a disability a reasonable time before the LEA:

- Proposes to initiate or change the identification, evaluation, or educational placement of the student or provision of FAPE to the student
- Refuses to initiate or change the identification, evaluation, or educational placement or the provision of FAPE (when requested by the parent)

The prior written notice must include:

- A description of the action proposed or refused by the LEA
- An explanation of why the LEA proposes or refused to take the action
- A description of each evaluation procedure, assessment record or report the LEA used as a basis for the proposed or refused action
- A statement that the parents have protection under the procedural safeguards, and if this notice is not an initial referral for evaluation how the parent can get a description of the procedural safeguards
- Sources for the parents to contact to obtain assistance in understanding the IDEA law
- A description of other options that the IEP team considered and the reasons why those options were rejected
- A description of other factors that are relevant to the LEA's proposal or refusal

The notice must be:

- Written in understandable language
- In the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so

Section 14

Problem Solving

KEY POINTS

Informal Resolution

Parental Consent

Prior Written Notice



PROCEED THOUGHTFULLY!

Seek to resolve difficulties at the lowest possible level.

INFORMAL RESOLUTION

Make sure to follow the chain of command. First, try to work things out with the teacher. Then request that he or she go with you to the next level, usually the principal. Most problems are solved at this level. If you cannot work things out at the building level, always follow your school district's chain of command which is typically:

- the School District or Charter School, Special Education Director/Supervisor
- Superintendent of School District or principal of the charter school
- Utah State Office of Education, Special Education Department
- Your Local School Board Member (elected official) or
- Utah State Board of Education School Board Member for your district (elected official) may also be resources. However, it is usually better to try to resolve things within the special education system first.

At this point, it is critical to remember good communication skills. The old saying, "You can catch more flies with honey," rings true in these situations. Be prepared to negotiate! Also, it is good to have support. Some people you might consider asking for support are: a friend or relative, an advocate, or a representative from a disability organization or support group, and /or legal representation.

OBTAINING SUPPORT FOR INFORMAL RESOLUTION

IEP Coaches

IEP Coaches are uniquely and specially trained by the Utah Parent Center. They have current knowledge regarding the IEP process, Utah's Special Education Rules, and effective advocacy techniques. The IEP Coaches are parent volunteers who support parents and help them advocate for their children in the special education process. IEP coaches help parents to prepare for meetings and may also accompany them to meetings in a supportive role.

Problem Solving Facilitators

In Utah there is a group of trained impartial Problem Solving Facilitators who are available to give support in the IEP process. The purpose of IEP Facilitators is to help parties work through problems before they escalate and become more difficult, expensive and time consuming. The help of an IEP Facilitator can be requested by either the Parent or the School. The Facilitator can be requested through the Utah Parent Center or the Utah State Office of Education and will be paid at public expense. For more information, please call the Utah Parent Center at 801.272.1051.

COMPLAINTS

A complaint is an allegation that the law is not being followed. If negotiation doesn't resolve the conflict, you can file a complaint in writing to the local school district special education director or charter school administrator. A copy must also be sent to the State Director of Special Education. If parents are unable to file in writing, they can contact the local school district or charter school or the Utah State Office of Education (USOE) for assistance. Allegations of substance (substantial claims) may be made by public agencies, private individuals or organizations.

A complaint must include:

- A statement that the school district has violated a requirement of Part B of IDEA or the Utah State Office of Education *Special Education Rules*.
- The facts on which the statement is based.

Complaint Timelines

A complaint must be filed no more than one (1) year from the violation unless a longer time is reasonable because the violation is continuing, or the complainant is seeking compensatory education for a violation that is not more than two years prior to the date the complaint is received by the LEA.

The local school district shall:

- Resolve the complaint within thirty (30) calendar days, unless exceptional circumstances exist. (For example: a delay by the complainant to provide necessary information)
- Review, investigate and/or take action on any substantive allegations of noncompliance.
- Not exceed an extension of time of ten (10) calendar days.
- Issue a decision to the complainant (with a copy to the USOE) in writing and include notice of the right to appeal the decision to the USOE for review.

