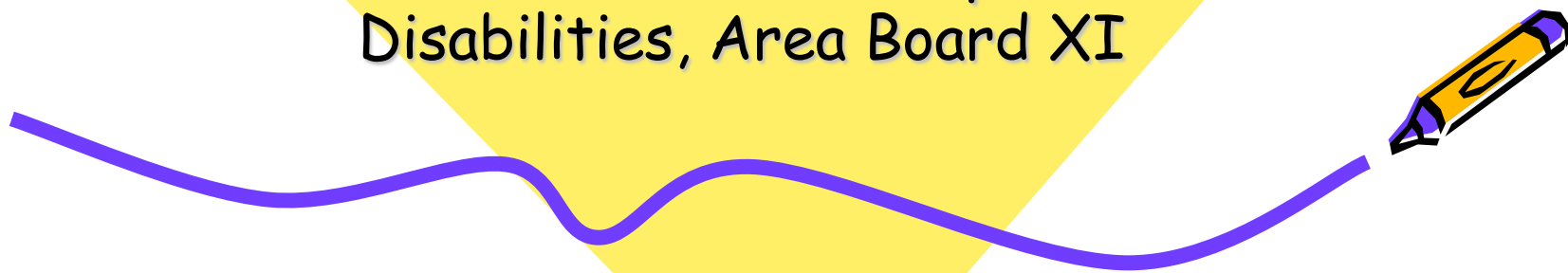




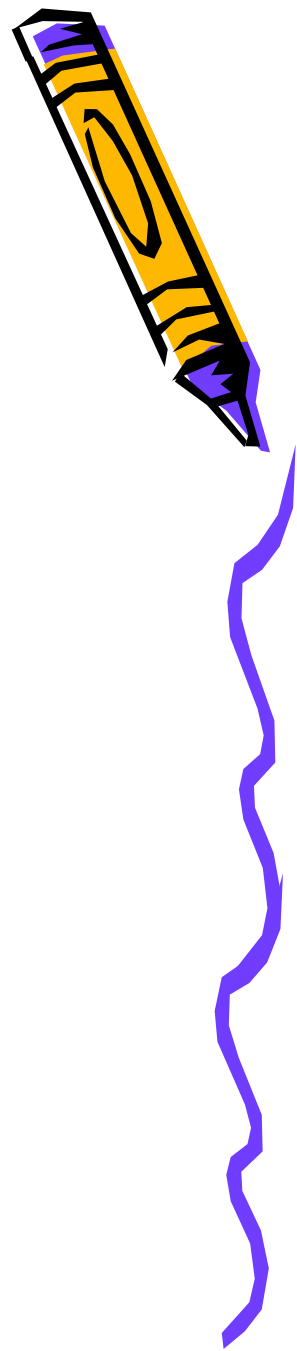
Preparing for your IEP

State Council on Developmental
Disabilities, Area Board XI



Outline

- Preparing for the IEP
- The IEP Team
- Requesting adequate services
- Components of the IEP
- Assessments
- Related Services
- Identifying Placement (LRE)
- Identifying Accommodation & Modifications
- FAPE
- Due Process



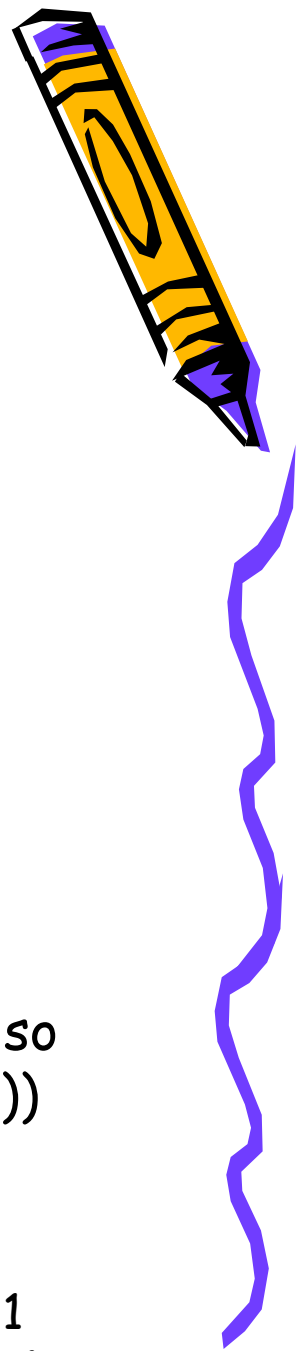
Preparing for the IEP



- Review previous IEP
 - *Have goals been met?*
 - What goals should continue or be modified
 - Did you receive progress reports?
 - *Have all related services been provided?*
 - If services have not been provided, make sure to calculate how much was missed.



