**Today’s objectives**

What is the Individual Education Program (IEP)?
What is the purpose of IEP?
What are the basic steps/rules of the IEP process?
Who is included at the IEP meeting?
What are the specific roles/functions of each person during the meeting?
What should be accomplished at the meeting?
What are the 9 components that an IEP must contain?
Is there a majority vote at end?
How often is the IEP reviewed/revised?

**What is the Individual Education Program (IEP)?**

A written plan that describes what your child will work on through special education services.

Plus the collaborate process between school and parent

Must be developed for each student in special education

must be in effect before sp ed services

**What is the purpose of IEP?**

- Road map that directs the education of child
- Considers individual needs
- Describes how the student learns and what may improve learning
- Collaborative, communication process between school and parent
- States management and level of resources
- Accountability for implementation but NOT for a performance guarantee
- Proof of FAPE compliance
- Evaluation tool of IEP goals
- Reflects Team decisions

**What are the basic steps/rules of the IEP process?**

1. Notify parent once student is suspected of having a disability and referred to multidisciplinary team
2. Evaluation may begin with consent
3. IEP team meets to consider results
4. If considered eligible, IEP team meets to develop IEP
5. Consider related services needed to support attainment of IEP goals
6. Implement IEP
7. Review IEP annually or earlier upon parent, school request or if change of placement

**Necessary Conditions for Successful IEP Development**

Parents as Active and Informed Partners
Effective School Practices
Strong and Visible Administrative Support
Open and Genuine Effective Collaboration and Communication
Ongoing and Meaningful Staff Development Activities
Effective Team Practices

1. THINK ABOUT THE INDIVIDUAL CHILD.

2. THINK EDUCATION. An IEP should discuss how an individual student’s disability(ies) impact education and concentrate on offsetting or reducing the resulting problems that interfere with the student’s learning and educational performance.
   - THINK OBSERVABLE SKILLS
   - THINK OBSERVABLE RESULTS
   - THINK ACCESS TO THE GENERAL CURRICULUM

3. THINK PARENT, STUDENT, TEACHER, SERVICE PROVIDERS PARTICIPATION

4. THINK Action Plan

   OUTCOME | What needs to be done? | Who will make sure it happens? | By when?

According to IDEA, at a minimum:
- parent/guardian
- the special education teacher
- general education teacher
- a school district administrative representative.
Person who can interpret the instructional implication of the evaluation results

Who is included at the IEP meeting?

May also include:
- The child may be involved if appropriate, particularly at the secondary level (middle school and high school).
- Related service personnel: the school psychologist, school social worker, the school nurse and any teachers who work with child.
- Transitional personnel
- If other is included who is not employed by school, must have parent consent due to confidentiality rights
- Advocate maybe invited and school is obligated to consider recommendations

Required Team Knowledge and Expertise

Each Team meeting must also have someone who:
- is qualified to provide or supervise the provision of specially designed instruction
- is knowledgeable about the general curriculum
- has the authority to commit school district resources
- can interpret instructional implications of evaluation results
- has knowledge or special expertise regarding the student (at the discretion of parent or district)

What are the specific roles/functions of each person during the meeting?

Educators
- General Educators bring to the Team meeting:
  - their expertise on the general curriculum.
  - their knowledge of how the student is progressing in the general curriculum.
  - their ideas about positive behavioral interventions.
- Special Educators and Related Service Providers:
  - their expertise on disabilities, evaluation and assessment
  - their ability to provide, design, and/or supervise special education services.

General Education Teacher

Responsibility of the General Education Teacher (as a Member of the IEP Team)

1. Share information regarding the general education classroom environment as it relates to the student’s progress in the general education curriculum.
2. Assist in developing effective classroom management techniques and positive behavioral interventions.
3. Assist in identifying parent s, classroom, teacher supports and assistive devices.
4. Share information about participation in state and district-wide assessments.
Special Education Teacher & Related Service Providers

Responsibility of the Special Education Teacher and related service provider

1. Share information regarding progress toward IEP goals.
2. Share information regarding Present Level of Educational Performance (PLEP).
3. Share information regarding accommodations to the general curriculum and specially designed instruction.
4. Develop IEP goals and objectives/benchmarks.
5. Assist in identifying parent, classroom, teacher supports and assistive devices.

SUGGESTED PRACTICES TO INCREASE PARENT PARTICIPATION:

- Make available evaluation material in advance, asking parents to develop a list of questions and/or concerns.
- Contact parents in advance of meeting to discuss their concerns or to ask them to come in a few minutes before the meeting to discuss their concerns.
- Provide parents with a seating plan or use name tags.
- Introduce and refer to all Team members in the same manner.
- Use conference calling during a Team meeting.

PARENTS!

As students get older they should become more and more active within the Team meetings, their interests and preferences determining the direction for the identified goals in the IEP.

