

IEP Overview

Definition

The Individualized Education Program (IEP) is a written plan for the appropriate education of students with disabilities. It is a document that assures a Free and Appropriate Public Education (FAPE) for eligible students and is based on the educational needs of that student in the general education curriculum. The completed IEP will clearly reflect the student's needs in relationship to his/her interests, abilities, and aptitudes.

Gathering Information for the IEP Team

The evaluation process should not only function to provide a decision regarding eligibility for special education and related services, but must also provide essential content information for the development of the student's IEP.

In gleaning information from the Evaluation Process in the IEP design phase, the results of the instructional evaluation should be used to delineate the student's present educational levels. Using the results of the instructional evaluation allows for a clear trail of data that begins in the pre-referral process, is verified in the evaluation team's instructional evaluation, and is incorporated by the IEP team. This linkage of data from the pre-referred process to the evaluation process to the IEP ensures that all aspects of this process will be based on the student's needs rather than merely on eligibility requirements.

The IEP team should consider data from the Evaluation Process in designing measurable goals and objectives (where required). Procedures such as curriculum based assessments (CBAs), performance-based assessments, vocational assessments, and functional behavioral assessments have been designed to provide data needed to construct measurable goals and objectives. These procedures can also serve as models for progress monitoring procedures used to judge attainment of goals and objectives and to set exit criteria.

In considering the student's need for specially designed instruction, an effectively conducted Evaluation Process should also determine the specially designed instruction that is likely to be effective for the student.

The assessment and evaluation requirements of the IEP process should be formative, ongoing, and data driven. That is, the IEP team should devise progress monitoring procedures for every goal. The IEP team should again look to the evaluation report for ideas on effective measurement procedures that can be utilized during the Evaluation Process. These procedures also provide the data needed to revise the IEP (i.e., annual IEP review) and provide the assessment framework for future re-evaluations. The monitoring process should be:

- Based in or referenced to the general education curriculum
- Sensitive to small increments of growth
- Easily translated into formats that allow for quick inspection of data (e.g., graphs)
- Used regularly to appraise and change instructional procedures
- Used as a basis for regular progress reports
- Used to identify effective and ineffective instructional procedures

In developing transition plans for students 14 and older, useful information should again be gleaned from the evaluation. An evaluation for secondary students should include vocational assessments that lead directly to transition planning.

The IEP is the basis of the student's instructional program and should be used in conjunction with the district/program curriculum. Components of the IEP are as follows:

A statement of the child's present levels of academic achievement and functional performance including (§300.320):

- Present levels of academic achievement (recent evaluation of the student, formative assessment results, curriculum-based assessments, transition assessments, progress toward current goals)
- Present levels of functional performance (recent FBA, assessments, progress toward current goals)
- Present levels related to current postsecondary transition goals if the student's age is 14 (or younger if determined appropriate by IEP team) including formative assessments, curriculum-based assessments, progress toward current goals
- For preschool children, the IEP team should describe how the disability affects the child's participation in appropriate activities (§300.320).
- Modifications and accommodations which are effective in assisting the student to be involved and make progress in the general curriculum, including state and district assessment accommodations (§300.320; §300.323).
- Concerns of the parents for enhancing the education of their child (§300.324).
- How the student's disability affects involvement and progress in the general education curriculum; How the student's disability affects involvement and progress in the general curriculum, i.e., the same curriculum as for non-disabled students (§300.320).
- The strengths of the student
- Academic, developmental, and functional needs related to the student's disability

Areas to be Addressed, Academic Standards Student's Program Will Address

A statement of measurable annual goals, and short term objectives (for students taking alternate assessments aligned to the alternate assessment standards)

Considerations (§300.324)

Transition services (required for students age 14 or younger if determined appropriate by the IEP team) designed to facilitate a student's transition from school to post school activities with the necessary services/activities and courses of study including (§300.320, §300.43):

- Postsecondary Education and Training Employment Goals
- Employment Goals
- Independent Living Goals, if appropriate

Participation in state and local assessments (§300.320) including explanation of appropriate accommodations or criteria for RIAA eligibility (remember to list the accommodations as specially designed instruction)

A statement of the special education and related services provided to the student, including (§300.156, §300.39, §300.320):

- Program Modifications and Specially Designed Instruction (§300.42, §300.320)
- Related Services (§300.34, §300.320)
- Supports for School Personnel (§300.42, §300.320)
- Extended School Year (ESY) (§300.106)

Explanation of Nonparticipation in Regular Class, Extracurricular and Nonacademic Areas (§300.320)

Educational Environment (§300.115(A))

IEP Team: The required membership of the IEP is composed of:

- Student (when appropriate)
- Parent(s) of the student
- Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment)
- Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student
- A representative (LEA) of the school district who :
 - a)** is qualified to provide or supervise the provision of specially designed instruction;
 - b)** is knowledgeable about the general education curriculum;
 - c)** is knowledgeable about the availability of resources of the district and has the authority to commit those resources
- An individual who can interpret the instructional implications of evaluation results (this could be someone already named)
- At the discretion of parent or the district, other individuals who have knowledge or special expertise regarding the student, including related service providers as appropriate (§300.321)
- In the case of a child who was previously served under Part C of the ACT, an invitation to the initial IEP team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representative of Part C. (§300.321 (f))

IEP Team Attendance

Any IEP team member may be excused from attending the IEP meeting (§300.321 (e)(1), (e)(2)).

Items in this form include documentation of those team members whose attendance at the IEP meeting the LEA considers to be “not necessary” and therefore, can be excused from the meeting, and the request of the parents to agree or not agree with the excusal of those team members identified as not necessary.