What you should know



- **Who will attend the IEP?**

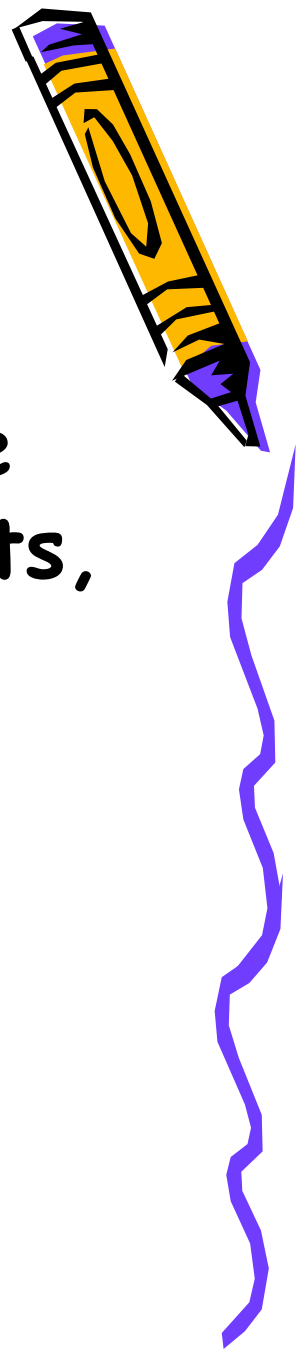
- Special Education Teacher
- Regular Education Teacher
- Administrator (Authorized Decision Maker)
- Service Providers
- School Psychologist
- Parents / legal guardian / conservator
- Anyone else you want to attend

A parent can waive an IEP team members attendance so long as it is in writing (34 CFR 300.321(a)(2) - (a)(5))



20 U.S.C. Sec. 1401(3)
34 C.F.R. Sec. 300.320 and 300.321
California Education Code Sec. 56341

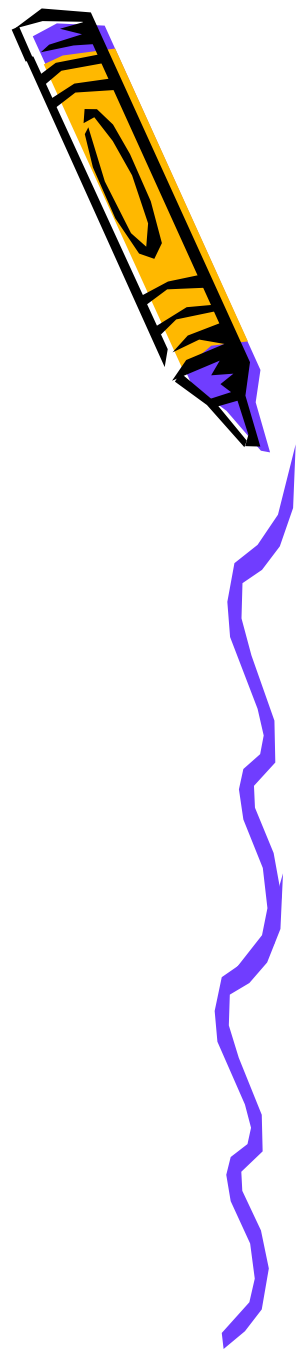
What you should know



- If there were assessments, have you received a copy of the results, before the IEP?
- Did you receive notice about the IEP date and time?