If negotiation with the local school district doesn't resolve the conflict, you can file an appeal of the district's decision with the Utah State Office of Education (USOE). The USOE must review, investigate and/or take action on any substantive allegations of noncompliance. The USOE must issue a final written decision on the complaint within the remaining days of the 60 calendar day time period after the receipt of the written request.

In resolving a complaint in which it has found failure to provide appropriate services, the USOE must address:

- How to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student, and
- Appropriate future provision of services for all students with disabilities.

MEDIATION

Each local school district (LEA) has procedures that are established to allow the opportunity to use mediation to resolve disputes involving a written request for a due process hearing or any matter under this part of the law. Mediation is voluntary. Mediation may not deny or delay the parents' right to a due process hearing or deny any other rights. If parents choose not to use mediation, they may be offered the opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity or the Utah Parent Center who would explain the benefits of and encourage the use of the mediation process to the parent. The Utah State Office of Education (USOE) pays for the mediation process and maintains a list of qualified, impartial mediators that are trained in effective mediation techniques and laws and regulations related to the provision of special education and related services. Mediators are selected on a random, rotational or other impartial basis.

Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.

If a dispute is resolved through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that states that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in subsequent due process or civil proceedings. A written signed mediation agreement is enforceable in any state court or district court of the United States. Both parties involved in the mediation may be required to sign confidentiality pledges before the mediation process begins. The purpose of mediation is to attempt to resolve the differences and, if possible, avoid a hearing.

DUE PROCESS HEARING

If you decide to proceed with a due process hearing, it is recommended you have some legal help. A due process hearing is a very formal (and costly for the LEA and often for the parent) legal proceeding where an attorney is usually used. Try all forms of mediation before considering a due process hearing, but do not be afraid to advocate for your own and your child's rights.

The following information is a brief overview of the procedures for a due process hearing. For more detailed information, please see the *Utah Special Education Rules*.

Notice Requirement When Filing for a Due Process Hearing

Parents may file a due process complaint (different than the complaint described above) requesting an impartial due process hearing on any of the matters relating to the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student. A copy of the due process complaint must be sent to the USOE. Under some circumstances an LEA may also request a hearing.

The due process complaint must include:

- the name of the child,
- the address of the residence of the child,
- the name of the school the child attends. (In the case of a homeless student or youth, available contact information for the student and the name of the school the student is attending.)
- a description of the nature of the problem, including related facts.
- A proposed resolution of the problem to the extent known and available to the party at the time.

A party may not have a hearing on a due process complaint or engage in a resolution session until the party files a due process complaint that meets the requirements listed above. Please see the Utah State Office of Education's *Special Education Rules* for important details regarding timelines and how the LEA must respond.

The notice must remain confidential. There is a model form to assist parents in filing a request for a due process hearing which can be obtained from the Utah Parent Center or the Utah State Office of Education (USOE) website www.schools.utah.gov. The LEA shall inform the parents of any free or low-cost legal and other relevant services, as well as information about services available in the area if the parent requests the information or if the parent or the LEA requests a hearing.

Resolution Process

Within 15 calendar days of receiving notice of the parents' due process complaint and prior to initiating a hearing, the LEA must convene a meeting with the parents and other relevant members of the IEP team who have specific knowledge of the facts (not including an attorney of the LEA unless the parent is accompanied by an attorney). The purpose of the meeting is for the parents to discuss their complaint and the facts of the complaint so that the LEA has the opportunity to resolve the dispute. The resolution meeting does not need to be held if the parents and the LEA agree in writing to waive the meeting or to use the mediation process described previously.

If a resolution to the dispute is reached at the meeting, the parties must execute a legally binding agreement that is signed by both the parent and the LEA. The agreement is enforceable in any state court or in a district court of the United States.

The impartial due process hearing is conducted by the USOE, including costs for the hearing officer and court reporter. The LEA is responsible for other costs including attorneys' fees.

Due Process Hearing Timelines

The due process complaint must allege a violation that occurred not more than **two years** before the date the parent or LEA knew or should have known about the alleged action except when the LEA misrepresented that it had resolved the problem or the LEA withheld required information from the parent.

If the LEA has not resolved the complaint to the satisfaction of the parents within 30 calendar days of the receipt of the due process complaint, the due process hearing must occur. The timeline for issuing a final decision begins at the expiration of this 30 day period.