Students are invited beginning at the age 14 or younger if the purpose of the meeting is to discuss transitional services.

STUDENTS!

Concrete:
- Transitional preference assessment
- Reinforcer lists
- Prioritize intervention goals with student
- What is hardest/easiest?

SUGGESTED PRACTICES TO INCREASE STUDENT PARTICIPATION:

- Give students opportunities to think about their preferences, visions and concerns.
- Teach students their civil rights.
- Develop students' self-advocacy skills.
- Have students lead their own Team meetings.
- Teach students how to set and meet goals, problem solve and compromise.

STUDENTS!

I would like you to know these things about me:
1. My strengths are...
2. My disability causes me to have difficulty with...
3. I am most successful in school when...
4. The accommodations I find most useful are...
5. I am especially interested in...
6. After completing high school I would like to...

Parent Participation in the IEP Meeting

Parent Name: Student Name:

Dear Parent(s),

Within our community, we recognize that each child is unique, and that parents have an intimate knowledge of their child and their needs. Your insights, strengths and weaknesses, and your vision will help us better fully understand your child.

We would like you to have an opportunity to prepare in advance for your child’s IEP meeting. The information you provide will enable the Team to plan meaningful programs for your child.

We would like you to have an opportunity to prepare in advance for your child’s IEP meeting. We recognize that this can be a stressful process, and we want to provide you with the opportunity to discuss your child’s needs with us in the context of the Team meeting or return it to us in the enclosed envelope.

Thanks for your valuable input. We look forward to meeting with you.

1. My child’s strengths are... (strengths may include academic, social, athletic, musical...)
2. My child’s significant interests are:
3. My concerns about my child’s educational progress are:
4. My goals for my child over the school year are:
5. My vision for my child over the next three to five years is:

Parent Name: Student Name:
**About Me**

1. What I like about school ...
2. I need help in school with ...
3. Learning is easier for me when my teacher ...
4. Learning is easier for me when I ...
5. Things I like to do...

Suggested for: Elementary School Students

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**Examples of: Parents and/or Student Priorities**

Example 1:
- wants to see Sam’s reading skills improved by end of year
- wants to see Sam participate in after school activities

Example 2:
Concerned about after graduation plans:
(1) Will Juan be prepared for work?
(2) Will Juan be prepared to continue his education after high school?

Example 3:
Kenya’s parents are concerned with her overall school progress. She does not seem to be keeping up with her classmates and her IEP goals are not consistently being met. Perhaps she needs different strategies and/or services to improve her performance?

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**Examples of: Student’s Strengths and Key Evaluation Results Summary**

Example 1:
Jose participates in appropriate activities with his classmates. He responds to staff requests. He likes being active and helping others. Jose has at least average intelligence and a communication disability. His speech is clear and easily understandable but he has difficulty expressing his thoughts. His vocabulary and word finding skills are below age/grade expectations. His teachers take time to make sure they understand Jose but his peers may not. Jose, however, works best with immediate feedback, several examples, and lots of praise.

Example 2:
strengths: academic skills, following directions, work completion
interests/accomplishments: sports of any kind, nature especially endangered species, active Boy Scout, plays soccer and basketball
education related details: sensory impairment - hearing; general education performance is above that of peers and consistent over school history; solid intellectual and academic abilities

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**Examples of: Vision Statement**

Example 1:
The Team would like to see Elena enter an integrated kindergarten program when she reaches age 5.

Example 2:
By the time Rose is in 2nd grade, we can see her taking the yellow school bus to school and walking independently through the school building.

Example 3:
Sean loves automobiles and would love to spend after school and summer around cars. After graduation, he sees himself working as an auto mechanic at a foreign car dealership, living in an apartment with friends, maybe taking a course or two at the local community college and continuing to play baseball in a local adult league.

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**What should be accomplished at the meeting(s)?**

1. Review assessment results
2. Review what works so far (strengths) and skill gaps
3. Each person states priority (goals) and visions
   May write under heading of the needed areas
4. The 9 mandatory components
5. For reevaluation or annual review:
   Whether the current IEP goals have been met, revised, or can be maintained

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**Examples of: The 9 mandatory components**

1. Adaptive skills (daily living, self-help, and recreation skills)
2. Cognitive ability
3. Academic, vocational, and/or skill training
4. Motor ability
5. Perception and sensory input
6. Communication skills
7. Emotional-social-psychological assessment
8. Environmental interactions
   (safety issues, content, level of environment, activity level, routine)
9. Level of support

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**Examples of: What are the 9 components that an IEP must contain?**

1. child’s present levels of educational performance
2. annual goals
3. short-term objectives or benchmarks
4. specific special education and related services to be provided
5. The extent to which the student will not participate in general education
6. The projected dates for initiation of services, frequency, location and the anticipated duration of the services
7. How progress towards goals will be objectively measured and reported to parents
8. Modification of state or district-wide assessment
9. Transition Planning at Age 14
1. **A statement of the child's present levels of educational performance**
   - Describe the effect of the disability on the child's performance in any area of education that is affected, including (1) academic areas and (2) non-academic areas (daily life activities, mobility, etc.).
   - How effects involvement and performance in general ed
   - This is baseline so write objective measurable terms.
   - If give test scores then scores should be (1) self-explanatory (i.e., can be interpreted by all participants without use of test manuals or other aids), or (2) explained.
   - There should be a direct relationship between educational performance and the other components of the IEP. Thus, if describe a reading problem, then this problem will be addressed under (1) goals and objectives, and (2) specific special education and related services to be provided (Tricky if bx plus LD).