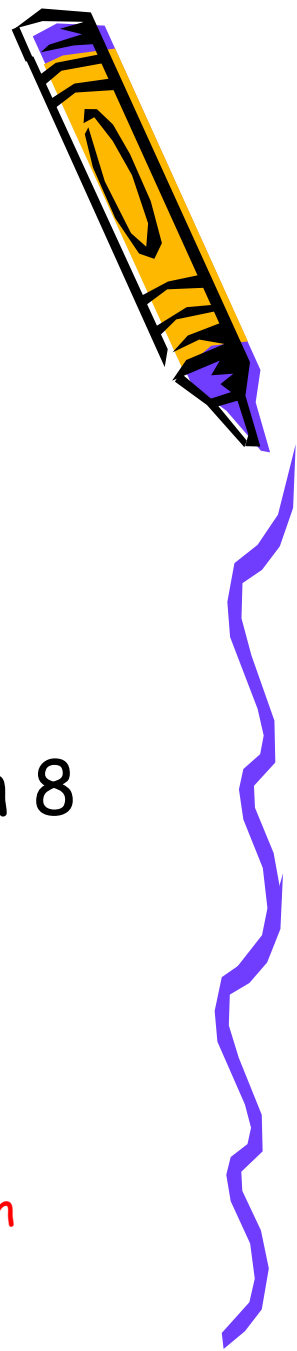
What you should know



- SMART Goals and Objectives
 - S Specific
 - M Measurable
 - A Action Driven (use action words)
 - R Realistic and relevant
 - T Time-limited



SMART GOALS vs. GOALS



Justin has a difficult time adding single digit numbers in his math class.

Math: *By Oct. 15, 2007* Justin will *add* *single digit numbers* with *85%* accuracy in 8 out of 10 trials *using touch math*.



- S Specific
- M Measurable
- A Action Driven (use action words)
- R Realistic and relevant
- T Time-limited

Goal



Justin has a difficult time adding single digit numbers in his math class.

Math: Justin will *add* single digit numbers.

S Specific

T Time-limited

M Measurable

A Action Driven (use action words)

R Realistic and relevant



Requesting Adequate Services



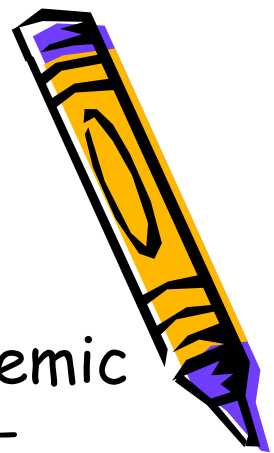
- Plan or Outline
 - Write a list of concerns
 - Goals and objectives that you think should be included in your child's IEP
 - Services that you will be requesting
 - Will you need assessments? If you do, make sure to have make your request in writing.
 - If you will not need assessments, then you should request the services.

Have plenty of copies for the team



IEP Components

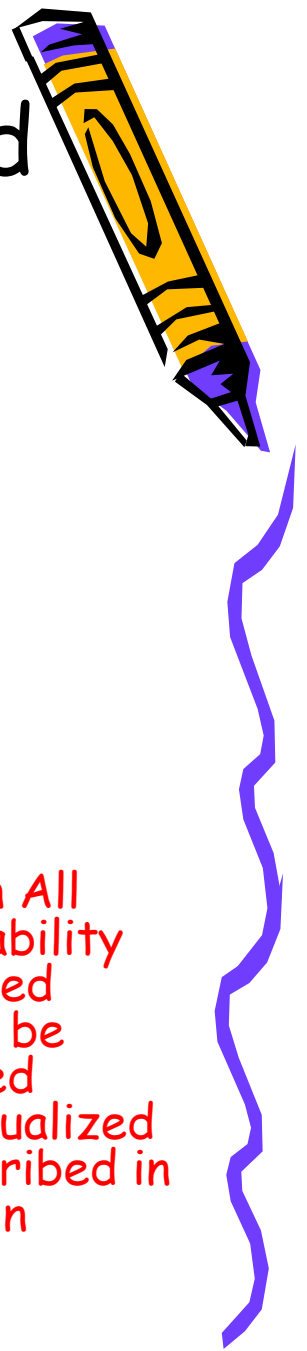
- A statement of the child's present levels of academic achievement and functional performance...(PLOP- Present levels of performance)
- A statement of measurable annual goals, including academic and functional goals designed to:
 - Meet the child's needs that result from the child's disability to enable the child to be involved in
 - and make progress in the general education curriculum; and
 - Meet each of the child's other educational needs that result from the child's disability;



Assessments that might be needed

Assessments can include but are not limited to:

- Speech (Pragmatic, Articulation)
 - Occupational Therapy (Sensory, Fine Motor)
 - Psycho-Educational
 - Neuropsychological
 - Central Auditory Processing
 - Social-Emotional
 - Vision Therapy
 - Audiological
 - Health
- [1] 1 GC 7572 - Child Assessed in All Areas Related to Suspected Disability (d) A related service or designated instruction and service shall only be added to the child's individualized education program by the individualized education program team, as described in Part 30 (commencing with Section 56000) of the Education Code.



