

Slide 1

THE SPED PROCESS:
WHO, WHAT AND WHEN?

The 200's Indicators. . .

NEW DIRECTORS' ACADEMY PRESENTATION

July, 2016

Missouri Department of Elementary
and Secondary Education

This session will focus on the who, what and when in the special education process.

Session 3: Learning Outcomes

After today's training, you will:

- Know when to suspect a disability and refer the student for a special education evaluation
- Understand the 30-60-30 evaluation timeline
- Know what actions require both prior written notice and parent consent
- Know the timelines that apply to the IEP process
- Understand the significance of the connection between the evaluation report to the present level, to the goals, to the services, and ultimately to the placement for the student
- Understand the importance of implementing the IEP as written

These are the learning outcomes for Session 3.

We have planned a break and activities into our presentation to emphasize key points and keep everyone awake! Our intent is to ensure that you have a firm grasp on the special education process in terms of compliance and to acquaint you with resources available to guide you as you make decisions as a special education director. In the interest of time, we ask that you write any questions you have during the presentation on the index cards that are placed on your tables. Please include your email addresses and phone numbers on these cards. We will be monitoring the room for questions and will have "parking lot" for a question and answer time at the end of each session. However, if we do not have enough time to answer everyone's questions we will email or call you with an answer.

As we proceed through the presentation, we will reference certain handouts that you will find located in your participant notebook in the front cover. These are forms that are also easily located on the Compliance website. Note that these forms are periodically updated based on desk review data in order to make compliance easier for school districts to achieve and maintain.

Key Terms

- NOA = Notice of Action
- RED = Review of Existing Data
- Eval or Evaluation = The process to determine eligibility for special education
- Assessment = The way data is obtained for eligibility determination
- Test = one data collection method

 Eval \neq Assessment \neq Test

As was discussed in the previous session, please keep in mind that we will be speaking in “SPED”. This means we will be speaking using letters (acronyms) and short-hand (using one term or acronym to that mean the same thing as another term or acronym). This slide is a reminder of several terms we will be using today.

<Review terms and information on slide>

School vs. Calendar Days

- School Days = Days School is in Session
- Calendar Days = Every day including weekends

A tilted calendar showing dates from 5 to 31. The dates 13, 20, and 27 are highlighted in red. The calendar is tilted at an angle, with the top-left corner pointing towards the top-left of the slide.

One final thing to keep in mind . . .in the referral and evaluation process, there will be reference to both “school” days and “calendar” days in the timeline. It is VERY IMPORTANT to know the difference between these two concepts.

School days are days when school is in session. Vacation days and weekends do not count towards school days. However, calendar days include everyday – even weekends.

It is very important to note that if the type of day is not specified, then it is assumed to “calendar” days!

The Referral and Evaluation Process:
Taking a CLOSER Look . . .



Indicators 200.10 – 200.590

Now let's talk about the referral and evaluation process in depth. The purpose of this step in the Special Education Process is to gather and document enough data about a student to be able to make an eligibility determination for Part B services. In other words, taking a closer look to see if the student is indeed a student with a disability in need of special education and related services.



The special education evaluation timeline is often referred to as the “30-60-30 timeline” because it is divided into three parts:

The first 30 days when the LEA determines if there is a reason to suspect a disability, determine if additional assessment is needed and to provide the parent with prior written notice of action.

The next 60 days when the LEA conducts the evaluation and makes an eligibility determination and

The final 30 days when the LEA must develop an IEP if the student is eligible for special education and related services.

This section of the presentation will focus on the FIRST 30 DAYS. . .

Request for Consideration of a Special Education Evaluation

Parent Referral	Agency Request for a Referral
	

The process begins with a request. The request can be verbal or in writing. The request can come from a parent or a school staff. It is very important to note that depending upon WHO makes the request, the beginning of the process is different.

When a PARENT makes a request for consideration for a special education evaluation, it is AUTOMATICALLY considered a REFERRAL. However, when an agency staff such as a general education teacher or Care Team makes a request, it is for consideration for a referral for a special education evaluation. THIS IS AN IMPORTANT DISTINCTION AND OUR MODEL FORMS HAVE BEEN DESIGNED TO REFLECT THIS DISTINCTION.

Request for Consideration of a Special Education Evaluation

Parent Referral



Agency Request for a Referral



LEA **must** determine if there is reason to suspect a disability and the need for special education and related services

But ALL requests for consideration for a referral for a special education evaluation must be considered by the LEA and a decision made as to whether or not there is reason to suspect a disability and the need for special education and related services for the student.

It is VERY IMPORTANT that your LEA have a set procedure for considering these requests and making a decision in regards to suspecting a disability.

In some LEAs, this decision is made solely by the SPED Director; in other LEAs there is a team of school staff that make the decision. But no matter who makes the decision, there should be documentation of the request, the factors considered, and the decision.

Making a Determination: Step 1

annot: none

Request for Consideration for Initial Special Education Evaluation

Step 1:

Student Information

Student's Name _____ Date of Birth _____
Age _____ Grade _____ Home/room Teacher _____
Parent/Guardian Name _____
Address _____
Home Phone _____ Work Phone _____

Individual Making Request

Individual (s) _____ Role(s) _____

Agency Staff Receiving Request

Date Request received _____
Name of Agency staff who received request _____
Form in which request received: verbal verbal

Description of the concern of the individual(s) that prompted this request:

Area of concern: _____ Describe specific concerns for the student.

<input type="checkbox"/> Health/Vision	
<input type="checkbox"/> Vision	
<input type="checkbox"/> Hearing	
<input type="checkbox"/> Speech (articulation/voice/fluency)	
<input type="checkbox"/> Language (comprehension)	
<input type="checkbox"/> Intellectual/Cognitive	
<input type="checkbox"/> Self-Management	
<input type="checkbox"/> Social Interaction	
<input type="checkbox"/> Academic/Post-Academic	Other specific concerns: <input type="checkbox"/> Reading <input type="checkbox"/> Math <input type="checkbox"/> Writing/Expression _____
<input type="checkbox"/> Other	

This is a screen shot of the Model Request for Consideration for an Initial Special Education Evaluation. Note that Step 1 documents information about the student, the person or persons making the request, the LEA staff the received the request as well as a description of the concerns prompting the request. ALL of this information is REQUIRED to be documented for every request whether from a parent or a school staff person.

Making a Determination: Step 2

Step 2

District Decision regarding the suspicion of a disability:
Describe the factors considered: (e.g. attendance, grades, discipline history, second language influence, lack of instruction, medical concerns, etc.)

Based upon the factors described above, the following decision is made:

Disability is not suspected Disability may exist and is suspected
Complete Referral for Evaluation (page 2) based on decision

Updated [July, 2015](#) Page 1 of 2

SYNONYMS for "Suspicious": debatable, disputable, dodgy [*chiefly British*], fishy, questionable, shady, shaky, doubtful, suspicious

Step 2 of the model form is where the LEA documents the factors considered and whether or not a disability is suspected. Important factors that should be considered include attendance, grades, second language influence, lack of instruction, medical concerns, etc.

“Suspect” does not mean without a doubt . . . It simply means there are questions that still need to be answered to determine eligibility for special education.

The list of synonyms shown on this slide help illustrate this point. Remember , when in DOUBT, check it out!!

LEA Consideration \neq RED

This decision is **NOT** a **REVIEW OF EXISTING DATA (RED)** to determine if there is enough information to determine eligibility

but rather

an **EXAMINATION** of factors to ascertain if there is reason to suspect a disability and proceed to a RED.



It is **VERY IMPORTANT** to note that this decision is **NOT** a **REVIEW OF EXISTING DATA (RED)** to determine if there is enough information to determine eligibility but rather an **EXAMINATION** of factors to ascertain if there is reason to suspect a disability and proceed to a RED.

<Give example (i.e. for a student getting a C in a calculus class, there is probably no reason to suspect a disability.

Making a Determination: Step 3

Step 3
Referral for Evaluation
Page 2

Course of Action Selected by District (Click Appropriate Box)

<input type="checkbox"/> PARENT REFERRAL Provide Referral Date* _____ (*This is the date a member of the district's certificated staff received a verbal or written request from the parent). Procedural Safeguards Given to Parents on: _____ (When I select any other referral): <input type="checkbox"/> The district determined that an evaluation is not warranted and will provide the parents with a Notice of Action Refusal. OR <input type="checkbox"/> The district determined that an evaluation is warranted.	<input type="checkbox"/> DISTRICT PERSONNEL REQUEST EVALUATION: <input type="checkbox"/> The district determined that an evaluation is not warranted. OR <input type="checkbox"/> The district determined that an evaluation is warranted. Provide date on which decision was made to evaluate* _____ (*This date becomes the Referral Date) Procedural Safeguards Given to Parents on: _____ (When I select any other referral):
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Names Roles of Personnel Making Above Determination:
Name(s) _____ Role(s) _____

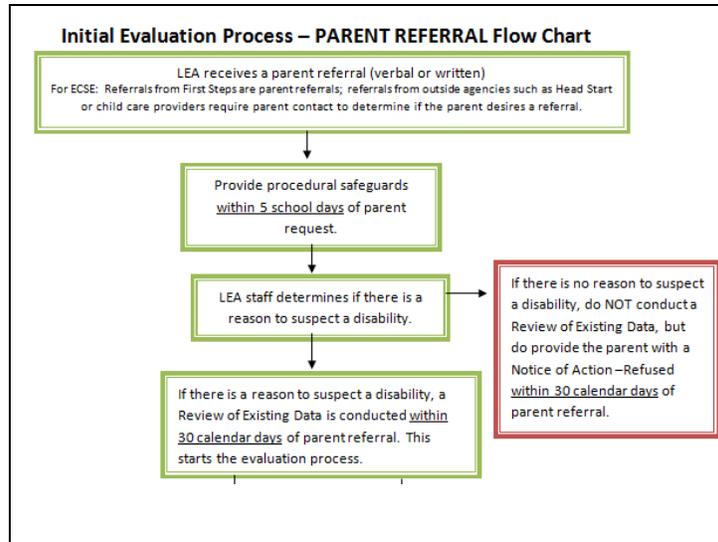
Once a determination has been made, the LEA must select a course of action as shown on the Model Form.

It is VERY IMPORTANT to know who made the request for consideration of a special education evaluation – the parent or the school staff because they are treated differently and have different required timelines.

For the parent referral, the date of referral is the date a member of the LEAs certificated staff receive a verbal or written request from the parent. This date starts the timeline. Procedural Safeguards must be provided to the parents within 5 school days of that date and a Notice of Action must be provided within 30 days of that date.

