

Parents as Partners In the IEP Process



Parent Handbook

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Contact the Utah Parent Center for more information on:

Free UPC workshops on a variety of topics.

Additional information on topics covered in this book.

The “**Parents as Partners in the IEP Process**” companion video which can be purchased for \$10.

REFERENCES

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

Individuals with Disabilities Education Act (IDEA): Workshop for Families, Advocates, and Self-Advocates. Families and Advocates Partnership for Education (FAPE), Technical Assistance Alliance for Parent Centers (ALLIANCE), © May 1999. Used with permission from PACER Center Inc., Minneapolis, MN, (612) 827-2966. www.pacer.org. All rights reserved.

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The Individuals with Disabilities Act Amendments of 1997: [curriculum], November 1997. Office of Special Education Programs (OSEP). U.S. Department of Education.

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 PACER Center for your state's PTI.

Parents as Partners in the IEP Process

Parent Handbook
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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*** video. It provides a brief overview of some information and suggestions of 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 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 to see the professional's also. Your information is important to help professionals on the team understand your child and determine her needs.
- After the meeting, be sure to follow up to see that the agreed upon program and services are being implemented. Monitor progress reports 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.

★★★ TEAM BUILDING ★★★

As we consider the relationship between the school and the family, it's important to think about building partnerships that result in an effective team.

As members of the Individualized Education Program (IEP) team, parents and the school 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. We should not seek to gain more "control," "power," or "say so" than the other team members. In doing so, the focus on the child may be lost 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
- devaluation of someone's input
- apathy
- stereotyping
- negative attitudes

Different barriers 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 disagree. 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 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!



AN OVERVIEW OF FEDERAL LAWS THAT IMPACT ★★★ YOUR CHILD'S EDUCATION ★★★

INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 1997 (Commonly referred to as IDEA 97) (*IDEA Reauthorized ~P.L.105-17*)

In the reauthorization of IDEA 97, Congress sought to improve the education of children with disabilities and to enable them to achieve a quality education. IDEA 97 expanded and strengthened the parent's role in the education of their child with a disability.

DEFINITION OF A PARENT

IDEA 97 expanded the definition of a parent. A parent is a natural or adoptive parent, a guardian, but not the state if the student is a ward of the state, a person acting in the place of a parent of a student (such as a grandparent or stepparent with whom the student lives, or a person who is legally responsible for the student's welfare), or a surrogate parent.

A foster parent may act as a parent if these conditions are met:

- the natural parents' authority to make educational decisions on the student's behalf has been extinguished,
- has an ongoing, long-term parental relationship with the student,
- is willing to make educational decisions required of the parents,
- has no interest that would conflict with the interests of the student.

SIX PRINCIPLES OF IDEA 97

The six principles of IDEA 97 are key to understanding the intent and spirit of the law. These include:

1. **Free appropriate public education (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 program 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 children with disabilities, including those who have been suspended or expelled from school.



2. **Appropriate evaluation:** Gathers accurate information to determine eligibility and continued eligibility, as well as identify the student's strengths and educational needs. An individualized educational program is then designed to respond to the student's needs.
3. **Individualized Education Program (IEP):** 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 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 97 requires that parents must be given the opportunity to play a central role in the planning and decision making of their child's education. Parents must have the opportunity to participate in meetings regarding identification, evaluation, educational placement and the provision of FAPE to the student. Student rights and participation are expanded and encouraged, particularly when addressing transition planning.
6. **Procedural due process:** Safeguards designed to protect the rights of the parents and their child with a disability, as well as give families and schools a mechanism for resolving disputes.

EARLY INTERVENTION

Part C of IDEA 97 provides service to infants and toddlers who have disabilities and their families. Utah has designated the Health Department as the lead agency for the 0 to 3 year age group of children with special needs. Services for this age group are called Early Intervention. Early Intervention services are family-centered, multi-disciplinary, comprehensive and community-based and honor the values and beliefs of the family. The specific early intervention services are written in an **Individualized Family Service Plan (IFSP)** which is based on the concerns and priorities of the family.



SPECIAL EDUCATION

Part B of IDEA 97 outlines the special education process which is available from age 3 through graduation or to age 22. This includes special education preschool which serves children with disabilities who are ages 3 to 5. The Utah State Office of Education is the lead agency responsible for overseeing special education. The specific child identified educational needs and services are written in an **Individualized Education Program**.

PARENTS RIGHTS AND RESPONSIBILITIES

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 information 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 eligibility for special education services.
3. Parents have the right to be a part of the group that makes the decision regarding their child's educational placement.
4. 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.
5. Parents have the right to receive regular reports on their child's progress as often as the school notifies parents of students without disabilities. The IEP would need to be revised to address any lack of progress toward annual goals.
6. 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 the public to pay for it.

STUDENT RIGHTS AND RESPONSIBILITIES

1. Students have the right to be involved in determining their transition services, which are based on individual student needs, preferences and interests.
2. Transition planning will begin for the student with disabilities at age 14. A statement of transition service needs must be written into a student's IEP at age 14. The IEP team, including the student (when appropriate), looks at what courses the student is taking and considers what additional classes are necessary, such as advanced-placement courses or a vocational education program, based on the student's goal for life after high school. At age 16, a statement of needed transition services, including any interagency responsibilities or linkages must be included.
3. On the student's 18th birthday, parental rights transfer 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. 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.

NOTE: Students at Charter Schools have the right to FAPE. Private schools are not required to provide FAPE. However, some services may be available at private schools. The amount and kind of services are determined by the school district and the student would have a "service plan" rather than an IEP.



SECTION 504 OF THE REHABILITATION ACT AND ANTIDISCRIMINATION LAW

With 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 is disabled 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” include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. 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 could include; attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), cancer, asthma, special health care needs, parents with hearing impairments who need an interpreter, and 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 non-disabled students.

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.

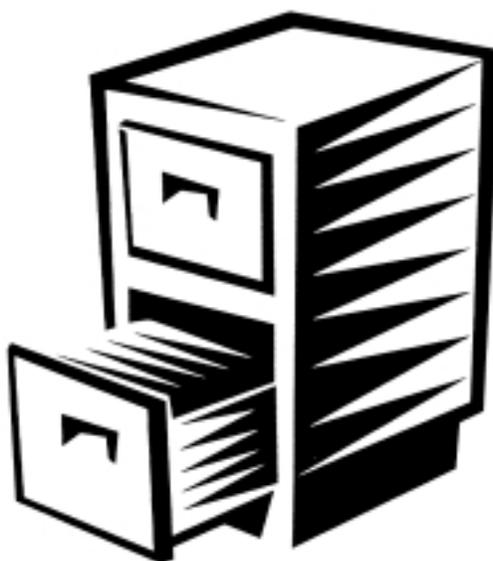
Contact the Utah Parent Center for a free booklet that provides more detailed information about Section 504.

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 may also 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.
- If you disagree with something in the file, allows you to ask the school to remove it.
 - 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 letter 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).

NOTE: IDEA 97 rules allow the school to charge parents a fee for copies of school records, provided the fee does not effectively prevent the parents from their right to inspect and review those records. The school may not charge a fee to search or review those records.



THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT OF 1990 (P.L.-101-392)

This law amended the Vocaitonal Education Act, Carl Perkins, P.L. 98-524 for the purpose of making the United States more competitive in the world economy. This law is closely interwoven with IDEA toward guaranteeing full vocational education opportunity for youth with disabilities.