Related Services

Related services are provided only after the child is assessed.

- Speech Therapy
- Occupational Therapy
- Vision Therapy
- Adapted Physical Education
- Physical Therapy
- Assistive Technology
- Transportation
- 1-1 Aide
- Social Skills

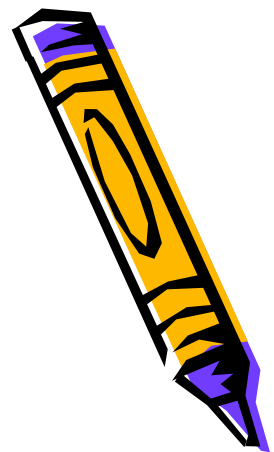


Related Services for Children with Behavior Problems

Services are based on the child's needs, they can include, but

are not limited to:

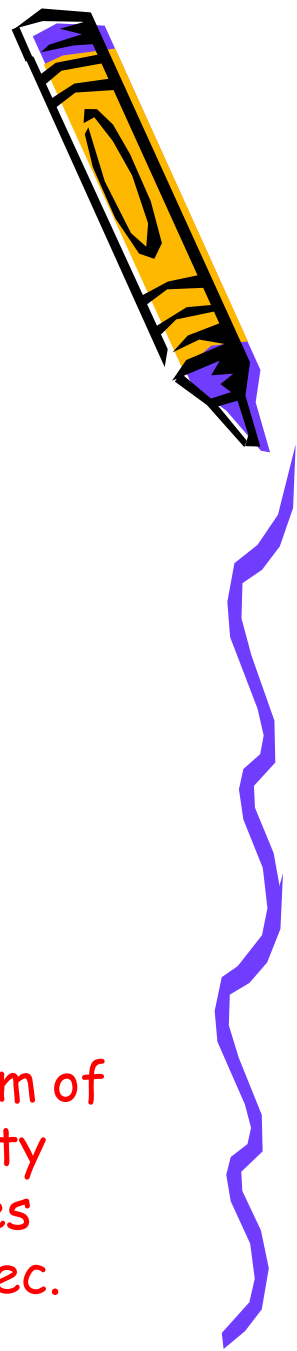
- Behavior modification plan
- AB 3632 Services (mental health)
- Behavioral therapy
- Social Skills training
- 1-1 aide
- Discrete Trial Training
- Applied Behavior Analysis