Within 45 days after the expiration of the resolution session

- a final decision must be reached
- a copy of the decision must be mailed to each party.

A hearing review officer may grant time extensions.

The decision of the hearing officer is final unless either party appeals the decision to a civil action. If you are not satisfied with the results of the due process hearing, you may file a **civil action lawsuit**. The civil action may be filed in either state or federal court within 90 days of the date of the due process hearing decision.

ATTORNEY'S FEES

Reasonable attorney's fees may be awarded to the prevailing party (either the parent or the LEA). This includes the possibility of awarding fees to the LEA if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. Please see the Utah *Special Education Rules* for more details on attorney's fees as well as all other parts of the due process hearing process.

STUDENT STATUS DURING HEARINGS

During any administrative or judicial proceeding regarding a request for a due process hearing, unless the LEA and the parents of the student agree otherwise, the student involved in the complaint must remain in his or her current educational placement.

Contact the Utah Parent Center for assistance on procedural safeguards.

Appendices

Worksheet for Organizing Your Concerns about School-Related Problems

IEP Meeting Planner

Child Profile

Student Profile

Sample Profiles

Acronym List

Worksheet for Organizing Your Concerns about School-Related Problems

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www.ncl.org/images/stories/downloads/parent_center/idea2004parentguide.pdf*

- List your concern briefly by column 1.
- What data can you provide to support your concerns? Give examples in Column 2.
- If you think your concern may be related to any disability or condition, identify that in Column 3. If you are not sure what is causing a problem, leave Column 3 blank for that concern.
- Now, stop and think about what you are asking the school to do. If you want to evaluate or test your child, use Column 4. If not, skip that column. You do not need to know the names of specific tests, just describe the type of testing that is needed to provide information that addresses your concern.
- If you think your child needs an instructional intervention(s), accommodations or remedial services (described below), list those in Column 5.
- Column 6 is for your record keeping. When you meet with school personnel, note any agreements you have reached with them, who made the agreement and when.
- A sample chart is provided; following that is a blank chart for you to fill in.
- Examples

Accommodation examples

- Changes in presentation
 - Repeat directions
 - Read aloud
 - Use of larger bubbles on answer sheets.
- Response
 - Mark answers in book
 - Use reference aids
 - Point
 - Use of computer
- Timing/Scheduling
 - Extended time
 - Frequent breaks
- Setting
 - Study carrel
 - Special lighting
 - Separate room

Instructional Intervention

Change in instruction that attempts to improve student learning in difficult area.

Remedial services

Supplemental instruction available through programs such as Title 1, IDEA.

Sample Worksheet for Concerns about School Related Problems

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www.ncl.org/images/stories/downloads/parent_center/idea2004parentguide.pdf*

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
List your concerns	Evidence or Indications of Problem	Factors that Might be Related to the Problem	Kind of Assessment Needed	Interventions, Accommodations, Or Special Services Needed	Agreements Reached
Angela reads slowly and confuses words when reading	Teacher's note's and report cards mention the problem	Angela wears glasses and may not be able to see the words well	Vision assessment	Extra time for reading, Reading remediation	Teacher agreed 3/16 to provide Angela with extra help in reading while she is waiting to be assessed.
Mispronounces words when reading aloud	Tape recording		Phonics assessment	Extra phonics assistance	
Angela has problems getting organized to do her homework	Forgets assignments, can't find paper and pencil, can't seem to focus	Overall, she seems very disorganized	Assessment of executive functions	Homework planner and a system to help her remember her assignments; extra set of books at home, desk organizer at home.	I agreed 3/16 with teacher to help her get started on assignments
Has problems with spelling, doesn't recognize root words	Poor grads, teacher's notes, spelling tests	May stem from reading problems		Tutoring with spelling?	Teacher agreed 3/16 to give additional spelling instruction

Blank Worksheet for Concerns about School Related Problems

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
List your concerns	Evidence or Indications of Problem	Factors that Might be Related to the Problem	Kind of Assessment Needed	Interventions, Accommodations, Or Special Services Needed	Agreements Reached

IEP Meeting Planner

Use this planner to get the most out of IEP meetings and special education services for your child.

