

IEP Academy

The IEP Process

- Legal concepts of FAPE and LRE
- Child Find
- The Evaluation Process
- Methodology
- The IEP Team
- PLOP
- Goals/objectives
- Related services
- Behavioral Plans
- Transition Plans

Free Appropriate Public Education

Rowley inquiry:

- Has the State complied with the procedures set forth in the Act?
- Is the individualized educational program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits?

What is educational benefit?

Courts have adopted both the “some educational benefit” and the “meaningful educational benefit” standards

FAPE


State Regulations


23 Ill. Admin. Code 226.50

Transfer Students

When a student transfers from one district to another, and the new district has a copy of the IEP, the receiving district does not have to have an IEP conference if :

1. The parents indicate, either orally or in writing, satisfaction with the current IEP; and
2. The receiving district determines that the IEP is appropriate and can be implemented as written

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- If the receiving district has not received and adopted the existing IEP from the sending district within ten days after the deadline for the sending district to transfer such records under Section 2-3-13a of the School Code, the receiving district shall initiate an IEP conference to develop a new IEP.

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- If the receiving district does not agree with the IEP of a transfer student, they must provide written notice of an IEP conference within 10 days after the date of the student's enrollment and provide comparable services to what is in the IEP until the conference is held.
 - If a student enrolls without a copy of his/her IEP, the student shall be served in a setting that the receiving district believes will meet the student's needs until a copy of the IEP is obtained or a new one developed.
 - The receiving district shall request the student's records from the sending district by the end of the next business day after the date of enrollment.

Least Restrict Environment

Federal Regulations

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

Section 300.114



Child Find

Federal Regulations

- General. (1) The State must have in effect policies and procedures to ensure that-
 - All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

Federal Regulations

- Other children in child find. Child find also must include-
 - Children who are suspected of being a child with a disability under 300.8 and in need of special education, even though they are advancing from grade to grade; and
 - Highly mobile children, including migrant children.

State Regulations

23 Illinois Administrative Code 226.100

Child Find Responsibility

This Section implements the requirements of 34 C.F.R. 300.111

- Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 CFR 300.131) who may be eligible for special education and related services. Procedures developed to fulfill the child find responsibility shall include:
- An annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.
- Ongoing review of each child's performance and progress by teacher and other professional personnel, in order to refer those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.

Practical and Behavioral Triggers

- Attendance Record
- Discipline Record
- Grades
- Ability to have positive peer relationships
- Ability to interact with adult authority figures
- Relationship between expressive and receptive language
- Understanding of social cues, social contexts and body language

Child Find

What do I Really Need to Know?

- Proactive measures
- Seek out
- Find
- Affirmative obligation
- Must be able to demonstrate/prove efforts



The Evaluation Process

Federal Regulations

Conduct of evaluation.

In conducting the evaluation, the public agency must-

- (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining-
 - (i) Whether the child is a child with a disability under 300.8; and
 - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
- Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Other evaluation procedures.

Each public agency must ensure that-

- Assessments and other evaluation materials used to assess a child under this part-
 - Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;
 - Are used for the purposes for which the assessments or measures are valid and reliable;
 - Are administered by trained and knowledgeable personnel; and
 - Are administered in accordance with any instructions provided by the producer of the assessments.

Other evaluation procedures.

Each public agency must ensure that-

- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- In evaluating each child with a disability under 300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Evaluations before change in eligibility

Federal Regulations

- A public agency must evaluate a child with a disability ...before determining that the child is no longer a child with a disability, unless the student is graduating with a regular diploma or due to exceeding the age eligibility for FAPE.
- If a student is graduating with a regular diploma or exceeding the age eligibility for FAPE, the public agency must provide a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

Section 300.305(e)

State Regulations

23 Illinois Administrative Code 226.110

Evaluation Procedures

c) District's Response to Request

1) the school district shall be responsible for processing the request, deciding what action should be taken, and initiating the necessary procedures.


2) To determine whether the child requires an evaluation, the district may utilize screening data and conduct preliminary procedures such as observation of the child, assessment for instructional purposes, consultation with the teacher or other individual making the request, and a conference with the child.

State Regulations

23 Illinois Administrative Code 226.110

Evaluation Procedures

- 3) Within 14 school days after receiving a request for an evaluation, the district shall determine whether an evaluation is warranted. If the district determines not to conduct an evaluation, it shall provide written notice to the parents in accordance with 34 CFR 300.503(b). If an evaluation is to be conducted:
 - A) the district shall convene a team of individuals (including the parent) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.
 - B) The team shall identify the assessments necessary to complete the evaluation in accordance with 34 CFR 300.305 and shall prepare a written notification for the parents as required under 34 CFR 300.304(a). For each domain, the notification shall either describe the needed assessments or explain why none are needed.
 - C) The district shall ensure that the notification of the team's conclusions is transmitted to the parents within the 14-school-day timeline applicable under this subsection (c)(3) along with the district's request for the parents' consent to conduct the needed assessments.



d) Upon completion of the assessments identified pursuant to subsection (c)(3) of this Section, but no later than 60 school days following the date of written consent from the parent to perform the needed assessments, the determination of eligibility shall be made and the IEP meeting shall be completed.

Federal Regulations

Screening

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

34 C.F.R. 300.302

Tricky Timelines Before Summer Break

In those instances when students are referred for evaluation with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made prior to the first day of the following school year.

Illinois School Code
105 ILCS 5/14-8.02(b)

Federal Regulations

Independent Educational Evaluations

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question;

Parent right to evaluation at public expense

- A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.
- If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either:
 - File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

- If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public education. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.
- A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

Parent-initiated evaluations. If the parent obtains an independent educational evaluation at public expense or share with the public agency an evaluation obtained at private expense, the results of the evaluation-

- Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and
- May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.

State Regulations

23 Illinois Administrative Code 226.180

- If the parents disagree with the district's evaluation and wish to obtain an independent educational evaluation at public expense, their request to that effect shall be submitted in writing to the local superintendent.
- When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:
- An individual whose name is included on the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 of this Part with regard to the relevant types of evaluation; or
- Another individual possessing the credentials required by Section 226.840 of this Part.
- The district shall send the notice convening the IEP Team's meeting within ten days after receiving the report of an evaluation conducted at public expense. In the case of an evaluation conducted at private expense, the district shall send the notice within ten days after the parent requests a meeting to consider the results.

Hypotheticals

- The District has offered an independent evaluation at the most recent IEP conference and the parent has accepted. The parent calls the next day and says she has chosen an evaluator from the list on the State Board's website.

Are you obligated to use this evaluator?

- The day after a student's reevaluation, you receive a letter from a parent requesting an independent evaluation.

What are your options?

- During the course of an IEP conference to share the results of a student's reevaluation, the parent pulls a 14 page private evaluation from a folder and demands that the document be accepted by the team.

What are your options?

- The parent has requested an evaluation of her son and while you are not opposed to the idea, you want to gather more data for purposes of the domain meeting. You send your school social worker to the classroom to observe. In addition, you have the social worker speak with the student. The parent learns of this and objects, saying you have started the evaluation process without her consent.

What result?

- During the course of the domain meeting, the parent hands you a list of specific assessments that he wants you to administer. Two of the assessments are tools that you have never heard before.

What is your obligation to use these tests?