Funds appropriated under the Act are awarded as grants to state education agencies based on a formula. These funds are distributed to priority items established within a state and in accordance with an approved state plan. The use of funds is for a variety of purposes including: occupationally-relevant equipment, remedial classes, supplemental services for special populations, vocational curriculum materials, materials for learning labs, curriculum development or modification, staff development, career counseling and guidance activities, efforts for academic-vocational integration, hiring vocational staff, and expansion of tech prep programs.

Parents need to be aware that in the revision of this Act, specific disability categories were deleted. All disabilities were placed together under the same program. This placement has the effect of opening programs intended for students with disabilities to **all** students, in addition to opening **new** programs to students with disabilities. The problem with open enrollment in restricted programs is that the slot allotments are filled by people who have different kinds of needs. People with disabilities who need the program may be turned away because the slots are filled. Therefore, more advocacy is needed to ensure that students with disabilities receive vocational services and the assistance that is available under this Act.

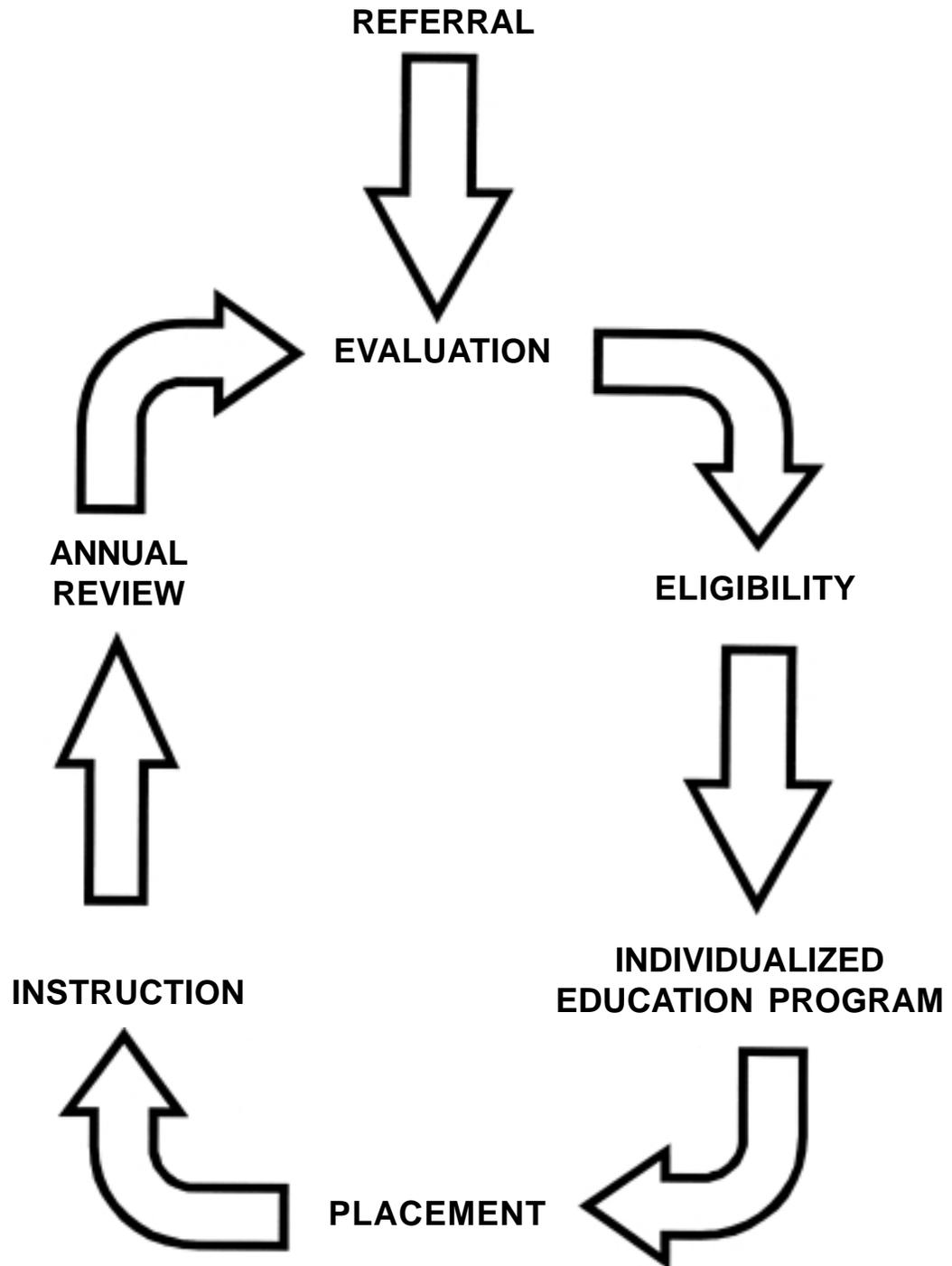


A GUIDE FOR PARENT PARTICIPATION IN THE SPECIAL EDUCATION PROCESS AS OUTLINED IN IDEA 97

The previous pages provided an overview of several laws which protect individuals with disabilities. The following pages provide detailed information about the special education process and the parents' role in it.



THE SPECIAL EDUCATION PROCESS



A SUMMARY OF THE SPECIAL EDUCATION PROCESS

Child Find/Referral	Referral of a child for diagnosis may be formal or informal; may come from parents or from others.
Evaluation	Multi-disciplinary, non-biased, comprehensive battery of tests and other evaluation materials. At least once every three years, a group shall review existing data and identify any additional needed data. Written parent consent is required.
Classification	Team reviews assessment of diagnostic data and classifies the child for special education based on test results.
IEP Meeting	Individualized Educational Plan (IEP) developed by team. Must be re-written 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. Parent signature required.
Evaluation Team	Team meets to evaluate the child's total special education program and progress at least yearly. (Teacher evaluates daily as the child works on short-term objectives or benchmarks.)

Remember “the team” always includes the parents!



★★★ REFERRAL ★★★

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:

- highly mobile students with disabilities (such as migrant and homeless students).
- 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.

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



REFERRAL

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.

Those who can refer a child for special education services include:

- teachers, principals (history of failed classroom interventions and/or programs must be documented)
- parents
- social workers, doctors, others.



Parents wishing to make a referral should submit a request for evaluation to the Special Education Services staff at the school for review and recommendation. The right of a parent to refer a student for evaluation may not be delayed or denied by the regular education interventions.



REFERRAL AND EVALUATION REQUESTS - TIPS FOR PARENTS

- Ask for 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 with school staff about your child's performance and concerns.
- 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.

Possible outcomes of referral are:

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

REGULAR EDUCATION INTERVENTIONS

Before classroom teachers can refer a student for a special education evaluation, they must document a history of failed classroom interventions or programs (see following examples) which, however appropriate, proved ineffective. It could be best for the child to be helped in the regular classroom and not be classified for special education.

Classroom interventions include but are not limited to:

- parent conference
- parent/student conference
- behavior management techniques
- adjusting academic variables (drop or advance a level, change texts or schedule)
- peer tutoring
- schedule changes
- in school time-out
- change of classroom teacher
- placement change within regular education
- in-school suspension.
- home-based reinforcement programs
- review or adjustment of classroom discipline plan
- achievement card
- contracting with student, parent and/or teacher

Programs which may serve as appropriate pre-referral interventions include, but are not limited to:

- bilingual education
- Title 1
- counseling in group or individual meetings
- elementary guidance programs
- gifted programs
- Indian education resource center
- vocational education
- migrant education
- drug and alcohol programs
- special needs programs
- youth in custody programs
- HeadStart
- EvenStart
- district sponsored preschool programs
- other programs, as appropriate

★★★ 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 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)

PURPOSE OF AN INITIAL EVALUATION

The purpose of an initial evaluation is to determine:

- if a child has a disability and needs special education and related services; and
- the present levels of performance and educational needs.