   Juan has difficulty decoding words. When he reads a word incorrectly, he usually substitutes a word similar in printed form to the correct word, particularly in the first and last letters. (e.g., carefully/scarcey or rest for resting). He also reads slowly, generally at a rate of 20 correct words per minute while peers generally are reading at 65 words per minute. This affects his progress in the general classroom because he is required to read stories to himself and answer comprehension questions independently. He is also required to read social studies and science information from the text and answer questions. Despite his difficulties, Juan has a positive attitude toward reading and continues to try.

2. **A statement of annual goals**
   - What can reasonably be expected to accomplish within a twelve month period in the child's special education program relating to disability.
   - Goal must indicate a meaningful improvement
   - There should be a direct relationship between the annual goals and the present levels of educational performance.
   - These goals must be specific and measurable.
   - At least one goal is written per needed area

   By May 15, when shown one syllable words, Juan will correctly pronounce the ending sound in each word at 100 percent accuracy for sixty common endings.

3. **A statement of short-term objectives or benchmarks;**
   - Short term are intermediate steps towards annual that allow for progress monitoring
   - Goal must indicate a meaningful improvement
   - These goals must be specific and measurable.
   - At least one goal is written per needed area
   - Benchmarks are considered major milestones

   By November 15, when shown three one syllable words with common endings, Juan will correctly pronounce the ending sound in each word at 70 percent accuracy for thirty common endings.

4. **A statement of the specific special education and related services to be provided**
   - Specify how many hours per day will be spent in the special education setting, regular classroom and any other special services.
   - Describe any modifications to the regular education program that are necessary to ensure inclusion including those needed for physical education, art, music, and vocational education. (Typically a checklist)

   Special education teacher will preread all social studies and science assignments with Juan before reading the assignments in the general ed classroom. He will take objective tests written jointly by the general and special ed teacher on the material. Juan will participate in a separate reading program directed by the special ed teacher.

5. **The extent to which the student will not participate in general education**
   - Report time and settings
   - Statement that describes inability to participate due to disability

   Juan will participate in all aspects of the general education classroom except reading. He will receive special reading one hour a day. Juan needs one to one and small group reading instruction to improve his ability to accurately read words. He must begin instruction at level that is two years below the level used in the general education classroom to be successful.
6. The projected dates for initiation of services, and the anticipated frequency, location and duration of the services;
   • immediately except during vacations, short delays like transportation details

   Date for initiation of services: September 15
   Frequency: For reading Juan will receive services daily; for social studies and science Juan will receive services three times a week.
   Location: Reading will take place in sp ed classroom. Prereading of social studies and science will take place in the general ed classroom.
   Duration: Services will end on June 5.

7. How progress towards goals will be objectively measured and reported to parents.
   • Must be as regularly as other children
   • operationally defined as much as possible
   • What will you SEE and how measure?
   • Frequency, latency, duration, trials to criterion/ class/ week/ observation period

   Juan’s progress will be evaluated by administering curriculum-based assessment probes in reading twice a week. Results (i.e., number of words read correctly and errors) will be graphed and reported to the parents on a quarterly basis.

8. Modification of state-or district-wide assessment

   If the team decides that he will participate in this assessment, the team decides on accommodations/modifications.

   Juan will have the test read out loud to him.

9. Transition Planning at Age 14

   Beginning at age 14, the IEP must contain a statement of the transition service needs of the child under the applicable components of the child’s IEP that focuses on the child’s courses of study (advanced-placement courses or a vocational education program)

Problems in courts and common on IEPs:

Pocatello District-91. Did not explain numeric tests, report not attached with records, vague descriptions of performance levels that were not suitable for use as a baseline and to measure future progress.

San Bernardino District-98. After determining goals, should have also determined amount of primary sp ed instruction the child needed to achieve goal.

Burlinger District-94. IEP had detailed goals for study skills and social/emotional development but no related services.

Accommodations are changes in course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, environmental structuring and/or other attributes which provide access for a student with a disability to participate in a course/standard/test, which do not fundamentally alter or lower the standard or expectations of the course/standard/test.

