**The IEP Process or Development of the IEP includes:**

**Notice of Meeting**

* *It is a common practice for parents to be notified in writing* ***at least 10 days prior*** *to the meeting so that the purpose, time, location, attendees, and need for an interpreter can be determined early enough to ensure that parents will have an opportunity to attend.  Should the time and place not be acceptable, parents must be afforded the opportunity to arrange another time.*

**Consent of Initial Placement in Special Education**

* *Written consent for the Initial Provision of Special Education and Related Services is only required at the* ***initial*** *eligibility determination. When a student transfers from another state or district and the initial consent is missing, the receiving district must obtain written parental consent.*
* *The consent “opens the door” for special education services. It provides the Administrative Unit permission to provide any special education services once they are agreed upon by the IEP Team. It is* ***not*** *an agreement regarding what specific special education services or placement will be provided.*
* *If the parent fails to respond to a request to provide consent for the Initial Provision of Special Education and Related Services, a public agency must document attempts to gain consent within a reasonable time frame. Such documentation includes:*

*• detailed records including date and time of telephone calls made and the results of those calls;*

*• copies of correspondence sent to the parents and any responses received;*

*• detailed records including date and time of visits made to the parent’s home or place of employment and the results of those visits.*

*300.300(d)(5); 300.322(d)*

*Many Administrative Units recommend documenting 3 unsuccessful attempts.*

* Currently, IDEA regulations do not specifically address whether a parent who has previously consented to the initial provision of special education and related services has the right to subsequently remove his/her child from special education services. Administrative Units should contact their legal counsel if such a request is made.

**Provide *Notice of Meeting* to Parent**

* *The IEP document must be maintained as part of the student’s special educational record. All IEP discussions are confidential and must not be discussed with persons other than those school district employees who have responsibilities for the education of the particular student and persons authorized by the parent.*

**Encouraging Parent Participation**

* *Divorced Parents:**Under the IDEA a biological or adoptive parent may be considered a parent for the purposes of the IDEA. However, if a judicial decree or order identifies a specific person to make educational decisions on behalf of a child, then that person is considered to be the parent. In the case of divorced parents, it may be necessary to determine which parent has educational decision making authority. 300.30*
* *If a public agency develops a draft IEP prior to the IEP Team meeting, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents. The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for an agency to have the final IEP completed before an IEP Team meeting begins.*

**IEP Meetings**

* *If the purpose of the meeting is to determine eligibility for special education, then a Multidisciplinary Team must meet. If the purpose of the meeting is to develop or revise the IEP at an Annual Review, Revision or Transition meeting, the IEP Team is required to meet. Often the required participants are the same, but the purpose of the meeting is different.*
* *The general education teacher role must be filled by someone who is currently assigned to teach in a general education classroom for students the same age or grade level as the student whose IEP is being reviewed. It is recommended that the general education teacher be able to represent the student’s needs in accessing the general education curriculum*
* *During the development of the IEP, the participation of the general educator is critical to discuss evaluation findings that may lead to appropriate interventions including the identification of supplementary aids and services, program modifications and supports for school personnel.*
* *If a student needs a particular related service in order to benefit from special education, the related service professional must be involved in developing the IEP.*
* *The agenda should identify the topics for discussion and the order in which they will be discussed. An agenda will help maximize the use of available time and enable the IEP Team to keep the discussion focused. The Case Manager should ensure that a copy of the most recent eligibility report or IEP is available for review at the IEP meeting.*

**Procedural Safeguards**

* *The Procedural Safeguards must be given to parents at least once per school year. Parents should be given another copy if requested at the meeting. The Case Manager should assure parents that the proceedings and the results are confidential and will be used for educational purposes only, and ask if they have any questions regarding their educational rights. The Case Manager should also inform parents and the student, if appropriate, of their rights and invite them to ask questions at any time during the meeting. Translators or interpreters should be present for parents with limited English proficiency or those who are deaf or hard of hearing.*

