

---

---

# Helping Families Understand the IEP Process

— Gina Monheit —

---

---

# Objectives: What will be covered?

How are children flagged for an evaluation

Overview of the IEP process

What kind of supports do IEPs provide students?

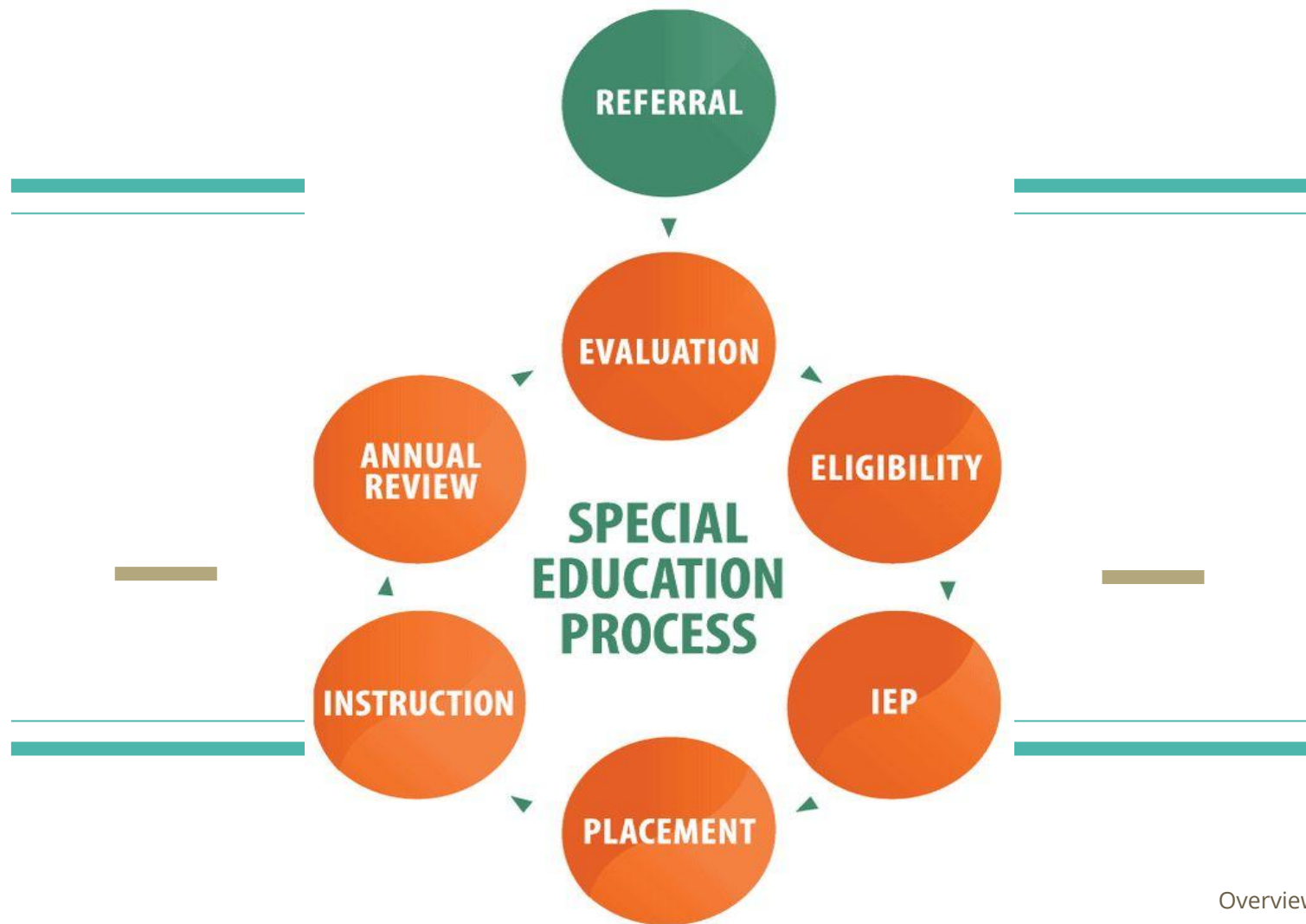
Eligibility categories: What is looked for when considering an IEP and how kids “fall through the cracks”

How to support families/Attending IEP meetings: Who to contact, what to expect, do, and say

Placement and setting (LRE and FAPE)