Modifications are changes in course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, environmental structuring and/or other attributes which provide access for a student with a disability to participate in a course/standard/test, which do fundamentally alter or lower the standard or expectations of the course/standard/test.

What are the Time commitments:

• develop IEP within 30 calendar days of date determined the student is IDEA-eligible
• set meeting time and notify parents early enough to ensure they will have an opportunity to attend to “mutually agreed time” (within normal business hours)
• Implement IEP “as soon as possible” (one court oked 30 days but depends on why delay)

Is there a majority vote at end?

No.

If the team cannot meet consensus, the agency must provide parent with prior written notice of agency’s refusal or proposals and the parent has due process rights or mediation
How often is the IEP reviewed/revised?

IEP should be reviewed once a year but also if parental/school/team member concern:

- lack of progress with goals
- change of placement may be needed
- (more definitely but less restrictive is smart)
- additional information needs to be reviewed
- students needs have changed
  (more or less services for example)

10 Things NOT to Say in an IEP Meeting

DO NOT SAY: No Mrs. Brown, Bob’s teachers aren’t here. They are too tired from yesterday’s meetings and we rotate teachers through these meetings anyway. It’s not their day to participate in IEP meetings.

DO NOT SAY: No, we didn’t indicate occupational therapy as a related service. We have only one OT in the entire district and he’s booked solid. Maybe next year- or if an OT student moves away.

DO NOT SAY: Let’s get started! We have only 30 minutes for each of these IEP meetings and we’ve already lost 5 minutes getting coffee. We’ll have parents stacked up and down the halls if we fall behind schedule.

DO NOT SAY: Well, that’s easier and that alternative curriculum is for most students. It’s best to provide these students with an alternate curriculum that’s easier and that the special education teacher is trained in.

DO NOT SAY: I don’t recommend that you invite your child to participate. Source: Appendix A, 64 Federal Register, March 12, 1999

10 Things NOT to Say in an IEP Meeting

A child’s IEP Team must include (1) the parents of the child; (2) at least one of the child’s regular education teachers (if the child is, or may be, participating in the regular education environment); (3) at least one special education teacher of the child, or if appropriate, at least one special education provider of the child. Section 300.346(c)(1)

Generally, a child with a disability should attend the IEP meeting if the parent decides that it is appropriate for the child to do so. If possible, the agency and parents should discuss the appropriateness of the child’s participation before a decision is made, in order to help the parents determine whether or not the child’s attendance would be (1) helpful in developing the IEP or (2) directly benefit the child or both.

The agency should inform parents before each IEP meeting- as part of notification under Section 300.345(b)(1)—that they may invite their child to participate. Source: Appendix A, 64 Federal Register, March 12, 1999

10 Things NOT to Say in an IEP Meeting

The IEP for each child with a disability (including children who are educated in separate classrooms and schools) must address how the child will be involved and progress in the general curriculum. However, the part B regulations recognize that some students have other educational needs resulting from their disability that also must be met, even though these needs are not directly linked to participation in the general curriculum. Source: Appendix A, 64 Federal Register, March 12, 1999

The IDEA '97 significantly strengthens the role of the parent. Therefore, it is important that parents are provided a full opportunity to express their views and participate fully in the IEP meeting. The IDEA '97 specifically mentions that the IEP must be based on the child’s unique needs and not on the child’s disability. Section 300.314(b)(5)

Every individual involved in providing services to the student should know and understand his or her responsibilities for carrying out the IEP. This will help secure that the student receives the services that have been planned, including the specific modifications and accommodations that the IEP Team has identified as necessary. Source: A Guide to the Individualized Education Program, Office of Special Education and Rehabilitation Services, U.S. Department of Education.

The services provided to the child should address all of the child’s related services needs. “Section 300.305(e)(3) Each student’s individually determined needs dictate services to be provided. The availability of the service may not be a factor.

The services provided to the child should address all of the child’s identified special education and related service needs.” Section 300.305(e)(3) Each student’s individually determined needs dictate services to be provided. The availability of the service may not be a factor.
EXAMPLES OF: Current Performance Levels

Measurable Annual Goals

Goal #1: In-Class Behavior

Specific Goal Focus: In-Class Behavior

Current Performance Level:
Jill typically interrupts the work of others 2 or 3 times in any 5
minute period of quiet work time. She interrupts when she
requires teacher assistance.

Measurable Annual Goal:
Jill will consistently raise her hand to get teacher assistance
during any random sample of quiet work time.

Benchmarks/Objectives:
- Will be able to state classroom rules in regard to talking in class
  and participating in class discussion
- Will raise her hand for teacher assistance when verbally prompted
  by teacher
- Will require only periodic reminders from teacher to raise her
  hand

Goal #2: Travel Training

Specific Goal Focus: Travel Training

Current Performance Level:
Paul independently rides the school bus to and from school but he has
door to door delivery. He has taken public transportation for school-
sponsored activities but requires prompting and cues from school staff
to locate bus stop and to board the correct bus. He is beginning a
series of work internships during the school day that may lead to part-
time, after school employment.

