

The Individualized Education Program and Provision of FAPE

A well-designed IEP can change a child's school experience from one of repeated failure, loss of self-esteem and limited options to one of achievement, direction and productivity.

Bateman, B. D. & Linden M.A. (2004) . Writing better IEPs: How to develop legally correct and educationally useful programs

FAPE

***Free appropriate public education* or *FAPE* means special education and related services that—**

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324.

IDEA §300.17

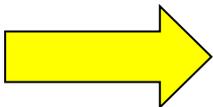
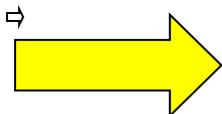
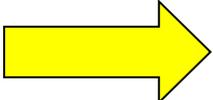
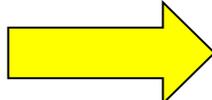
A legal IEP consists of:

- **CONTENT** – what's in the IEP
- **PROCESS** – how you go about it



CONTENT

The “Golden Thread”

- Evaluation 
- Needs 
- Measurable goals and objectives 
- Services 
- Least restrictive environment 

FAPE

EVALUATION

Present Levels of Academic Achievement and Functional Performance

PLAaFP

- The strengths of the child
- The results of the most recent evaluation
- The academic, developmental and functional needs of the child
- How the child's disability affects the child's involvement and progress in the general education curriculum
- The concerns of the parents for enhancing the education of their child

Measurable Annual Goals

Measurable Annual Goals

Well written measurable goals are a reflection of the thoughtful analysis of what is currently know about the student and the outcomes(s) the student will be expected to achieve in the upcoming IEP cycle.

Kosnitsky, C. (2008). IEP goals that make a difference: An Administrator's guide to improving the process

Annual Goals

- Measureable annual goals align directly to measurable baseline data included in the PLAAFP

which aligns with information in the evaluation report

- Annual goals anticipate what the student will know or demonstrate in one year

Annual Goals

- The unit of measurement (criteria) is related to the skill being taught
- Just because the goal contains % signs or numerals does not necessarily make it measureable and meaningful!

Self- Checks

Are goals:

- ✓ based on an identified priority need of the student?
- ✓ designed to enable the student to progress in general education or improve a functional life skill?
- ✓ aligned with standards/extended evidence outcomes?
- ✓ based on solid baseline data for the goal?
- ✓ measured by criteria that are logical and related to the skill to be acquired?

SMARTER Goals

- S** **Specific** to what the child will know and do
- M** **Measureable** can be counted or observed
- A** **Active verbs** are used
- R** **Realistic** to address individual needs
- T** **Timely and time-limited**: appropriate and can be achieved in one year
- E*** **Explicit** to the skill or knowledge to be acquired
- R*** **Relevant** to the child's abilities and needs

Objectives

Short term objectives must be written for children who take alternate assessments (CO-ALT) aligned to alternate achievement standards

Reporting Progress

Include a statement describing **in what way** and **how often** progress toward annual goals will be reported to parents

Consider the measures and metrics upon which progress will be measured

Instructional Accommodations

Instructional Accommodations and Modifications

- *Accommodation*
 - does not change the grade-level standard
 - adapts how instruction is presented, how the student responds to show mastery, or adjusts timing/setting
- *Modification*
 - *Changes student evidence outcomes; less in content and rigor*
 - **Based on alternate academic achievement standards**

Provision of Services

Special Education

Special education means specially designed instruction to meet the unique needs of a child with a disability

IDEA§ 300.39 Special education. (3) *Specially designed instruction* means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

- (i) To **address the unique needs of the child** that result from the child's disability; and
- (ii) To ensure **access of the child to the general curriculum**, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Related Services

Related services means such developmental, corrective and other support services as are required to **assist a child with a disability to benefit from special education**

Service Delivery Statement

Narrative statement “tells the story” and describes the:

- Special education and related services to be provided
- Who will provide the services
- Location of services

Service Delivery

The “Boxes”

- Specialized Instruction Area and/or Related Service
- Service Provider
- Start/End Dates
- Amount or service

Recommended Placement in the Least Restrictive Environment

- Placement Options Considered
- Summary of Discussion of Placement Options
 - Advantages and disadvantages of each option
 - Modifications and supplementary aids and services considered

Prior Written Notice

Provide Prior Written Notice whenever the AU:

- Proposes or refuses
- To initiate or change
 - the evaluation,
 - identification,
 - educational placement, or
 - provision of FAPE to the child

Prior Written Notice

- What will be done
- Why it will be done
- What data informed the decision
- What other options were considered
- Why those options were rejected
- Other factors that informed the decision
- Procedural Safeguards

IEP Amendments

§ 300.324 Development, review, and revision of IEP.

(a)(4) *Agreement.*

(i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency **may agree not to convene an IEP Team meeting** for the purposes of making those changes, and **instead may develop a written document to amend or modify** the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

IEP Amendments

§ 300.324(a)(6) *Amendments.*

Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

IEP Amendments (p. 33-34)

- May be used to make minor changes to the IEP, *outside of an IEP meeting*, when parent and district agree
 - Change to goals/objectives, minor changes to services, addition of accommodations / modifications
- Must be agreed to by parent (signature)

PROCESS



Parent Rights in Colorado

Participation in the:

- Identification
- Evaluation
- Determination of eligibility
- Development of the IEP
- Placement decisions – FAPE in the LRE
- Right to due process

Expertise at an IEP meeting

- GENERAL EDUCATORS are the experts in the curriculum (standards, or what they want their students to know and be able to do)
- SPECIAL EDUCATORS are the experts in how the disability affects a student's participation in the gen ed curriculum
- PARENTS are the experts in their kid!!!

WHO makes the decision?

“The IEP team should work toward consensus, but the public agency has **ultimate responsibility** to ensure that the IEP includes the services that the child needs in order to receive FAPE.”

Barbara Bateman,
Better IEPs

Meaningful Parent Participation

- Have an informational meeting with parents ahead of time, as needed
- Ask parents what their concerns and priorities are
- Have a pre-meeting with staff to share results, if possible
- Draft your presentation (check with your district about a draft of the IEP)
- Develop an agenda (p. 21)
- Be sure to discuss everything!!

Ongoing Communication

- Consent for evaluation and initial provision of services
- Prior written notice
- Meaningful participation in IEP meetings
- Reports of progress towards goals
- Copies of evaluation reports and IEPs within reasonable time frame

Copies Provided to Parents

§ 300.306 Determination of eligibility.

(a) *General.* Upon completion of the administration of assessments and other evaluation measures—(2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Copies Provided to Parents

§ 300.322(f) *Parent copy of child's IEP.*

The public agency must give the parent a copy of the child's IEP at no cost to the parent.

Ongoing IEP Implementation

- All aspects of the IEP must be implemented consistently
 - Accommodations and modifications
 - Services
 - Goals and objectives
 - Ongoing communication with the IEP team
- Documentation
 - Service logs
 - Parent contact logs

Recommended resources

- CDE website www.cde.state.co.index_home.htm
- Better IEPs: How to Develop Legally Correct and Educationally Useful Programs, Barbara Bateman and Mary Anne Linden
- Writing Measurable IEP Goals and Objectives, Barbara Bateman and Cynthia Herr
- The Everyday Guide to Special Education Law, Randy Chapman, Esq.

Contact Information

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