Evaluation results are used to develop an IEP for an eligible child.

LEGAL REQUIREMENTS FOR ADEQUATE EVALUATION

The following are requirements for an adequate evaluation:

1. Written prior notice was provided and written consent for testing was obtained.
2. Tests and evaluation materials do not discriminate against the child based on race or culture.
3. Test and evaluation materials are given in the child's native language or way of communication, unless clearly unreasonable to do so.
4. More than one test and a variety of methods are used to gather information to determine if a child has a disability and, what services are needed.
5. No single procedure can be used.
6. The child must be assessed in all areas of suspected disability including if appropriate health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities..
7. Evaluation must identify all needs whether or not commonly linked to the disability category.

8. Any change from standard evaluation conditions must be included in the evaluation report.
9. 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.
10. School districts must use technically sound evaluation instruments. 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.)
11. 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.
12. Test and evaluation materials must provide (relevant) information that assists the evaluation team in determining educational needs.
13. Materials and procedures used to evaluate a student with limited English ability must measure the extent the child has a disability and needs special education, rather than measure the student's English language skills.

NOTE: Evaluation must begin within a "reasonable" amount of time. The Utah State Office of Education has defined reasonable as about 10 days (*Utah Special Educator*, September 2000).

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 data that were given to your child. Questions you can 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 understand your child's strengths and the concerns you have about your child. **Your child's goals and, as a result, the services, will be based on the needs that are identified in the evaluation process.**

REEVALUATION

REQUIREMENTS

1. At least once every three years, or more often if parent or teacher requests or the conditions warrant, a group shall review existing data and identify any additional information to determine:
 - if the child continues to have a disability, and continues to need special education and related services;
 - present levels of educational performance and educational needs
2. Parents must give written, informed consent if additional evaluation is needed.
3. The group that reviews the information must have the same make-up as an IEP team. The group includes the parents and may carry out the review without a formal meeting.
4. The team (including the parents) may decide that additional information, assessments, and tests are not needed to determine that the child continues to be a child with a disability. The parents or other team member(s) may request further evaluation.
5. The school district must notify the parents in writing of the decision and that the parents have a right to request an evaluation to determine whether the child continues to qualify for special education and related services.



REQUESTING AN INDEPENDENT EDUCATION EVALUATION

WHEN YOU DISAGREE WITH THE SCHOOL DISTRICT'S EVALUATION

Each parent of a student with a disability has a right to obtain an independent educational evaluation of the student at public expense if the parent disagrees with the school districts' evaluation or believes it to be inadequate. 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.

School districts must have information about where an independent educational evaluation may be obtained and give this information to the parent on request. The entire contents of the independent evaluation becomes the school's property, if it is paid for by the school district.

The school district may begin a due process hearing to show that the 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.

HOW TO REQUEST AN INDEPENDENT EDUCATIONAL EVALUATION

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

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

INDEPENDENT EDUCATIONAL EVALUATIONS PAID BY THE PARENT

If a parent pays for 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 evaluations may be used at a due process hearing.

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

NOTE: This is a SAMPLE. If you feel a need to request an independent evaluation, this letter may get you started. It should only be used as a guide and not the “only way” to request the evaluation. However, it is strongly recommended that your request be in writing. Remember to keep your letter brief and to the point.

WHO IS ELIGIBLE FOR SPECIAL EDUCATION?

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.

There are three essential criteria for eligibility to special education that the student must meet. The three criteria are:

1. The student has one of the identified disability categories as defined by the Utah State Board of Education ***Special Education Rules***.

If the student doesn't meet all three criteria, then the student is not eligible for special education. The student could be considered for eligibility under Section 504. (See page 12 for further information.)

CATEGORIES FOR ELIGIBILITY UNDER IDEA 97

According to IDEA 97 a "child with a disability" is a child who has one (or more) of the disabilities listed below. The disability must have an adverse effect on educational performance and the child must need special education and related services.

- Autism
- Communication Disorder (Speech or Language Impairment)
- Deaf/Blindness
- Emotional Disturbance
- Hearing Impairment (Deafness)
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairments
- Other Health Impairment (such as asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, etc.)
- Specific Learning Disabilities
- Traumatic Brain Injury
- Visual Impairment
- Developmental Delay

NOTE: School districts may choose to use the Developmentally Delayed category. It can apply to children ages 3 through 7. The Developmental Delay category can be used if all other categories are ruled out and child meets the eligibility criteria.

A child cannot be determined to have a disability based on lack of instruction in math, reading or limited English proficiency, if the child does not otherwise meet eligibility requirements. The school district 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 Board of Education *Special Education Rules*.

WHAT DOES SPECIAL EDUCATION INCLUDE?

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.

The term includes the following if it is specially designed instruction:

- speech - language pathology or any other related service that is a special education service under State standards;
- travel/training; and
- vocational education.

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 includes:

- speech-language pathology and audiology
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment
- counseling including rehabilitation counseling
- orientation and mobility services



- medical services for diagnostic or evaluation purposes
- school health services
- parent counseling and training
- interpreters
- interveners
- social work services in the school



ASSISTIVE TECHNOLOGY

Assistive technology means any **device** or **service** that is used to increase, maintain or improve the functional capabilities of a child.

Assistive technology devices or services may be provided as:

- special education services;
- related services; or
- supplementary aids and services.

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

- evaluation
- providing equipment
- maintaining/customizing/repairing or replacing equipment
- coordinating other therapies with assistive technology
- training and technical assistance for children, families, or others involved in major life functions of the child

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 children with disabilities to be educated with children who do not have disabilities to the maximum extent appropriate.

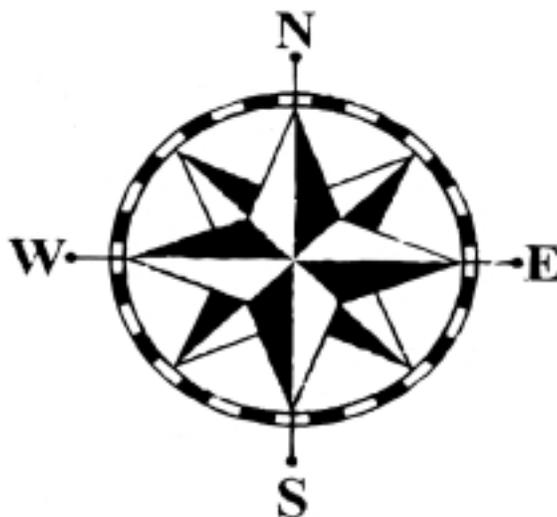


★★★ DEVELOPING THE INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP) ★★★

What Is an IEP?

The IEP is your child's written individualized educational program that:

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. 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.
5. Must be written in a team meeting which includes the parents. Some team members will have participated in the evaluation and classification process.
6. Must be written prior to your child's placement and the initiation of service.



WHAT IS THE PURPOSE OF THE IEP?

The IEP requires at least one 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 what the child's needs are, what services will be provided to meet those needs and what the anticipated outcomes may be.
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.