Measurable Annual Goal:
Paul will independently take a local bus from the stop nearest school to
the local mall.

Benchmarks/Objectives:
- Correctly read a bus schedule to determine best bus route, stop
  location and times for a trip to the mall
- Successfully plan and take bus trip to go to standard locations such as
  the mall, local medical building and movie theatre

Impact of Disability on Progress

Curriculum Areas: All

Impact of Disability on Progress:
Jorge is able to write simple sentences but requires teacher
assistance to add detail to his work and to correct mistakes in
spelling, grammar and punctuation. He writes slowly and
laboriously even using a pencil grip, lined paper and a slightly
tipped desk top which means he takes a longer time to complete
written assignments than expected (about 10 minutes longer for a
short assignment).

Jorge’s shorter written assignments are legible but as he tires
during the completion of lengthy assignments, his papers become
more difficult to read. When given time to prepare, Jorge is
great at telling stories that are full of facts and details and can
orally respond in a complete manner to open-ended questions.

Example 1 continued

Accommodation(s):
- Pencil grip
- Large-lined paper
- Slanted desk top
- Use of classroom word processor for long written assignments
- Extra time for written assignments

Special Designed Instruction:
- Content:
- Methodology/Delivery of Instruction:
- Performance Criteria:
  Modify length of written assignments to include some practice
  of each concept but not to include overly repetitive practice of
  each concept; plan assignments that allow Jorge to respond
  orally or through project-based activities (like building a model
  or filming a video)

Example 2:

Curriculum Areas: Mathematics

Impact of Disability on Progress:
Tony:
- Is able to compute addition, subtraction, multiplication and division
  problems
- Has a good memory for shapes and objects
- Has difficulty understanding what is asked of him when asked to
  problem solve
- Is very slow in his efforts, as his inability to break down the task
  causes him anxiety and often stops him cold
- With help on task analysis, recognizes the steps he needs to take,
  and is better able to successfully complete the problem

Example 1 continued
Example 2 continued

Accommodation(s):
- Use of manipulatives (coins, base ten blocks, tangrams)
- Multiple examples
- Modified homework assignments
- Extra time for standard assessment assignments

Special Designed Instruction:

☐ Content:
☐ Methodology/Delivery of Instruction: Provide visual information (pictures, charts, graphs) that reinforce the concept being taught; allow for Tony to work with peer or in small groups to solve problems where he will have the opportunity to hear the questions other children ask, and do more quality thinking than by himself; individualized instruction to help Tony visualize the math problem (have him draw pictures, tall stories that incorporate the problem being solved...)

☐ Performance Criteria:
In addition to the standard classroom evaluations, Tony should be allowed to present responses...

Example 4 continued

Accommodations:
- Send to Nurse's Office right before lunch break for his medication.
- Notify guidance counselor if Dan puts his head on his desk and refuses to participate in class.

Specially Designed Instruction:

☐ Content:
Don't assume mastery of easier content/concepts - pretest knowledge and understanding
☐ Methodology/Delivery of Instruction:
Break assignments into step by step pieces and assign gradually over time; assist Dan in developing time management strategies (daily planner and schedule); provide reinforcement for the completion of each assignment
☐ Performance Criteria:
Grade assignments as soon after completion as possible; have student log completed assignments in daily planner; meet with student weekly to review achievement if student is completing work as assigned; meet daily with student if work completion begins to lag

EXAMPLES OF: Nonparticipation Justification

Example 1: (removed for all curricular subjects)
- needs a small, structured classroom with routine and systematic rewards
  - to reward on-task, appropriate behavior
  - to control angry outbursts

Example 2: (removed for all subjects)
Tomas requires daily ASL instruction and continuous practice in use of ASL skills to improve communication skills with ongoing opportunities for ASL interaction with peers and adults.

Example 3: (removed for all subjects)
Tina's behavior which is significantly disruptive throughout the day requires that Tina receive intensive behavioral intervention.

Example 4: (removed for entire school day)
Joshua's significant medical and physical needs require his participation in a highly specialized, responsive program setting.

EXAMPLES OF: Schedule Modification

Example 1: (shorter day)
Amy, based on the recommendation of her physician, will attend school for four hours each day. Her schedule will be changed to ensure she receives access to all general curriculum areas before she goes home.

Example 2: (longer day)
- extra hour on Tuesday and Thursday for Braille instruction
- scheduled after school to provide continuity of service delivery to Juanita
- Braille instructor will routinely monitor student performance by contacting teachers on a monthly basis.