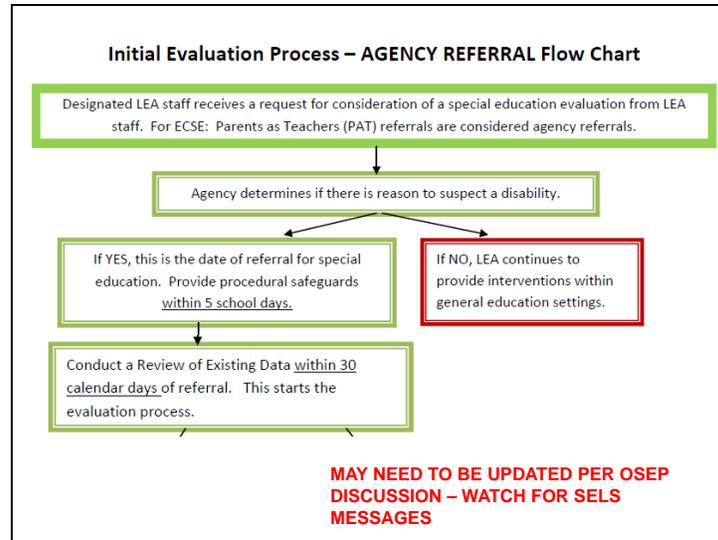
For a teacher referral, the date of referral is the date the LEA determines there is reason to suspect a disability. And that is the date that starts the timeline. Procedural Safeguards must be provided to the parents within 5 school days of that date and a Notice of Action must be provided within 30 days of that date.

If the LEA concludes there is reason to suspect a disability, they must proceed to the Review of Existing Data (RED) to determine if additional assessment is necessary in order to make an eligibility determination. . .and then provide the parent with a NOA Proposing an evaluation OR Refusing an evaluation if no disability is suspected.



In addition to the model Request for Consideration for an Initial Special Education Evaluation Form, the Department has developed several evaluation flow charts to assist LEAs to be compliant with the process.

In your packet is the Initial Evaluation Process – Parent Referral Flow Chart. . . Note how the steps guide you along the first 30 days of the process.



Also in your packet is the Agency Referral Flow Chart. . . Note how the steps also guide you along the first 30 days of the process for this type of referral.

Note that if the LEA determines there is **NO REASON TO SUSPECT A DISABILITY**, there is **NO REFERRAL** for a special education evaluation and interventions continue within the general education settings.

However, if there is reason to suspect a disability, the process is exactly the same as for a parent referral – provide Procedural Safeguards within 5 school days and conduct a RED within 30 calendar days.

Review of Existing Data (RED)

- Participants
- Meet in person or confer
- Contents
- Date conclusions and decisions are finalized
- Identify what additional data, if any, are needed
- Prior Written Notice



Let's get back to the process and talk more in-depth about a critical step in each evaluation - the Review of Existing Data (RED). Remember this is the "foundation" of the eligibility determination. This slide lists the KEY components in the RED. . .

Participants- A group of individuals meeting the requirements of an IEP Team and other qualified individuals as an appropriate review of all relevant existing data on the child. Remember that the parent is a required member of this team. Document the participation of all required team members.

Meet in person or confer: This review may be conducted without a meeting. However, all participants must review all the same data and provide input into the conclusion/decision.

Contents- The Review of Existing Data must include a description of all data reviewed (such as previous evaluations, teacher observations or interviews, classroom performance, and state and agency assessments). In addition it must document a summary of the information gained from the review of the data.

Date of Conclusions: The RED must also include the decisions that you made and the date that you made it as well as identify what additional data are needed, if any, to determine eligibility.

Identify additional data:. Remember the RED is the end of the first 30 days in the evaluation process. The RED process always ends with a Notice of Action with an Evaluation Report for all Initial Evaluations.

<u>Review of Existing Data Documentation Form</u>	MO STATE SAMPLE
Student's Name: _____ School District: _____	
Date of Birth: _____ Age: _____ Grade: _____	
Current Eligibility Category (for reevaluation ONLY): _____	
Date of Referral (either for initial evaluation OR parent referral for reevaluation): _____	
Date Review of Existing Data Decision is Finalized: _____	
This data review is being conducted as part of: <input type="checkbox"/> an initial evaluation <input type="checkbox"/> a required three year reevaluation <input type="checkbox"/> Other: _____	
IEP team members and other qualified professional, as appropriate <input type="checkbox"/> met <input type="checkbox"/> conferred	
to review: all relevant existing evaluation information in order to determine what additional data, if any, was needed to determine: 1. Whether the child has a particular category of disability or, in the case of a reevaluation, whether the child continues to have a disability. 2. The present levels of performance and educational needs of the student. 3. Whether the child needs special education and related services, or in the case of a reevaluation, whether the child continues to need special education and related services.	

Model Form: Review of Existing Data

This is the model state form to help the IEP Team document the data reviewed and a summary of the information gained from the review of existing data. This information helps the team determine what additional data, if any, is needed to make an eligibility determination. The model state form also helps document this decision. One of the tasks as a new director is to be sure all of your forms meet compliance standards – the RED is one of the forms that we have seen outdated versions still in use.

Let's take some time to look at the RED form. . .

<input type="checkbox"/> Intellectual/Cognitive: a student's general mental abilities including learning rate, specific strengths and weaknesses, and sensory perceptual learning processes.	
<input type="checkbox"/> Previous assessments	
<input type="checkbox"/> Medical reports	
<input type="checkbox"/> School records	
<input type="checkbox"/> Teacher	
<input type="checkbox"/> Parent	
<input type="checkbox"/> Other	
Further Assessment Information Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Assessment instruments, if known

Tips for Completing the RED

USE DESCRIPTIVE TERMS
COMPLETE EVERY SECTION
ADDRESS EVERY AREA

<Review the RED form with participants highlighting each section and points below>

Often times in desk reviews compliance supervisors review REDs that don't meet standards and don't have much useful information. Remember this is the cornerstone of your evaluation. Use descriptive phrases that summarize what you know. One example is, "child's functioning or achievement or behavior is within normal limits or age-appropriate or commensurate with peers."

Address every area!

Include parent and teacher input.

Make a decision - do we need additional information or data to determine if the student is eligible? If yes, what assessments do we need to conduct, if known.

RED Example 1

<input checked="" type="checkbox"/> Language: a student's receptive/expressive language skills, auditory processing.		
<input checked="" type="checkbox"/> General screening	DIAL-3 (Language) 8/29/11 CELF-screener 8/26/14	Passed Kindergarten screening Failed both expressive/receptive areas at beginning of 3 rd grade
<input type="checkbox"/> Previous assessments		
<input type="checkbox"/> Medical reports		
<input checked="" type="checkbox"/> Teacher	Interview / Observation	3 rd grade teacher: student does not volunteer to talk in class; difficulty with one and two step verbal directions – needs them repeated at least 3-4 times to comply while peers get first time; often uses generic words i.e. “stuff” “things”; difficulty expressing his thoughts and ideas in clear, concise manner – often rambles, talks around the answer
<input checked="" type="checkbox"/> Parent	Interview	Doesn't listen or follow directions;... tends to be very quiet with friends and family; easily frustrated; difficulty coming up with the correct word; answer is always “on the tip of his tongue.”
<input type="checkbox"/> Related service provider		
<input type="checkbox"/> Other		
Further Assessment Information Needed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Assessment instruments, if known CELF-4; TOLD, language sample	

<Allow participants the opportunity to read the example. Do a thumbs up / thumbs down for a good example . . . Explain why a good example.

RED Example 2

<input checked="" type="checkbox"/> Intellectual/Cognitive: a student's general mental abilities including learning rate, specific strengths and weaknesses, and sensory perceptual learning processes.		
<input checked="" type="checkbox"/> Previous assessments	Otis-Lennon in 2 nd grade	IQ = 83
<input type="checkbox"/> Medical reports		
<input type="checkbox"/> School records		
<input checked="" type="checkbox"/> Teacher	Interview / observation	Difficulty reading - both comprehension and decoding
<input checked="" type="checkbox"/> Parent	Interview	Very slow
<input type="checkbox"/> Other		
Further Assessment Information Needed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Assessment instruments, if known WISC-4	

Activity 2: Same directions as before . . . Explain why this is not as good an example (D-)

RED Example 3

<input checked="" type="checkbox"/> Academic Achievement: a student's educational skills and achievement levels including pre-academic skills, if age appropriate.		
<input type="checkbox"/> Classroom/teacher assessments		
<input type="checkbox"/> Curriculum-based assessments	Grade card	Failed all classes
<input type="checkbox"/> Agency/district-wide assessments		
<input type="checkbox"/> State-wide MAP assessments		
<input type="checkbox"/> Previous assessments		Didn't pass screenings
<input type="checkbox"/> School records		
<input type="checkbox"/> Teacher		
<input type="checkbox"/> Parent		N/A
<input type="checkbox"/> Student		
<input type="checkbox"/> Intervention strategies		
<input type="checkbox"/> Current IEP progress report		
<input type="checkbox"/> Other		
Further Assessment Information Needed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Assessment instruments, if known	

Activity 3: Same directions as before . . . Explain why this is not a compliant example (F)

Team Conclusions and Decisions	
Based upon the Review of Existing Data the Team made the following decisions:	
<input type="checkbox"/> ADDITIONAL DATA IS NEEDED: If checked, choose type of evaluation. ↓ <input type="checkbox"/> For Initial Evaluation <i>MUST provide parent with prior written Notice of Action for intent to evaluate and provide a description of the areas to be assessed and the tests to be administered, if known. Parental consent is required to initiate the evaluation.</i> OR <input type="checkbox"/> For Reevaluation: Additional data will be collected by administering assessment instrument(s) requiring written parental consent. <i>MUST provide parent with prior written Notices of Action for intent to reevaluate, the public agency can proceed with reevaluation after the second 10 day waiting period if the parents do not file for due process.</i>	<input type="checkbox"/> NO ADDITIONAL DATA IS NEEDED: If checked, choose type of evaluation. ↓ <input type="checkbox"/> For Initial Evaluation <i>MUST provide parent with prior written Notice of Action and obtain Parental consent and provide an Evaluation Report that includes an eligibility determination based on the Review of Existing Data.</i> OR <input type="checkbox"/> For Reevaluation: (MUST select one reason below) <input type="checkbox"/> The current Identification of (disability and sub-areas within disability) _____ continues to be appropriate and sufficient information exists on which to base educational decisions. MUST complete "Parent Notification Regarding Results of Review of Existing Data Documentation Form" (page 6 of the RED form) to provide prior written notice. OR <input type="checkbox"/> Sufficient information exists on which to base the decision that (name of student) _____ does not continue to show evidence of the disability indicated in the initial or most recent evaluation and does
<h2 style="color: #00A0C0;">Team Conclusions and Decisions</h2>	

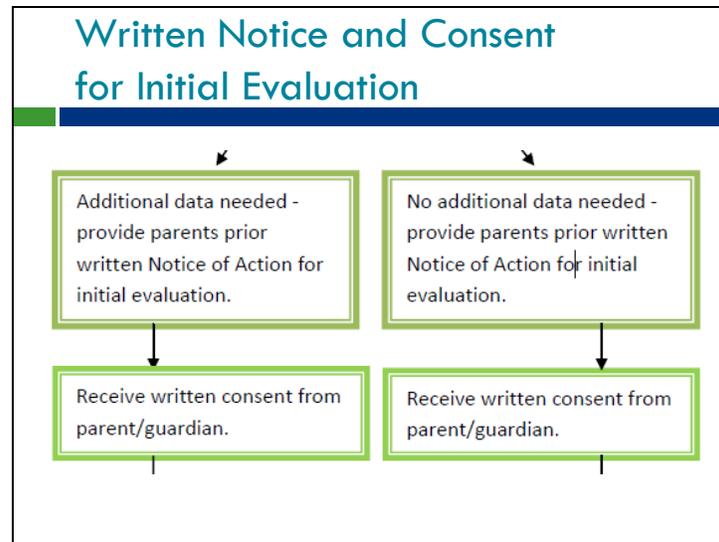
The Team Conclusions and Decisions are based upon the information in the previous pages of the Review. It is required to document the date conclusions and decisions are finalized indicating the month, day, and year.