NOTE: 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

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, 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 evaluation data before the IEP meeting.
5. List what you see as your child's strengths and concerns. Remember the identified needs on the evaluation set the foundation for annual goals and short term objectives or benchmarks.

NOTE: Refer to "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.

6. Write down your priorities and long range goals for your child and share the information with others at the IEP meeting.
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 expectations related to such needs as:
 - progress reports
 - discipline methods
 - related services including transportation
 - type and frequency of communications with the school
 - assistive technology
 - accommodations or adaptations
 - other services (health care plan, medication administration)
 - extended school year
 - graduation plans
 - transition services
 - supports and training for the parent and for the teacher
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 mein words I can understand?”
- “The IEP meeting is running later than we scheduled and I am feeling rushed tomake 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.”

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.



NOTE: The Utah Parent Center provides a workshop and written information on communication and conferencing skills. Call the Center if youU need assistance in this area.

WHO SHOULD BE AN IEP TEAM MEMBER?

THE IEP TEAM MAKEUP

The IEP team membership should include:

1. One or both parents
2. The special education teacher
3. The regular education teacher of the child, if the child is or may be participating in the regular education environment.
4. The student when appropriate, particularly during transition planning.
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 curriculum. The district representative is authorized to commit the necessary resources, including funding, to provide educational services for your child.
6. An individual who can interpret the evaluation results.
7. Individuals with special knowledge or expertise in such areas as occupational, physical or speech/language, transportation, other agencies in planning transition services.
8. Other knowledgeable individuals at the discretion of the parents or the school such as a person who provides support to the parents.





PARTICIPATING 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.
- 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 who is familiar with the diagnosis and evaluation procedures so you can direct questions appropriately.
- Bring enough copies of the 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.
- 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.
- Ask for time to study the proposed IEP before you sign if you are unsure or if you have questions or concerns.
- 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.

WHAT MUST BE ON THE IEP?

Basic components of the IEP must include written statements about the following:



1. The child's present levels of educational performance.

- What can the child do?
- How does the child's disability affect involvement and progress in the general curriculum (core curriculum)? The statement should clearly describe performance in academic area (reading, math, communication, etc) as well as nonacademic areas (activities of daily living, mobility, etc.).

NOTE: 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.

- 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. Annual goals and short term objectives (STO) or benchmarks related to meeting the child's educational needs that result from the disability:

- What progress should the child make in the upcoming year?
- How can progress be measured and what intermediate steps can be used to identify if progress is occurring?
- How can the child's need to be involved and progress in the general curriculum be met?
- Are the child's educational needs that result from the disability being met?

3. Special education and related services and other supports and services:

What support is needed for the child to:

- advance toward the annual goals;
- progress in the general curriculum;
- participate in extracurricular and non-academic activities; and
- be educated and participate with children who do and do not have disabilities.

4. Extent the child will not participate with non-disabled children in regular classes or non-academic activities.

5. Ability to participate in state and district wide assessments:

- Include modifications/accommodations needed to participate in the administration of state or district wide assessments.
- If IEP team determines that a child cannot participate in such assessments indicate:
 - why the assessment is not appropriate; and
 - how the child will be assessed (alternate assessments).

6. Date services and modifications begin, including frequency, location and duration.

7. How progress toward the annual goals will be measured and how parents will be regularly informed:

- of progress toward the annual goals; and
- if progress is sufficient to meet the goals.

NOTE: Parents should receive a progress report at least as often as parents of children who do not have disabilities. This may be achieved through means such as periodic report cards, mid-term reports, or other reporting measures. Consider what kind of reporting will accurately reflect the child's progress.

8. Transition planning:

The IEP should include:

- At age 14, or earlier if needed, a statement of transition service needs (addressing courses of study).
- At age 16, or earlier if needed, a statement of needed transition services, including interagency responsibilities or linkages.

At least one year before the student reaches the age of majority, a statement that the student has been informed of his or her rights that transfer to the student upon reaching majority. The parents must also be informed. In Utah, the age of majority is 18 years old.

NOTE: See more about Transition on page 56.

SPECIAL CONSIDERATIONS IN THE IEP

The IEP team shall consider:

1. Parents' concerns regarding the child's educational strengths and needs.
2. Results of initial or most recent evaluation.
3. The child's performance on state or district-wide assessments.
4. In the case of a child whose behavior restricts his or her learning or that of others, the results of Functional/Behavioral Assessment (FBA) and the Behavioral Intervention Plan (BIP) (A BIP includes strategies, including positive behavioral interventions and supports to address that behavior).
5. For the child who has limited English proficiency, consider the language needs of the child as they relate to the IEP.
6. For a child who is blind or visually impaired, provision of instruction in Braille or large print and the use of Braille, unless the IEP team determines, after an evaluation, that it is not appropriate.
7. The communication needs of the child.
8. For a child who is deaf or hard of hearing, the child's:
 - language and communication needs;
 - opportunities for direct communication in the child's language and communication mode;
 - academic level; and
 - full range of needs, including opportunity for direct instruction in the child's language and communication mode.
9. Whether a child requires assistive technology device and services. If the IEP team believes a child needs a device or service, a statement to that effect must be included on the IEP.
10. Participation of a regular education teacher to the extent appropriate, for the purpose of developing and implementing:
 - positive behavioral interventions and strategies for the child;
 - supplemental aids and services;
 - program modifications;
 - supports for school personnel; and
 - access to and participation in the general curriculum.

MORE FACTS ABOUT ASSISTIVE TECHNOLOGY



1. Assistive technology needs must be considered along with the student's other education needs.
2. Needs for technology must be identified on an individual basis.
3. Parents can to be involved in identifying technology needs.
4. Address the need for training or technical assistance for a student with disabilities, or if appropriate, the student's family.
5. Parents or IEP team members can ask for an additional evaluation or an independent evaluation to determine assistive technology needs.
6. When an evaluation is being conducted, consider:
 - mobility
 - fine-motor skills
 - communication
 - alternatives to traditional learning approaches
7. 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 and benchmarks/objectives in the student's IEP.
8. Lack of availability of equipment or cost alone cannot be used as an excuse for denying assistive technology service.
9. If included in the IEP, assistive technology services and devices must be provided at no cost to the family.
10. 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.
11. Parents basic IEP due process rights also apply when assistive technology is being considered.

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

EXTENDED SCHOOL YEAR

Extended school year (ESY) is special education and related services that extend beyond the school year in accordance with the IEP, at no cost to the parents. The IEP team determines if the services are necessary to ensure a free, appropriate, public education (FAPE). If the IEP meeting is held at the beginning of the school year, a special IEP team meeting may be called later in the year to consider eligibility for ESY. However, ESY should be discussed at all IEP meetings.

Extended school year is the exception rather than the rule for most children. The IEP team must find that an ESY is needed to prevent *substantial regression* in certain critical skills that have been gained during the school year. They may also assess the amount of time needed to regain those skills.

INFORMATION PARENTS CAN PROVIDE TO THE IEP TEAM TO HELP IN THE DECISION MAKING PROCESS

The issue is whether the progress your child makes during the regular school year will be significantly jeopardized if he 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.

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



EDUCATIONAL GOAL SETTING

WHY IS EDUCATIONAL GOAL SETTING IMPORTANT?

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

1. Closing the gap between the child's indicated ability and current level of functioning.
2. Helping the child to increase in ability.