The difference between an IEP and a 504 plan

IEPs in Colorado versus other states





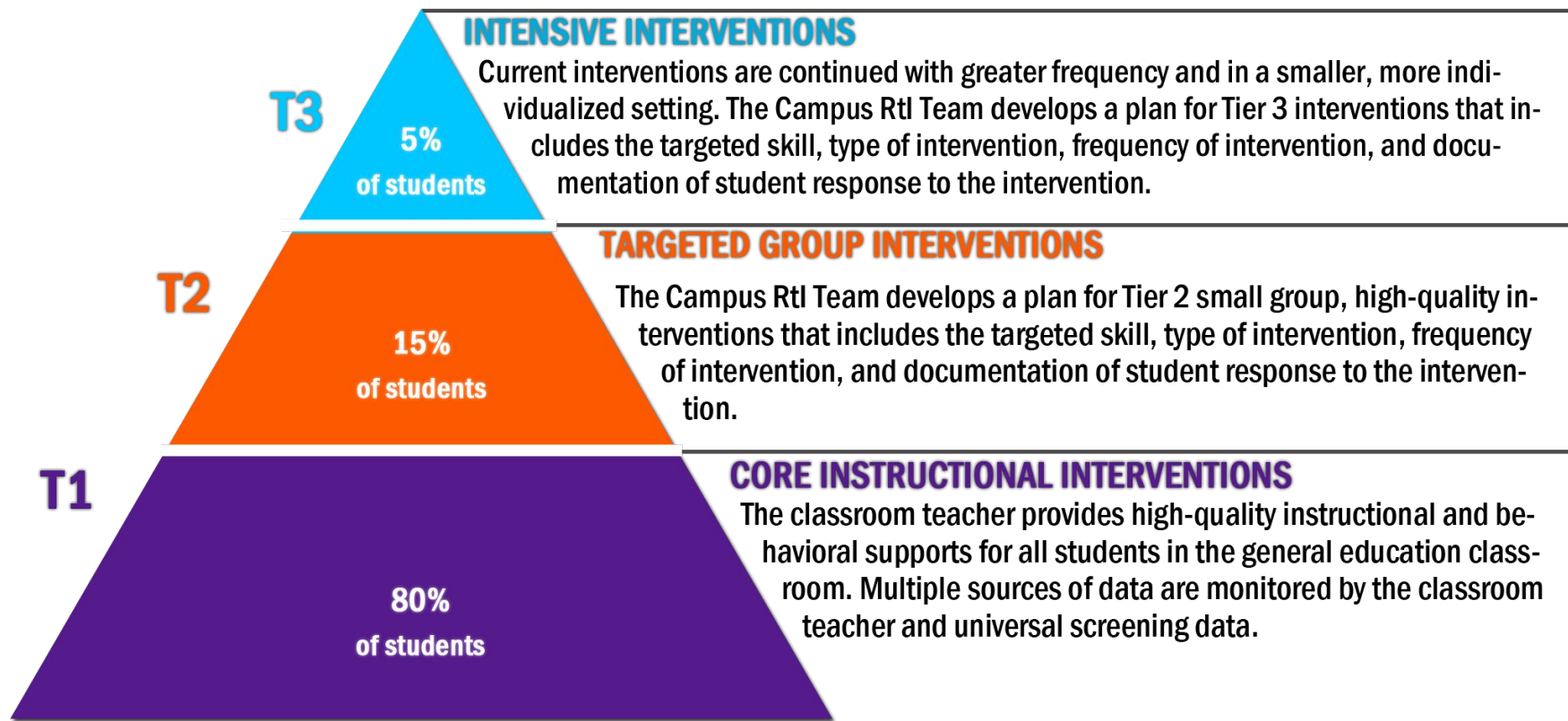
Child Find is a mandate under IDEA that requires schools to evaluate all and any children (3-21) who may be eligible for special education - Johns (2016)

If school personnel suspect a student has a disability or know a child has a disability, then they have an obligation to request an evaluation for that student - Johns (2016)

In CO, Child Find is also the name of the evaluation teams through districts for Part C and preschool services under Part B. Referrals most commonly come through community center boards from parents, child care providers, or pediatricians.