Check When Complete	WHAT TO DO
	<i>Before the Meeting (at least two weeks prior to the meeting)</i>
	<p>Visit your child’s classroom</p> <p>If your child is elementary age, you should consider visiting the classroom to observe how your child is performing in class, classroom conditions and routines, instructional materials being used. Classroom visits should be arranged in advance with the teacher and school officials.</p>
	<p>Review your child’s records</p> <p>Compile and review the following:</p> <ul style="list-style-type: none"> • <i>Your child’s current IEP</i> • <i>Reports of progress toward the annual goals in your child’s current IEP</i> • <i>Report cards from current year</i> • <i>Recent work samples</i> • <i>Performance on district and/or state assessments (If your child is participating in district and/or state assessments in an alternate manner, be sure to get information on how your child is performing in relative to same-grade peers. Results on alternate assessments, out-of-level assessments do not provide information on your child’s performance compared to other students at his/her grade level.)</i> • <i>Results of most recent evaluation(s) (If your child has recently received an individual evaluation, be sure to request a copy of the evaluation report prior to the IEP meeting. If you have had your child evaluated privately, consider sharing the results of the evaluation with school personnel prior to the IEP meeting)</i> • <i>If your child has a job outside the home, bring copies of letters or reviews from supervisors</i> • <i>Any other communications with the teacher and/or school</i> <p>Note: <i>You have the right to inspect and review any education records relating to your child that are collected, maintained, or used by the school district. You may also request a copy of your child’s educational records at any time.</i></p> <p><i>Be sure to organize all of these records (preferably in a 3-ring binder) and take them with you to the IEP meeting.</i></p>
	<p>Network</p> <p>Join local chapter of parent groups that offer information about your child’s specific disability. Contact your state Parent Training and Information Center for information on your state’s special education laws or regulations. Attend trainings and support groups that will help you understand ways to use your rights under IDEA.</p>
	<p>Request and review notice of meeting</p> <p>You should be given written notice of the proposed IEP meeting, preferably at least 10 days in advance. The notice should include the date, time, purpose of the meeting and those expected to attend. Use this meeting notice to ensure that:</p> <ul style="list-style-type: none"> • The date and time are convenient for you and others you plan to have attend (advocate,

Check When Complete	WHAT TO DO
	<p>private tutor, private evaluator)</p> <ul style="list-style-type: none"> • If appropriate, your child is expected to attend • If your child will turn age 16 (or older) during the period of the next IEP, or if you feel that transition planning should begin with the next IEP (regardless of your child’s age), both your child and any appropriate representatives from other agencies are invited to attend <p>All appropriate school personnel are listed as expected to be in attendance. See team excusal below for additional information.</p>
	<p>Request alternative means of meeting attendance</p> <p>If you or others you want to attend the meeting cannot attend on the proposed date and time, you can propose alternative forms of meeting attendance such as audio conference calling or video conferencing. Be sure to make your requests for such alternate meetings well in advance so the school can provide the necessary equipment.</p>
	<p>Approve or reject proposed IEP team member excusals</p> <p>Your IEP Meeting notice should indicate if the school proposes to excuse a team members – from attending either the entire meeting or part of the meeting – for one of the following reasons:</p> <ul style="list-style-type: none"> • The member’s area of curriculum or related services is not being modified or discussed in the meeting • The member’s area of curriculum or related services is being discussed and the member will submit written input to the parents and the team prior to the meeting <p>If the school proposes to excuse a member for either of these reasons, you must agree in writing. If you disagree with the proposal to excuse a member on the basis that their area of curriculum or related services will not be discussed, inform the school that you do not agree with the proposed excusal and you expect the member to attend the meeting.</p> <p>Written input from an excused member should be provided well in advance of the meeting in order to allow time for your review and acceptance. If you determine that the written input is not sufficient, advise the school that you expect the member to attend the meeting.</p> <p>For best results, members of the IEP team who should not be excused under any circumstances include:</p> <ul style="list-style-type: none"> • The district representative (knowledgeable about the availability of the school district’s resources) • The regular education teacher
	<p>Request information on any district or state assessments</p> <p>In order to make important decisions about how your child will participant in required district and/or state-wide assessments (such as those required by the No Child Left Behind Act – NCLB) request complete information on those assessments, including information about the type of test, when it is administered and sample questions. Also request information about alternate assessment options and information about how participation in an alternate form of assessment might impact your child.</p>