Example 3: (longer year)
- services with start date: 07/01 and end date: 08/01
- documented severe regression of communication skills
- speech pathologist to meet before/after summer program with summer program staff
LRE is mandated

Depending on the child’s individual needs, LRE could be the provision of special education and related services in:

- Regular classroom
- Special education classroom
- Resource
  - Mild
  - Severe self-contained
- Neighborhood school
  - (proximity)
- A separate school specializing in a certain disability
- Something else

LRE Provisions
Each public agency must ensure:

“(1) That to the maximum extent appropriate children with disabilities are educated with children who are nondisabled; and”

“(2) That 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.”

Does IDEA define the term “supplementary aids and services?”

ANSWER: No.

Some supplementary aids and services that educators have used successfully include modifications to the regular class curriculum, assistance of an itinerant teacher with special education training, special education training for the regular teacher, use of computer-assisted devices, provision of notetakers, and use of a resource room, to mention a few.

LRE and the Connection to General Education
The IEP of each student must now contain:

“an explanation of the extent, if any, to which the child will not participate with nondisabled children in regular class and in extracurricular and nonacademic activities.

What needs to be balanced/considered with LRE decisions:

- Steps for maintaining child in general ed (aids, services, interventions)
- Academic Benefits to the student with supplementary aids in regular as compared to special including
- Effects of student on regular education peers even with supplementary aids and services (e.g., attention, disruptive or contagious health condition endangers others safe environment)
- Appropriate is primary and LRE is secondary
- Maximum amount of integration
- Nonacademic benefits (social skills, language and role-playing)
- Proximity and continuum of alternative services
Steps for consideration of LRE

• 1 Consider the general education classroom first.
  "...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."

• Efforts first must be made to maintain a student in LRE

• Pre-referral Interventions

• Most cases lost by school system when could not prove inappropriate of regular education
Most cases won when school demonstrated this

• 2 Consider what aids and services would enable children with disabilities to be educated with nondisabled children

• 3 If the student can be educated satisfactorily in the general education classroom, with aids and services, then that's the student's LRE.

• 4 If not, consider a continuum of alternative placements:
  instruction in regular classes
  special classes
  special schools
  home instruction
  instruction in hospitals and institutions

Other IDEA considerations from court cases:

• IDEA placement emphasis with chronological aged group
not mental or developmental for inclusion

• interaction with non-disabled students is not enough benefit
  should also show a "true social benefit"
  e.g. development of social and communication skills, increase
  in self-esteem, and role modeling, handling teasing

FYI TERMS:

Inclusion emphasis is on “setting” in reg ed the disability
with age-and grade-appropriate peers

LRE emphasis is on “participation”

How do you legally determine LRE placement?

First multiple assessment individual evaluation
  write IEP
  decide placement with IEP team to decide how to meet goals
  decision based on
  test results, adaptive skills, physical condition,
  teacher/parent recommendations, background

LRE considerations:
Consider the general education classroom first.
Consider what aids and services would help
If not, consider a continuum of alternative placements
  close to home as possible
  must be determined annually
If change in placement must be based on IEP or new IEP

When are school districts not required to include students with disabilities in reg ed classes?

1. Will not receive benefit even with supplementary support/aux

2. Requires so much teacher attention and time the he
  substantially interferes with learning of others

3. Threatens safety of others and poses a danger to himself

4. engages in significantly disruptive behavior, even with the
  use of bxal Tx, that interferes with education of classmates

5. will require so much modification in curriculum that regular
  program has to be altered beyond recognition

6. Lastly, the cost of inclusion (with limitations)

What about residential placements?

In 3 different situations:

Severe/profound disability who needs highly intensive program

Serious emotional problems

Best education for a deaf child (debatable)

Problem: Can cost 200,000 per year
Must consider:

1. LRE
   - Is it necessary to benefit from education?
   - Or is placement in response to medical, social or emotional problems?

3 step approach often used in court decisions---
1. Not required due to uneducable
2. Separate and balanced—is education needs primarily responsible for placement
3. Intertwined needs—not possible to separate needs but with educational link

In courts, it appears that they upheld more restrictive placements for older children

Why?
- educational program concern appears to outweigh the benefit of socialization
- Older students tend to be MORE isolated in reg classes, reliable on assistance, loss in independent learning, more focused on independent daily living skills
- class disruption

If a determination is made that a student with a disability can be educated in regular classes with the provision of supplementary aids and services, can districts refuse to implement the student’s IEP in a specific class because of the unwillingness of a particular teacher to educate that student in his or her classroom or the teacher’s assertion that he or she lacks adequate training to educate that student?

ANSWER:
- Lack of adequate personnel does not relieve districts of their obligations.
- Placement in a particular regular class based on the qualifications of the particular teacher is permissible.
- The public agency has a responsibility to ensure sufficient numbers of teachers who are qualified to provide services to students with disabilities in regular education, and to provide necessary training and support services to students with disabilities.

David D v Dartmouth School Committee, 85

Issue:
Are David’s special needs severe enough to warrant a full-time residential program or whether, instead can he be legally educated at a sp ed day program with supplementary services in local district?