When children are of school age, the individual schools usually have special education providers who can determine eligibility

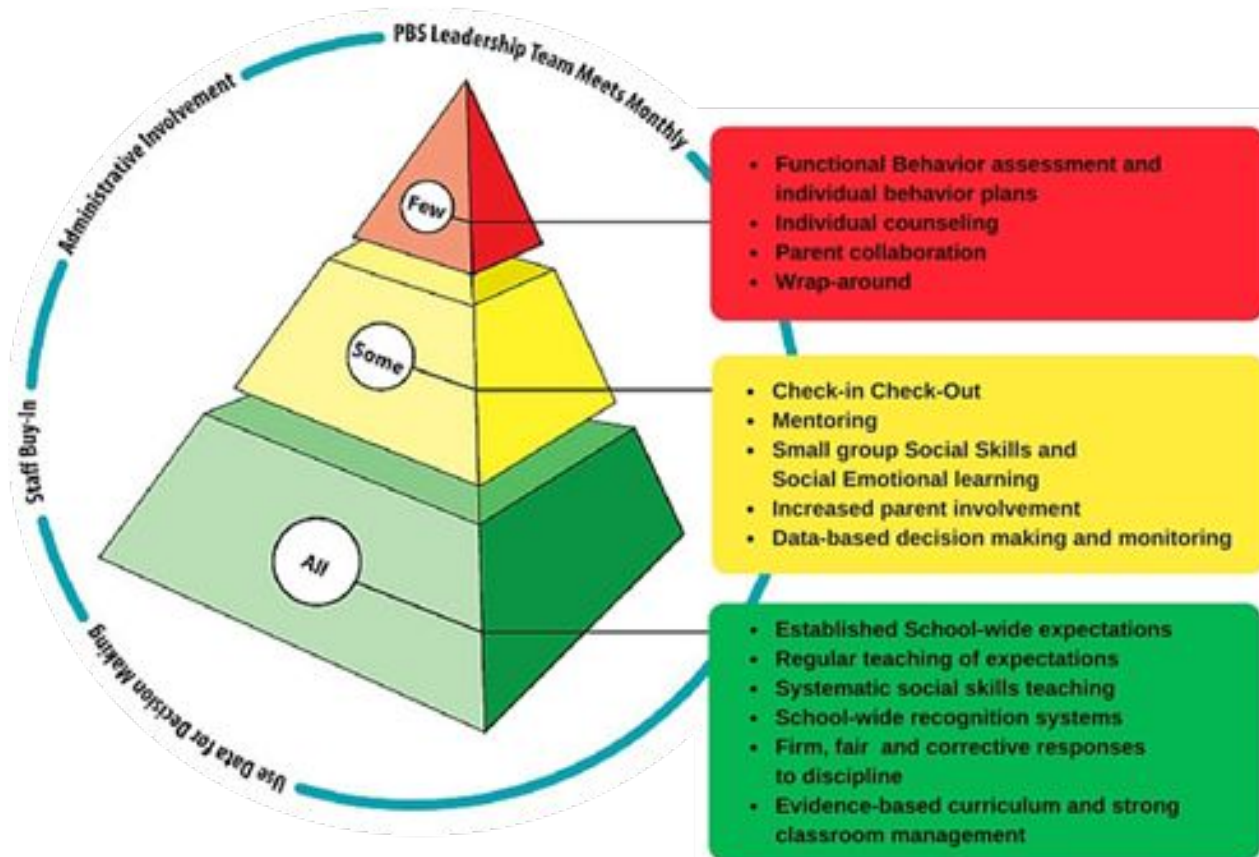
# RtI - Response to Intervention



**Framework: 3 levels of intensity**

Overview of the process; How are children flagged for an evaluation

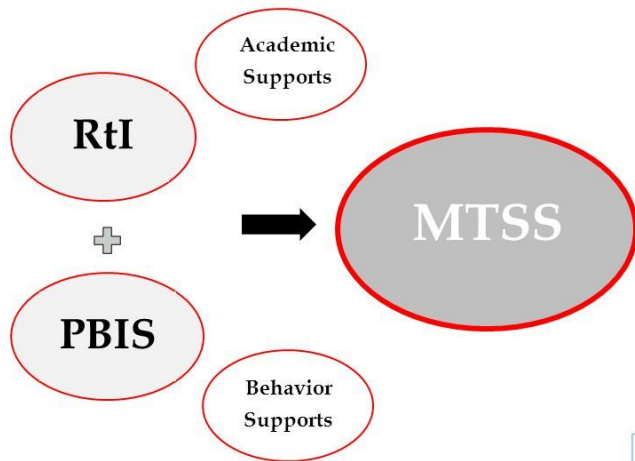
# PBIS - Positive Behavior Interventions and Supports