Check When Complete	WHAT TO DO
	<p>Request state guidelines for test accommodations</p> <p>In order to make important decisions about the appropriate assessments your child will need in order to participate in required district and/or state-wide assessments (such as those required by the No Child Left Behind Act – NCLB) request a copy of your state’s guidelines on test accommodation. Every state is required to have such guidelines. The guidelines should include information regarding any accommodation that, if used, will invalidate the test score.</p>
	<p>Notify the school if:</p> <ul style="list-style-type: none"> • You plan to tape the IEP meeting. The option to tape an IEP meeting varies by state, so be sure to check into your state’s policy regarding taping and also advise the school in advance of your plans to tape the meeting • You plan to bring others to the meeting. Provide the school with a written notice of who you will bring and their relationship to your child
	<p>Review your Procedural Safeguards Notice</p> <p>Make sure you have a copy of the current Procedural Safeguards Notice for your school district.</p> <p><i>Note: Schools are no longer required to provide a copy of this notice with each IEP meeting notice.</i></p>
	<p>Develop your Parent Report</p> <p>Your Parent Report should include:</p> <ul style="list-style-type: none"> • Your impressions of how your child is doing in school. Include both academic performance as well as social, behavioral and functional performance (include work samples and/or school reports that substantiate your comments and concerns). • Your child’s strengths and weaknesses, relationships with family and friends • Your comments or concerns regarding your child’s attainment (or lack of attainment) of the annual goals on the current IEP • Your input regarding particular strategies that are or are not working for your child • Your input regarding other areas such as behavior plans and/or technology that might help support your child’s learning • If your child’s IEP also includes a transition plan, include information about your child’s postsecondary goals (college, vocational interests, possible career choices) <p>Use the Organizing Your Concerns Chart to help compile your Parent Report.</p> <p>Note: You can share your Parent Report with school personnel before or at the IEP meeting. Sharing it before the meeting will allow school personnel the opportunity to review your report and include information you have submitted in the IEP.</p>

Check When Complete	WHAT TO DO
	<p>Develop Annual Goals</p> <p>Using the annual goals in your child’s current IEP, develop annual goals for the coming year, including</p> <ul style="list-style-type: none"> • The amount of progress you want to see your child make in the coming year (progress should be adequate to allow your child to make up for significant gaps in achievement vs. same age/grade students) • Any particular methodology you think would be well suited for your child given his/her particular difficulty or deficit, age, learning style. Special education and related services must be based on peer-reviewed research whenever possible • How progress toward the goals will be measured and how frequently progress will be reported to you. (Reports of progress must be based on objective measures and progress reports should be provided to you as frequently as progress is reported to all parents, generally at each grading period)
	<p>Learn the Form</p> <p>Most school district (or states) has developed IEP forms that are used to compile a student’s individualized program. Become familiar with your school’s form prior to the meeting so you will know what information will be included and how the IEP will be developed. Request a copy of your school’s form from your school or district special education office.</p>
	<p>Request IEP draft</p> <p>Many schools accomplish some advance work on developing student IEPs by doing a “draft” which will then be reviewed at the meeting. If this is the practice of your school district, request a copy of the “draft” prior to the meeting so you have time to review it. (Note: “draft” IEPs are just that – drafts to help facilitate the meeting. Completing IEPs prior to the meeting violates the IDEA. Don’t be intimidated by “draft” IEPs – instead, consider it an extra opportunity to see the thinking of IEP team members in advance. You will provide your comments and concerns about any “draft” and you should expect a final IEP to be produced at the official IEP meeting.)</p>