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

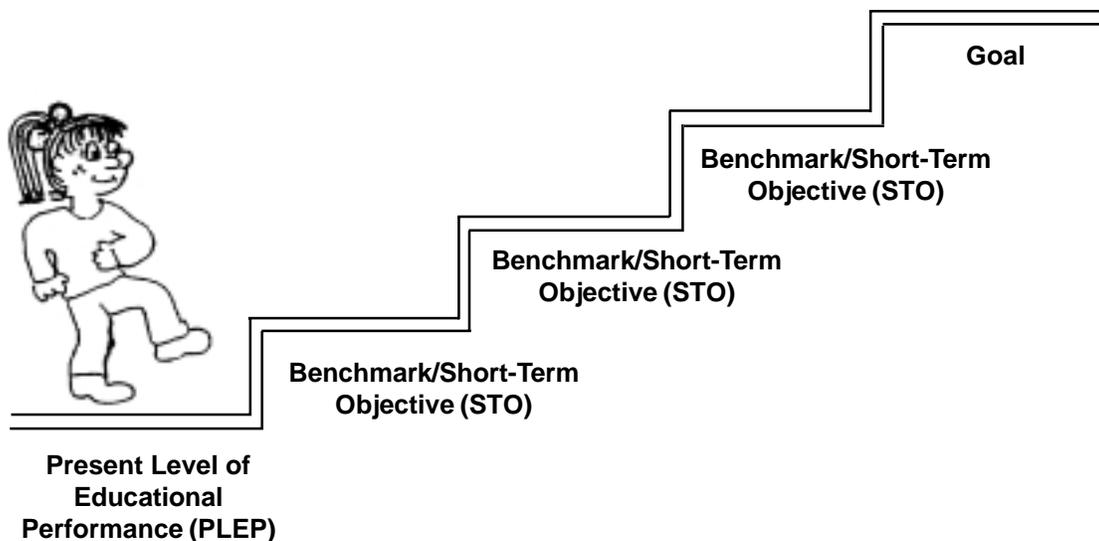
KINDS OF EDUCATIONAL GOALS

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

1. **Academic** - reading, written language, spelling, math
2. **Self-Help** - eating dressing, shopping, traveling, safety, budgeting
3. **Motor Skills** - riding a bike, jumping, handwriting, buttoning and zipping
4. **Social/Emotional Skills** - sharing, making friends, trying new things, smiling, responding to teasing
5. **Vocational/Pre-vocational Skills** - following directions, completing jobs, using tools, making change, appropriate social skills in a job setting
6. **Behavioral** - lowering aggression, staying on task, poor social skills, lack of eye contact, depression, fears related to school and school problems
7. **Speech/Communication** - learning sign language, speech pronunciation, verbal memory.

Appropriate goals and services on the IEP should lead to an appropriate placement. The team should ask, "Where can the student best receive these services in the least restrictive setting?"

STEPS TO GOAL SETTING



An educational goal is made-up of three parts: Present Level of Educational Performance (PLEP), benchmarks or short-term objectives (STO), and the goal (see picture above). The following information shows the steps in educational goal setting.

PRESENT LEVELS OF EDUCATIONAL PERFORMANCE (PLEP)

Present levels of educational performance (PLEP) are based on the evaluation information and should be **specific** as to **how** the disability of the student affects their academic and functional progress. The PLEP 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?

SHORT-TERM OBJECTIVES (STO) OR BENCHMARKS

Short-term objectives (STO) or benchmarks are the steps between the present levels of educational performance (PLEP) and the annual goals that are set for the student in the IEP. The STO or benchmarks **must be measurable** (see examples on page 42-44).

Short-term objectives and benchmarks are important 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.

ANNUAL GOALS

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 the student can reasonably be expected to learn within 12 months (see examples below and on page 43 and 44).

Measurable Goals

- Joe will have no more than 5 unexcused absences/tardies this year.
- Max will maintain a C+ average in his regular classes.

Unmeasurable Goals

- Joe will have a better attitude toward school 80% of the time.
- Max will be 75% successful in the mainstream.

If the student was not making progress toward an annual goal as determined by the STO or benchmark, the IEP team should meet to re-evaluate the STO or benchmark and/or the goal.

ACCOMMODATIONS AND MODIFICATIONS IN THE 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 must be included in the IEP. Accommodations and modifications pertain to instruction in the general curriculum as well as state and district assessments. Accommodations are the changes in 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. Modifications fundamentally or substantially alter or lower the standards or requirements. Modifications could include adapted programming, content or instruction.

The following examples of types of educational accommodations and modifications. There are many different types.

EXAMPLES OF ACCOMMODATIONS

- Break assignments into segments of shorter tasks
- Increase amount of time to complete assignments
- Give tests orally
- Seat student in an area free from distractions
- Develop a peer tutor/Buddy (a student who helps child with schoolwork)

EXAMPLES OF MODIFICATIONS

- Reduce and simplify assignments, homework and school projects
- Change grade to Pass/Fail option if grade falls below a "C" grade
- No homework requirement for a subject
- Change the class behavior expectations for the student (based on their disability and Behavior intervention Plan)

EXAMPLES OF GOAL SETTING

The following are examples of goal setting process; beginning with the **Present Levels of Educational Performance (PLEP)**, **Short-Term Objectives (STO)** or **benchmarks**, and the **Educational Goal**. Including dates in the objectives serves as a monitoring device for the school and the parents.

Example #1

PLEP Anita averages 10 unexcused absences/tardies per month.
STO #1 By February 1 she will have fewer than 5 unexcused absences/tardies per month
STO #2 By April 2 she will have fewer than 2 unexcused absences/tardies per month
GOAL From April through June 1 she will average less than 1 - 2 unexcused absences/tardies per month

Example #2

PLEP 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.
STO #1 By December 1 Jill will read 6th grade material orally at 75 - 100 words per minute with 0 - 2 errors.
STO #2 By March 1 Jill will read 6th grade material orally at 100 - 125 words per minute with 0 - 2 errors and correctly answer more than 70% of factual questions asked over the material.
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

PLEP Jeremy submits fewer than half his homework assignments.
STO #1 By November 15 he will have submitted 75% of all homework assignments.
STO #2 By January 15 he will have submitted 85% of all homework assignments.
GOAL By the end of the year he will regularly submit all assigned homework on time.

SAMPLE IEP

Unique Characteristics/ Needs	Special Education, Related Services, Modifications	Begin; Duration	Present Levels, Objectives, Annual Goals (Objectives to include Procedure, Criteria, Schedule)
Makes many errors reading and doesn't seem to recognize that the errors interfere with proper comprehension	Remedial reading with emphasis on accuracy of decoding and monitoring comprehension	9/15/00 30 min. daily	PLEP: Read 3 rd grade material at 80 - 100 WPM with 5 - 12 errors and 30% accuracy on factual questions STO: Reduce errors to 0 -2 at 50 - 80 WPM by 11/1/00 STO: Read 3 rd grade material at 80 - 100 SPM with 0 - 2 errors by 12/15/00 with 70% accuracy on factual questions Goal: Grade level decoding and comprehension
Great difficulty in attempting cursive writing	Timed manuscript probes - only legible letters to be counted - self-selected contingencies	Immediately; school year; Minimum 2 one-minute probes daily	PLEP 8 - 10 legible manuscript letters per minute STO: 15 - 20 PM by 11/15/00 STO: 20 - 25 PM by 3/15/01 Goal: 35 PM by 6/1/01
Great difficulty in recognizing common community signs	Instruction and visual probes of common community signs	9/15/00 Minimum 1 five-minute probe daily	PLEP: Recognizes 5 community signs with 90% accuracy STO: Given 2 choices, will point to the correct community sign with 90% accuracy 3 out of 4 times by 11/1/00 STO: When given the name with a picture of the sign, will correctly repeat the name with 90% STO: When 20 flash cards of community signs are randomly shown, will correctly name the sign with 90% accuracy 3 out of 4 trials by 4/1/01 STO: When 40 flash cards of community signs are randomly shown, will correctly name the sign with 90% accuracy 3 out of 4 trials by 6/1/01 Goal: Recognize 40 common community signs by 6/1/01