Look at this page of the model RED form in the Model Forms notebook. As you can see the first decision to be made is whether additional data is needed in order to make an eligibility determination. The form divides this first decision into two separate columns.

The second decision to be made is whether this is an initial or a reevaluation. An initial evaluation is the first evaluation that results in determining a child is eligible for special education. If the child is evaluated, found NOT eligible, and then subsequently evaluated again, that second evaluation is still considered an initial evaluation as the child MUST meet the INITIAL eligibility standards.

Please note how the model RED form provides compliance reminders about the next steps in the process based upon the decisions of the team. And also note that no matter what the decision, the RED steps for an initial evaluation ALWAYS end with the parent being provided prior written notice and an evaluation report.

And as you can see, the bottom of this page is where you can document the team participants.



As you can see on both the Model RED form and the Initial Evaluation Flow Chart, prior written notice must be provided to the parent and consent obtained in order to conduct the initial evaluation and determine eligibility.

Remember that this is the first 30 in the 30-60-30 evaluation timeline. Also note there can be acceptable extensions to this part of the 30-day timeline. The first 30 days of the evaluation timeline ALWAYS ends with providing the parent a NOA.

So let's take some time to look at Notices of Action. . .

Prior Written Notice (NOA):
Notification of proposed changes. . .



<http://dese.mo.gov/communications/webinar/prior-written-notice-why-when-and-how-notices-action>

There are two reasons that require the district to provide the parent/guardian with prior written notice.

First, prior written notice must be given to parents a reasonable amount of time before the responsible public agency **initiates or changes** the identification, evaluation, or educational placement of a student or initiates or changes the provision of a free appropriate public education of the student.

Second, prior written notice must also be provided before the public agency **refuses** to initiate or change the identification, evaluation, or educational placement of a student or refuses to initiate or change the provision of a free appropriate public education of the student.

Where we are in the process, the NOA is provided because of **identification and evaluation** of the student for special education.

<Highlight the NOA webinar on the DESE website for additional information about when and how to provide prior written notice. . . Note that the address is on the slide!>

Triggers for Prior Written Notice

- Written notice must be given to parents a **reasonable** time before the responsible public agency:
 - Initiates or changes:
 - the identification, evaluation, educational placement of the student
 - the provision of a free appropriate public education of the student
 - Refuses to initiate or change:
 - the identification, evaluation, educational placement of the student
 - the provision of a free appropriate public education of the student
- Remember the “IEP” of prior written notice
 - **I**dentification
 - **E**valuation
 - **P**lacement

IDEA requires that prior written notice must be given to parents a **reasonable** time before the responsible public agency:

Initiates or changes:

the identification, evaluation, educational placement of the student
the provision of a free appropriate public education of the student

Refuses to initiate or change:

the identification, evaluation, educational placement of the student
the provision of a free appropriate public education of the student

An easy way to remember when to provide prior written notice is to think of the “IEP” – Identification, Evaluation and Placement.

So the next question is what is considered a “reasonable” amount of time??

Triggers for Prior Written Notice

- Written notice must be given to parents a **reasonable** time before the responsible public agency:
 - Initiates or changes:
 - the identification, evaluation, educational placement of the student
 - the provision of a free appropriate public education of the student
 - Refuses to initiate or change:
 - the identification, evaluation, educational placement of the student
 - the provision of a free appropriate public education of the student

NOA must be provided no less than 10 days prior to the proposed action



In general, a reasonable amount of time is considered to be no less than 10 days prior to the implementation of the proposed action. The 10 days allows for parents to consider the action proposed or refused by the district and file for due process which invokes “stay put” if they disagree. IDEA and the MO State Plan for Special Education makes it clear that the 10 days are calendar days from the date the parent was provided the prior written notice in the form of a Notice of Action.

Carrying Out the Actions in the NOA

Actions that Require CONSENT	Actions that Do NOT Require Consent
<ul style="list-style-type: none"><input type="checkbox"/> Initial evaluation<input type="checkbox"/> Initial Services<input type="checkbox"/> Reevaluation with assessment	<ul style="list-style-type: none"><input type="checkbox"/> Reevaluation without assessment<input type="checkbox"/> Change in eligibility<input type="checkbox"/> Change in placement<input type="checkbox"/> Change in services<input type="checkbox"/> Graduation<input type="checkbox"/> Initial eligibility<input type="checkbox"/> Initial placement<input type="checkbox"/> Ineligibility for services



ALL of these actions require prior written notice; however, some actions also require parent CONSENT before they can be carried out. This slide shows the actions that fall in each of these categories. As you can see, initial evaluation requires both prior written notice and consent.

Parent Revocation of Consent for Evaluation

- Regulations allow parents to revoke consent for a special education evaluation in writing
- Indicators 200.1305 – 200.1310
- Must cease all evaluation activities after the date of revocation of consent
- No need to provide NOA to cease an initial assessment at parent request
- Must keep documentation of revocation and any testing completed



Parents may revoke their consent for a special education evaluation at any time. If parents revoke consent for an evaluation, the evaluation must stop immediately and no further assessments may be administered. For initial evaluations, there will be no NOA required as there is no change of placement or eligibility at this stage in the process. It is VERY IMPORTANT to keep the revocation letter and copies of any testing that had been completed prior to the revocation in the student's file as documentation.

MO STATE SAMPLE

Date Notice Provided: _____
Method of Provision: Personally Present
 Mailed

Student's Name _____
Parent/Guardian _____

<Insert District Information>
NOTICE OF ACTION
In accordance with Part B of the IDEA

Prior Written Notice must be given before our district takes certain actions.
The following is to describe the action(s) Proposed or Refused by our district.

Consent is REQUIRED for these actions to be carried out: <input type="checkbox"/> Initial evaluation <input type="checkbox"/> Initial services <input type="checkbox"/> Reevaluation (With Assessment)	Consent is NOT REQUIRED for these actions to be carried out: <input type="checkbox"/> Reevaluation (Without Assessment) <input type="checkbox"/> Change in eligibility <input type="checkbox"/> Change of placement <input type="checkbox"/> Change of services <input type="checkbox"/> Graduation with regular diploma <input type="checkbox"/> Initial eligibility
<input type="checkbox"/> Initial placement	<input type="checkbox"/> Ineligibility for services
<input type="checkbox"/> Other: (Specify) _____	

Explanation of Action: (The reason(s) for the proposal or refusal):

Options Considered and Why Rejected:

- Option(s) that was/were considered by the IEP team:

- The reason(s) why each option was rejected:

Model Form: Notice of Action

This slide shows the Model NOA form . . . Take out the one that is in your packet and let's look at this form more closely. . .

<Go over the NOA form with participants highlighting each section. . .>

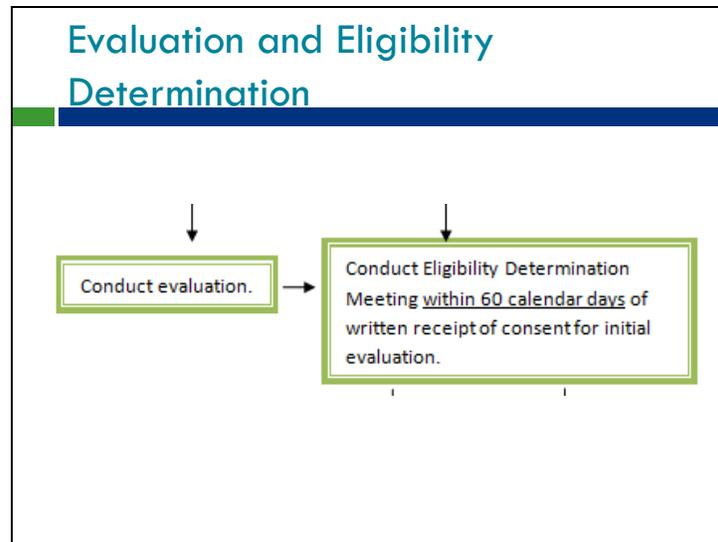
<Reminder re: including areas to be assessed and names of tests (if known) – model attachment>



Once the parent has signed and returned the consent to proceed with the evaluation and eligibility determination, the next 60 days in the evaluation timeline begins. . .

During this 60 days, all required evaluations are conducted with the student. No later than 60 days from the date the LEA received the parent consent, an eligibility determination meeting must be held. At this meeting a group of qualified professionals reviews the existing data, the new testing results, and must determine if the student is eligible for one of the 13 categories of disability under the IDEA.

Again, there are “acceptable extensions” to the 60 day timeline. Don’t worry about that just yet - We will be talking more about that a little later in our presentation. . .



Again, see how the flow chart helps guide you through the steps in the process. . . Note that the eligibility determination meeting must be held within 60 days of receipt of the written parental consent to conduct the evaluation.

The Eligibility Determination Meeting

- Participants
 - A group of qualified professionals
 - The parent
- Additional members required for LD eligibility determinations
 - Regular education teacher
 - Person qualified to conduct individual diagnostic examinations of children
- Must provide a notification of the meeting to allow parents the opportunity to participate.



Now that you know WHEN the eligibility determination meeting must be held (that's right – within 60 calendar days with acceptable extensions), it is time to see who must participate in making the eligibility determination.

IDEA requires that a group of qualified professionals and the parent make the eligibility determination for all eligibility categories. Only the category of LD has any requirements on the group of professionals as noted on this slide.

