



Presents

**Overview of Special Education Process
Individualized Education Program (IEP)
(IDEA Part B: Ages 3-21)**

8-25-22

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KY-SPIN

(Special Parent Involvement Network)

Parent Training & Information (PTI) Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families and professionals.

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We do NOT:
Act as Attorneys



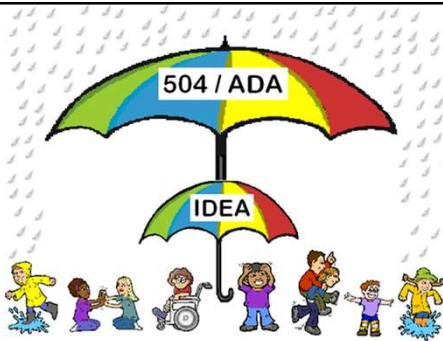
We DO:

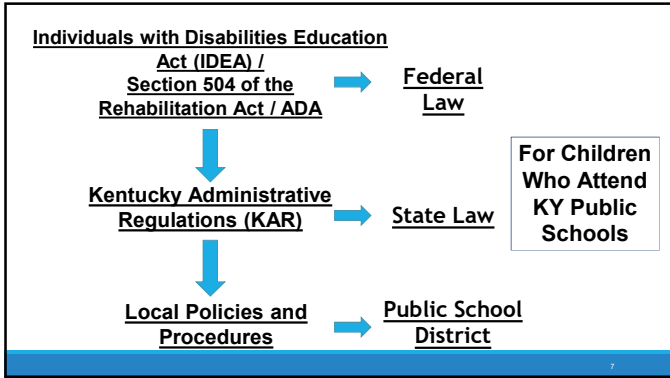
- ♥ Empower Families to Effectively Advocate for their Children
- ♥ Provide “peer to peer” support to help families access needed information and resources

Individuals with Disabilities Education Act (IDEA)

- IDEA guides how states and school districts provide specially designed instruction and related services to children with disabilities.
- Funded in part with federal dollars
- Part C – Early Intervention / 0-3 (First Steps in KY)
- Part B – Public school / 3-21







For Children Who Attend School on Base at Fort Knox or Fort Campbell in KY

Department of Defense Education Activity (DoDEA)

While the Department of Defense (DoD) has accepted IDEA 2004, there are separate requirements for requesting records and for the complaint process. Another important difference to note is that although IDEA lists 13 different disability categories, DoDEA lists 14.

IDEA
↓
DoDEA

IDEA Definition of Disability

- The child's disability must show an "adverse effect" that impedes progress where educational performance is significantly and consistently below the level of children of similar age.
- Must meet criteria of one or more disability categories
- Must need specially designed instruction & related services

The Principles of IDEA

- Free Appropriate Public Education (FAPE)
- Appropriate evaluation
- Individualized Education Program (IEP)
- Parent & student participation
- Least Restrictive Environment (LRE)
- Procedural safeguards (Parent Rights)

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Special Education Process



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Referral

Anyone who has knowledge of the child and suspects that the child may have a disability may make a referral. parents sign consent. The evaluation takes place once parental consent has been signed. The school has 60 school days from date



For DoDEA Schools they have 45 school days from the date that you sign the "Parent Permission to Assess" form.

707 KAR 1:320 Section 2. (3)

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How to request a referral

In writing!!

https://www.parentcenterhub.org/wp-content/uploads/repo_items/model-letter-requesting-initial-evaluation.pdf



What if the Referral is Denied?

- **District must provide Prior Written Notice**
- IDEA, Part B 300.111 [Child find](#).
 (a) (1) The State must have in effect policies and procedures to ensure that—
 (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated;

- **Parental Rights**

Evaluation

Requires consent and the results help the team to determine...

- Category of disability
- Does the disability show an "adverse effect" that impedes progress where educational performance is significantly and consistently below the level of children of similar age.
- Whether the child needs specially designed instruction and related services
- The present levels of academic achievement and related developmental needs of the child
- Whether any accommodations or modifications are needed

What Types of Evaluations are Used?

Varies depending on the disability category being evaluated

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Evaluation

If you do not agree with evaluation results you have the right to request an Independent Education Evaluation (IEE) at no cost to the family.