**Present Levels of Academic Achievement and Functional Performance**

* *Previously teams were required to address strengths and needs in the 6 domains, this is no longer required.*
* *Needs should be considered by broad areas such as in reading, writing or behavior etc. The Present Levels section should describe in more detail where specific areas of need occur. For example, a student may have a need in the area of writing. The Present Levels section should describe if this is due to processing or motor concerns, or both. Later in the IEP, the accommodations, modifications and/or goals should address the instructional implications of each area of need.*
* *For annual reviews put all current classroom functioning, i.e. academic levels, behavior, medical related services that have occurred within the past year here. You might also want to summarize some past history.*
* *For Initial’s or Triennials include the completed assessment results. Take the information from the evaluation report and put it in this section. Also put all current classroom functioning here as well.*

**Consideration of Special Factors**

* *If the student’s behavior is a concern, a functional behavior assessment should be completed before the conference to assist in developing an appropriate behavior intervention plan.*

**Develop Goals for the Year**

* *Annual goals should be recognized by both parent(s) and teachers as high priority items that are educationally meaningful. Some goals may be established for their functional value in increasing the student’s independence.*
* *An acronym to help write effective goals is SMART:*

*Strategic and specific*

*Measurable*

*Attainable*

*Results-driven*

*Time bound*

* *Annual goals should address only those areas identified as needs. The IEP Team is not required to include goals that relate to areas of the general curriculum for which the student does not have a need.*

**Accommodations & Modifications**

* *Intrusive accommodations, such as the assignment of an individual aide for all or part of the day, should be considered alongside the goal of achieving independence, and include plans for a gradual fading and eventual elimination of the accommodation without having a negative effect on the student’s progress.*
* *It is important that a discussion regarding the student’s course of study, curriculum modifications and grading criteria occur at each annual review IEP conference. Parents and students age 15 and older must be involved in determining the modifications to the curriculum and the potential effects of these decisions on the student’s post – school goals.*

**Service Delivery**

* *How do we document when general education services meet special education needs? (i.e. reading interventionist specialist providing specialized reading instruction, but not a special educator). It is not necessary to document general education or Title I services are on an IEP.*
* *Interventions are not measures like accommodations, shortened assignment(s), allowing extended time, moving a student’s seat, or retention.*

**Determining the Least Restrictive Environment**

* T*he LRE mandate requires that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities are educated with students who are not disabled. Special classes, separate schools or other removal of students with disabilities from the general education classroom should occur only when the nature or severity of the student’s disability is such that education in the general education class with the use of supplementary aids and services cannot be achieved satisfactorily.*

**Making the LRE Decision**

* *It is expected in most instances a student with disabilities can be educated in the school he/she would attend if not disabled, and in a general education classroom at least part of the day, with appropriate modifications and accommodations. In the event that there is a possibility that the student may be placed in a site other than the current school or that a significant change in placement is under consideration, a reevaluation must be conducted. Parents must be involved in any decision on the educational placement of their child.*
* *A student with disabilities does not have to fail in a less restrictive setting before the IEP Team recommends a more restrictive setting, nor is it required that a student demonstrate achievement at a specific performance level as a prerequisite for placement in a general education class.*
* *A student with a disability should not be removed from an age-appropriate general education classroom solely because of needed modifications to the general educational curriculum.*
* *A student with disabilities is never to be placed in a particular educational setting based solely upon the student’s disabling condition, or on the staff, space and/or services currently available at a school.*
* *The IDEA previously required LRE to be reported on the student’s IEP based on how much of the day the student received services* ***outside*** *the general education setting. It now requires AUs to report the LRE setting based on how much of the day the student is* ***in*** *the general education environment.*
* *To ensure that the process for determining the LRE placement is appropriate, it is recommended that principals observe several IEP meetings a year and regularly review the school’s LRE data. If the principal attends an IEP meeting, s/he must be identified on the conference notice form in accordance with procedures.*