The parent must be notified of the meeting early enough to ensure an opportunity to participate, generally two attempts at least 10 days prior to the scheduled meeting.

Eligibility Determination: Criteria for Special Education in Missouri

- Standards and Indicators Manual, 600 through 2100
- Teams must follow criteria for determining eligibility
- Some options in MO:
 - Professional judgment (SLD, Language Impairment, Sound System Disorder, Speech Fluency, TBI, and YCDD)
 - Use of RTI or Discrepancy (SLD)
 - Use of YCDD category



When determining eligibility, this is where the Standards and Indicators Manual will be extremely important. Follow it carefully and make sure all of the eligibility criteria are met when making an eligibility determination. Remember professional judgment cannot be used for every category – this slide lists the ONLY eligibility categories that allow the use of Professional Judgment. Also note that the categories of Specific Learning Disability (SLD) and Young Child with Developmental Delay (YCDD) allow for local decisions for how to determine eligibility - Be sure to know your LEA's position for these. Again, if you're unsure – check your Standards and Indicators Manual!

The Evaluation Report

- Summary of all reviews of data, assessments, observations
- Must be provided to parents within a reasonable period of time (generally 20 days) after the eligibility determination
- Must include basis for determination with supporting data/information to prove the eligibility decision
- Must include names and roles of individuals making the eligibility determination



The Evaluation Report is very important as it is the basis for providing or denying special education services to a child. This is why it is so important that the educational evaluation is comprehensive and all necessary information be included in the evaluation report so that there is no doubt about the eligibility decision. Documentation must show the participants and the date the evaluation report was provided to the parents. We monitor these carefully when reviewing student files as these decisions may alter a child's entire education.

Exclusionary Statements Required for All Evaluation Reports

The disability is not the result of:

- A lack of appropriate instruction in math or limited English proficiency
- A lack of appropriate instruction in reading including the essential components of reading instruction which includes:
 - Phonemic awareness
 - Phonics
 - Vocabulary development
 - Reading fluency including oral reading skills
 - Reading comprehension strategies

Exclusionary statements are required for ALL evaluation reports when determining eligibility for special education. This includes the categories of YCDD and Speech. The statement about reading must be included in its entirety. Please remember there are ADDITIONAL exclusionary factors for SLD, Language Impairment, and Sound System Disorder eligibility. Please refer to your Standards and Indicators Manual for specifics.

MO STATE SAMPLE		
EVALUATION REPORT		
<p>The evaluation report documents assessment results and review of data that assists in determining whether a student is eligible for special education, and provides information to the IEP team to assist with IEP development. The evaluation process should be sufficient in scope to determine: (1) whether a student has a disability, (2) whether the disability adversely affects his/her performance in the general education curriculum, and (3) the nature and extent of the student's need for specially designed instruction and any necessary related services. Based on the review of the evaluation results, the evaluation group and the parent determine whether the student is eligible for special education.</p>		
<input type="checkbox"/> Initial Evaluation <input type="checkbox"/> Reevaluation		
General Information		
Student's Name: _____	Date of Birth: _____	Age: _____
Grade: _____	School: _____	
Parent's Name(s): _____	Phone: _____	
Address: _____		
Primary Language: <input type="checkbox"/> English <input type="checkbox"/> Other:		
Does student have limited English proficiency? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Referral Date: _____	Review of Existing Data Date: _____	Date of Consent to Evaluate: _____
Eligibility Staffing Date: _____		
Evaluation Held within Required Timelines (include acceptable extensions if appropriate): <input type="checkbox"/> No <input type="checkbox"/> Yes		
Referred By: _____	Role: _____	
Case Manager (if assigned): _____		

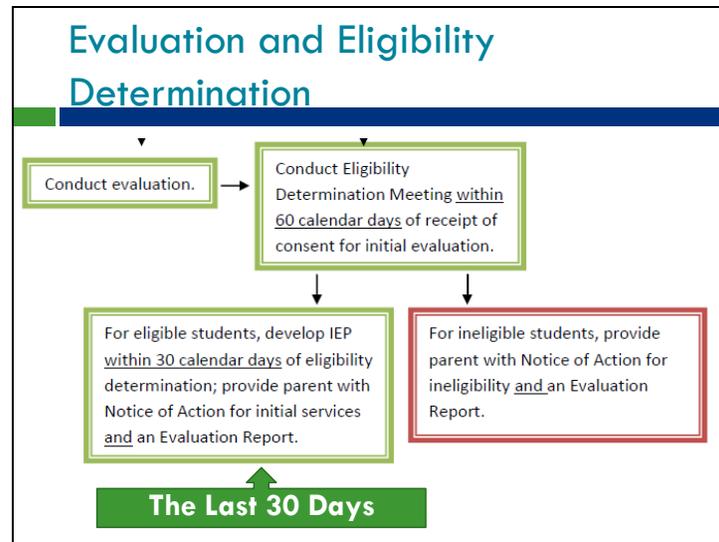
This slide shows the Model Evaluation Report form . . . Let's look at this form more closely. . .

<Go over the Evaluation Report form with participants highlighting each section. . . >

<And emphasize the 3 prongs of eligibility:

1. Student has a disability
2. The disability has an adverse impact on educational performance
3. The student needs special education and related services>

>



Again, see how the flow chart helps guide you through the steps in the process. . .

Once eligibility is determined, the next 30 days in the evaluation timeline begins – This topic will be covered in the next session: IEP through Placement.



Remember that we mentioned there are “acceptable extensions” to the 30- 60-30 day timeline earlier . . . And we promised we would be talking more about that a little later in our presentation. . . Well now we will discuss acceptable and unacceptable extensions to the evaluation timeline.

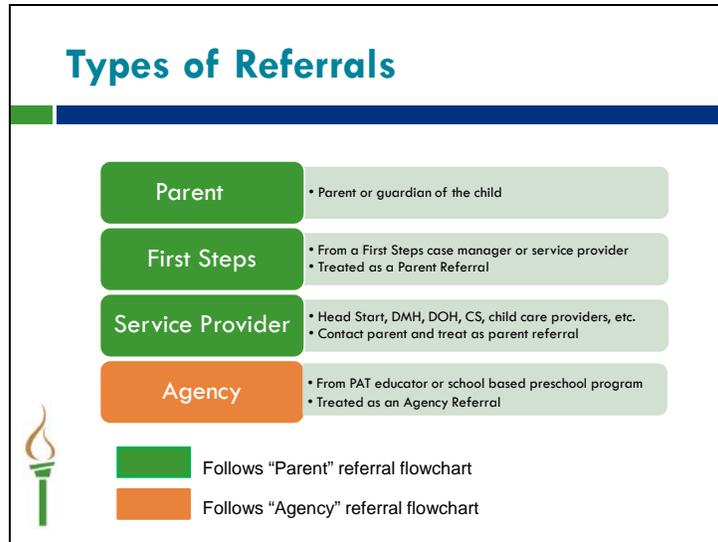
Extensions to the Timeline

Acceptable	NOT Acceptable
<ul style="list-style-type: none"><input type="checkbox"/> Snow days<input type="checkbox"/> Agency vacation days<input type="checkbox"/> Child's absence because of illness<input type="checkbox"/> Summer break	<ul style="list-style-type: none"><input type="checkbox"/> Weekends<input type="checkbox"/> Staff absence<input type="checkbox"/> Partial days of school<input type="checkbox"/> The weekend after Thanksgiving <p>Note: There are NO acceptable extensions to the last 30 days of the 30-60-30 timeline</p>

This slide shows examples of acceptable and NOT acceptable reasons to extend the evaluation timeline. It is VERY IMPORTANT to note there are NO acceptable reasons to extend the last 30 days of the 30-60-30 timeline to develop the IEP for an eligible student.



ECSE or Early Childhood Special Education is for children ages 3 – 5 (not kindergarten age eligible). While very similar to school age special education, there are two distinctions to pay particular attention to. . . First is the transitions process from First Steps (the State’s birth to 3 year old program) and second is the eligibility categories for ECSE.



There are three ways 3-5 year olds can be referred to the LEA. You will soon begin your school year and it is important that you understand what compliance regulations apply to the child's evaluation timeline based on the source of the referral to Part B. <DESCRIBE SLIDE>

Referrals from Part C (First Steps)

41

- Indicator 200.1300
- Transition from First Steps to Early Childhood Special Education
- Considered a “parent” referral

- All children eligible for First Steps are potentially eligible for ECSE

-  □ Referral occurs the date complete Directory Information is received by the LEA

A referral from First Steps is called a C to B Transition because IDEA does not want an interruption in services between Part C and Part B. The procedures surrounding this transition are designed to make the process as smooth as possible for the child and their parents. We will discuss the C to B Transition process and how districts can determine if the child’s IEP must be in place by their third birthday.

Note on bullet 3 and 4: In Missouri, all children in Part C (First Steps) are considered to be potentially eligible for Part B (ECSE) services. (Administrative Memo 2/29/2012). Under First Steps requirements, the LEA must be notified when a child participating in First Steps is approaching age three through the provision of “Directory Information”.



So what is considered COMPLETE Directory Information? This slide shows the five pieces of directory information that are required in order for a referral to be made . . .

Referrals from First Steps

43

When ECSE receives complete directory information **in any manner** from First Steps, this is notification, which is a referral to ECSE and **it begins the ECSE referral timeline.**

In other words...

The date the directory information is received by ECSE is considered **date of referral** and triggers the evaluation process requirements under IDEA.

In other words...

 **Directory Information = Notification = Referral to ECSE**

If one or more of the five directory items is not provided when First Steps communicates with ECSE, the information is incomplete and does not constitute a referral or start the process. The items may be provided over several contacts through verbal or written information. The five items do not have to be provided to the district all at once. However, once all five pieces of information have been provided the referral has been made and the process must proceed.

For referrals from First Steps: the referral date is the date ECSE picks up the fax, receives an email, or talks to someone on the phone and has complete directory information for the child – that is the date of referral.

First Steps has an opt out policy where the parent may opt out of sending directory info to ECSE.



Directory Information

44

FIRST STEPS REFERRAL TO ECSE DOCUMENTATION FORM

1. Directory Information	
Child's Name: _____	Birth Date: _____
Parents Name: _____	Phone Numbers: _____
Address: _____	
2. Timeline Information	
Date complete Directory Information received by LEA: _____	Method of provision: <input type="checkbox"/> written <input type="checkbox"/> verbal
Total number of days between child's third birthday and the date complete Directory Information is received: _____, ≤120 days? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date of Referral TO First Steps: _____ (found on page 2 of First Steps ROI form or obtained at Transition Conference)	
Date of provision of Procedural Safeguards to parent (within 5 schools days of referral): _____	
Date parental consent for Initial Evaluation received by LEA: _____	



Directory information may be provided in a variety of ways including, but not limited to: direct parent contact, a directory information form provided by the First Steps System Points of Entry (SPOE), First Steps service provider contact, the invitation to attend the child's First Steps Transition Conference.