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Eligibility Disability Categories



Federal IDEA	KAR Categories
Autism Spectrum Disorder (ASD)	Autism
Deaf-Blindness	Deaf-Blindness
Development Delay (Ages 3 through 9)	Developmental Delay (Student is three (3) through eight (8) years of age. (Note: Eligibility for IEE ends on the child's 9th birthday.)
Emotional Disturbance	Emotional-Behavioral Disability
Hearing Impairment (including deafness)	Hearing Impairment
Intellectual Disability	Mental Disability, Mild Mental Disability (MMD) or Functional Mental Disability (FMD)
Multiple Disabilities	Multiple Disabilities
Orthopedic Impairment	Orthopedic Impairment
Other health Impairment	Other Health Impairment
Specific Learning Disability	Specific Learning Disability
Speech or Language Impairment	Speech Language Impairment
Traumatic Brain Injury	Traumatic Brain Injury
Visual Impairment including Blindness	Visual Impairment

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Eligibility Categories: DoDEA

- Autism Spectrum Disorder
- Deafness
- Deaf/Blindness
- Developmental Delay
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment, Including Blindness
- Multiple Disabilities

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Individual Education Program (IEP)

From IDEA 2004, an IEP is:
 "a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614 (d)."

IDEA 2004
 602 (14)



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IDEA



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IDEA requires that an IEP include:

A statement of the child's present levels of academic achievement and functional performance

IDEA 2004
614(d)(1)(A)

Present Level of Academic Achievement and Functional Performance:

How the disability affects the child's involvement and progress in the general curriculum.

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Present Level of Academic Achievement (PLOP)

- Developed by ARC/IEP team
- Gives accurate picture of where student currently is
- Will set the stage for what is addressed in the IEP

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Present Level of Academic Achievement and Functional Performance

Domains:

Communication Skills

Academic Performance

Health, Vision, Hearing, Motor Abilities

Transition Needs

Social and Emotional Status

Functional Vision/Learning Media Assessment

General Intelligence

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Writing the Present Level of Academic Achievement and Functional Performance



Before the ARC/IEP Meeting:

- Ask for a draft of the Present Level of Performance
- Have parents draft your own Present Level of Performance: Write a list of current abilities, strengths, and areas of difficulty
- Have the child share what they feel are their current abilities, strengths, and areas of difficulty that can be shared at the meeting

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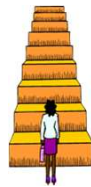
IDEA requires that an IEP include:

A statement of measurable annual goals, including academic and functional goals

IDEA 2004
614(d)(1)(A)

Goals should:

- Identify skills the child will gain
- Address all needs identified in the Present Level statement



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IDEA requires that an IEP include:

A description of how the child's progress toward meeting annual goals will be measured and when periodic reports on progress will be provided

IDEA 2004
614(d)(1)(A)

Arrange skills in a sequence

- Modify the condition (increase difficulty)
- Modify performance criteria (increase expectation)



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Objectives & Benchmarks

- IDEA 2004 – removed requirement, except for students who take alternate assessments based on alternate achievement standards
- Kentucky Administrative Regulations – A LEA's (Local Educational Agency - County or Independent public school system) procedures may determine the use of benchmarks or short-term objectives for a child's IEP. [707 KAR 1:320. Section 5(7)]

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IDEA requires that an IEP include:

A statement of the special education and related services and supplementary aids and services to be provided to the child and a statement of the program modifications or supports for school personnel

IDEA 2004
614(d)(1)(A)

Statement of Special Education

- Specially Designed Instruction (SDI)
- Provided by a qualified special education teacher

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Statement of Related Services

Definition under IDEA

"Developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education."

A related service is never a stand-alone goal, a related service supports a goal.

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Related Services

Examples:

“Including but not limited to...”

- Communication device
- Transportation
- Occupational Therapy (OT),
Physical Therapy (PT), Speech Therapy
- Suctioning
- Assisting in developing positive
behavioral strategies



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Accommodations

Including but not limited to...

- Readers
- Scribes
- Paraphrasing
- Reinforcement and behavior modification
strategies
- Prompting/cueing
- Use of technology
- Manipulatives
- Braille
- Interpreters
- Extended time



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Modifications

Usually a **modification** means a *change in what is being taught to or expected from the student.*

Examples:

- Making an assignment easier so the student is not doing the same level of work as other students is an example of a modification.
- Shortened assignments: Student still has to do same level/skill of work but not as much work as other students.

Accommodations

An **accommodation** is a *change that helps a student overcome or work around the disability.*

Example:

Allowing a student who has trouble writing to give his answers orally is an example of an accommodation. This student is still expected to know the same material and answer the same questions as fully as the other students, but he doesn't have to write his answers to show that he knows the information.

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IDEA requires that an IEP include:

An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities

Least Restrictive Environment (LRE)

“To the maximum extent appropriate children with disabilities ... are educated with children who are not disabled.”

IDEA 2004 614(d)(1)(A)

Removal from an inclusive setting with non-disabled peers ONLY when education with the use of supplementary aids and services cannot be achieved satisfactorily.

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IDEA requires that an IEP include:

The projected date for the beginning of the services described and the anticipated frequency, location, and duration of those services and modifications.