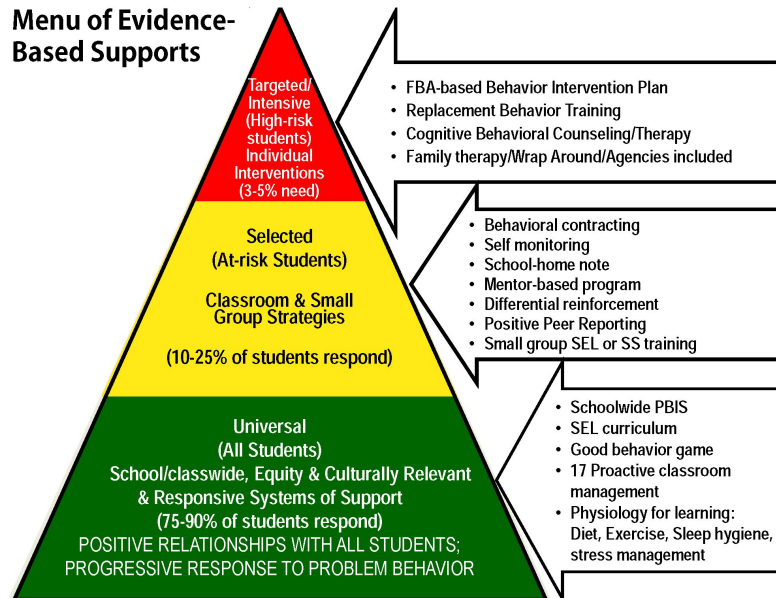
Overview of the process; How are children flagged for an evaluation

# MTSS - Multi-Tiered Systems of Support

## \* What Happened to RTI and PBIS?

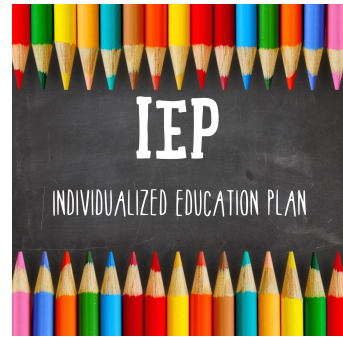


## Menu of Evidence-Based Supports



Overview of the process; How are children flagged for an evaluation

# Main Components of the IEP



## Procedural Safeguards

**Present Levels of Academic Achievement and Functional Performance**  
(PLAAFP): Strengths, Preferences, and Interests; Educational Performance

**Student Needs and Impact of Disability with Parent/Student Input:** How disability affects involvement and progress in general curriculum and participation in appropriate activities?

**Consideration of Special Factors:** limited English proficiency; BIP; blind or visually impaired; deaf or hard of hearing; deaf-blind; unique communication needs; assistive technology; transportation; health care plan



# Main Components of the IEP Continued...

**Annual Goals:** Area of need; projected achievement date; ESY; Baseline data point; goal; objectives; standards

**Accommodations and Modifications:** What type if any is/are necessary for the student to access the gen curriculum and/or appropriate activities to make effective progress?

**Extended School Year Determination**

**State and District Assessments**

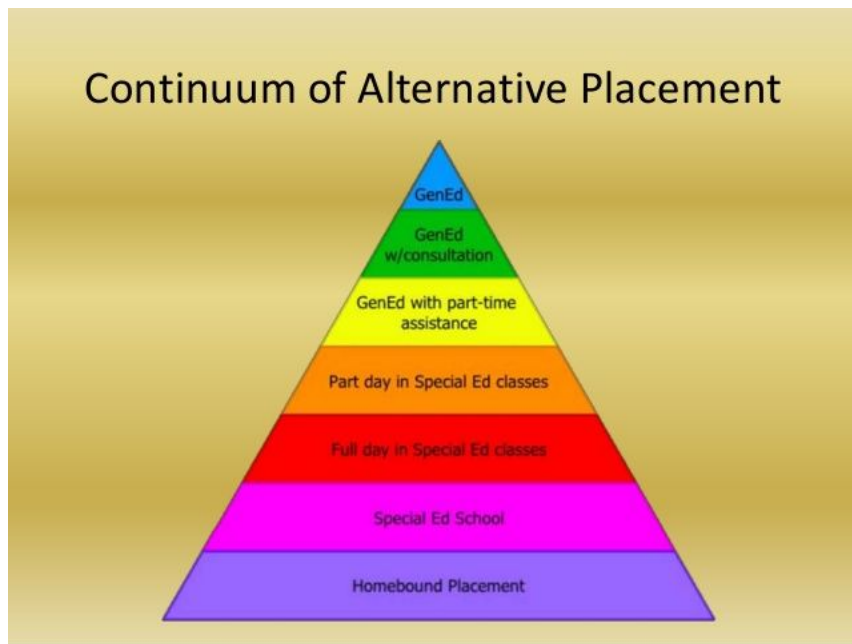
**Service Delivery Statement:** types and anticipated location of services