**Concluding the Meeting**

* *Copy and distribute the IEP documents as appropriate, ensuring that the special education teacher and parents receive a full copy at the conclusion of the conference or within a reasonable time frame.*
* *EVERY teacher and support specialist who provides instruction for students with disabilities must have access to information regarding the needs of these students. In lieu of the entire IEP document, local schools may prepare and distribute an IEP summary report to every general education staff who works with the child, including physical education, art, music, computers, library and shop teachers.*
  + *The IEP summary report should be explained to general education staff by the case manager or other individuals identified at the IEP meeting. If a functional behavioral assessment is conducted and a behavioral intervention plan is developed, this plan should be provided to all staff who have interactions with the student, including staff responsible for discipline and security. Parents who speak a language other than English may receive a complete copy of the IEP in their native language. If this is not available, they may receive an audio cassette record of the IEP in their native language.*

**Reevaluation and Determination of Eligibility**

* *The Multidisciplinary Team must complete the reevaluation no more than three years from the date of the prior eligibility meeting where the student's eligibility was established or reaffirmed. The evaluation process described earlier in this chapter applies to all reevaluations, including those to re-determine eligibility or for a significant change in placement.*
* *Documentation of the determination of eligibility must be shared with parents.*
* *Special evaluations follow same time frame and process as initial evaluations.*

**When is it appropriate to amend an IEP?**

* *An IEP amendment should not change the student’s LRE, eligibility for special education or substantially change the student’ special education services. The IEP may be amended to address issues such as:*

*• Lack of progress toward annual goals*

*• New information about the child provided to or by the parents*

*• Reconsideration of decisions previously made regarding grading, promotion and assessment*

*• Revision or consideration of transportation services*

*• The need to eliminate or add curriculum modifications or accommodations such as classroom or individual aids*

*• Revision or consideration of a behavior intervention plan*

*• The need to identify alternative strategies to meet the transition objectives if those set forth in the IEP are not being provided*

**Important Timelines**

**Referral, Evaluation, IEP Implementation**

Date Special Education Referral Initiated:

(1) Request Received

& (2) Parental Consent Obtained

Evaluation complete in

60 days

Eligibility Determination & IEP Developed

90 days

Notice of Meeting

\*\*\*\* Please note that a final draft of the IEP must be in the hands of the parents within 90 days.

A referral is initiated when:

* + The parent is informed of the special education referral or the parent requests an evaluation;

**AND**

* + The parent provides written consent to conduct the initial evaluation. [ECEA 4.02(3)(c)]

The evaluation must be complete within 60 days from the point of the initiation of the referral. [ECEA 4.02(3)(c)]

A notice of meeting should be sent to the parent in a reasonable amount of time to ensure that they will have an opportunity to attend [IDEA Reg 300.322(a)(1)]. 10 day notice usually accepted as reasonable.

The IEP must be developed within 90 days of the date that parental consent was obtained to conduct the initial evaluation. This may be done in conjunction with the eligibility determination meeting.

**IEP Progress Reporting**

The IEP must contain a description of when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. [IDEA Reg 300.320(3)(ii)].

Progress Report 4

Progress Report 2

Progress Report 1

Progress Report 3

One Year

**IEP Annual Reviews, 3 year Reevaluations**

Year 1

Year 2

Year 3

Initial IEP Developed

IEP Annual Reviews on or before IEP Anniversary Date

Three Year Reevaluation & IEP Review

IEP Review

IEP Review

Three Year Reevaluation and IEP Review

**IEP Cycle**

**Three Year Timeline**

An ***IEP*** must be ***reviewed*** periodically, ***but not less than annually*** to determine whether the annual goals for the child are being achieved; and revised as appropriate to address:

* Any lack of expected progress toward the annual goals;
* The results of any reevaluation;
* Information about the child provided by the parents;
* The child’s anticipated needs; or
* Other matters.

[IDEA Reg. 300.324(b)]

A **notice of meeting** should be sent to the parent in a reasonable amount of time to ensure that they will have an opportunity to attend the IEP meeting. [IDEA Reg 300.322(a)(1)]

A ***reevaluation*** of each child with a disability must occur ***at least once every 3 years***, unless the parent and the public agency agree that a reevaluation is not necessary. [IDEA Reg. 300.303(b)(2)]

If a reevaluation is necessary, written ***parental consent*** for evaluation must be obtained prior to conducting the reevaluation. [IDEA Reg. 300.300(c)(1)(i)]