Least Restrictive Environment

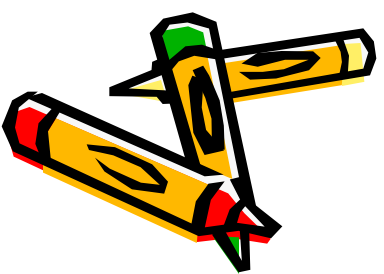
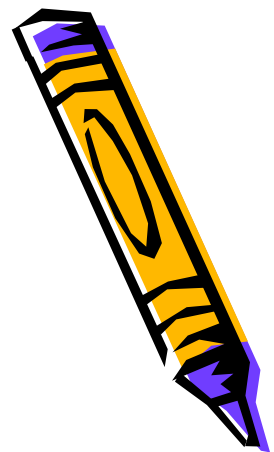
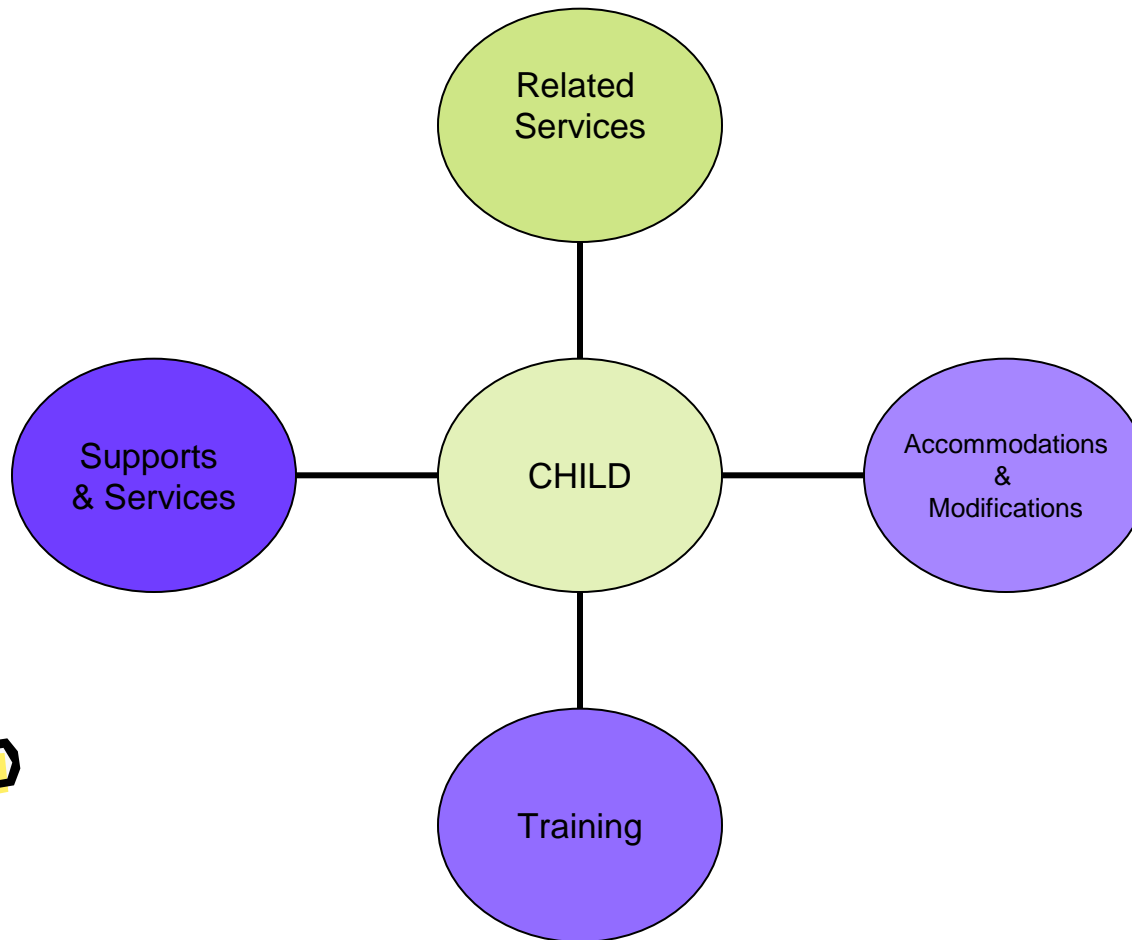
- General Education Classes
- Resource Specialist Program (RSP)
- Special Day Class (SDC)
- County Placement
- Non-Public School (NPS)
- Home/Hospital
- Residential
- Lock Down

[1] 30 EC 56360 - Continuum of Program Options; Availability {Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.)}



Least Restrictive Environment

- To provide an Appropriate education a child might need the following:



Accommodations vs. Modifications

■ Accommodations

Do not fundamentally alter or lower expectations or standards in instructional level, content or performance criteria.

Changes are made in order to provide equal access to learning and equal opportunity to demonstrate what is known.

Grading is same.

■ Modifications

Do fundamentally alter or lower expectations or standards in the instructional level, content or performance criteria.

Changes are made to provide student meaningful & productive learning experiences based on individual needs & abilities.

Grading is different



Free and Appropriate Public Education (FAPE)