ECSE Attendance at the Transition Conference



45

- ❑ The required participants for the Transition Conference are:
 - ❑ ECSE (LEA chosen representative)
 - ❑ First Steps Service Coordinator
 - ❑ Parents
- ❑ The Service Coordinator will schedule the Transition Conference
- ❑ ECSE must participate
- ❑ Participation in the Conference means ECSE attends the meeting in person or participates via conference call/Skype.



The referral date to ECSE is the date directory information was received whether or not ECSE attends the transition conference.

First Steps must invite the LEA to attend the transition conference. A representative of the LEA must attend the Transition Conference.

IEP by Third Birthday?



46

Referred to First Steps 90 days or more prior to 3rd birthday

+

Found eligible for First Steps

Referred to First Steps less than 90 days prior to 3rd birthday

- Eligibility for ECSE **MUST** be determined by 3rd birthday
- If eligible, IEP **MUST** be developed before and implemented on the 3rd birthday

- Follow the initial evaluation process and the 30-60-30 timeline



<http://dese.mo.gov/communications/webinar/transition-first-steps-early-childhood-special-education>

So, how do you decide when IDEA does not require that the IEP be in place by the child's 3rd birthday?

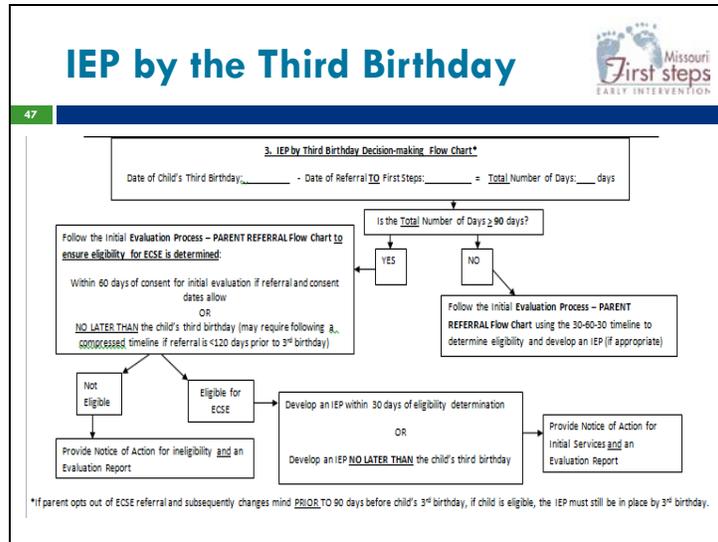
The key piece of data in this determination is the date the child was referred to First Steps. If this information has not already been shared, LEAs can request that the SPOE service coordinator send the child's First Steps referral date using the First Steps release of information (ROI) form. Information provided on this form falls under Family Education Rights and Privacy Act (FERPA) and requires parental consent for the SPOE to release personally identifiable information about the child. This includes the date of referral to First Steps.

If the child was referred to First Steps 90 or more days prior to their third birthday AND found eligible for First Steps, then the eligibility for ECSE must be determined by the child's third birthday AND if found eligible, an IEP must be in place ready to implement by the child's third birthday. **The ONLY exception to this is if the parent delays consent for the initial evaluation.**

If the child was referred to First Steps less than 90 days prior to the child's third birthday, the LEA follows the 30-60-30 initial evaluation process and timeline. The IEP DOES NOT have to be in place and implemented by the child's third birthday, however if the child is eligible for First Steps and ECSE the evaluation should be expedited, if possible so there is less gap in services. Know the child's date of REFERRAL TO FIRST STEPS.

There are special rules that apply for children served in First Steps who have summer third birthdays of April 1 to August 15. Eligibility for ECSE must be determined by the third birthday and, if eligible, an IEP be developed by the child's third birthday. Remember, Extended School Year (ESY) would be discussed in the initial IEP. However, these children have the option of continuing to receive services from First Steps during the summer prior to the ECSE program starting at the beginning of the school year. Be sure to refer to the Transition from First Steps to ECSE Webinar and Frequently Asked Questions at the following link:
<http://dese.mo.gov/special-education/first-steps/transition-first-steps-early-childhood-special>

According to Part B federal and state regulations (Part B 200.620.g): The parent of a child previously served in First Steps is informed of his/her right to request that a service coordinator or other representative of First Steps be invited to the initial IEP meeting to assist with a smooth transition of services.



Let's take a look at the decision tree at the bottom of the First Steps Referral to ECSE Documentation Form

**Summer Clarification:
District Breaks and Timelines for 30-60-30**

48

- ❑ ECSE is not required to conduct evaluations during summer break or other school breaks unless they do so for other children in the district.
- ❑ However, **once eligibility has been determined**, an IEP **must** be developed within 30 days despite any scheduled breaks in the school year.



Read slide

YCDD or Categorical or Both

49

- ❑ Young Child with a Developmental Delay or YCDD may be an option in your district as a diagnosis.
- ❑ Check with your district to see if it allows YCDD only, any of the other 14 Categories of eligibility but not a YCDD diagnosis, or YCDD and Categorical diagnosis.
-  ❑ The YCDD diagnosis can be used until the child is first-grade eligible (age six by August 1) at which time a new diagnosis must be made.

Based on your local compliance plan, your district may allow a YCDD diagnosis, a YCDD diagnosis as well as a Categorical diagnosis, or only a Categorical diagnosis when determining eligibility.

In order to be eligible under YCDD category, the child's development must be at or below 1.5 SD of the mean in any two areas of development, or at or below 2.0 SD in one area of development.

Areas of development that can be used to determine eligibility include: physical, cognitive, communication, social/emotional, adaptive.

You can find more information about this in Compliance Standards and Indicators under 2100.

	
50	The <u>INDIVIDUALIZED</u> Education Program
Indicators 200.600 – 200.1290	

Let's talk about the IEP. Remember that IEP stands for Individualized Education Program. This is a very important concept to keep in mind when developing IEPs for students in your LEA. There should be no "cut and paste" IEPs. Remember you are creating a program that "fits" a kid – not making a kid "fit" into your existing programs.

There is a state model IEP form with attachments in your packet. It is not mandatory that you use this form; however any form you use must address all of the compliance requirements. Pull out that model IEP form as we will be using it throughout this session.

51 The IEP Process:
a TEAM approach to planning . . .

A photograph showing five individuals, likely educators or professionals, seated around a light-colored round table in a classroom setting. They are focused on documents and papers spread across the table, suggesting a collaborative meeting or team discussion. The background features a blue wall with a decorative orange vase and a large yellow and white patterned poster.

The cornerstone to the IEP process is the team approach to developing the IEP. In this section of our presentation we will be discussing the IDEA requirements related to IEP team meetings . .

.

Notification of IEP Meeting (NOM)

- Why is it important?
 - Provides notification of the purpose of the meeting
 - Provides details about the meeting (when/where/who)
 - Provides procedural safeguards information
 - Provides the parent enough time to make arrangements to participate in the IEP meeting if they so choose
 - Provides documentation of following the process for compliance with IDEA



And that process begins with the NOTIFICATION OF THE IEP TEAM MEETING. The meeting notification serves many purposes as can be seen on this slide. The meeting notification tells the “facts” about the meeting – the purpose, who was invited, when and where the meeting will be held. The meeting notification also provides additional information to the parent/guardian including the procedural safeguards. Finally, the meeting notification provides documentation of the LEA’s offering the parent/guardian the opportunity to participate in the IEP team meeting.

Reminders for IEP Meetings

- Notification **MUST** provide parent with the opportunity to participate; however, parent does **NOT** have to participate in the IEP meeting – LEA can hold meeting without parent
- **MUST** invite student if transition is discussed
- **MUST** have a written Release of Information to invite any outside agency to each IEP meeting
- **MUST** have a written Release of Information to share confidential information with anyone the parent brings to the IEP meeting

Key points to make:

Notification **MUST** provide parent with the opportunity to participate; however, parent does **NOT** have to participate in the IEP meeting – LEA can hold meeting without parent

MUST invite the student if transition is discussed and document the invitation

MUST have a written Release of Information to invite any outside agency to each IEP meeting

MUST have a written Release of Information to share confidential information with anyone the parent brings to the IEP meeting

MO STATE SAMPLE

Student's Name _____ <Insert District Information>
NOTIFICATION OF MEETING

To:
 Parent(s) Guardian(s) Adult Student (age 18+ or emancipated minor)
 Student (required when postsecondary transition is a purpose of the meeting)

This is to confirm that a meeting with you has been scheduled for _____ (Date)
at _____ (Time) at _____ (Location)

The purpose of this meeting is to: (check all that apply)

<input type="checkbox"/> Review existing data as part of an initial evaluation or reevaluation	<input type="checkbox"/> Consider Post-secondary Transition
<input type="checkbox"/> Determine initial or continued eligibility	<input type="checkbox"/> Conduct Manifestation Determination
<input type="checkbox"/> Develop initial IEP	<input type="checkbox"/> Consider/conduct Functional Behavioral Assessment
<input type="checkbox"/> Review/Revise IEP	<input type="checkbox"/> Other: _____

The following individuals have been invited to participate in this meeting (name and/or role):

Role	Name
<input type="checkbox"/> Local Education Agency (LEA) Representative*	_____
<input type="checkbox"/> Special Education Teacher*	_____
<input type="checkbox"/> Individual to conduct/interpret instructional implications of evaluation results*	_____
<input type="checkbox"/> General Education Teacher*	_____
<input type="checkbox"/> Student	_____
<input type="checkbox"/> Agency representative for post-secondary transition	_____

Model Form: Notification of Meeting

54

The Department has developed a model Notification of Meeting form which meets all of the compliance requirements. This form can be found on the DESE website on the Compliance page under Model Forms.

Who Is Included in the IEP Team?

55

- The parents of the child
- LEA*
- Regular education teacher*
- Special education teacher*
- Individual who can interpret the instructional implications of evaluation results*
- Other individuals who have knowledge or expertise regarding the child
- The student (if transition is being discussed or at any age if appropriate)

* Required team members who may be excused with parent consent

The required members of an IEP team include the parents, a LEA representative, a regular education teacher, a Special Education teacher, an individual who can interpret evaluation results and implications, and the student when post-secondary transition is being addressed. Other persons can be invited to the IEP team meeting who have special expertise related to the student by either the LEA or the parent.

Those members with asterisks are members that may be excused in whole or in part from the IEP Team meeting if the child's parents and the public agency agree to excuse that member prior to the IEP meeting. Please refer to the model Excusal of Mandatory IEP Team Members Agreement form for specifics.