IDEA 2004 614(d)(1)(A)

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Periodic Reports

Progress on each goal and/or objective

- At least concurrent with report cards, but can be more frequent
- Be specific in when you will receive progress reports & what the progress report will cover



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IDEA requires:

Section 300.324 (b)(1)(i) Reviews the child's IEP periodically, but **not less than annually**, to determine whether the annual goals for the child are being achieved;

An IEP/ARC (Admissions and Release Committee) Meeting can be called at anytime by school or parents.

Section 300.324 (a)(4)

(i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, **the parent of a child with a disability and the public agency may agree** not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

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If it is part of students program it needs to be in writing in the IEP!

Anyone should be able to look at your child's IEP and be able to implement their program.

The IEP/ARC meeting summary needs to be an accurate account of what occurred in the meeting.



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What if the IEP Conference Summary is Inaccurate or has Missing Info?

Prior to the meeting ending have summary read back, if anything is missing or recorded wrong request it be added/changed before the meeting ends

If meeting has already ended, then in writing provide what needs to be added or changed to the summary. Ask that changes be made immediately and all members to be provided with updated copy.

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The Special Education Cycle

- Consent
- Evaluation
- Written IEP
- Placement
- Annual IEP review
- 3 year re-evaluation



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Critical IEP Team Members

- **Parents – must be invited**
- Student – if transition services are to be discussed, they must be invited
- Special education teacher and/or consultant
- Provider - such as therapist or specialist
- Regular Education teacher – if the student is or may be participating in an inclusive setting
- School system representative – who is knowledgeable about and able to commit resources
- An individual who can interpret evaluation results
- Representatives from other agencies – who may be providing transition services
- Interpreter – if needed
- Other individuals - who have knowledge or special expertise about the child

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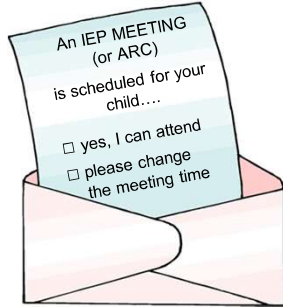
Parental Participation

- Is critical – parents have information about their child that is important to share
- Is not required – an IEP meeting can take place without the parents present if the school has tried numerous times to get the parent to participate and has been unsuccessful
- Participate in decision-making and development of the IEP
- Identify strengths and needs
- Monitor progress



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Individualized Educational Program



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Alternative Participation

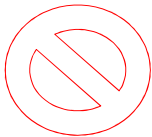
IDEA 2004 - for administrative, placement or IEP meetings:

“Such as video conferences or conference calls”

- Parent and district may agree to use video conferences and conference calls and other alternative means of meeting participation



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The IEP is not ...
a lesson plan

The IEP is ...
legal and binding
a living document



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IDEA Procedural Safeguards



What is the purpose of the procedural safeguards notice?

The purpose of the procedural safeguards notice is simple: to inform parents completely about the procedural safeguards available under IDEA. These represent their rights as parents and the protections they have—and their child as well—under the law and its implementing regulations. (*Right To Receive A Complete Explanation Of IDEA'S Procedural Safeguards*)

EVERY ELIGIBLE STUDENT HAS EQUAL PROTECTION UNDER THE LAW

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When can you Expect to Receive the Procedural Safeguards Notice?

IDEA states that schools must send the procedural safeguards notice to the parents only one time a school year, except that schools must also give a copy to parents:

- In their child's initial referral for evaluation under IDEA, or when the parents ask for such an evaluation of their child;
- The first time in the school year that a state complaint is filed and when the first due process complaint is received in a school year;
- In accordance with the discipline procedures in §300.530(h); and
- When a parent requests a copy of the procedural safeguards notice.

* Your local school district may also post a current copy of the procedural safeguards notice on its website, if it has a website.

(Right To Receive A Complete Explanation Of IDEA'S Procedural Safeguards)

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What does the Procedural Safeguards Notice Contain?

The procedural safeguards notice must include a complete explanation of all the safeguards available under IDEA related to:

- Independent educational evaluations
- Prior written notice
- Parental consent
- Access to student education records

(Right To Receive A Complete Explanation Of IDEA'S Procedural Safeguards)

What does the procedural safeguards notice contain?

- The opportunity to present and resolve complaints through procedures for due process complaint and for state complaints, including—
 - The timeline for filing a complaint;
 - The opportunity for the school system to resolve the complaint; and
 - The differences between the scope of the two procedures such as their jurisdiction or authority, issues covered, filing and decisional timelines, and relevant procedures;

(Right To Receive A Complete Explanation Of IDEA'S Procedural Safeguards) 49

What does the Procedural Safeguards Notice Contain?