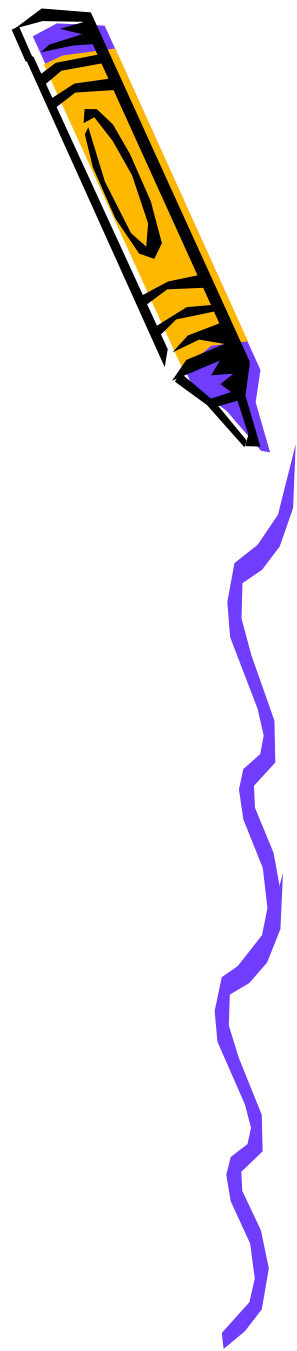
What it is

Special Education and related services which:

- Have been provided at public expense
- Meet the standards of the state education agency
- Include an appropriate preschool, elementary, or secondary school education in the state
- Are provided in conformity with the IEP, as required under IDEA

What it is not

- The best possible education
- Potential maximizing



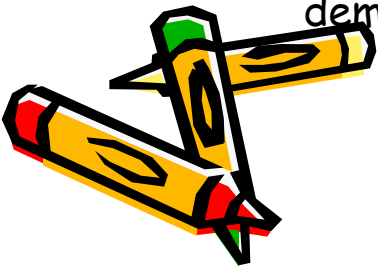
Free and Appropriate Public Education (FAPE)

What is required

- Meaningful progress, not regression
- Meaningful access to an education
- Reasonably calculated to enable the child to receive educational benefits
 - Whether the program is individualized on the basis of the student's assessment and performance
 - Was the program administered in the least restrictive environment
 - Were the services provided in a coordinated and collaborated manner
 - Were positive academic and non-academic benefits demonstrated

What is not required

- Provide a specific program, even if the program would be more educationally beneficial
- Guarantee totally successful results
- Allow parents to dictate educational methodology or compel a school district to supply a specific program for the child with a disability



Safeguards



Compliance Complaint

- Can be filed with the California Department of Education
- Can be filed when the education agency has not followed special education laws or procedures or has not implemented what is already in the child's IEP
- CDE investigates the complaint and determines whether the district is out of compliance
 - If the district is determined to be out of compliance, CDE will order the district to rectify the situation to get them back into compliance
- Timeline
 - CDE has 60 calendar days from receipt of the complaint to carry out any necessary investigation and to resolve the complaint.



Procedural Safeguards & Referral Service
(800) 926-0648



Safeguards

- Due process protects the rights of the parents to have input in the child's education and is used when there is a disagreement about what should go into the IEP
- Mediation
 - Parents and school personnel sit down with a mediator and attempt to come to an agreement
- Impartial due process hearing
 - Parents and the school personnel present evidence to a hearing officer, and he/she makes a decision on how to resolve the issue. If it is not resolved, parents may continue to challenge the school's decision in court.



Safeguards

Positive aspects of due process

- A resolution meeting will be held within 15 days of request for due process
 - If resolved, a signed legally binding agreement will be developed
 - If no resolution, a hearing will be scheduled within 30 days

- Impartial party makes decisions on both substantive (evaluating the program itself) and procedural grounds
 - Procedural violations will only be successful if procedural inadequacies impeded the child's right to FAPE, the parent's opportunity to participate in decision making or educational benefits were denied.
- Decision must be followed by both parties (unless appealed)
- Child is on "stay put" during the process



Safeguards

Negative aspects of due process

- Burden of proof is on the party seeking relief
 - An attorney should be hired
 - Expensive
 - Time consuming
 - Can ruin an already unstable relationship between the district and parents
- Possibility of losing services
 - If the district offers services that are refused and the officer rules that the previous IEP was appropriate, the offer may no longer be valid
 - District staff is generally acknowledged as experts in the field of what is "appropriate"



Resources



- State Council on Developmental Disabilities, Area Board XI
 - www.scdd.ca.gov or (714) 558-4404
- Disability Rights California
 - "Special Education Rights and Responsibilities (SERR Manual)" - available online for free
 - www.disabilityrightscalifornia.org or (714) 621-0563
- California Department of Education
 - www.cde.ca.gov or (916) 319-0800
 - Procedural Safeguards & Referral Service (800) 926-0648
- Wright's Law
 - www.wrightslaw.com