(Community Signs example developed by Randy Schelbe, Associate Director of Special Education, Granite School District, and reprinted with permission)

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 perceive goals as being arbitrarily imposed. Students who participate in the IEP process are 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, and 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, untimed)
 - ▶ 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 a 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 AREA	SKILLS NEEDED FOR THIS CLASS	SKILLS I NEED TO IMPROVE
English	Writing sentences Being prepared	Using commas correctly Being prepared
Study Skills	Skimming	Outlining
Social Skills	Accepting criticism appropriately	Accepting criticism appropriately

4. 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
5. 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).
6. 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/she 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).

7. 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 her IEP, 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 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 to begin the process of self-advocacy skills. Help the child develop confidence and become comfortable talking about his/her disability, needs and identify what is helpful.
- Consider having non-verbal students participate in the IEP meeting by providing written information about themselves, their needs and goals.

DISCIPLINE AND THE IDEA STUDENT

“**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 pro-actively to address those needs. ...Parents must carefully examine school policies to determine whether modifications need to be made to accommodate the unique needs of their child.”

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

PROTECTION UNDER IDEA

Disciplining a student who qualifies for special education has protections under IDEA. Certain actions are required to remove a student from his current placement. **You may want to contact the Utah Parent Center for help in understanding the requirements if your child is facing disciplinary actions in school.**



It is important to remember:

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 that 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.

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

SUSPENSION and “NO CHANGE OF PLACEMENT”

School personnel can remove a student with a disability and not provide educational services, up to 10 cumulative days of the school year, if the same consideration is given to the student without a disability.

Additional removals for not more than 10 days may occur as long as they don't “constitute a problem”.

SUSPENSION and “CHANGE OF PLACEMENT”

A change in placement occurs if:

- the removal is for more than 10 consecutive school days
- the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

After the 10th day of removal in a school year, the IEP team must meet:

- to develop a plan for a Functional Behavioral Assessment (FBA). If the child has a Behavior Intervention Plan (BIP), the team must review and revise it if needed.
- to do a required Manifestation Determination (MD) review (see below).

Services must begin during removals beyond 10 cumulative days in a school year.

- Services must be enough for a child to appropriately:
 - progress in the general curriculum; and
 - progress toward achieving IEP goals
- School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary.

MANIFESTATION DETERMINATION (MD) REVIEW REQUIREMENTS

In an action involving a removal from the current placement that constitutes a “change in placement”:

- parents must be notified no later than the date on which the decision to take action is made and given a copy of their rights.
- immediately, if possible, (but no later than 10 school days of the decision to take action), a review must be conducted of the relationship between the child’s behavior and his or her disability.

Step 1 of the Review:

The IEP team may determine that the behavior is NOT a manifestation of the disability only if the team considers all relevant information including:

- evaluation and diagnostic results (including information supplied by the parent)
- observations of the child; and
- the child’s IEP and placement

Step 2 of the Review:

The IEP team must determine that:

- the IEP and placement was appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the IEP and placement.
- the disability did not affect the child’s understanding of the impact and consequences of the behavior.
- the disability did not impair the child’s ability to control the behavior.

When the behavior is determined NOT to be a manifestation of the child’s disability:

- schools may use the discipline policies applicable to all children except that a free, appropriate public education (FAPE) must continue.
- special education and disciplinary records must be transmitted to the person or persons making the final determination about discipline.

STEPS IN DISCIPLINE PROCEDURE

The following information explains the regulations required by IDEA 97 and is outlined in the “Majority Model” that follows.

<p><u>ELIGIBLE STUDENT:</u></p> <ol style="list-style-type: none"> 1. Brings a weapon to school 2. Possesses or uses illegal drugs at school. 3. Otherwise is substantial danger to self or others, as determined by IHO.* 4. Is otherwise suspended/expelled for more than 10 days consecutively or the cumulative equivalent. 5. Is otherwise suspended/expelled for more than 10 days cumulatively in a school year but less than the equivalent to a change in placement. 	<p><u>IEP TEAM:</u></p> <p>For #1-4 Only:</p> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">MANIFESTATION DETERMINATION ('M-D')</div> <p>For #1-5</p> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">FUNCTIONAL BEHAVIOR ASSESSMENT AND BEHAVIOR INTERVENTION PLAN</div> <p>For #1-3 Only:</p> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">45-DAY INTERIM ALTERNATE EDUCATIONAL PLACEMENT</div>	<p><u>DISTRICT:</u> IF NEGATIVE M-D:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">REGULAR SUSPENSION/EXPULSION PROCEDURES APPLY BUT FAPE OBLIGATION CONTINUES</div>
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*Impartial Hearing Officer (IHO)

The Majority Model (1999). *Dr. Perry Zirkel. Used with permission*



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

FUNCTIONAL BEHAVIORAL ASSESSMENT

A Functional Behavioral Assessment (FBA) and Behavior 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).

Functional Behavioral Assessment (FBA): 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.

BEHAVIORAL INTERVENTION PLAN

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

BEHAVIOR MANAGEMENT POLICIES SPECIFIC TO UTAH (LRBI)

Behavior management procedures should be agreed upon in the IEP team meeting. Utah has a policy on the selection of **Least Restrictive Behavioral Interventions (LRBI)** for use with students with disabilities. This policy ensures that:

1. IEP teams have state-of-the-art guidelines.
2. Parents will want to be involved in the decision-making process.
3. Positive strategies are used before more intrusive strategies.
4. Only research based strategies are used.
5. Parents must give informed consent for the use of some behavioral intervention procedures. It is the responsibility of the parent to understand the strategies and their potential side effects before giving consent.
6. The school must document at least three attempts to obtain written parental consent before Level III or IV (more restrictive) interventions are used.
7. In the event the parent does not participate in the IEP meeting, Local Human Rights Committee approval and written prior notice to the parents must be provided before Level III or IV intervention is implemented.

8. If the parent disagrees with the team, the parent may submit concerns in writing to the local Director of Special Education and request a review by the local Human Rights Committee.
9. Until a decision is made on a review, the interventions in question may not be implemented.

*The **LRBI Guide** is an appendix to the Utah State Board of Education **Special Education Rules** and is available at each school or from the Utah State Office of Education, Special Education Services Unit, (801) 538-7700.*

INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES)

School personnel have the authority to order an immediate “change in placement” to an appropriate IAES for no more than 45 days if the student at school or at a school function:

- brings a weapon to school or carries a weapon;
- knowingly possesses or uses illegal drugs at school; or
- sells or solicits sale of a controlled substance.