The 200s in the Standards and Indicators Manual describes the specific requirements for each of these IEP team member positions as well as the excusal process.

When is Notification of Meeting Provided?

56

- Must provide “reasonable” notification of the meeting
 - 10 days is generally considered “reasonable”

- Can hold meeting with less than 10 days notice
 - **IF** parent waives notice requirement

- Must make two attempts to schedule meeting
 - Second attempt must be direct contact
 - Direct contact means. . .
 - Letter sent by regular or certified mail
 - Phone or face-to face contact



Now you know the “who” of IEP team meetings. Let’s focus on the when . . .

The LEA Must provide “reasonable” notification of the meeting with 10 days generally considered “reasonable”

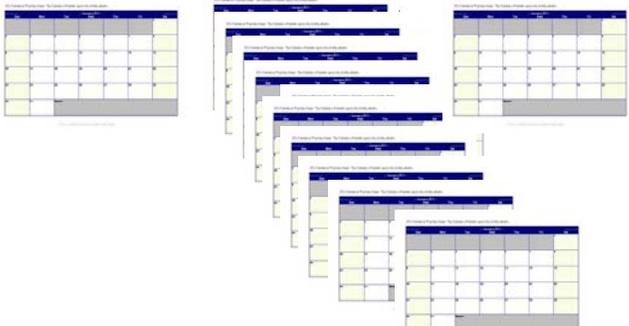
The LEA can hold meeting with less than 10 days notice **IF** parent waives notice requirement. Be sure to document the parent waived the notification requirement.

The LEA **MUST** make two attempts to schedule meeting to ensure the parent has been provided an opportunity to participate in the IEP meeting. Be aware that the second attempt must be direct contact with the parent. Direct contact means a letter sent by regular or certified mail or a phone call speaking to the parent or face-to face personal contact.

Scheduling the Annual IEP Meeting

57

At least once annually – **CANNOT** be extended
10/23/15 → 10/22/16



The image displays a sequence of overlapping calendar grids, likely representing the annual IEP meeting schedule for multiple years. A green arrow points from the date 10/23/15 on the left to 10/22/16 on the right, indicating the one-year cycle. The calendars are arranged in a descending staircase pattern, with each subsequent calendar shifted further down and to the right.

Annual IEP meetings must be held no more than 365 days apart. There are NO extensions to this timeline. Keep in mind, a notice of action (NOA) to extend the timeline is not compliant. Again, specific information can be found in the Standards and Indicators manual.

This is an easy planning activity to complete with your current IEP students prior to the beginning of the school year. Go through your student list and find the date of the most recent annual IEP meeting. Add a year and mark those “drop dead” due dates on the calendar and plan in advance for when to start the process. Using the required timeline, back up at least 20 days to hold the IEP meeting (in case you need to reschedule). Be sure to monitor the annual IEP meeting date – not the date of IEP amendments. Remember that IEP amendments do NOT change the annual IEP meeting date.

58 The IEP Process:
Developing an Appropriate Program . . .

A photograph showing a group of approximately ten people, including men and women of various ages, sitting around a large wooden conference table. They appear to be in a meeting, looking at documents and papers spread out on the table. The setting is a professional office or meeting room with wood paneling and a door visible in the background.

The IEP team must work together to develop an appropriate program for each individual student. In this section of our presentation we will be discussing the IDEA requirements related to the content of the IEP . . .

The “Connections” in the IEP Process

59



The diagram consists of two green downward-pointing chevrons. The top chevron contains the text 'Evaluation Report' and the bottom chevron contains the text 'IEP's Present Level'. The chevrons are connected by a thin vertical line, indicating a flow or connection between the two stages.

- Once eligibility has been determined, the LEA has 30 calendar days to develop an IEP for the student
- There are NO acceptable extensions to this timeline!

We previously discussed the 30-60-30 evaluation timeline. The development of the IEP is the final 30 days in the evaluation timeline. This means that within 30 days of the eligibility determination, the IEP team must meet and develop an IEP for the student. Remember there are NO acceptable extensions to this timeline.

It is very important to note that information in the evaluation report should connect to the Present Level in the IEP. This means information in the evaluation report regarding the student’s disability and its effect on the student’s progress in the general education curriculum should be taken into consideration when developing the IEP – for ALL IEPs whether it is the initial IEP or an annual IEP review.

The PLAAFP

60

- The Present Level of Academic Achievement and Functional Performance (PLAAFP)
- A “snapshot” of the student for both academic and functional performance



- The foundation for the rest of the IEP

The “present level” - describes the child’s current levels of academic achievement and functional performance. It is a “snapshot” of the student. The “present level”- must include how the child’s disability affects his involvement and progress in the general education curriculum for both academic achievement and functional performance and should connect and flow from the Evaluation Report.

The present levels then become the foundation upon which the rest of the IEP is developed. The information in the present level should directly inform other parts of the IEP.

Please refer to the 200s in the Standards and Indicators Manual for specific requirements on what must be included in the Present Level of Academic and Functional Performance. Note how the state model IEP form provides guidance to help IEP teams to include the required components in the Present Level.

2. Special Considerations: Federal and State Requirements	
Note: For the first six items below, if the IEP team determines that the child needs a particular device or service (including an intervention, accommodation, or other program modification) information documenting the team's decision regarding the device or service must be included in the appropriate section of the IEP. These must be considered annually.	
Is the student blind or visually impaired?	<input type="checkbox"/> No <input type="checkbox"/> Yes. If yes, complete Form A. Blind and Visually Impaired.
Is the student deaf or hearing impaired?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The IEP Team has considered the child's language and communication needs, opportunities for direct communication with peers and professionals in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode in the development of the IEP.
Does the student exhibit behaviors that impede his/her learning or that of others?	<input type="checkbox"/> No <input type="checkbox"/> Yes. If yes, strategies including positive behavior interventions and supports must be considered by the IEP team, and if determined necessary, addressed in this IEP. If a behavior intervention plan is developed it must be a part of the IEP.
Does the student have limited English proficiency?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The student's language needs are addressed in this IEP. Students who are English Language Learners (ELL) in grades K-12 take the state's annual English Language Proficiency assessment, ACCESS for ELLs.
Does the student have communication needs?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The student's communication needs are addressed in this IEP.
Does the student require Assistive Technology device(s) and/or services?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The student's assistive technology needs are addressed in this IEP.
Extended School Year:	<input type="checkbox"/> No. The student is not eligible for ESY services. <input type="checkbox"/> Yes. The student is eligible for ESY services. Complete Form B <input type="checkbox"/> The need for ESY services will be addressed at a later date. Will be addressed by / (month/year). Attach IEP Amendment page and Form B

61

Model Form: Special Considerations Page

This slide shows a screen shot of the top of the Special Considerations page of the model IEP form. This page guides the IEP team through specific questions that will directly affect the development of the IEP. Note how each of the questions has check boxes to document the team decision and reminders for compliance requirements for each question answered with a "yes."

Each special consideration includes a question that must be answered for each student and provides additional information to assist and guide the IEP team if a factor is "applicable" for a student. So let's take a look at each of these special considerations. . .

Note the first consideration relates to blindness and visual impairments and refers the IEP team on to Form A if this is a factor for a particular student. Look through the first six considerations and the eighth consideration and see if you have any questions. <ANSWER QUESTIONS>

Extended School Year (ESY)

62

- Determined by the IEP Team
- Determined on an individual basis to ensure that FAPE is provided
- ESY services within the IEP must document:
 - the goals to be addressed
 - the type and amount of special education and related services to be provided
 - the frequency of the services
 - the duration of the services
 - the location of the services
- Know and follow your LEA's policy on ESY



The seventh consideration relates to ESY. ESY services must be provided only if a child's IEP Team determines, on an individual basis that the services are necessary for the provision of FAPE to the child. This decision is documented on the model IEP form in the Special Considerations section. Note the options that are available to IEP teams in regards to ESY - eligible, not eligible, or to be determined at a later date.

It is not required that a student's regular school year IEP be implemented in its entirety during ESY. The IEP Team will decide what existing goals need to be addressed during ESY and what level of services are required. ESY should not be a "one size fits all" program but individualized to meet the unique needs of each student. You can use Form B of the model IEP form to document these IEP team decisions.

It is recommended (but not required) for each LEA to have a school board policy for ESY – you will need to be sure to check your district's policy and be sure to follow it in regards to ESY services. Please note the Department has developed a model ESY policy which can be adopted by your LEA's school board if you find your LEA does not currently have an ESY policy for special education.

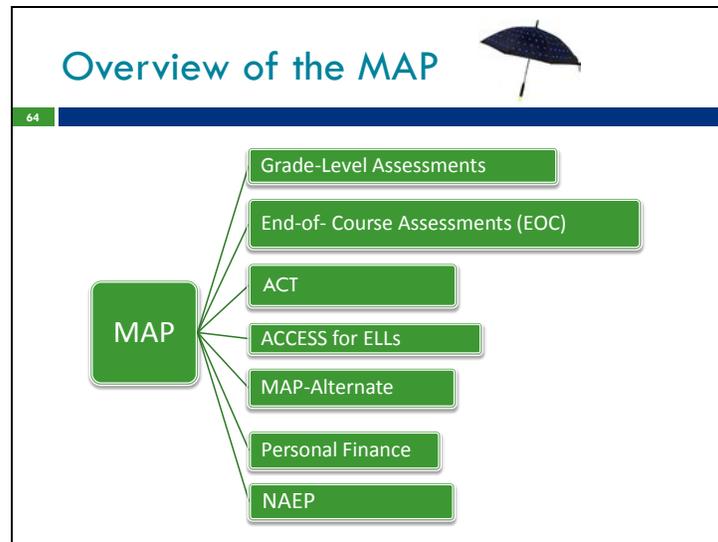
State and District-Wide Assessment

- Must be considered for ALL students
- State-wide Assessments fall under the MAP program
- District-wide Assessments fall under local policy

A photograph showing several students in a classroom setting, each sitting at a desk and using a laptop computer. The students are focused on their work, and the classroom environment is visible in the background.

The next two considerations relate to State and District-wide testing. These tests **MUST** be considered for all students. Note that the state-wide assessments fall under the Missouri Assessment Program (MAP) while district-wide assessments fall under local school policy.

Note how the state model IEP form provides guidance to assist IEP teams to make and document these decisions on Form D and Form E.



It is important to understand Missouri’s system of state-wide assessment known as the Missouri Assessment Program (MAP). There are many misconceptions about MAP testing which leads to noncompliance.