Read case

ALSO: Teachers reported his behaviors were extreme when compared to his same cognitive level peers, making some progress in academic areas but behaviors remained. Problems across all settings; rejected from a number of programs including handicapped camp

Outcome:
Social and sex education should be part of education plan
Needed 24 hour program for 1 to 2 years to learn self-control

How frequently must a disabled student's placement be reviewed under IDEA?
- at least annually
- a student's IEP/placement cannot be revised without holding another IEP meeting.
- If the IEP is revised, the placement team needs to redetermine if a change in placement would be needed.
- Parents of disabled students must be informed with reasonable prior notice:
  + there is a full continuum of placement options
  + the placement options that were considered
  + the reasons why those options were rejected.

Hiring Professionals to work with children with disabilities:

Each State required to:
(a) ensure that personnel were appropriately trained;
(b) establish professional standards that its personnel had to meet;
(c) specify the steps it intended to take to retrain or hire personnel who did meet State standards, when current personnel did not meet the highest State standard for a specific profession or discipline.
(d) States may allow the use of paraprofessionals and assistants to assist in the provision of special education and related services under certain conditions if trained and supervised.
(e) Where there are shortages of qualified personnel, States may adopt a policy to allow the recruitment and hiring of the most qualified persons available. Those persons hired, who are making satisfactory progress toward completing applicable course work, have 3 years to complete the courses to meet the State standards.
To what extent is it permissible under IDEA for school districts to consider the impact of a regular classroom placement on those students in the classroom who do not have a disability?

Consideration is given to any potential harmful effect on the student or on the quality of services that the student needs.

If behavioral problems are so disruptive that the education of other students is significantly impaired, the needs of the disabled student cannot be met in that environment.

But must consider full range of supplementary aids and services that could be provided to the student in the regular educational environment.

Can parents of regular ed kids legally challenge the inclusion of disruptive students?

Generally NO.

Although have the right to complain--legal issues up to each state

IDEA does not provide any additional forum in which parents can force the removal of disruptive students with a disability.

What are the implications for practice as a school psychologist?

One-size-fits all should be avoided. Instead make decisions based on individual needs

Consider educational alternatives, interventions, assistive technology, appropriate and services needed for LRE

While courts recognize that General ed is not for all, want Documentation of progress in general ed or LRE with support first

Consider and document impact on peers

Placement decisions are made after identifying needs and services needed to meet needs

Ongoing communication and participation with parents

**Today’s objectives Part 3**

- What are related services?
- How are decisions about related services made?
- What are some issues when deciding on related services?
- Who can provide related services?
- What are some of the related services that we would be most involved in?
- What are some issues with psychological services?
- What do courts appear to review when making decisions for medical services?

**What are related services?**

**Related services** are the developmental, corrective, and other supportive services as are required

to assist a child with a disability to benefit from special education

to ensure FAPE

and to assist in maintaining child in LRE

**Not all students need related services, some need several**

Related services…

must be listed on the IEP with anticipated frequency, location and duration of service

must be provided without cost to the parent.

May not be provided as a sole service—must be attached to a special education program (Or 504)—and necessary for child to benefit from special instruction

There are no specific eligibility requirements that a child must meet in order to be eligible for related services. Although rely on explicit independent evaluation info to determine need for speech-language therapy, occupational therapy, physical therapy etc.
How are decisions about related services made?

The IEP team makes the decisions.

1. Decide on what services are needed in order for the child to...
   - meet the annual identified IEP goals
   - to participate in LRE

2. Estimate the amount of time needed for each service

3. Determine most appropriate setting for the delivery of services.

4. The following must not be a determinant factor in the team’s discussion of or decision about the provision of a related service:
   - cost of the service (although some courts considered overly burdensome costs but not as sole factor)
   - availability of properly certified staff

5. IEP team decisions cannot be overridden at a higher administrative level.

What are some issues when deciding on related services?

1. Extent that the provision of such services impedes the goal of LRE

2. Who is responsible for provision and cost of the service?
   - School or other public agency?

For example: residential, health services

IDEA is not to be viewed as a way to limit all other agencies from responsibility but to adopt interagency agreements and a mechanism for resolving disputes

Who can provide related services?

A. Provided by persons from varying professional backgrounds and with a variety of titles.

B. For some areas, an individual with a specific certification or licensure will be required to provide that service.
For example, counseling services would need to be provided by school social workers, school psychologists, guidance counselors.

C. If not listed on the IEP as direct services, then the services may be provided by a variety of individuals under the supervision of a qualified provider

For example, if “direct occupational therapy” services — services will have to be provided by a licensed occupational therapist (OT). However, if the services are not listed as “direct,” — services could be implemented by other qualified personnel under the supervision of an OT such as a certified occupational therapy assistant (COTA).