Check When Complete	WHAT TO DO
<i>At the meeting.</i>	
	<p>Arrive early</p> <p>Arrive at least 15 minutes prior to the time your meeting is scheduled to begin. Provide any persons you have invited to attend the meeting with a copy of your child’s current IEP, your Parent Report and your suggested annual goals.</p>
	<p>Remain calm</p> <p>IEP meetings can be stressful and emotional. Above all, you must be:</p> <ul style="list-style-type: none"> • Cooperative • Respectful • Calm • Positive
	<p>Name a note taker</p> <p>Unless you plan to tape record the meeting, you will need to take detailed notes. If note taking is hard for you to do while participating in the discussion, designate one of your invitees to be the note taker for the meeting.</p>
	<p>Request introductions</p> <p>Ask everyone at the meeting to introduce themselves and explain their role in the meeting. Have anyone you have brought to the meeting introduce themselves and explain their relationship to your child. Be sure to record this information in your meeting notes.</p>
	<p>Review your Parent Report</p> <p>If you haven’t shared your Parent Report with school personnel prior to the meeting, review it at this point. Your input should be incorporated into the school’s information to complete your child’s Present Level of Performance (PLOP).</p>
	<p>Develop all required IEP components</p> <p>The IDEA requires several components to be a part of every IEP. Be sure that each component is discussed and included. Use the IEP Checklist for Parents to review the proposed IEP for completeness. Make sure that all agreed upon services are written in the IEP document.</p> <p>Note: While some services, such as accommodations, might be “standard practice” in many schools or classrooms, the IEP should reflect all special education, related services, supplemental aids and services, modifications, accommodations (classroom and testing) that will be provided.</p>
	<p>Finalize the IEP</p> <p>You don’t have to sign the IEP at this meeting. If you want to review the IEP first, ask to take it home before you sign it. Be sure your signature indicates what you intend it to mean, such as attendance, agreement, partial agreement, refusal. Provide any concerns</p>

Check When Complete	WHAT TO DO
	<p>you have about the proposed IEP to the school in writing. If you object to the proposed IEP or any part of the proposal, explain the reasons for your objection. Ask that your written concerns be attached to the proposed IEP.</p>
<p><i>After the meeting.</i></p>	
	<p>Explain changes to your child</p> <p>If your child didn't attend the IEP meeting, explain any changes that will be made to the child's current program or placement and the reasons for the changes. Don't let your child be surprised by changes agreed upon in the IEP. Knowing what to expect will help ensure success.</p>
	<p>Monitor progress</p> <p>While the school is required to provide you with regular progress reports (generally at each grading period) you can request more frequent progress reports. Progress reports should be based on objective information, not teacher opinion or observation. Work samples and performance on district or state assessments should be compared to the progress reported on the IEP progress reports.</p> <p>If progress reports show significant progress or a substantial lack of progress, the IEP goal(s) should be discussed and the instructional program in use should be reviewed.</p>
	<p>Meeting more than once a year</p> <p>While each student's IEP must be reviewed and updated at least annually, you can request an IEP meeting at any time. If progress is slow or other issues, such as behavior, need to be addressed, request an IEP meeting in writing.</p>

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www.nclld.org/images/stories/downloads/parent_center/idea2004parentguide.pdf*

Following referral and assessment to determine eligibility for special education services and prior to determining placement, the IEP team will meet to design an IEP that will address the needs identified for the individual child. This can be a difficult, very emotional time for parents. However, parents play a vitally important role as IEP team members. They have information about their child that no one else has.

The following profiles can be used to assist parents to collect and record information that will be useful in preparing for and sharing information during the IEP meeting.

You are encouraged to complete a profile such as the ones on the following pages prior to attending the meeting. Keep the form near you over a period of a couple of days and/or weeks and record your observations. You may choose to copy your notations and make them available to other team members or prepare a short summary of the information you record that can be shared and included in your child's file (see samples on following pages).

Be sure to include your child's many strengths as well as concerns. Two sample Child Profiles are included to help guide you. However, you may choose to simply list observations and concerns.

Remember: your information is invaluable and your participation vital in the IEP process.

CHILD PROFILE SHEET

In parenting your child with a disability or special needs, it is important to understand how your child's needs impact him or her. That understanding prepares you to take part in planning a program for your child. Answering the following questions will help you organize the information you already have about your child. Questions number 2, 5, 10, 13, 15, 18, 21, 22, and 23 will specifically address your child's needs. You can use the answers to those questions to help plan your child's program. The answers to all of the questions will help you provide valuable information to professionals who serve your child.