This slide shows an overview of the Missouri Assessment Program. Think of MAP as an “umbrella” consisting of seven separate statewide assessments plus one national assessment:

- The Grade-Level Assessments are administered in grades 3-8 and are based on Grade-Level Expectations in communication arts, mathematics, and science. This often mistakenly referred to as the “MAP test”.
- The End-of-Course (EOC) Assessments are based on Course-Level Expectations. The majority of the EOCs are administered in high school. However, when the content of the CLEs is covered, the test can be administered regardless of student’s grade.
- Beginning with the 2014-15 school year the ACT was administered to ALL 11th grade students in Missouri
- ACCESS for ELLs is the English language proficiency assessment that is used annually to assess Missouri’s K-12 students who are eligible for English language learner services AND enrolled in a Missouri public school or charter school.
- The MAP-Alternate is a computer based assessment (DLM) for communication arts and math in grades 3-8, and grade 11, and for science in grades 3, 8, and 11 that measures student performance based on alternate achievement standards and is aligned with the Show-Me Standards. The MAP-A can only be administered to students with the MOST

SIGNIFICANT cognitive disabilities. We will look more in depth at the MAP-A eligibility in a moment.

- Personal Finance is an assessment for students who are receiving personal finance credit from embedded coursework or are attempting to “test out” and receive their required $\frac{1}{2}$ credit in the area of personal finance.
- The National Assessment of Educational Progress (NAEP) is an essential measurement of student achievement in the United States and is the largest continuing and nationally representative assessment of what our nation’s students know and can do in core subjects such as mathematics, reading, science, and writing. It is administered in selected Missouri LEAs in grades 4, 8, and 12.

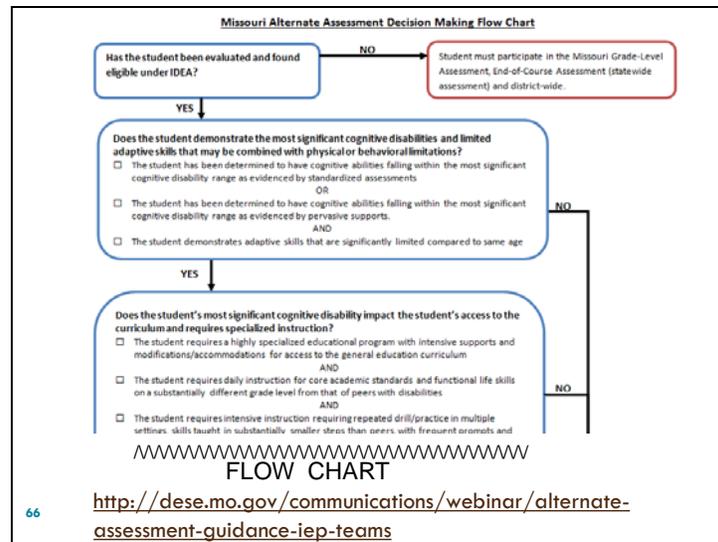
MAP-A: Fiction vs. Fact

FICTION	FACT
<ul style="list-style-type: none">□ Any student who would score poorly on the MAP should take the MAP-A□ Only 1% of students in the district or state can participate in the MAP-A□ When an LEA exceeds the 1%, individual student scores and reports are changed	<ul style="list-style-type: none">□ Only student with the most significant cognitive disabilities who meet the eligibility criteria should take the MAP-A□ ALL <u>eligible</u> students can participate in the alternate assessment□ The 1% rule applies ONLY for accountability purposes NOT participation

Another area filled with misconceptions relates to the MAP-A. This slide will help you know what is fiction and what is fact.

The first and second bullets address who can take the MAP-A and the confusion with the “1% rule”. The federal government allows for up to 1% of proficient and advanced scores from the state-wide alternate assessment to be included for accountability calculations. The 1% rule does not affect or alter the responsibility for the IEP team to make individual determinations about how a child is assessed. Any student who meets all five eligibility criteria is eligible to take the Alternate Assessment. The 1% rule in no way limits the number of students with the most significant cognitive disabilities who may take an alternate assessment when the IEP team determines it is appropriate. Again, remember the 1% rule addresses only the inclusion of these scores for accountability calculations.

The third bullets relate to what happens when a district exceeds the 1% rule. Individual student reports are never changed and all students who score proficient or advanced on the alternate assessment will receive student reports that reflect the score achieved. The 1% rule only applies to the reporting of student scores falling in the proficient / advanced ranges on the alternate assessment for accountability purposes. For questions related to the 1% rule and accountability, please contact the Office of Data System Management in the Accountability Data Section.



This slide shows the top of the Missouri Alternate Assessment Decision Making Flow Chart. This document is a graphic representation of the alternate assessment criteria and the resulting choices to assist IEP teams to make decisions regarding a student’s eligibility to participate in the alternate assessment.

The Department has developed two other documents to assist IEP teams in making MAP-A eligibility determinations – the MAP-A Checklist and the MAP-A Guidance Document. All of these resources can be found on the Department’s webpage. IEP teams can use these resources to guide the process of considering each of the five criteria that must be met in order for a student to be eligible for participation in the alternate assessment.

In addition, there is a webinar with information at the website shown on the slide.

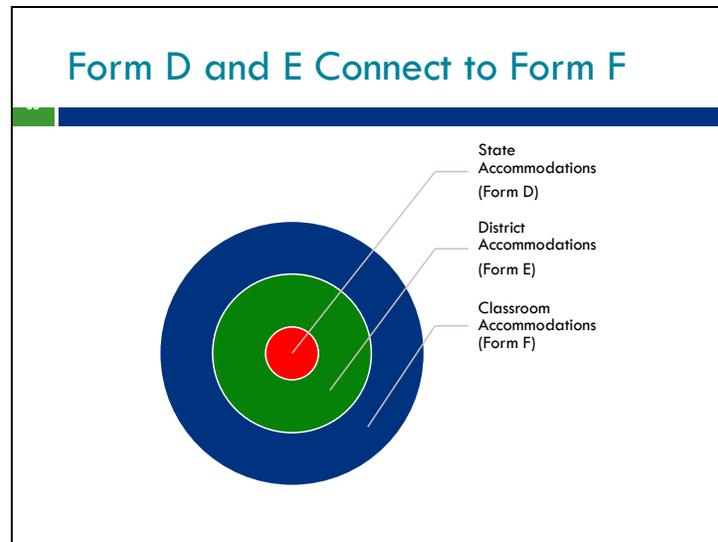
Determining Eligibility for MAP-A

Any “NO” Criterion = NOT eligible to participate in the alternate assessment

All “YES” Criterion = ELIGIBLE to participate in the alternate assessment

Using the Missouri Alternate Assessment criteria found in the flowchart, checklist and guidance document, IEP teams will be able to clearly ascertain if a student is eligible to participate in the Missouri Alternate Assessment. Please remember, for a student with a disability to be eligible to participate in the alternate assessment each criterion must be “YES.” If one of the criterion is “NO” then the student is not eligible to participate in the Missouri Alternate Assessment and must participate in the statewide assessments but with accommodations, if the IEP team determines that is appropriate

Note that it is NOT appropriate for a student to only need the MAP-A in one curriculum area. Students who are eligible for the MAP-A must participate in all of the assessment areas of communication arts, math, and science assessments.



Note that all accommodations chosen on State testing (Form D) and/or District testing (Form E) **MUST** also be provided as a classroom accommodations/modification selected for the student on Form F. This doesn't mean that each of every accommodation provided in the classroom must also be provided on state or district wide assessment. Instead, remember that only those accommodations used on a regular basis in the classroom setting should even be considered to be an accommodation for state/district wide assessment.

Post-Secondary Transition

- Required to be considered for ALL students age 16+
 - Can be considered for younger students, if appropriate

- A Transition Plan must be included in the IEP not later than the first IEP to be in effect when the student turns age 16, and updated annually thereafter
 - Form C of the model IEP



The final special consideration is post-secondary transition services. These are required to be considered for ALL students age 16+ but can be considered for younger students, if appropriate.

A Transition Plan must be included in the IEP not later than the first IEP to be in effect when the student turns age 16, and updated annually thereafter. Note that Form C of the model IEP guides the IEP team to meet the compliance requirements related to transition planning.

Summary of Performance (SOP)

- Indicator 200.1320
- Required when a student's eligibility for IDEA terminates by
 - Graduating from High School
 - Reaching the age of 21
- Must include a summary of academic and functional performance AND recommendations for how to assist the student in meeting post-secondary goals
- Provided to the student
 - Not more than 60 days prior to expected date of eligibility termination OR
 - Not more than 30 days after eligibility has terminated

There are two other requirements to keep in mind when thinking about transition from high school.

The first is the Summary of Performance (SOP).

<Key Points to make:>

Required when a student's eligibility for IDEA terminates by

Graduating from High School

Reaching the age of 21

Must include a summary of academic and functional performance AND recommendations for how to assist the student in meeting post-secondary goals

Provided to the student

Not more than 60 days prior to expected date of eligibility termination OR

Not more than 30 days after eligibility has terminated

Prior Written Notice of Action: Graduation or Reaching Age 21

- Indicator 200.1180
- Required because eligibility for IDEA is changing
 - Student will NO LONGER be eligible for special education
- MUST be provided at least 10 days prior to expected date of graduation or 21st birthday of the student
 - Parent CANNOT waive the 10 day waiting period
- Kaitlyn's Law
 - Allows student to participate in graduation with peers but remain in school until age 21

The second in the requirement to provide prior written notice when a student will graduate or reach the age of 21 and will no longer be attending secondary school.

<Key Points to make:>

Indicator 200.1180

□ Required because eligibility for IDEA is changing

□ Student will NO LONGER be eligible for special education

MUST be provided at least 10 days prior to expected date of graduation or 21st birthday of the student

Parent CANNOT waive the 10 day waiting period

Katelyn's Law: This is a MO law that allows a student to "walk" with their graduating class and then return to school until the age of 21.

Measurable Annual Goals

72

- S**pecific to a particular skill or behavior to be achieved
- M**easurable
- A**ttainable
- R**esults oriented
- T**ime-bound



Present Level → Annual Goals

The next section of the IEP is the development of measurable annual goals to address the concerns noted in the Present Level of Performance. This slide shows the requirements for determining if an annual IEP goal is “measurable”. An easy way to remember this is to use the acronym “SMART” goals.

SMART stands for: Specific, Measurable, Attainable, Results oriented and Time-bound. We look carefully at IEP goals during compliance monitoring and see that this is still an area that many special education teachers struggle with when writing IEPs. There are many resources and trainings available through your RPDC compliance consultants to assist your staff with this compliance requirement.