- Whether a team member may be excused depends on whether that member's area of expertise is being discussed at the meeting. If not being discussed, that member may be excused only if both the parent and the LEA agree in writing. That team member has no additional responsibilities in the process.
- If the area of expertise is being discussed, that team member may be excused only if both parent and LEA agree in writing. That member must submit information to the parent prior to the IEP meeting.
- If the parent does not agree to the excusal of a required team member, then that member must attend the IEP meeting.

A member of the IEP team may be excused from attending a meeting, even if the member's content is to be discussed, if the parent, guardian, or surrogate and LEA agree in writing to excuse that team member. The team member must provide written input to the IEP team before the meeting, including the parent. Document the excusal on the IEP Team Signature page. Refer to Team Member Excusal Form found in documents section of Tenet.

Meeting notice for IEP review must be provided to family 10 days prior to meeting and must indicate purpose of meeting. Please note that when the team meets to review any reevaluation results, parents must be informed on the invitation to meeting notice that the team will be reviewing evaluations and determining continued eligibility for special education as well as reviewing a draft of the annual IEP. The Case Conference Forms must be used in this case to document that reevaluations were completed, reviewed, and eligibility under one of the 13 disability categories continues to apply. It is the responsibility of each staff person to ensure that IEP's do not expire. They cannot go beyond their annual effective date so please plan well in advance.

The Invitation to Participate in the IEP Team Meeting or Other Meeting

The Invitation to participate in the IEP Team Meeting or Other Meeting is mandated and must be issued when a meeting is to be held for the purposes of developing the student's IEP, to review existing data for the reevaluation process or to meet for the purpose of gathering information. The teacher or LEA must issue the invitation to the parent within a reasonable amount of time (10 day period) to provide the parent ample opportunity to schedule and attend the meeting. If the parent has waived the ten-day waiting period following an evaluation/reevaluation meeting, an invitation to the IEP meeting must be issued.

The invitation explains the purpose of the meeting, including a time, date and location that, hopefully, are mutually convenient for parents and LEA, team members who are expected to attend, and a request of parents to respond about their intention to attend.

Each member of the proposed IEP team should be listed on the invitation and each should receive a copy of the invitation in sufficient time to schedule the meeting. It is mandatory that the student be invited to the meeting when transition services are discussed. The teacher or LEA must document that an invitation was sent to the student. The parent has the right to invite the student at any time as well as any other individuals they choose to attend. Agency representatives, vocational technical teachers, and others needed to complete the transition component of the IEP should be invited also. A copy of the invitation is to be kept in the student's record as the parent may not return a signed copy.

(Refer to The Invitation to participate in the IEP Team meeting form available in Aspen)

Timelines

The following timelines govern the development and implementation of an IEP:

If determined eligible...

1. An IEP meeting is conducted and an IEP is developed and special education and related services are made available to the child in accordance with an IEP **within fifteen (15) school days** of the eligibility determination.
2. Notifying parents of the meeting **ten (10) school days** prior to the meeting to ensure that they will have an opportunity to attend (the parent may agree to waive the ten day notice requirement in order to expedite the IEP Team meeting)
3. The public agency must give the parent a copy of the child's IEP at no cost to the parent and not later than **ten (10) calendar days** after –
 - an IEP has been developed for the child; and
 - after the receipt of a request for a copy of the IEP
4. As soon as possible following development of the IEP, but not later than **ten (10) school days**, special education and related services are made available to the child in accordance with the child's IEP.
5. If there is a request for an IEP meeting, each LEA shall ensure that an IEP meeting is scheduled within **ten (10) school days** of the request by the parent or the LEA to meet to review the child's IEP. (The parent may agree to waive this ten (10) school day meeting requirement if such parental waiver is documented by the LEA)
6. The IEP team meeting shall be convened at least annually or more frequently if warranted. An IEP team meeting shall also be convened at the request of any member of the team.

Developing the IEP

Johnston Public Schools uses Aspen IEP System for the development of the IEP document and all related forms. Please be sure you have a Aspen IEP password and have been trained in the using the Aspen IEP System

Refer the RI Department of Education documents*: <http://www.ritap.org/IEP/publications/publication.html>

**These documents (IEP Forms, IEP Guidebook) reflect the July 1, 2008 Rhode Island Board of Regents for Elementary and Secondary Education Regulations Governing the Education of Students with Disabilities are available in the last section of this manual Section XII: Resources)*

Reviewing and Revising the IEP

At least once a year a meeting must be scheduled with IEP team members to review the child's progress and develop next year's IEP. The team will talk about:

the child's progress toward the goals in the current IEP,
what new goals should be added, and
whether any changes need to be made to the special education and related services the child receives.
The IEP team may also meet periodically throughout the course of the school year, if circumstances warrant it.

***REMINDERS:

- Case manager needs to remind parents where they can access procedural safeguards and that they are no longer given except for the cases noted on the IEP page in that section.
- Case manager needs to provide to the families information about:
 - The Local Advisory Committee on Special Education. Provide them a copy of the brochure.
 - Ask families to sign up for the parent list serve utilizing the form provided.
 - Have parents review and sign Parental Permission Form to Access Medicaid Funds
- Case manager needs to explain the Prior Written Notice form process utilized to implement the IEP document
- Upon consensus that the IEP is ready to be finalized the case manager fills out the **prior written notice document**. Document must reflect 10 school days from date of action (at top of the PWN form)
- Case manager can use public statements in section number six: Resources for the parents to contact for help in understanding Part B of the IDEA:
 - RI Parent Information Network (RIPIN 1-800-464-3399 or www.ripin.org)
 - RI Disability Law Center 401-831-3150
 - The Center for Education Law, Policy, and Practices 401-628-2068
- Case managers need to fill in the Special Education Office number in this section also which is 401-233-1900
- Prior Written Notice and IEP must be sent home to families. **You must then change the IEP from draft to final on the 10th day:**