**Recommended Placement in the LRE**



# Least Restrictive Environment (LRE)

To the maximum extent appropriate, children with disabilities are educated with children without disabilities



# Free and Appropriate Public Education (FAPE)



## FAPE Under 504

A FAPE that is comparable with the education of other students

## FAPE Under IDEA

A FAPE that is based on the individualized needs of the student and includes specially designed instruction

The student cannot be discriminated against due to the child's disability - they cannot have a stricter consequence for a behavior problem than a student without a disability

Johns (2016)

# Changes to come in FAPE

Board of Education v Rowley (1982)

- Requires an appropriate educational program reasonably calculated to enable a child to make progress in light of the child's circumstances

Endrew F. v Douglas County School District (2017)

- Requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances

## Bottom Line:

Move away from the check-the-box approach to IEP forms, but instead document that they “reasonably calculated” the child’s potential to make progress based on an appropriately ambitious program and challenging objectives

# Eligibility Criteria

Can you guess some?

# Eligibility Criteria

Autism Spectrum Disorder

Deaf-Blindness

Developmental Delay

Hearing Impairment, Incl. Deafness

Intellectual Disability

Multiple Disabilities

Orthopedic Impairment

Other Health Impairment

Serious Emotional Disability

Specific Learning Disability

Speech or Language Impairment

Traumatic Brain Injury

Visual Impairment, Incl. Blindness

# Three preliminary questions

1. The evaluation is sufficiently comprehensive to appropriately identify all of the child's special education and related services needs, whether or not commonly linked to the disability category
2. The child **can** receive reasonable educational benefit from general education alone
3. The child's performance: is or is not
  - a. Due to a lack of appropriate instruction in reading, including the essential components of reading instruction
  - b. Due to a lack of appropriate instruction in math; and
  - c. Due to limited English proficiency

## IEP (IDEA) Education Funding

Ages: 3 - 21 (Specific Disability)

Compliance: State and OSEP

Children who have disabilities that result in an adverse impact on their educational performance

Provides specially designed instruction, accommodations, and modifications

Includes special education and related services for the student, including support for school personnel and parent counseling when necessary to provide meaningful benefit the the student

## 504 Civil Rights (Federal Program)

Ages: Birth - Death (Impairment of major life activities)

Compliance: Office of Civil Rights

Protects children with disabilities from discrimination because of their special needs

Provides accommodations for those with disabilities who are not eligible for special education

Ex: Diabetes does not adversely affect her educational performance, but needs accommodations so that she can have a special diet and more frequent trips to the bathroom

Johns (2016)



\_\_\_\_\_

- 

## The difference between an IEP and a 504 plan

# Referral Conditions



- ☐ Chronic hospitalization
- ☐ Chronic homebound
- ☐ Homeless, migrant, or other qualified individuals with disabilities, or individuals who are believed to be disabled
- ☐ Student is found ineligible for special education
- ☐ School concerns
- ☐ Parental concerns frequently expressed
- ☐ Students reentering school after having been temporarily placed in a private setting
- ☐ Students exhibiting a chronic health condition and/or receives medical attention at school
- ☐ Suspensions approaching an aggregate of ten (10) instructional days.
- ☐ The school district is considering expulsion, exclusion, or retention of a student
- ☐ Students suffering the death of someone close or the separation/divorce of their parents.
- ☐ Suspicion of abuse in the home
- ☐ The student's attendance record approaches the school district's limit
- ☐ Student is regarded as a potential drop-out or at-risk
- ☐ Substance abuse is considered

Greiert (2017)