1. Describe what information your child has learned.

2. What things do you feel are important for your child to learn?

3. Describe how your child relates with adults.

4. Describe how your child plays with other children.

5. How do you want your child to improve in his ability to socialize with others?

6. Describe your child's behavior when you are trying to get cooperation.

7. Describe your child's behavior when no one is paying attention to her.

8. Describe how your child follows directions.

9. Describe how your child can stay on task (focus his attention on an activity or situation).

10. How do you want your child to improve in her behavior?

11. Describe how well your child understands what others are saying or communicating to him.
(Remember that children communicate with more than just speech.)

12. Describe how well your child can communicate to others.

13. How do you want your child to improve in her ability to communicate?

14. Describe how your child dresses, feeds, and toilets herself.

15. What do you want your child to learn about dressing, feeding, and toileting himself?

16. Describe how your child uses her body. Can your child hold up his head, roll, sit, walk, jump, or walk up or down stairs?

17. Describe how your child uses his hands. Can she grasp objectives, build a tower, turn pages of a book, string beads, or use a pencil?

18. What improvements would you like your child to make in the use of her body and hands?

19. What are good reinforcers for your child? What motivates your child to do his best? (playing with a favorite toy, praise, special treat, privileges, etc.)

20. How does your child learn best? (through listening, speaking, touching, tasting, seeing, etc.)

21. Does your child have sensory problems? (sounds, tastes, movement, sight, touch or smell) Does your child withdraw, cry or become fearful of certain sensations?

22. Does your child have any health or medical problems that will affect her school activities? Does your child require medications to be given or health care procedures to be done during school hours? (allergies, seizures, side-effects of medications, heart problems, bladder problems, etc.)

23. Does your child have special considerations that need to be addressed? (See section entitled, 'Special Considerations')

Student Profile Sheet

Child's Name _____

Birth date _____

School _____

Phone _____

Teacher _____ Grade Level _____

1. What my child is interested in:

2. Things my child is ready to learn:

3. My child is best at:

4. My child needs the most help with:

5. Help my child has received in the past:

6. Problems with my child's current program:

7. Possible alternatives and/or additions to my child's current program:

8. Services that my child needs:

9. Special concerns I have about my child:

10. Questions I want to ask about my child:

11. Suggestions I have about working with my child:

12. Strengths my child has in the areas of:

- Motor _____

- Social/Behavioral _____

- Vocational/Prevocational _____

- Self-Help _____

- Health _____

13. Concerns I have for my child in the following areas:

- Academics _____

- Speech _____

- Motor _____

- Social/Behavioral _____

- Health or Medical _____

- Self-help _____

14. Transition needs of my child: _____

Additional information: _____

**Sample Summary Profile: Parent Profile Of Ashley
(Ashley Has Cerebral Palsy)**

ACADEMICS

Strengths: Has normal intelligence
Enjoys listening to stories and music
Can recognize 20 objects

Concerns: Difficulty processing information: understanding words and thoughts because of trouble remembering what the word means
Farsightedness: can see far objects clearly but nearby objects are blurred

SPEECH

Strengths: Good hearing
Learning to use a language board

Concerns: Difficulty with producing sounds because of low muscle tone and muscle movements of the jaw, lips, tongue and face
Understands language at four year old level but expresses language at a one year old level

MOTOR

Strengths: Can walk and stand independently with ankle-foot orthotic and special crutches

Concerns: Difficulty with balance, positioning and coordination, sometimes falls

SENSORY

Strengths: Likes the sensation of warmth, wearing clothes that have just come out of the dryer, and warm drinks such as hot cocoa and apple cider
Likes music

Concerns: Is overly sensitive to sounds and touch, becomes upset to loud noises, clothing that feels rough and scratchy and seams of socks against the foot

SOCIAL/BEHAVIORAL

Strengths: Is social and has friends, enjoys small group activities
Smiles and looks at people

Concerns: Becomes overwhelmed and easily frustrated with noisy, unstructured, large group activities

VOCATIONAL/PRE-VOCATIONAL

Strengths: Can understand simple directions
Is learning to express needs by use of the language board

Concerns: Has difficulty following and completing a one step direction

SELF-HELP

Strengths: Can feed self, using adapted cup and utensils

Concerns: Cannot dress self independently, difficulty with putting on clothing, unable to button, tie shoes, use zippers or snaps