Related Services within our areas

Counseling services: Services provided by qualified social workers, psychologists, school counselors or other qualified personnel.

Psychological services: 300.13
- Administering psychological and educational tests
- Interpreting assessment results;
- Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews and behavioral evaluations;
- Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- Assisting in developing positive behavioral intervention strategies.

Parent counseling and training: Assisting parents in understanding the special needs of their child and providing parents with information about child development.

When necessary to help the child or youth with a disability benefit from the educational program, school counselors can:

-- assist parents in understanding the special needs of their child;
-- provide parents with information about child development; and
-- provide parents with referrals to parent support groups, financial assistance resources, and professionals outside the school system.

E.g., in courts, work with parent to use same mode of communication with deaf child, work with parent implementing a behavior management program that was part of educational program.
**Social work services:**
- Preparing a social or developmental history on a child with a disability;
- Group and individual counseling with the child and family;
- Working with those problems in a child’s living situation (home, school and community) that affect the child’s adjustment in school;
- Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- Assisting in developing positive behavioral intervention strategies.

**What are some issues with psychological services?**

A. Who pays for psychological services?

School does if needed benefit form educational services but not for:
- a) changing behavior solely outside of school
- b) if therapy did not work

B. Who is responsible when psychological services are provided by a psychiatrist?

C. Who is responsible for cost in residential facility?

Key consideration—Is it necessary for education benefit?

Especially if placed there to meet educational needs as opposed placement for medical treatment.

Also Medicaid precedes financial responsibility of the LEA or SEA.

**What do courts appear to review when making decisions for medical services?**

1. Can service be performed by trained layperson?
   If physician or his/her supervision is needed, then excluded medical services. (Eg. Drug treatment, on call for emergencies)

2. Is service within range of services traditionally provided by school nurse?

3. Is service designed to assist the child in benefiting from special education?

4. Is cost overly burdensome to school? (inconsistent guidelines from court responses on this)

5. Appears to be reluctant to require services that are seen as life-sustaining

**Transportation:**

To get access to education….

- May be required for a student with disabilities to attend extracurricular and/or extended school year programs.
- Provide lifts and other equipment adaptations on regular school transportation vehicles.
- Decrease extensive travel time that cuts into school hours may be considered change of placement or violation of FAPE
- Door-to Door service is unclear (depends on state)
  - one court said on “public property only” even though parent needed assistance carrying wheelchair to 2nd floor of apartment
  - while another said needed to extent can get child to and from school
- Requirement of child to ride “segregated” bus is considered discrimination unless it is necessary due to the disability

**Question: What about a LD or ED student with disruptive behavior problems?**
What about hearing aids and eye glasses?

Historically, OSEP position is that district is not required to evade letter question on no money issue.

In a discussion report by DOE---

if IEP team specifies that child requires a personal device in order to receive FAPE, agency responsible

How Are Related Services Delivered?

The district decides how to provide these services through its own personnel resources, but if this is not possible, they may contract with another public or private agency to provide services.

Related services are only given to IDEA and 504 students.

A related service provider does not need to be a IEP team member under IDEA.

Are There Shortages of Personnel for Related Services?

YES.

Personnel reported to be in the shortest supply are occupational therapists, physical therapists, psychologists, counselors, social workers, and speech/language pathologists.

Factors:

Salaries

lack of trained applicants for school positions

competition with other agencies

the scarcity of personnel leads to heavier case loads for those who are employed.

Law recognizes that there is a shortage of appropriately trained providers by including a personnel development section and allows money for it.

Law enforcement.

Clear from recent court cases and Office of Civil Rights (OCR) that, regardless of staffing difficulties, school districts are responsible for providing the services students need.

A school district on Michigan's eastern Upper Peninsula found itself unable to hire and retain qualified physical therapists and speech pathologists, due in part to the district's isolated location. The district searched for candidates through posting vacancy notices in newspapers and in college placement offices, and tried unsuccessfully to establish a contractual agreement with a neighboring school district and a local sports medicine clinic to use their physical therapist services. A complaint was lodged against the district for failing to provide physical and speech therapy to a boy with cerebral palsy and other students with multiple disabilities. OCR investigated the complaint and held the district in violation of its requirements. OCR then ordered the school district "to take any measures available, such as contracting for services outside the immediate geographic area, to provide services to the children.”

What about medication?

A. May this be a related service?

Yes, but administration can be other students too and not just for IDEA and 504

B. Can the school just use their general policy for administering medication?

Depends what it is - court ordered school to revise their “no-reminder” policy

Cannot refuse if child's needs do not fit policy

C. Can school make sp ed or placement contingent upon administration of meds?

NO

Parents have a right to choose not to medicate child if meds are not life-threatening (otherwise may be considered neglect issue)

parents were found liable when stopped meds, did not tell school, and child assaulted teacher

If no meds, then IEP based on this although could be more restrictive setting