- The availability of mediation;
- The child's placement during the pendency of any due process complaint;
- Procedures for students who are subject to placement in an interim alternative educational setting;
- Requirements for unilateral placement by parents of children in private schools at public expense;
- Due process hearings, including requirements for disclosure of evaluation results and recommendations;
- Appeals at the State level (if applicable in the State);
- Civil actions, including the period of time in which to file such actions; and
- Attorneys' fees. [§300.504]

(Right To Receive A Complete Explanation Of IDEA'S Procedural Safeguards) 50

In addition to providing this explicit information, the procedural safeguards notice must be written in understandable language.

What qualifies as "understandable language"?

Under IDEA, the procedural safeguards notice (and, for that matter, the prior written notice) must be:

- Written in a language understandable to the general public; and
- Provided in the native language of the parent or in another mode of communication that's used by the parent, unless it is clearly not feasible to do so. [§300.503(c)]

If the native language or other mode of communication used by the parent is not a written language, then the school must take steps to ensure:

- That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - That the parent understands the content of the notice; and
 - That there is written evidence that these requirements have been met. [§300.503(c)]

(Right To Receive A Complete Explanation Of IDEA'S Procedural Safeguards)

Prior Written Notice

Notice Your school district must give you written notice (provide you certain information in writing), whenever it:

- 1. Proposes to initiate or to change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
- 2. Refuses to initiate or to change the identification, evaluation or educational placement of your child, or the provision of FAPE to your child.

Content of notice The written notice must:

- 1. Describe the action that your school district proposes or refuses to take;
- 2. Explain why your school district is proposing or refusing to take the action;
- 3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
- 4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
- 5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
- 6. Include resources for you to contact for help in understanding Part B of the IDEA;
- 7. Describe any other choices that your child's Admissions and Release Committee (ARC) considered and the reasons why those choices were rejected; and 8. Provide a description of other reasons why your school district proposed or refused the action.

KDE: https://education.ky.gov/specialed/except/distres/Documents/Procedural_Safeguards_Notice.pdf
IDEA: <https://sites.ed.gov/idea/regsc/cr303.421>

Dispute Resolution

- Talk with the person directly related to the dispute
- Involve the principal or counselor if need be
- Request an ARC/IEP meeting to discuss the concern
- Contact the Head of Special Education in your school district

<https://openhouse.education.ky.gov/Directory>

IDEA Safeguards to Resolve Disputes

- ▶ **Mediation:** impartial meeting where a trained mediator will work to get the two sides to agree; written agreement is binding
- ▶ **State Complaint:** letter written to show what part of the law is not being followed, investigated by the state who will issue a written decision
- ▶ **Due Process Hearing:** a hearing officer will make a decision based on the facts she/he hears (mediation or resolution session has to be done before the hearing)

Helpful Resources

- [Individualized Education Program \(IEP\) Video & IEP Infographic \(KY-SPIN & Aetna\)](#)
- [How to Get An Evaluation for Your Child Through School \(ages 3-21\) KY-SPIN, Inc. Information Sheet Series](#)
- [Communicating with your child's school through letter writing \(CPIR\)](#)
- [Evaluation: What Does It Mean for Your Child? \(PACER\)](#)
- [Just for Parents: Learning about Special Education Evaluation \(PACER\)](#)
- [Right to Obtain an Independent Educational Evaluation \(IEE\) \(CPIR\)](#)
- [Guidance Document for Individualized Education Program \(IEP\) Development \(Kentucky Department of Education — KDE\)](#)
- [Kentucky Parent Guide for Special Education \(HDJ\)](#)
- [FAQ: Kentucky Specific Regulations as related to IDEA 2004 Part B \(ages 3-21\) Chart \(KY-SPIN, Inc.\)](#)
- [From Needs to Services: Parent Homework Sheet \(PACER\)](#)

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Helpful Resources

- [Kentucky Department of Education's District and School Directory](#)
- [KDE Special Education Forms - Eligibility Determination](#)
- [How to Negotiate in ARC Meetings \(KY P&A\)](#)
- [504 Plan for Public School \(KY P&A\)](#)
- [Sample 504 plan template \(Understood\)](#)
- [School Accommodation Ideas for Students who Receive Section 504 or Special Education Services \(PACER\)](#)
- [Students with Disabilities and Section 504 of the Rehabilitation Act of 1973 \(PACER\)](#)
- [Partners in Advocacy-A Guide to Special Education Planning \(KY P&A\)](#)
- [Part B Procedural Safeguards Notice \(KDE\)](#)
- [Right to Receive a Complete Explanation of IDEA's Procedural Safeguards \(CPIR\)](#)

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If you still have questions...



(800) 525-7746
 (502) 937-6894
 spininc@kyspin.com
www.kyspin.com

Please complete our evaluation



<https://forms.gle/ivK6B4z9PGFC3EtC77>

Information modified from Family Network on Disabilities of FL with their permission
 Sources: OSEP, DoDEA, OCR, PACER, CIPR, KY P&A, FND of FL, IDEA, KAR, KDE



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