Special Education Services

73

- **Specific** special education service
 - Clearly described (specialized instruction in reading skills)
 - NOT a class (Science)
- Amount of time
- Duration
- Location
- Frequency



Just as the Present Level drives the development of the IEP goals, the IEP goals drive the development of special education and related services. There **MUST** be measurable annual IEP goals in place for **EVERY** special education and related service included in the IEP. This means that once the IEP Team has determined appropriate goals for the child, the team's next step is to consider the services necessary to assist the student in achieving those goals.

Special education services are defined in the regulations as specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability. This section of the IEP needs to be specific. The IEP must indicate **CLEARLY** what special education service or services are to be provided.

Be sure to address each of these items for each service listed in the IEP – amount of time, duration (if different than the duration of the IEP), location and frequency. Again, these descriptions make it very **CLEAR** what services will be provided to the student, when those services will be provided, where the services will be provided and how often the services will be provided.

Another important thing to remember is that OT and PT are related services and cannot be the sole services provided to a child. It is important to note that related services are defined as those services required to assist a child with a disability to benefit from their special education. This means a child must have a special education service and then, if appropriate, related services such as OT or PT to support those special education services and assist the student to meet their IEP goals.

Related Services

74

- Transportation
- Speech-Language Pathology Services
- Audiology Services
- Interpreting Services
- Psychological Services
- Physical and Occupational Services
- Recreation
- Counseling including Rehabilitation Counseling
- Orientation & Mobility Services
- Medical Services for Diagnostic or Evaluation Purposes
- School Health Services & School Nurse Services
- Social Work Services
- Parent Counseling and Training



This slide lists some of the related services available to special education students.

The related services a child needs is determined during the IEP Team meeting based upon the present level and annual goals. Each service must be specifically listed and described clearly including the amount of time, frequency, duration, and location .

Remember, we would not expect a child to receive JUST related services. This is why OT and PT cannot be the only stand alone services on an IEP.

However, speech therapy and language therapy are the ONLY exceptions to this rule. Speech therapy and language therapy are not considered a related service when it is the specialized instruction needed to address that child's disability of Sound System Disorder or Language Impairment. Therefore, speech therapy or language therapy becomes the specialized instruction and not a related service for that particular child.

IEP Teams are expected to consider the child's need for these services carefully and individually.

Supplementary Aids and Services

75

- Counseling services
- Paraprofessional support
- Transportation
- Health services
- Clubs sponsored by the public agency
- Referrals to agencies that provide assistance to individuals with disabilities
- Employment of students, including both employment by the public agency and assistance in making outside employment available.



The IEP Team needs to consider whether supplementary aids and services are required for a student to be able to participate in nonacademic and extracurricular services. This slide shows some of the services and activities that may be considered as a supplementary aid or service.

Supplementary aids and services offer valuable tools to the IEP team for improving student access to learning and their participation across the spectrum of academic, extracurricular, and nonacademic activities and settings.

Supplementary aids and services can be provided within traditional education/academic classes as well as in other general education settings such as lunch, recess or in-between classes. They can also be provided in extracurricular and nonacademic activities/settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Please note that we would expect to see paraprofessional support determined necessary for a child to receive FAPE to be listed in this section. All supplemental aids and services are to include a CLEAR description of that supplementary aid or service including the amount of time, the location, and frequency for each.

76

Placement Decisions are Based on LRE

- Must consider Regular Education Participation
 - Section 7 of model IEP form
- Must consider the Placement Continuum
 - Section 8 of model IEP form



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graph LR; A[Present Level] --> B[Annual Goals]; B --> C[Services]; C --> D[Placement]
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Placement Decisions must be based on the Least Restrictive Environment (LRE). LRE requires that, to the maximum extent possible, children with disabilities must be educated with their typical peers. Removing a child from his or her regular education classroom should *only be done when a satisfactory education cannot be achieved in the regular classroom* (with supplementary aides and services).

Note how the model form provides guidance for the compliance requirements related to LRE for both ECSE and K-12 students in Section 7 and Section 8.

In determining LRE, It is very important to be aware of the location where the specialized instruction will occur as this directly affects LRE decisions.

Any specialized instruction or special education service that is provided in a location AWAY FROM nondisabled peers is considered “special education minutes” and must be counted in determining the amount of time the student spends outside of the regular education classroom.

Any specialized instruction or special education service that is provided in a general education class (such as co-teaching), is considered “regular education” minutes since the specialized instruction is being provided in a location WITH nondisabled peers. These minutes of specialized instruction would NOT count towards the percentage of time the student spends outside the regular education classroom.

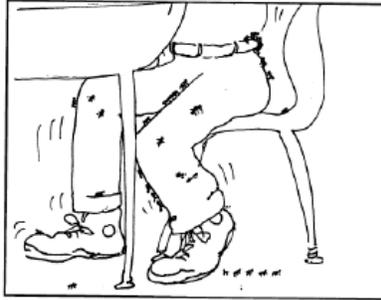
Whenever the student is NOT 100% of the time with nondisabled peers, the IEP team must describe the reasons why a more restrictive setting is required. These reasons should align with the needs of the student described in the Present Level as well as the level of services the student requires in order to meet their annual goals. The decision CANNOT be based on:

- the child's disabling condition or label (such as placement in a special class for students with intellectual deficits just because a child has cognitive impairments);
- The disability program categories (placement in a particular program for students with learning disabilities (LD) just because a child needs LD services);
- the location of staff, on the funds that are available, or on the convenience of the school district

Remember, what is "least restrictive" for each child is based on that child's unique needs. This means that the school system cannot use a "one size fits all" approach to educating children who have a disability.

“Connections” Throughout the IEP Process Avoids Errors!

77



AFTER A HASTY SPECIAL EDUCATION
PLACEMENT FOR BEHAVIOR PROBLEMS,
SCHOOL OFFICIALS WERE EMBARRASSED
TO LEARN THAT MARTY REALLY DID HAVE
ANTS IN HIS PANTS.

IEP Amendment

78

- Allows for changes made to the IEP with or without an IEP meeting
 - Without an IEP meeting
 - MUST be agreed upon by both the parent of the child with a disability and the LEA representative
 - With an IEP meeting
 - Follow the process for holding an IEP meeting and provide Notice of Actions (if required)
- Must provide parent copy of the IEP amendment **OR** revised copy of the IEP incorporating the amendment

The IDEA recognizes that the IEP is a “living” document and provides for the ability to change the IEP without an annual IEP Team meeting.

Changes to a child's IEP after the annual IEP Team meeting for a school year may be made with OR without a meeting. There are a couple of ways IEP amendments can be made:

One option is when both the parent and the LEA agree with the proposed changes to the IEP AND agree to NOT convene an IEP Team meeting for the purposes of making such changes. In this case, the IEP amendment is made, Notices of Action are provided and signed (if necessary) and the LEA implements the changes.

Another option is when the parent is unsure of the proposed changes. In this situation, the IEP team will need to meet and follow all of the requirements for conducting a meeting. The IEP amendment would be discussed and proposed at the IEP meeting and the LEA would provide Notices of Action (if required) and would implement following the typical process.

A copy of the IEP amendment must be provided to the parent. However, a parent must be provided with a revised copy of the IEP with the amendments incorporated if they request it.

Prior Written Notice (NOA):
Notification of proposed changes. . .



<http://dese.mo.gov/communications/webinar/prior-written-notice-why-when-and-how-notices-action>

Remember that we previously talked about the NOA being required when the LEA proposes or refuses to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education for the student (FAPE).

The initial IEP or changes made in the IEP as a result of IEP amendments or the annual IEP review/revision process directly affect the educational placement of the student and the provision of FAPE and thus require a NOA.

Again, note there is a webinar on this topic with additional information available at the website noted on the slide.

Prior Written Notice Reminders . . .

- For Initial IEP
 - Must describe the proposed placement
 - Must describe the eligibility category and subcategory, if applicable
 - Must describe services
 - Must obtain **consent** for provision of initial services
- For Annual or Amended IEPs
 - Must specifically describe the action
- For ALL NOA
 - Must provide all required information to be compliant
 - Know when consent is required

Here are some things to keep in mind when writing NOA's:

For Initial IEP

- Must describe the proposed placement
- Must describe the eligibility category
- Must describe services
- must obtain consent for provision of initial services

For Annual or Amended IEPs

- Must specifically describe the action

For ALL NOA

- Must provide all required information to be compliant
- Know when consent is required

Parent Revocation of Consent for Services

81

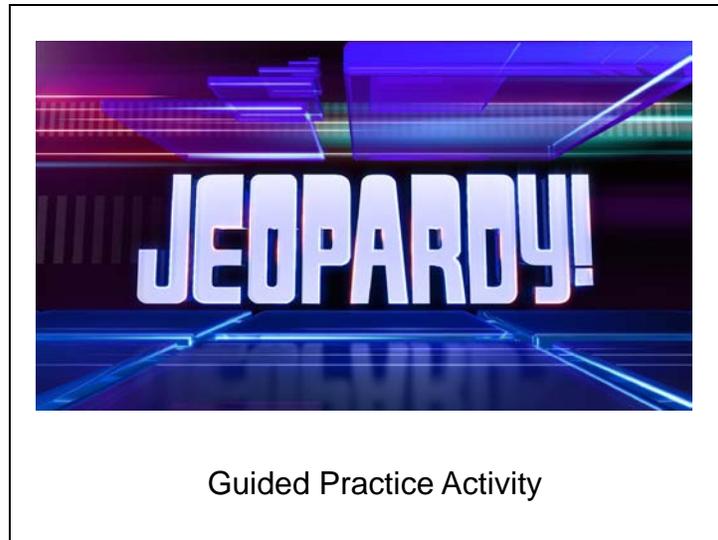
- Regulations allow parents to revoke consent for a special education evaluation as well as special education and related services.
- Indicators 200.1305 – 200.1310
- Request in writing
- Notice of Action terminating services
- No reevaluation required



You should remember that parents may revoke their consent for a special education evaluation from the previous session. It is also important to know that parents may revoke ALL special education and related services at any time.

Parents cannot revoke consent for a particular service on an IEP – that is an IEP Team decision. The district must receive the parent’s request to revoke consent in writing, provide a Notice of Action for change of services/placement to the parent and exit the child from services. There is no requirement for the district to conduct a reevaluation before exiting the child.

Slide 82



Open the Jeopardy Game slide show

Divide into two teams. Have each team pick a spokesperson to be the official “responder”

Click **ONCE** on the number the participant chooses – this will take you to the question

Read the question and allow the participant to answer – get their FINAL answer. If the answer is incorrect, let the other team have a chance to answer the question.

Once the correct answer is given OR both teams have been given the opportunity answer, click to advance to the next slide to reveal the answer

Click **ONCE** on the House icon to return to the main Jeopardy Board again. Repeat until boxes have been opened/answered.

Note there is **ONE** Double Jeopardy to allow for that team to boost their points

What are your questions?

