

Getting Ready for your Annual IEP Review

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Prepare an Agenda

- Draft a proposed agenda.
- Circulate it to the school.
- The school often has their own agenda.
- Agree on how much time the meeting is going to take.
- Ask for certain staff people to attend if they aren't on the Notice of Conference.
- Provide any private reports in advance.
- Ask the school to provide any evaluations 5 days in advance of the meeting.

Parents are experts

- Recognition of this issue has come slowly for school personnel.
- Partnering and building a team are critical first steps in developing a successful school program.
- The internet has made information accessible for schools and parents.
- Parents can and should ask for the research base underlying program choice.



Prioritize

- Divide responsibilities (outside therapies, school based interventions).
- Determine what the school must do.
- What can only be accomplished at school?
- What are your priorities for this school year?



Evaluations

- Accurately identify the problem or disability. If you don't fully understand all the issues you can't develop a good IEP or life plan. The student should be tested in all areas of concern.(e.g. OT, Speech and Language, Educational Achievement, Intelligence, Social emotional).
- A comprehensive evaluation is the best investment for parents and schools.

Outside evaluations

IEPS are no time for surprises.

- Pick an evaluator who has experience.
- Comprehensive
- Neither schools nor parents are served by using a “hired gun.”
- Domain meeting.
- Evaluation should take place over more than one session.
- Results should be shared in advance of an IEP meeting.

Information is the key to making good decisions.



Knowledge is power



Case study

- In Illinois school district has 60 school days to do an evaluation.
- This is a long time in the life of a child.
- Expedite the process when possible.
- Evaluations are conducted every three years.
- May be necessary to do evaluations more frequently if student's performance warrants.

Evaluations

- IEP team is required to “duly consider” the outside evaluations. They are not required to accept the findings and recommendations in private evaluations.
- When conducting an evaluation, the school shall use a variety of assessment tools to gather relevant functional information, developmental and academic information. This includes information provided by parents.

Evaluations

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IEP Team Members



- The parents
- Not less than one regular education teacher
- An individual who can interpret and understand the instructional implications of evaluations.
- A representative of the district who is knowledgeable about the curriculum and services available.

IEP team members (cont.)

- Illinois now requires that a “ person knowledgeable about positive behavior strategies” be part of a child’s IEP team, when the child’s behavior impedes his or the learning of others.
- By agreement, parents can waive or agree to excuse some of the participants.

The IEP

- Are not limited to one time per year.
- For complex children it is often helpful to have smaller frequent team meetings with a few core staff members and the parent.
- Develop an agenda prior to the IEP. [good idea for both parents and school personnel]/ Distribute and agree upon the agenda in advance of the IEP.

REMAIN CALM



Avoid Marathon IEP meetings

- Two meetings are better than one long meeting where people become short on attention and patience.
- Goals should not be an afterthought. **DRAFT GOALS** are helpful and can move the meeting forward in a productive way. Ask for these in advance of the meeting.
- Agree in advance on how much time will be needed.



IEP Goals

- Should be developed as draft goals if needed in advance of the IEP meeting.
- Shared prior to the meeting.
- Prioritize what must be accomplished.
- OBJECTIVE
- MEASURABLE
- DATA DRIVEN



Measurable

- The IEP must include “ measurable, annual goals, including academic and functional goals. Section 1414(d)(1)(A).
- Baseline testing and findings on subsequent administrations of the same test can demonstrate whether the child is progressing and receiving educational benefit.



Present Levels of Performance

- The IEP must include a present level of performance in each goal area. This should also include a statement that indicates what the expectation is for same age peers.
- The accuracy of the present levels of performance are the best way to ensure that the goals are on target.

IEP

- Must include a statement identifying all of the child's needs and how the school intends to measure those needs.
- Progress on goals must be data driven.
 - Who?
 - How often?
- There needs to be agreement on how progress will be measured.
- See Memorandum regarding development of IEP's for students with autism. Appendix A.

Interventions and Methodology

IDEA 2004 requires that schools utilize scientifically research based interventions to the extent practicable.

(34 CFR § 300.35)

Scientifically based research includes the requirement that a peer-reviewed journal published the research or that experts evaluated the intervention through rigorous, objective scientific review that approved its effectiveness.

Ask the district personnel what research based interventions they are using?

Communication

- Single most common reason people consult our office is the perception that the school isn't listening to the parents or they aren't getting good, consistent information and communication from school personnel.
- Practice tip: Weekly e-mail.



They had a tendency to talk past one another.

Behavior

- If a child's behavior impedes his or her learning or that of others, the IEP team must conduct a functional behavioral analysis and develop a behavioral plan utilizing behavioral interventions. The development of a Behavioral Intervention Plan (BIP) is required.

Behavioral intervention

- Ongoing Process



Extended School Year

- Determined by the IEP team



Extended School Year

- There is no single reason for determining whether a child qualified for ESY.
- The answer from the school that this is all that we offer is not a legal answer. Must be individualized.
- Judicial decisions and the statute have discussed the concept of regression/recoupment as only one of the criterion for an ESY determination.

Extended School Year

- The decision regarding ESY must be determined using objective data.
- One question the IEP team asks is will recoupment take more than 9 weeks once a student returns to school during the regular school year.
- Schools must consider the severity of the child's disability in determining ESY eligibility.

ESY

- One size fits all programs have been successfully challenged by parents. Courts have determined that such a program would violate the requirement that programs for students with disabilities be individualized. (fixed number of weeks, or program types that aren't violate the IDEA).
- ESY is designed to maintain skills.
- See ISBE Memorandum (Appendix B).

Related Services

- Related services are transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.
- Related services are required to be individualized rather than determined by a disability category or the availability of staff.

Related Services (cont.)

- A one to one assistant is a related service. (e.g. transportation, assistive technology).
- Direct service is a service delivered to the student. It doesn't mean the service is 1:1.
- Changes in the amount of type of related services cannot be made without an IEP meeting. (unless by written agreement of the parent and the school).

Transition Services

- Students are eligible for services until their 22nd birthday.
- THIS IS THE POINT OF SPECIAL EDUCATION.



Transition Services

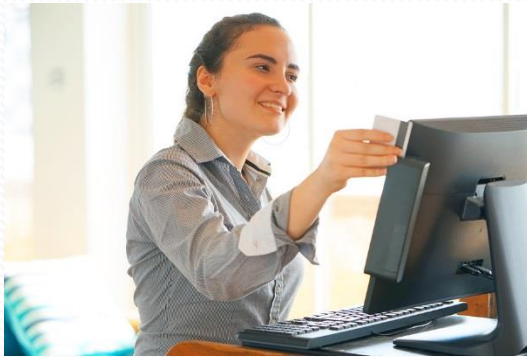
- The term transition services' means a coordinated set of activities for a child with a disability that –
(A) Is designed to be a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:

Transition Services (cont)

- Post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- (B) is based on the individual child's needs, taking into account the child's strengths, preferences and interests;

Transition Services

- (C) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.



Transition Services

- Begins at age 14.5 in Illinois or sooner if the IEP deems this appropriate.
- Social skills training, self-advocacy, transportation planning may be essential components of the transition plan. IEP Goals should be written for all areas of need.
- As in every phase of the IEP development, evaluations and assessments are key to developing a plan.
- Outside vocational evaluations may be needed.

Guardianship

- Delegation of Rights is an option for some students. [See attached Appendix C].
- Family and individual case by case decision.
- Age 18

Final Thoughts

- Keep trying. It is a marathon and not a sprint.
- Keep a sense of humor.
- Remain calm.
- No one is going to do this for you.





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