HEALTH/MEDICAL

Strengths: Healthy most of the time
Missed very little school because of health problems

Concerns: Grand Mal seizures: takes Dilantin to control seizures, has about two seizures a month.
School needs to know what to do in case of a seizure and to contact parent

Sample Summary Profile: Parent Profile of Denny

ACADEMICS

Strengths: Reading (decoding), loves electronic devices, good spelling skills, high interest in social studies, high musical interest
Concerns: Reading-comprehension and recall is low, academic on-task behavior is low, (daydreams, incomplete assignments-especially on subjects he doesn't like)

SPEECH

Strengths: Speech modulation is improving
Concerns: Verbal recall is low (vocabulary), poor articulation (mumbles words, phrases)

MOTOR

Strengths: Enjoys physical education, sports, eye-hand coordination recently improved
Concerns: Below age level in gross and fine motor skills, poor handwriting skills

SOCIAL/BEHAVIORAL

Strengths: Social Skills with adults, creative and independent play skills (doesn't need constant supervision)
Concerns: Poor peer interactions, low frustration

VOCATIONAL/PRE-VOCATIONAL

Strengths: Can seek help from adults if needed, high interest in electronics
Concerns: Poor money skills, no time management skills

SELF-HELP

Strengths: Dresses self
Concerns: Problems with buttoning, snapping, tying, sloppy eating habits

HEALTH/MEDICAL

Strengths: Denny is in good health
Concerns: Denny takes Ritalin, 5 mg (one tablet) at breakfast and lunchtime. Denny will need school personnel to give him the lunchtime dose
Denny soils his pants-usually at home. If this happens at school, please contact mother-extra clothing is available. Discipline method: total loss of privileges at school and home for that day.

Additional Helpful Information

Denny is highly motivated by electronic gadgets.

List of Common Acronyms/Terms

ADD:	Attention Deficit Disorder
ADHD:	Attention Deficit Hyperactivity Disorder
AT	Assistive Technology
BIP:	Behavioral Intervention Plan
CORE CURRICULUM:	Utah State Office of Education standards which must be completed by all students K-12 as a requisite to graduate from Utah’s secondary schools (general curriculum)
CP:	Cerebral Palsy
DD:	Developmentally Delayed
DSPD:	Division of Services for People with Disabilities
ED:	Emotional Disturbance
ESL:	English as a Second Language
ESY:	Extended School Year
FAPE:	Free, Appropriate, Public Education
FBA/FUBA:	Functional Behavioral Assessment
FERPA:	Family Education Rights and Privacy Act
HI:	Hearing Impairment
HO:	Hearing Officer
IAES:	Interim Alternative Education Setting
ID:	Intellectual Disability
IDEA/2004:	Individuals with Disabilities Education Act; Re-authorized in 2004
IEP:	Individualized Educational Program or Plan
IFSP:	Individualized Family Service Plan
LD:	Learning Disability (sometimes called SLD - see below)
LEA:	Local Education Agency (School District or a Charter School that is its own LEA)
LRBI:	Least Restrictive Behavioral Intervention
LRE:	Least Restrictive Environment
MD:	Manifestation Determination or Multiple Disabilities
OHI:	Other Health Impairment
O&M:	Orientation and Mobility
OT:	Occupational Therapy
PBS, PBI	Positive Behavioral Supports, Positive Behavioral Interventions
PLAAFP:	Present Level of Academic Achievement and Functional Performance
PT:	Physical Therapy
RTI:	Response To Intervention
SEA:	State Education Agency (The Utah State Office of Education)
SLD:	Specific Learning Disability
SLP:	Speech Language Pathologist
SPED:	Special Education
STO:	Short Term Objective
TBI:	Traumatic Brain Injury
UPDC	Utah Personnel Development Center (Provides Training for Special Educators)
USB:	Utah School for the Blind
USD:	Utah School for the Deaf
USDB:	Utah School for the Deaf and Blind
USOE:	Utah State Office of Education
USOSE:	Utah State Office of Special Education
USEAP:	Utah State Office of Education Special Education Advisory Panel
VI:	Visual Impairment
VR:	Vocational Rehabilitation