# How to help support families?





## Federal

## State

<p>Who is eligible for special education</p>	<p>IDEA says students who have one of <a href="#">13 types of disabilities</a> may qualify for special education. To be eligible, the disability must "adversely affect" their educational performance.</p>	<p>States must follow IDEA, but they can have guidelines on who qualifies for each disability type.</p> <p>For example, qualifying under the category of "<a href="#">specific learning disability</a>" can differ by state. States can even allow it to vary by school district within the state. States may also use different models for deciding if your child is eligible. That's why a learning issue that qualifies as a "specific learning disability" in one state may not in another.</p>
<p><a href="#">Free appropriate public education</a> (FAPE) and <a href="#">least restrictive environment</a> (LRE)</p>	<p>IDEA says every child with a disability is entitled to a free and appropriate education.</p> <p>Kids with disabilities must also receive special education in the LRE. There must be a continuum of placements available, from self-contained to <a href="#">inclusion classrooms</a>.</p>	<p>States must provide FAPE, but they have leeway in what instruction or services to provide. For instance, states can decide on the types of educational programs to use. And many different programs could be "appropriate."</p> <p>States must educate children with disabilities in the LRE. But states can choose how to structure their schools as long as they provide special education in several types of placements.</p> <p>Rosen (2018)</p>

## Federal

## State

<b>Procedural safeguards</b>	<p>This is the area where IDEA is the most detailed. IDEA lays out the process and steps that schools and parents go through for evaluation, <b>IEP meetings</b> and <b>dispute resolution</b>.</p> <p>For example, it requires schools to complete an evaluation within 60 days.</p>	<p>As long as states follow the overall process in IDEA, they have leeway to determine some of the details.</p> <p>One example is time limits. For example, instead of the 60-day time limit for evaluations, Washington state law gives schools just 35 days to complete one after parental consent.</p>
<b>Early intervention</b>	<p>IDEA provides for early intervention for kids with <b>developmental delays</b> or specific health conditions. But it doesn't actually define "delay," state who is eligible or spell out who pays for what services.</p>	<p>Each state decides what constitutes a delay, who is eligible for services and who pays for what.</p> <p>Some states are more generous than others. Some pay for physical therapy or family training. Others require parents to cover some costs.</p> <p>Rosen (2018)</p>

	Federal	State
Age of eligibility	IDEA says educational services must be provided to students with disabilities who are in school until the age of 21.	States must meet the federal minimum of 21, but they may pass laws that exceed it. Michigan, for instance, provides services until the age of 26.
Age of transition services	Federal law says schools must start transition planning for after high school at the age of 16.	Some states choose to start earlier. In Massachusetts, for instance, schools must provide transition services starting at age 14.

Rosen (2018)



# Exceptional Children's Educational Act

# Resources

1. ASK Resource Center. (2013). Six Principles of IDEA: The Individuals with Disabilities Education Act. Retrieved from <http://askresource.org/wp-content/uploads/2014/09/Six-Principles-of-IDEA.pdf>
2. Colorado Department of Education. (2013). Exceptional Children's Educational Act. Retrieved from <https://www.cde.state.co.us/sites/default/files/documents/spedlaw/download/ecea-rules-march2013.pdf>
3. Colorado Department of Education. (2011). Procedural Safeguards. Retrieved from <https://www.cde.state.co.us/spedlaw/2011proceduralsafeguards>
4. Colorado Department of Education Disability Categories and Eligibility Forms: [https://www.cde.state.co.us/cdesped/iep\\_forms#review](https://www.cde.state.co.us/cdesped/iep_forms#review)
5. More in-depth IEP information: <http://www.parentcenterhub.org/pa12/>
6. Educational Law: <http://www.wrightslaw.com>
7. Skalski, A.K., & Stanek, J. (2010). Section 504: A guide for parents and educators.



# References

Greiert, B. (2017). *The Individuals with Disabilities Education Act* [PowerPoint slides].

Johns, B.H. (2016). *Your classroom guide to special education law*. Baltimore, MD: Brookes Publishing Co.

Rosen, P. (2018). Special education: Federal law vs. state law. Retrieved from <https://www.understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/special-education-federal-law-vs-state-law>

Turnbull, H.R., Turnbull, A.P., & Cooper, D.H. (2017). The Supreme Court, Endrew, and the appropriate education of students with disabilities. *Exceptional Children*, 1-17. Doi: 10.1177/0014402917734150

Zirkel, P.A. (2015). Special Education Law: Illustrative basics and nuances of key IDEA components. *Teacher Education and Special Education*, 38(4), 263-275. DOI: 10.1177/0888406415575377