Determination of Setting

When a student is ordered to an IAES because of drugs or weapons violations, the IAES must:

- be determined by the IEP team; and
- be selected to enable the child to:
 - ▶ continue to progress in the general curriculum;
 - ▶ continue to receive services and modifications in the IEP;
 - ▶ meet IEP goals; and
 - ▶ include services and modifications to address the behavior so that it does not recur.

IEP Team Responsibility

Either before or within 10 business days of removing a child to an IAES the team must:

- have an IEP meeting to plan for a Functional Behavioral Assessment (FBA);
- if the child already has a Behavioral Intervention Plan (BIP), meet to review, and if necessary, modify the plan; and
- if later, the child is removed for a short suspension, review the plan and revise it if necessary.

Parent Appeal

A parent may disagree a disciplinary change of placement decision and may request a hearing. The hearing shall be expedited. A decision must be made within 45 days with no exceptions or extensions.

Placement During Appeals

If the parent is appealing an IAES placement, the child remains in the IAES pending:

- the hearing decision; or
- expiration of IAES time limit (whichever comes first).

HEARING OFFICER

School personnel can ask an impartial hearing officer to order an Interim Alternative Educational Setting (IAES), if the school personnel believes the student is a danger to self or others. The hearing officer may order placement in an IAES for up to 45 days.



The hearing officer considers:

- substantial evidence that the current placement is likely to result in injury to the child or others;
- appropriateness of current placement;
- if school made reasonable efforts to minimize risk of harm in current placement; and
- whether IAES meets the needs of the child.

If school personnel maintain it is dangerous for the child to be in the current placement the school district may request an expedited hearing. In such cases, the hearing officer applies legal standards under 'dangerous' removal and may order an IAES, not to exceed 45 days. However, the school district can go back to the hearing officer to request additional 45 day removals.

CHILDREN NOT YET ELIGIBLE UNDER IDEA

A child may assert the protections of the discipline section of IDEA 97 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 or orally if the parent can’t write or has a disability that prevented a written statement.
- The child’s behavior demonstrated a need for services.
- The parent had requested an evaluation.
- Teacher or other personnel expressed concern about the child’s behavior or performance in accordance with Child Find or the special education referral system.

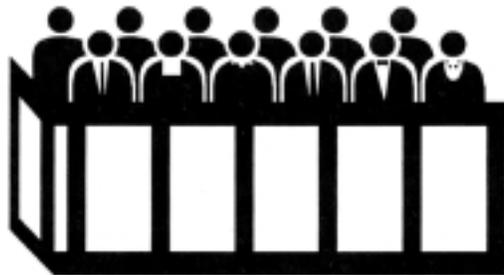
If a school district did not “have knowledge” that a child has a disability, the child may be subjected to regular discipline. If an evaluation is requested during the disciplinary period, it must be expedited. Until the evaluation is completed, the child remains in the placement determined by school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

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL COURTS

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

The school district shall:

- ensure copies of the special education and disciplinary records are sent to the appropriate authorities for consideration.
- transmit copies of student’s special education and disciplinary records only to the extent that transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).



TRANSITION

WHAT ARE TRANSITION SERVICES?

“**Transition services**” means a coordinated set of activities for a student, designed within an outcome-oriented process. This process movement from school to post-school activities which includes post-secondary education, integrated employment (including supported employment), continuing adult education, adult services, independent living and/or community participation.



The coordinated set of activities shall be based upon the individual student’s needs. The student’s preferences and interests should be taken into account and should include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, the acquisition of daily living skills and a functional vocational assessment.

WHY IS IT IMPORTANT FOR THE STUDENT TO BE INVOLVED?

Having the student involved in developing the transition plan can improve the likelihood that the goals will be achieved. The planning must be based on the results of individual student evaluations completed by a multi-disciplinary evaluation team.

Parents and other agencies who may be involved in the student’s transition plan must also be invited. This includes Vocational Rehabilitation (VR), Independent Living (IL), the Division of Services for People with Disabilities (DSPD) and/or other agencies or programs. If transition goals are not included in the IEP, there must be a statement on the IEP specifying why transition services are not needed. Remember, transition goals must remain flexible and reflect the development and educational needs of the student at different grade levels and times.

WHEN IS TRANSITION PLANNING REQUIRED ON THE IEP?

IDEA 97 requires that transition planning be included on each student’s IEP beginning at age 14, and updated annually. 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. Planning areas to consider are employment, training/education, independent living **and** community participation.

The IEP must include:

- at age 14: A statement of transition services needs addressing the courses of study (e.g., advance placement courses, or vocational education).

- at age 16: A statement of needed transition services, including any interagency responsibilities or linkages.

NOTE: Transition goals may be included at an earlier age, particularly if the student is at risk for dropping out of school or for those individuals with the most severe disabilities.

Transition services may be provided as **special education** or as a **related services** or **both**. Early transition planning is encouraged because:

- transition from special education can be complicated.
- 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. This requires time to determine which agency will do what and who will pay for those services.
- some plans may have to be altered to meet the needs of the student.

IMPORTANT POINTS TO REMEMBER IN TRANSITION PLANNING

Parents should consider these issues in transition planning:

- 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.
- Remember that when the student reaches the “age of majority” which is 18 years old in Utah, rights to make educational decisions transfer to the student. the IEP must include a statement that the student and parents have been informed of the rights at least one year before the students reaches the “age of majority.”

NOTE: The Utah Parent Center has an additional resource called **A Bridge To The Future** which provides information about transition planning. Contact the Center if you would like this free handbook.



GRADUATION

REQUIREMENTS RELATED TO GRADUATION IN UTAH



- **Issuance of a regular high school diploma terminates a student's eligibility for public education services** (Students who were awarded a document other than a regular high school diploma, such as a GED or a Certificate of Completion or Attendance are still entitled to FAPE).
- **Graduation is a change in placement and requires a written notice from the school.** Parents and students must be notified of the student's impending graduation with enough lead-time for due process procedures to be implemented if they disagree with the school district's intent to graduate the student. Parents of students who have reached 18 years old or have been emancipated still retain their parental notice rights.
- **Students with disabilities and their parents must be able to make an informed decision regarding graduation options.** An IEP meeting may be needed to discuss graduation concerns. Graduation options is an IEP team decision. A parent may not require that the school district withhold issuance of a diploma until age 22, if the student with disabilities has met the graduation requirements .
- **Graduation issues must be addressed by the IEP team on an individual basis.** The IEP is the vehicle for making changes to the requirements to meet the unique educational needs for a student with disabilities. The IEP must document the nature and extent of modification, substitutions, and/or exemptions made to accommodate the student with disabilities.
- **Students who had been served in special education during one of their high school years but who are not receiving services at the time of graduation, are eligible for changes made to their graduation requirements during the time they received services.** When a student's special education services are terminated, the IEP team must document the modifications that have been made with appropriate school personnel to ensure that the student is on track for graduation.

NOTE: Filing for a due process hearing could be considered if the student graduated and the parents were unaware of transition services or transition services were not provided and they believed the student was deprived of FAPE.

*Utah State Office of Education **Special Education Rules***

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? Yes No
2. Have you seen all of your child's school records? Yes No
3. Do you have your own copies of those records? Yes No
4. Was more than one test or evaluation tool used? Yes No
5. Do you understand the results of those tests? Yes No
6. Do observations of your child accurately represent his/her performance? Yes No
7. Does the IEP contain a statement of your child's present levels of educational performance (including a written statement of strengths and weaknesses)? Yes No
8. Are the annual goals, and the short-term objectives for those goals, written in clear and specific language that is understandable? Yes No
9. Are your child's goals measurable? Yes No
10. Does the IEP list the modifications, assistive technology and other supports, (such as speech therapy and transportation) needed for your child to succeed? Is the amount of service stated? Yes No
11. Are sensory problems addressed in the IEP? Yes No
12. Are health or medical concerns addressed in the IEP? Yes No

13. Does the IEP describe the extent your child will participate in the general curriculum? Yes No
14. Are special services scheduled so that your child will miss the least time in the regular classroom? Yes No
15. How will your child's progress be measured and how often will you be informed? Yes No
16. Is the expected progress enough for your child to meet the graduation requirement? Yes No
17. Are there "start" and "end" dates for your child's learning objectives? Yes No
18. How often will the IEP goals be reviewed? Yes No
19. 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? Yes No
20. Are modifications and accommodations included in the IEP? Yes No
21. Have transition goals and objectives been included in the IEP? Yes No
22. Have extended school year concerns been addressed in the IEP? Yes No
23. Do you know who is directly responsible for each part of your child's program? Yes No
24. Given your child's ability and skills, is the school expecting the kind of progress you think your child should make? Yes No

Checklist material adapted from PAVE PIPELINE, Fall 1995.

★★★ PLACEMENT - IEP IMPLEMENTATION ★★★

Placement decisions made by the IEP team, which always includes the parent. 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 97 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

The student must be served in the Least Restrictive Environment (LRE) appropriate to his/her identified annual goals and short term objectives/benchmarks. The reason(s) the team selected this particular placement option must be indicated. In deciding the child's placement in the LRE, the team must ensure that:

1. 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.
2. The placement must ensure appropriate access to the general curriculum.
3. Each child with a disability will participate with nondisabled children to the extent appropriate in extracurricular and non-academic services and activities.
4. Except where a child's IEP requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home.
5. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
6. The school district must take steps to provide nonacademic and extracurricular services activities and activities in the manner to afford students with disabilities an equal opportunity for participation in those services and activities.

Written prior notice required and parental participation in placement meetings, but parental consent not required for placement.

Before **any** revision is made to any part of a student's IEP (including placement and/or the amount of time in a placement) the school must:

- provide prior notice; and
- conduct an IEP meeting.

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 97 states the parents have the right to receive regular progress reports on the IEP at least as often as nondisabled peers.**
- Ask for a meeting if progress has not been satisfactory or if problems begin to surface that you believe might be affecting your child's progress.
- 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! Let their supervisors know also.

MONITORING YOUR CHILD'S PROGRESS - TIPS

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.

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, determine 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.



★★★ WHAT TO DO IF THE PROCESS BREAKS DOWN ★★★

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/she go with you to the next level, usually the principal. A lot of problems get solved at this level. If not, follow the chain of command: the School District Special Education Director/Supervisor; Superintendent of School District; 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.



NOTE: 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 advice from a disability organization or support group, and/or legal representation.

COMPLIANTS

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 superintendent. If the parents are unable to file in writing, they can contact the local school district superintendent. If the parents are unable to file in writing, they can contact the local school district or the Utah State Office of Education (USOE) for assistance. Allegations of substance (substantial claim) may be made by public agencies, private individuals or organizations.

The 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 are based.

Complaint Timelines

The 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 three (3) years old.

The local school district shall:

- Resolve the complaint within thirty (30) calendar days, unless exceptional circumstances exist. (For example: delay caused 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 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 20 calendar days, unless exceptional circumstances exist. (For example: delay caused by failure of a complainant to provide necessary information). An extension of time shall not exceed thirty (30) calendar days.

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 when an expedited due process hearing is requested. Mediation is voluntary. Mediation may not deny or delay the parents' right to a due process hearing. If parents choose not to use mediation, they may be required to meet with a disinterested (meaning impartial and uninvolved) third party, to hear about the benefits of mediation and be encouraged to use mediation. The Utah State Office of Education (USOE) pays for the mediation process and maintains a list of qualified, impartial mediators that are trained in laws and regulations related to the provision of special education and related services.

Any agreement reached must be documented in a written mediation agreement. Decisions occurring during mediation must be confidential and may not be used as evidence in subsequent due process or civil proceedings. Both parties involved in the mediation may be required to sign confidentiality pledges before the mediation process begins. The purpose of the mediation conference is to attempt to resolve the differences and, if possible, avoid a hearing. The local school district superintendent should inform the parent or guardian in writing of any free or low cost legal services, as well as other services relevant to mediation.

DUE PROCESS HEARING

If you get to this step of the process, it is recommended you have some legal help. This is a very formal 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.

Notice Requirement When Filing for a Due Process Hearing

Parents may request an impartial due process hearing if they disagree with a school district's (Local Education Agency or LEA) decision or proposal to initiate or change, or refusal to initiate or change, the identification, evaluation, educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student.,

Parents must give written notice to the local school district superintendent when filing a request for a due process hearing. The notice must include:

- the name of child, address or residence of the child, and name of school the child attends.
- a description of the nature of the problem, including related facts.
- the solution the parent wants.

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), Special Education Section. Upon receipt of a written request for a hearing, the local school district superintendent shall inform the parents in writing of any free or low-cost legal services, as well as information about services related to mediation or a due process hearing.

A parent's right to a hearing cannot be denied or delayed for failure to provide notice. However, the amount of the attorney's fee awarded can be reduced if the attorney representing the parent did not file the appropriate information in a due process complaint.

Due Process Hearing Timelines

Forty-five (45) days from receipt of request for a hearing:

- a decision must be reached.
 - a copy of the decision must be mailed to each party.
- ★ A hearing review officer may grant time extensions.

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 thirty (30) days of the date of the due process hearing decision.

Contact the Utah Parent Center for assistance on procedural safeguards.

★★★ APPENDICES ★★★

**Profiles
Child Profile
Student Profile**

**Sample Summary Profiles
Parent Profile of Ashley
Parent Profile of Denny**

**List of Acronyms/Terms
Helpful Information/Notes**

PROFILES

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 one 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 pages 78 - 81).

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 he/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?

23. 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.)

24. 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 _____

Vocational/Prevocational _____

Self-help _____

14. Transition needs of my child:

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
BIP:	Behavioral Intervention Plan
CD:	Communication Disorder
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
CP:	Cerebral Palsy
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:	Functional Behavioral Assessment
FERPA:	Family Education Rights Privacy Act
HI:	Hearing Impaired
HO:	Hearing Office
IAES:	Interim Alternative Education Setting
ID:	Intellectually Disabled
IDEA '97:	Individuals with Disabilities Education Act; Re-authorized in 1997
IEP:	Individualized Educational Plan
IFSP:	Individualized Family Service Plan
LD:	Learning disabled
LEA:	Local Education Agency
LRBI:	Least Restrictive Behavioral Intervention
LRE:	Least Restrictive Environment
MD:	Manifestation Determination
OHI:	Other Health Impaired
OT:	Occupational Therapy
PLEP:	Present Level of Educational Performance
PT:	Physical Therapy
SEA:	State Education Agency
SLP:	Speech Language Pathologist
SPED:	Special Education Department
STO:	Short Term Objectives
TBI:	Traumatic Brain Injury
USB:	Utah School for the Deaf
USD:	Utah School for the Blind
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:	Visually Impaired
VR:	Vocational Rehabilitation

HELPFUL INFORMATION/NOTES: